

# House Concurrent Resolution No. 49

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALFERMAN.

2650H.011

D. ADAM CRUMBLISS, Chief Clerk

2           **WHEREAS**, humans need a varied diet containing protein in order to be healthy; and

3           **WHEREAS**, eggs are an efficient, nutritious, and affordable form of animal protein on  
4 which millions of Americans rely; and

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6           **WHEREAS**, Article I, Section 8, Clause 3 of the United States Constitution, also known  
7 as the Commerce Clause, was designed to ensure free trade between the states by preventing any  
8 state from imposing a tariff or other restriction on goods from another state; and

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10          **WHEREAS**, California is one of the nation’s largest producers and consumers of eggs  
11 for human consumption; and

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13          **WHEREAS**, conventional chicken enclosures, also known as battery cages, have been  
14 proven to better protect egg-laying hens from bone breaks, cannibalism, disease, smothering, and  
15 predation than free range operations or operations using so-called “enriched cages”; and

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17          **WHEREAS**, forcing egg producers to switch to “enriched cages” or nonconfinement  
18 operations drove up the cost of eggs in the European Union while also leading to food shortages  
19 and the closure of countless farms; and

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21          **WHEREAS**, forcing egg farmers in America to abandon battery cages in favor of  
22 “enriched cages” or nonconfinement operations will lead to the same impacts on the U.S.  
23 economy and food supply; and

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25          **WHEREAS**, the Humane Society of the United States, also known as HSUS, is  
26 America’s largest animal rights group and has aggressively pursued an agenda intended to  
27 decrease and eventually eliminate the public’s consumption of animal protein; and

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29          **WHEREAS**, California voters adopted Proposition 2 to their state constitution in 2008,  
30 requiring the state’s egg producers to switch to “enriched cages” or nonconfinement operations  
31 in a campaign led and funded by the Humane Society of the United States; and

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33          **WHEREAS**, in 2010, at the behest of HSUS, the California legislature passed AB 1437,  
34 which was signed into law by Governor Jerry Brown, prohibiting the sale of eggs from other  
35 states that do not meet the requirements of Proposition 2 of 2008; and

36           **WHEREAS**, together, California’s Proposition 2 and AB 1437 violate the Commerce  
37 Clause of the U.S. Constitution by preventing free trade among the states; and

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39           **WHEREAS**, together, California’s Proposition 2 and AB 1437 have artificially increased  
40 egg prices and restricted the availability of affordable eggs and vital animal protein to  
41 Californians, especially low-income citizens:

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43           **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
44 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate  
45 concurring therein, hereby condemn California’s anti-trade actions and call on the California  
46 legislature to repeal AB 1437 and urge the voters of California to reconsider and repeal  
47 Proposition 2; and

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49           **BE IT FURTHER RESOLVED** that the members of the House of Representatives of  
50 the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein,  
51 hereby call on the Missouri Attorney General to defend and protect the sovereignty of our state  
52 and our rights under the Commerce Clause of the U.S. Constitution by challenging the  
53 constitutionality of California’s AB 1437 in federal court.

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