

## Agribusiness Loses Supreme Court Punts on Prop 12

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The U.S. Supreme Court this month [declined to hear arguments](#) against a California voter proposition passed in November that is designed to regulate animal confinement practices.

Opponents of Proposition 12, passed by California voters on the previous Election Day, argued that the new law violated the "dormant" Commerce Clause of the U.S. Constitution and that it interfered with interstate commerce. Proposition 12 restricts the size of confinement areas for animal agriculture.

But the law doesn't just affect California companies. It also reaches to confinement area sizes for animal products sold in California, regardless of the point of origin. If an animal agriculture company in Pennsylvania would like to sell its product in California, it must follow the confinement area guidelines laid out by Proposition 12.

With the Court deciding not to take on the case, Proposition 12 can go into effect, notwithstanding subsequent legal challenges. While the first pieces of the proposition don't take effect until the end of 2019, the agribusiness industry already is working to see how the new law will affect its practices.

Some requirements of the law go into effect Dec. 31. After that, these items will be illegal:

- Confining a calf raised for veal in less than 43 square feet of usable floor space per calf
- Confining an egg-laying hen with less than 144 square inches of usable floor space

After December 31, 2021, these items will be in violation of the law:

- Confining a breeding pig with less than 24 square feet of usable floor space per pig
- Confining an egg-laying hen either in an enclosure other than a cage-free housing system or with less than the amount of usable floor space per hen required by the 2017 addition of the [United Egg Producers' Animal Husbandry Guidelines for the U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing](#)

The implementation of the new law still is being developed. If anyone has any questions about the effects of Proposition 12 on their business, please [contact me](#) or any member of the [Barley Snyder Food & Agribusiness Industry Group](#).

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