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SHELL EGG PRODUCERS AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Rex P. Shipp
Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies provisions relating to the sale of eggs by small producers.

Highlighted Provisions:

This bill:

- defines the term "wholesale";
- removes a requirement that small producers only sell to an end consumer;
- authorizes rulemaking for the Department of Agriculture and Food relating to small producers that sell eggs wholesale, including rulemaking to:
 - collect information on small producers that sell eggs wholesale; and
 - conduct an inspection of small producers at the small producer's request;
- establishes requirements for labeling and display of eggs from small producers at a grocery store; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 4-4-103**, as last amended by Laws of Utah 2023, Chapter 528
 - 4-4-104**, as renumbered and amended by Laws of Utah 2017, Chapter 345
 - 4-4-107**, as last amended by Laws of Utah 2023, Chapter 481
 - 4-4-108**, as enacted by Laws of Utah 2019, Chapter 138
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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 shell.
- 34 (3) "Albumen" means the white of an egg.
- 35 (4) "Black rot" means the egg has deteriorated to such an extent that the whole interior
- 36 presents a blackened appearance.
- 37 (5) "Black spot" means mold or bacteria have developed in isolated areas inside the shell.
- 38 (6) "Blood ring" means bacteria have developed to such an extent that blood is formed.
- 39 (7) "Candling" means the act of determining the condition of an egg by holding it before a
- 40 strong light in such a way that the light shines through the egg and reveals the egg's
- 41 contents.
- 42 (8) "End consumer" means a household consumer, restaurant, institution, or any other
- 43 person who has purchased or received shell eggs for consumption.
- 44 (9) "Moldy" means mold spores have formed within the shell.
- 45 (10) "Shell egg" means an egg in the shell as distinguished from a dried or powdered egg.
- 46 (11) "Small producer" means a producer of shell eggs:
- 47 (a) having less than 3,000 layers; and
- 48 ~~[(b) selling only to an end consumer; and]~~
- 49 ~~[(e)]~~ (b) who is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and
- 50 Transportation of Shell Eggs.
- 51 (12) "Wholesale" means, with respect to the sale of an egg by an egg producer, the transfer
- 52 for sale or sale of an egg to a person other than the end consumer, including a retailer or
- 53 an industrial or business purchaser.

54 Section 2. Section **4-4-104** is amended to read:

55 **4-4-104 . Unlawful acts specified.**

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

62 (2) For the purpose of bulk wholesale, it is unlawful for a small producer to commingle or
63 combine eggs from a source other than the small producer's operation.

64 [~~2~~] (3) Nothing in this section prohibits the sale of a denatured egg.

65 Section 3. Section **4-4-107** is amended to read:

66 **4-4-107 . Exemptions from regulation.**

67 (1) Except as provided in this section, a small producer and the shell eggs produced by a
68 small producer are exempt from regulation by the department.

69 (2) The Department of Health and Human Services has the authority to investigate
70 foodborne illness.

71 (3) The department may assist, consult, or inspect shell eggs and a small producer's
72 operation when requested by a small producer.

73 (4) Nothing in this section affects the authority of the Department of Health and Human
74 Services or the department to certify, license, regulate, or inspect food or food products
75 that are not exempt from certification, licensing regulation, or inspection under this
76 section.

77 (5) The Department of Health and Human Services, or a local health department, may not
78 prevent the sale of shell eggs from a small producer to an end consumer unless the
79 Department of Health and Human Services, or the county health department, establishes
80 that the shell eggs:

81 (a) are addled or moldy; or

82 (b) contain:

83 (i) black spot;

84 (ii) black rot;

85 (iii) white rot;

86 (iv) blood ring;

87 (v) adherent yolk; or

88 (vi) a bloody or green albumen.

89 (6) A small producer that sells eggs wholesale shall notify the department about the small
90 egg producer's operation, including:

91 (a) the operator's name;

92 (b) the operator's contact information;

93 (c) the species of egg products offered for sale; and

94 (d) other information required by department rule regarding notification.

95 [~~6~~] (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah

96 Administrative Rulemaking Act, to[-] :

97 (a) govern the temperature, cleaning, and sanitization of shell eggs under this chapter

98 that are sold by a small producer to a restaurant or wholesale[-] ;

99 (b) establish notification requirements in accordance with Subsection (6); and

100 (c) establish inspection requirements for small producers that request an inspection

101 under Subsection (3).

102 [~~(7)~~] (8) Eggs sold by a small producer [~~pursuant to~~] in accordance with this chapter are

103 exempt from the restricted egg tolerances for United States Consumer Grade B as

104 specified in the United States Standards, Grades, and Weight Classes for Shell Eggs,

105 AMS 56.200 et seq., administered by the Agricultural Marketing Service of United

106 States Agriculture Department.

107 Section 4. Section **4-4-108** is amended to read:

108 **4-4-108 . Packaging for small producer -- Display in grocery store.**

109 (1) A small producer shall package the small producer's eggs in clean packaging that bears

110 a label with the following information:

- 111 (a) the common name of the food, "eggs";
- 112 (b) the quantity or number of eggs;
- 113 (c) the name and address of the small producer;
- 114 (d) the statement "Keep Refrigerated"; and
- 115 (e) the statement "SAFE HANDLING INSTRUCTIONS: To prevent illness from
- 116 bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods
- 117 containing eggs thoroughly."

118 (2) (a) A small producer shall label the small producer's eggs that are sold in a grocery

119 store with a statement that the eggs:

120 (i) are exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and

121 Transportation of Shell Eggs; and

122 (ii) are not from an inspected source.

123 (b) The requirements described in Subsection (2)(a) are in addition to the labeling

124 requirements described in Subsection (1).

125 [~~(2)~~] (3) (a) A small producer may state a "pull date" or "best by" date.

126 (b) The "pull date" or "best by" date may be hand written on the end of the packaging or

127 in a conspicuous location that is clearly discernible.

128 (c) A "pull date" or "best by" date shall first show the month then the day of the month.

129 (d) A recommended "pull date" or "best by" date is 30 days after production, but the date

130 may not exceed 45 days after production.

131 [~~(3)~~] (4) If the eggs of a small producer are ungraded and not weighed, the packaging for the
132 eggs may not be labeled with a grade or size.

133 (5) Any egg produced by a small egg producer and sold in a grocery store shall be
134 displayed separately in the grocery store from eggs not from a small producer.

135 Section 5. **Effective date.**

136 This bill takes effect on May 1, 2024.