

California Voters Approve New Animal Confinement Rules

PUBLISHED ON

November 8, 2018

A new, voter-approved California law could have wide-reaching effects for agribusiness, even reaching to farming operations in the mid-Atlantic.

California voters on Tuesday's Election Day [approved Proposition 12](#), which would amend existing farm animal confinement, including a prior proposition enacted in 2008.

According to the new law, after December 31, 2019 these items would be cruel and 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

Starting December 31, 2021, confining a breeding pig with less than 24 square feet of usable floor space per pig would be a violation. After December 31, 2021, a producer would be in violation by 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](#).

Proposition 12 bans the commercial sale of meat and eggs in California, from in-state and out-of-state sources, if produced in violation of Proposition 12 space requirements. Buyers may rely in good faith on a supplier's written certification of compliance.

Opponents of Proposition 12 argued prior to its adoption that it actually extended the period during which cage confinement was permitted beyond what was allowed by the 2008 Proposition 2. Opponents also argued Proposition 12 will face court challenges because they claim it violates the [Commerce Clause of the U.S. Constitution](#) by imposing compliance obligations on out-of-state growers or producers. Congress may consider federal legislation which would neutralize the effect of both Proposition 12 and a similar Massachusetts law.

While the 2008 California proposition caused some companies to demand an immediate cage-free supply chain throughout the country, producers should monitor legal developments with respect to Proposition 12.

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](#).

WRITTEN BY:



Timothy G. Dietrich

Partner

Tel: (610) 898-7154

Email: tdietrich@barley.com