

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1788

By: Representative Lynch

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EGG MARKETING; TO AMEND THE ARKANSAS EGG MARKETING ACT OF 1969; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EGG MARKETING; AND TO AMEND THE ARKANSAS EGG MARKETING ACT OF 1969.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-58-202(5)(A), concerning the definition of "immediate container" under the Arkansas Egg Marketing Act of 1969, is amended to read as follow:

(A) "Immediate container" means any ~~consumer~~ package or other container in which shell eggs, ~~not consumer packaged~~, are packed for household or other ultimate consumers; and

SECTION 2. Arkansas Code § 20-58-203 is amended to read as follows:
20-58-203. Applicability.

This subchapter shall be applicable to all retailers of eggs except that retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than ~~two hundred (200)~~ seven hundred (700) hens, provided that the following requirements are met:

- (1) The eggs are washed and clean;
- (2) The eggs are prepackaged and identified as ungraded with the name and address of the producer;



(3) The used cartons are not used unless all brand markings and other identification are obliterated; and

(4) The eggs are refrigerated and maintained at a temperature of forty-five degrees Fahrenheit (45° F) or below.

SECTION 3. Arkansas Code § 20-58-205 is amended to read as follows:

20-58-205. Employees of ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture – Powers and duties.

All duties and functions required to be performed by the Arkansas Livestock and Poultry Commission under the provisions of this subchapter shall be performed by the ~~commission~~ Department of Agriculture or its authorized employees.

SECTION 4. Arkansas Code § 20-58-207(b)(3), concerning prohibited acts under the Arkansas Egg Marketing Act of 1969, is amended to read as follows:

(3) Use descriptive terminology such as “fresh”, ~~“farm”, “country”, etc., or~~ to represent the same to be “fresh” any eggs excepting those eggs that meet the minimum requirements of Grade A or higher according to the standards set forth by the commission.

SECTION 5. Arkansas Code § 20-58-207, concerning prohibited acts under the Arkansas Egg Marketing Act of 1969, is amended to add an additional subsection to read as follows:

(e) Eggs in retail shall not be removed from the immediate container in which the eggs were received and placed into a different container by the retailer.

SECTION 6. Arkansas Code § 20-58-208 - § 20-58-210 are amended to read as follows:

20-58-208. Display of grade and size required.

(a) All eggs advertised or displayed for sale for human food shall designate the correct grade and size. The designation shall also appear on the exterior of the container in which the eggs are offered for sale.

(b) Restaurants, hotels, and other eating ~~places~~ establishments using eggs below “A” quality shall be required to display a placard of ~~heavy cardboard~~ sturdy quality of not less than eight inches by eleven inches (8” ×

11"), stating the quality and weight of the eggs used by the establishment in a location where it can easily be seen by the customers or, in lieu thereof, place this information on the menu.

20-58-209. ~~Packing and grading~~ Egg handler permit.

(a) All ~~packing and grading~~ egg handler permits shall be conspicuously posted in the place of business to which they apply.

(b) The annual permit year shall be twelve (12) months or any fraction thereof beginning July 1 and ending June 30 of each year.

(c) No permit shall be transferable, but ~~it~~ if the permit holder relocates, the permit may be moved from one (1) place to another with the consent of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

(d) No person shall operate a shell egg processing plant and egg candling room or an egg breaking plant before the plant or room has been approved by the commission or its authorized agent and a permit issued.

20-58-210. Refrigeration of eggs – Temperature and labeling requirements.

(a) All shell eggs packed in containers for the purpose of resale to consumers shall be stored and transported under refrigeration at an ambient temperature no greater than forty-five degrees Fahrenheit (45° F) ~~or seven and two tenths degrees Celsius (7.2° C)~~.

(b) All shell eggs that are packed into containers for the purpose of resale to the consumer shall be labeled with the following statement: "Keep refrigerated at or below 45 degrees Fahrenheit".

(c) Every person, firm, or corporation selling eggs for the purpose of resale to the consumer must store and transport shell eggs under refrigeration at an ambient temperature no greater than forty-five degrees Fahrenheit (45° F) ~~or seven and two tenths degrees Celsius (7.2° C)~~, and all containers of eggs must be labeled with the following statement: "Keep refrigerated at or below 45 degrees Fahrenheit". This includes retailers, institutional users, dealer-wholesalers, food handlers, transportation firms, or any person who delivers to the retail or consuming trade.

(d) Packers shall not be responsible for the interior quality of eggs unless all recommended handling procedures in this section are followed by

all parties after the sale of the eggs by the packer.

(e)(1) Every person, firm, or corporation selling eggs for the purpose of direct delivery to the consumer shall, during delivery, maintain eggs at an ambient temperature no greater than forty-five degrees Fahrenheit (45°F).

(2) Eggs shall be delivered to the consumer dry and not saturated in melted ice water.

SECTION 7. Arkansas Code § 20-58-214 - § 20-58-215 are amended to read as follows:

20-58-214. Enforcement.

(a)~~(1)~~ The Arkansas Livestock and Poultry Commission shall enforce the provisions of this subchapter and is authorized to make and promulgate such rules as may be necessary thereto.

~~(2) The rules shall be publicized and become effective ninety (90) days after adoption.~~

(b)(1) The commission and its authorized employees or agents ~~are authorized to~~ may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed. The commission is authorized to make such inspections as needed of eggs to determine if the grades of the eggs conform to grades as labeled on the exterior of the container.

(2) If the inspection determines that the eggs in the container do not conform to the grade as labeled on the exterior of the container, the commission or its employees or agents are authorized to examine the invoices and such other records as are needed to determine the cause and place of the violation of the rule of this subchapter.

(c) The commission and its authorized employees shall have the power to stop sale ~~of~~ and impound ~~for evidence,~~ retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this subchapter.

20-58-215. Inspection fees.

(a) For the purpose of financing the administration and enforcement of this subchapter, the ~~State of Arkansas, through the Arkansas Livestock and Poultry Commission,~~ Department of Agriculture shall collect an inspection fee from the any processor, packer, or dealer-wholesaler, ~~or from any of them~~

that sells or transports eggs into the state.

(b) The inspection fee and annual permit fee will be set by the commission after review and consultation with the Poultry Federation for all shell eggs and egg products processed or sold in the State of Arkansas.

(c) All fees, interest, penalties, or costs collected by the commission as authorized in this section shall be deposited into the State Treasury within thirty (30) days of collection thereof.

(d) Upon receipt of the funds, the Treasurer of State shall, after deducting therefrom the collection charge authorized by law, credit the net amount thereof to the credit of the fund to be known as the "Poultry and Egg Grading Fund", ~~to be used for consumer merchandising, consumer education, maintenance, operation, and other expenses of all functions imposed by the provisions of this subchapter.~~