

Representative Marc K. Roberts proposes the following substitute bill:

REGULATION OF SHELL EGG PRODUCERS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: Ronald Winterton

LONG TITLE

General Description:

This bill modifies provisions related to eggs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides an exemption from state regulation for small producers;
- ▶ addresses exceptions;
- ▶ addresses packaging; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-4-103, as renumbered and amended by Laws of Utah 2017, Chapter 345

ENACTS:

4-4-107, Utah Code Annotated 1953



26 **4-4-108**, Utah Code Annotated 1953

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **4-4-103** is amended to read:

30 **4-4-103. Definitions.**

31 As used in this chapter:

32 (1) "Addled" or "white rot" means putrid or rotten.

33 (2) "Adherent yolk" means the yolk has settled to one side and become fastened to the
34 shell.

35 (3) "Albumen" means the white of an egg.

36 (4) "Black rot" means the egg has deteriorated to such an extent that the whole interior
37 presents a blackened appearance.

38 (5) "Black spot" means mold or bacteria have developed in isolated areas inside the
39 shell.

40 (6) "Blood ring" means bacteria have developed to such an extent that blood is formed.

41 (7) "Candling" means the act of determining the condition of an egg by holding it
42 before a strong light in such a way that the light shines through the egg and reveals the egg's
43 contents.

44 (8) "Moldy" means mold spores have formed within the shell.

45 (9) "Shell egg" means an egg in the shell as distinguished from a dried or powdered
46 egg.

47 (10) "Small producer" means a producer of shell eggs:

48 (a) having less than 3,000 layers;

49 (b) selling only to an ultimate consumer; and

50 (c) who is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and
51 Transportation of Shell Eggs.

52 (11) "Ultimate consumer" means a household consumer, restaurant, institution, or any
53 other person who has purchased or received shell eggs for consumption.

54 Section 2. Section **4-4-107** is enacted to read:

55 **4-4-107. Exemptions from regulation.**

56 (1) Except as provided in this section, a small producer and the shell eggs produced by

57 a small producer is exempt from regulation by the department.

58 (2) The Department of Health has the authority to investigate foodborne illness.

59 (3) The department may assist, consult, or inspect shell eggs when requested by a small
60 producer.

61 (4) Nothing in this section affects the authority of the Department of Health or the
62 department to certify, license, regulate, or inspect food or food products that are not exempt
63 from certification, licensing regulation, or inspection under this section.

64 (5) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
65 Administrative Rulemaking Act, to govern the temperature, cleaning, and sanitization of shell
66 eggs under this chapter that are sold by a small producer to a restaurant.

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

71 Section 3. Section **4-4-108** is enacted to read:

72 **4-4-108. Packaging for small producer.**

73 (1) A small producer shall package the small producer's eggs in clean packaging that
74 bears a label with the following information:

75 (a) the common name of the food, "eggs";

76 (b) the quantity or number of eggs;

77 (c) the name and address of the small producer;

78 (d) the statement "Keep Refrigerated"; and

79 (e) the statement "SAFE HANDLING INSTRUCTIONS: To prevent illness from
80 bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing
81 eggs thoroughly."

82 (2) A small producer may state a "pull date" or "best by" date. The date may be hand
83 written on the end of the packaging or in a conspicuous location that is clearly discernible. A
84 "pull date" shall first show the month then the day of the month. A recommended date is 30
85 days after production, but the date may not exceed 45 days after production.

86 (3) If the eggs of a small producer are ungraded and not weighed, the packaging for the
87 eggs may not be labeled with a grade or size.