

1 AMENDMENT TO HOUSE BILL 756

2 AMENDMENT NO. _____. Amend House Bill 756 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Safe Egg and Laying Hen Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Illinois Department of
8 Agriculture.

9 "Forced molting procedure" means the deliberate
10 withholding of food or water from a laying hen in order to
11 induce a loss and regrowth of feathers for the purpose of
12 increasing or extending egg production. The term does not
13 include withholding food or water from a laying hen upon the
14 advice of a veterinarian for the purpose of treating disease
15 or otherwise improving the health of the laying hen.

16 "Laying hen" means a female chicken kept for the purpose
17 of commercial egg production.

18 Section 10. Legislative findings; public policy.

19 (a) The General Assembly finds that:

20 (1) The forced molting procedures used by some
21 commercial egg producers are inherently inhumane. They

1 result in unnecessary cruelty to laying hens and
2 contribute to the production of unsanitary and
3 disease-containing eggs.

4 (2) Forced molting procedures are used to increase
5 and extend egg production. The most common procedure is
6 to remove all food (and in some cases all water) from the
7 hens for 10 to 14 days; this disrupts their normal
8 hormone cycles, causing them to molt or lose their
9 feathers. Although this process results in an extension
10 of a hen's ability to lay eggs, it also produces stress
11 and immune system compromise, which increases the
12 likelihood and severity of bacterial infection
13 (especially *Salmonella enteritidis*) and other disease in
14 both the hen and her eggs. Force-molted hens are far
15 more susceptible to infection than unmolted laying hens.

16 (3) Contaminated eggs are a leading source of
17 *Salmonella enteritidis* infection in people. In 1997,
18 over 300,000 human illnesses and between 115 and 229
19 deaths occurred as a result of *Salmonella enteritidis*.
20 The use of forced molting is a major contributor to
21 *Salmonella enteritidis* infection in both poultry and
22 eggs. Countries and facilities where the use of forced
23 molting has been reduced have experienced dramatic
24 reductions in *Salmonella* levels in both laying hens and
25 eggs.

26 (4) Consumers Union has expressed its opposition to
27 forced molting for public health reasons, and many other
28 countries and organizations throughout the world oppose
29 the use of forced molting procedures on both public
30 health and humanitarian grounds.

31 (b) The General Assembly declares that it is the public
32 policy of this State to encourage the production of eggs in a
33 manner that provides appropriate and humane treatment of
34 laying hens and results in the production of sanitary and

1 disease-free eggs.

2 Section 15. Forced molting procedures prohibited.

3 (a) Beginning January 1, 2002, a person engaged in
4 commercial egg production in this State shall not subject a
5 laying hen to any forced molting procedure.

6 (b) Knowing violation of this Section is a Class A
7 misdemeanor.

8 (c) In addition to criminal penalties, a person who
9 violates this Section may be subject to administrative
10 penalties imposed by the Department, which may include a
11 civil penalty of up to \$100 for each laying hen subjected to
12 a forced molting procedure.

13 Section 25. Additional rules. The Department may adopt
14 any rules regulating the treatment of laying hens that it
15 determines to be necessary for the protection of laying hens
16 from cruel and inhumane treatment by commercial egg producers
17 in this State. In adopting any such rules, the Department
18 shall take into consideration the standards and
19 recommendations of recognized authorities and the economics
20 of the Illinois egg production industry.

21 Section 30. Powers of the Department. The Department
22 has all powers necessary or appropriate for the
23 administration and enforcement of this Act, including without
24 limitation the power:

25 (1) to adopt rules (including emergency rules) for
26 the administration and enforcement of this Act,

27 (2) to investigate any alleged or suspected
28 violation of this Act,

29 (3) to enter and inspect any commercial egg
30 production facility in this State,

31 (4) to impose civil penalties after giving notice

1 and an opportunity for a hearing, and
2 (5) pursuant to a valid court order, to seize,
3 remove, or destroy any equipment used in violation of
4 this Act.

5 Section 35. Complaint; investigation; action.

6 (a) Any person may complain to the Department about an
7 apparent or threatened violation of this Act or a rule
8 adopted under this Act. The Department shall investigate the
9 complaint and shall report the result of its investigation to
10 the complainant.

11 (b) If it determines that a violation of this Act or a
12 rule adopted under this Act is threatened or has occurred,
13 the Department shall take appropriate administrative or other
14 action to correct, restrain, or prevent the violation.

15 (c) The Department shall notify the appropriate State's
16 Attorney whenever it determines or suspects that a
17 significant violation of Section 15 has occurred.

18 Section 40. Enforcement; injunction; nuisance.

19 (a) The Department may bring an action in the circuit
20 court of any county in which an actual or threatened
21 violation of this Act or of a rule adopted under this Act
22 occurs, for the purpose of:

23 (1) seeking an order restraining any continuing or
24 threatened violation of this Act or of a rule adopted
25 under this Act,

26 (2) seeking an order condemning as a public
27 nuisance and directing the seizure, removal, or
28 destruction of any equipment used in violation of this
29 Act or of a rule adopted under this Act, or

30 (3) collecting any civil penalties lawfully imposed
31 under this Act.

32 (b) Any other person may bring an action in the circuit

1 court of any county in which an apparent or threatened
2 violation of this Act or a rule adopted under this Act
3 occurs, for the purpose of seeking an order restraining that
4 violation. In an action brought under this subsection, the
5 court may award reasonable attorney's fees and costs to the
6 prevailing party.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."