

Effective 7/1/2017

Chapter 4 Eggs

4-4-101 Title.

This chapter is known as "Eggs."

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-102 Department to establish egg grades and standards -- Authority to make and enforce rules.

- (1) The department may establish grades and standards of quality, size, and weight governing the sale of eggs.
- (2) The department shall, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make and enforce rules that are necessary to administer and enforce this chapter.

Amended by Chapter 528, 2023 General Session

4-4-103 Definitions.

As used in this chapter:

- (1) "Addled" or "white rot" means putrid or rotten.
- (2) "Adherent yolk" means the yolk has settled to one side and become fastened to the shell.
- (3) "Albumen" means the white of an egg.
- (4) "Black rot" means the egg has deteriorated to such an extent that the whole interior presents a blackened appearance.
- (5) "Black spot" means mold or bacteria have developed in isolated areas inside the shell.
- (6) "Blood ring" means bacteria have developed to such an extent that blood is formed.
- (7) "Candling" means the act of determining the condition of an egg by holding it before a strong light in such a way that the light shines through the egg and reveals the egg's contents.
- (8) "End consumer" means a household consumer, restaurant, institution, or any other person who has purchased or received shell eggs for consumption.
- (9) "Moldy" means mold spores have formed within the shell.
- (10) "Shell egg" means an egg in the shell as distinguished from a dried or powdered egg.
- (11) "Small producer" means a producer of shell eggs:
 - (a) having less than 3,000 layers;
 - (b) selling only to an end consumer; and
 - (c) who is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and Transportation of Shell Eggs.

Amended by Chapter 528, 2023 General Session

4-4-104 Unlawful acts specified.

- (1) It is unlawful for any person to sell, offer, or expose for sale for human consumption any egg:
 - (a) that is addled or moldy or that contains black spot, black rot, white rot, blood ring, adherent yolk, or a bloody or green albumen; or
 - (b) without a sign or label that conforms to the standards for display and grade adopted by the department.

(2) Nothing in this section prohibits the sale of a denatured egg.

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-105 Maintenance of candling records -- Inspection of records.

- (1) A person who sells, offers, or exposes eggs for sale or exchange shall maintain candling records as prescribed by the department.
- (2) All candling records shall be open for examination by accredited inspectors or representatives of the department at reasonable times.

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-106 Retailers exempt from prosecution -- Conditions for exemption.

- (1) Subject to Subsection (2), no retailer is subject to prosecution under this chapter if the retailer can establish that:
 - (a) at the time an egg was purchased the seller guaranteed that the egg conformed to the grade, quality, size, and weight stated in the purchase invoice; and
 - (b) the egg was labeled for sale by the retailer in accordance with the purchase invoice.
- (2) The guaranty by the seller described in Subsection (1)(a) does not exempt a retailer from prosecution if the egg covered by the guaranty deteriorated to a lower grade or standard through some action or inaction of the retailer.

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-107 Exemptions from regulation.

- (1) Except as provided in this section, a small producer and the shell eggs produced by a small producer are exempt from regulation by the department.
- (2) The Department of Health and Human Services has the authority to investigate foodborne illness.
- (3) The department may assist, consult, or inspect shell eggs when requested by a small producer.
- (4) Nothing in this section affects the authority of the Department of Health and Human Services or the department to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing regulation, or inspection under this section.
- (5) The Department of Health and Human Services, or a local health department, may not prevent the sale of shell eggs from a small producer to an end consumer unless the Department of Health and Human Services, or the county health department, establishes that the shell eggs:
 - (a) are addled or moldy; or
 - (b) contain:
 - (i) black spot;
 - (ii) black rot;
 - (iii) white rot;
 - (iv) blood ring;
 - (v) adherent yolk; or
 - (vi) a bloody or green albumen.
- (6) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to govern the temperature, cleaning, and sanitization of shell eggs under this chapter that are sold by a small producer to a restaurant.

- (7) Eggs sold by a small producer pursuant to this chapter are exempt from the restricted egg tolerances for United States Consumer Grade B as specified in the United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of United States Agriculture Department.

Amended by Chapter 481, 2023 General Session

4-4-108 Packaging for small producer.

- (1) A small producer shall package the small producer's eggs in clean packaging that bears a label with the following information:
- (a) the common name of the food, "eggs";
 - (b) the quantity or number of eggs;
 - (c) the name and address of the small producer;
 - (d) the statement "Keep Refrigerated"; and
 - (e) the statement "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly."
- (2) A small producer may state a "pull date" or "best by" date. The date may be hand written on the end of the packaging or in a conspicuous location that is clearly discernible. A "pull date" shall first show the month then the day of the month. A recommended date is 30 days after production, but the date may not exceed 45 days after production.
- (3) If the eggs of a small producer are ungraded and not weighed, the packaging for the eggs may not be labeled with a grade or size.

Enacted by Chapter 138, 2019 General Session