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States' Farm Animal Welfare Statutes: *Massachusetts*



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Mass. Gen. Laws Ann. ch. 129 App., § 1-1 through § 1-11

Current through Chapter 76 of the 2022 2nd Annual Session.

§ 1-1. Purpose

The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts.

§ 1-2. Knowing confinement of covered animal in cruel manner

Notwithstanding any general or special law to the contrary, it shall be unlawful for a farm owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

§ 1-3. Sale of products of covered animals confined in cruel manner

Notwithstanding any general or special law to the contrary, it shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts of any:

- (A) Shell egg that the business owner or operator knows or should know is the product of a covered animal that was confined in a cruel manner.
- (B) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner.
- (C) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

§ 1-4. Circumstances not deemed to be confined in a cruel manner

For the purposes of this Act, a covered animal shall not be deemed to be “confined in a cruel manner” during:

- (A) Transportation.
- (B) State or county fair exhibitions, 4-H programs, and similar exhibitions.
- (C) Slaughter in accordance with any applicable laws, rules, and regulations.



(D) Medical research.

(E) Examination, testing, individual treatment or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian.

(F) The five (5) day period prior to a breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets.

(G) Temporary periods for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period; provided, however, that in the case of egg-laying hens, for not more than 24 hours total in any 30-day period.

§ 1-5. Definitions

For purposes of this act, the following terms shall, unless the context requires otherwise, have the following meanings:

“Breeding pig”, any female pig of the porcine species kept for the purpose of commercial breeding.

“Business owner or operator”, any person who owns or controls the operations of a business.

“Cage-free housing system”, an indoor or outdoor controlled environment for egg-laying hens within which hens are free to roam unrestricted, are provided enrichments that allow them to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes and dust bathing areas, and within which farm employees can provide care while standing within the hens' usable floor space; provided, however, that “cage-free housing system” shall include, to the extent that such systems comply with the requirements of this definition, multi-tiered aviaries, partially-slatted systems, single-level all litter floor systems and any future systems that will comply with the requirements of this definition; provided further, that “cage-free housing system” shall not include systems commonly described as “battery cages”, “colony cages”, “enriched cages”, “enriched colony cages”, “modified cages”, “convertible cages” or “furnished cages” or other similar cage systems.

“Calf raised for veal”, any calf of the bovine species kept for the purpose of commercial production of veal meat.

“Confined in a cruel manner”, confining: (i) a calf raised for veal or a breeding pig in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs or turning around freely; or (ii) an egg-laying hen in an enclosure other than a cage-free housing system or with less than:

(A) 1 square foot of usable floor space per hen in multi-tiered aviaries, partially slatted cage-free housing systems or any other cage-free housing system that provides hens with unfettered access to vertical space; or



(B) 1.5 square feet of usable floor space per hen in single-level, all-litter floor cage-free housing systems or any other cage-free housing system that does not provide hens with unfettered access to vertical space.

“Covered animal”, any breeding pig, calf raised for veal or egg-laying hen that is kept on a farm.

“Egg-laying hen”, any female domesticated chicken, turkey, duck, goose or guinea fowl kept for the purpose of commercial egg production.

“Egg products”, eggs of an egg-laying hen broken from the shells, intended for human food, whether in liquid, solid, dried or frozen form, whether raw or cooked, and with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained; provided, however, that “egg products” shall not include combination food products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream or other similar food products that are comprised of more than egg products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers and similar food additives.

“Enclosure”, any cage, crate or other structure used to confine a covered animal or animals; provided, however, that “enclosure” shall include what is commonly described as a “gestation crate” or “stall” for pigs during pregnancy, a “veal crate” for calves raised for veal and a “battery cage”, “enriched cage” or “colony cage” for egg-laying hens.

“Farm”, the land, building, support facilities and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; provided, however, that “farm” shall not include live animal markets, establishments at which inspection is provided under the Federal Meat Inspection Act or official plants at which mandatory inspection is maintained under the federal Egg Products Inspection Act.

“Farm owner or operator”, any person who owns or controls the operations of a farm.

“Fully extending the animal’s limbs”, fully extending all limbs without touching the side of an enclosure.

“Meat”, the part of the muscle of any cattle, sheep, swine or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; provided, however, that “meat” shall not include the muscle found in the lips, snout or ears.

“Multi-tiered aviary”, a cage-free housing system in which hens have unfettered access to multiple elevated platforms that provide hens with usable floor space both on top of and underneath the platforms.

“Partially-slatted system”, a cage-free housing system in which hens have unfettered access to elevated flat platforms under which manure drops through



the flooring to a pit or litter removal belt below.

“Person”, any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association or other legal entity.

“Pork meat”, meat of a pig of the porcine species intended for use as human food.

“Sale”, a commercial sale by a business that sells any item covered by section 3; provided, however, that “sale” shall not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act or any sale undertaken at an official plant at which mandatory inspection is maintained under the federal Egg Products Inspection Act; provided further, that for purposes of this section, a “sale” shall be deemed to occur at the location where the buyer takes physical possession of an item covered by said section 3.

“Shell egg”, a whole egg of an egg-laying hen in its shell form and intended for use as human food.

“Single-level all litter floor system”, a cage-free housing system bedded with litter and in which hens have limited or no access to elevated flat platforms.

“Turning around freely”, turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

“Uncooked”, requiring cooking prior to human consumption.

“Usable floor space”, the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to the hens in an enclosure by the number of hens in that enclosure; provided, however, that “usable floor space” shall include both ground space and elevated level or nearly level flat platforms upon which hens can roost; provided further, that “usable floor space” shall not include perches or ramps.

“Veal meat”, meat of a calf raised for veal and intended for use as human food.

“Whole pork meat”, any uncooked cut of pork, including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives; provided, however, that “whole pork meat” shall not include combination food products, including soups, sandwiches, pizzas, hot dogs or other similar processed or prepared food products, that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

“Whole veal meat”, any uncooked cut of veal, including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives; provided, however, that “whole veal meat” shall not include combination food products, including soups, sandwiches, pizzas, hot dogs or similar processed or prepared



food products, that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

§ 1-6. Enforcement

The Attorney General shall have exclusive authority to enforce the provisions of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent further violations of this Act.

§ 1-7. Good faith reliance upon written certification or guarantee by supplier

It shall be a defense to any action to enforce this act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, egg products, whole pork meat or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner or from the immediate offspring of a female pig that was confined in a cruel manner.

§ 1-8. Application

The provisions of this Act are in addition to, and not in lieu of, any other laws protecting animal welfare. This Act is not intended, and should not be construed to limit any other state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations that are more stringent than this section.

§ 1-9. Severability

The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

§ 1-10. Regulations

The Attorney General shall promulgate rules and regulations for the implementation of this Act on or before January 1, 2020.

§ 1-11. Effective dates

Text of section effective until December 22, 2021. For text effective December 22, 2021, see below.

Sections 2-7 of this Act shall take effect on January 1, 2022.

Text of section as amended by 2021,108, Sec. 6 effective December 22, 2021. For text effective until December 22, 2021, see above.

Section 2, clause (A) and clause (B) of section 3 and sections 4 to 7, inclusive, shall take effect on January 1, 2022.



§ 1-12. Effective date of clause (C) of section 3

Text of section added by 2021, 108, Sec. 6 effective December 22, 2021.

Clause (C) of section 3 shall take effect on August 15, 2022.

