

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1788

4
5 By: Representative Lynch

For An Act To Be Entitled

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

Subtitle

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

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

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

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

27
28 SECTION 2. Arkansas Code § 20-58-203 is amended to read as follows:
29 20-58-203. Applicability.

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

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



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

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

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

7 20-58-205. Employees of ~~Arkansas Livestock and Poultry Commission~~
 8 Department of Agriculture – Powers and duties.

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

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

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

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

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

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

30 20-58-208. Display of grade and size required.

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

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

1 11"), stating the quality and weight of the eggs used by the establishment in
2 a location where it can easily be seen by the customers or, in lieu thereof,
3 place this information on the menu.

4
5 20-58-209. ~~Packing and grading~~ Egg handler permit.

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

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

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

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

17
18 20-58-210. Refrigeration of eggs – Temperature and labeling
19 requirements.

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

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

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

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

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

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

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

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

10 20-58-214. Enforcement.

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

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

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

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

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

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 32 20-58-215. Inspection fees.

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

1 that sells or transports eggs into the state.

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

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

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

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16 **APPROVED: 4/11/23**
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