

**SHELL EGG PRODUCERS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: Evan J. Vickers

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**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



28 4-4-104, as renumbered and amended by Laws of Utah 2017, Chapter 345

29 4-4-107, as last amended by Laws of Utah 2023, Chapter 481

30 4-4-108, as enacted by Laws of Utah 2019, Chapter 138

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

33 Section 1. Section 4-4-103 is amended to read:

34 **4-4-103. Definitions.**

35 As used in this chapter:

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

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

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

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

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

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

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

48 (8) "End consumer" means a household consumer, restaurant, institution, or any other  
49 person who has purchased or received shell eggs for consumption.

50 (9) "Moldy" means mold spores have formed within the shell.

51 (10) "Shell egg" means an egg in the shell as distinguished from a dried or powdered  
52 egg.

53 (11) "Small producer" means a producer of shell eggs:

54 (a) having less than 3,000 layers; and

55 [~~(b) selling only to an end consumer; and~~]

56 [~~(c)~~] (b) who is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and  
57 Transportation of Shell Eggs.

58 (12) "Wholesale" means, with respect to the sale of an egg by an egg producer, the

59 transfer for sale or sale of an egg to a person other than the end consumer, including a retailer  
60 or an industrial or business purchaser.

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

62 **4-4-104. Unlawful acts specified.**

63 (1) It is unlawful for any person to sell, offer, or expose for sale for human  
64 consumption any egg:

65 (a) that is addled or moldy or that contains black spot, black rot, white rot, blood ring,  
66 adherent yolk, or a bloody or green albumen; or

67 (b) without a sign or label that conforms to the standards for display and grade adopted  
68 by the department.

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

71 [~~2~~] (3) Nothing in this section prohibits the sale of a denatured egg.

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

73 **4-4-107. Exemptions from regulation.**

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

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

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

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

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

87 (a) are addled or moldy; or

88 (b) contain:

89 (i) black spot;

- 90 (ii) black rot;
- 91 (iii) white rot;
- 92 (iv) blood ring;
- 93 (v) adherent yolk; or
- 94 (vi) a bloody or green albumen.

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

- 97 (a) the operator's name;
- 98 (b) the operator's contact information;
- 99 (c) the species of egg products offered for sale; and
- 100 (d) other information required by department rule.

101 [~~6~~] (7) The department may make rules, in accordance with Title 63G, Chapter 3,  
 102 Utah Administrative Rulemaking Act, to:

- 103 (a) govern the temperature, cleaning, and sanitization of shell eggs under this chapter  
 104 that are sold by a small producer to a restaurant or wholesale[-];
- 105 (b) establish notification requirements in accordance with Subsection (6); and
- 106 (c) establish inspection requirements for small producers that request an inspection  
 107 under Subsection (3).

108 [~~7~~] (8) Eggs sold by a small producer [~~pursuant to~~] in accordance with this chapter  
 109 are exempt from the restricted egg tolerances for United States Consumer Grade B as specified  
 110 in the United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et  
 111 seq., administered by the Agricultural Marketing Service of United States Agriculture  
 112 Department.

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

114 **4-4-108. Packaging for small producer.**

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

- 117 (a) the common name of the food, "eggs";
- 118 (b) the quantity or number of eggs;
- 119 (c) the name and address of the small producer;
- 120 (d) the statement "Keep Refrigerated"; and

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

124 (2) (a) A small producer shall label the small producer's eggs that are sold in a grocery  
125 store with a statement that the eggs:

126 (i) are exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and  
127 Transportation of Shell Eggs; and

128 (ii) are not from an inspected source.

129 (b) The requirements described in Subsection (2)(a) are in addition to the labeling  
130 requirements described in Subsection (1).

131 [~~2~~] (3) (a) A small producer may state a "pull date" or "best by" date.

132 (b) The "pull date" or "best by" date may be hand written on the end of the packaging  
133 or in a conspicuous location that is clearly discernible.

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

135 (d) A recommended "pull date" or "best by" date is 30 days after production, but the  
136 date may not exceed 45 days after production.

137 [~~3~~] (4) If the eggs of a small producer are ungraded and not weighed, the packaging  
138 for the eggs may not be labeled with a grade or size.

139 (5) Any egg produced by a small egg producer and sold in a grocery store shall be  
140 displayed in a separate area in the grocery store from eggs not from a small producer.

141 **Section 5. Effective date.**

142 This bill takes effect on May 1, 2024.