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Arkansas Livestock & Poultry Commission

Effective Date: August 1, 2003

FINAL RULE

Phil Wyrick, Executive Director

Act 220 of 1969, Act 301 of 1985, Act 115 of 1993, and Act 700 of 1997

REGULATIONS FOR THE ENFORCEMENT OF THE ARKANSAS  
EGG MARKETING ACT 220 OF 1969 Rule  
AND AS AMENDED BY ACT 301 OF 1985  
ACT 115 OF 1993 AND ACT 700 OF 1997

Refer to the following sections of the Arkansas Egg Marketing Act:

~~20-58-202. Definitions. "Consumer" This shall also include places not specifically named, such as bakeries and rest homes.~~

~~20-58-203. Applicability.~~

ARKANSAS EGG MARKETING ACT RULE

**Retail Sale of Eggs:**

(A). Retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than 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. Cartons cannot be reused unless all brand markings and other identification are obliterated;
4. The eggs are refrigerated and maintained at a temperature of 44 to 45 degrees Fahrenheit (45° F) or below; and
5. Retailers shall be required to produce an invoice showing origin of eggs. All other sections of this Act and Regulation are to be met by all retailers of eggs.

~~(B). Retail sales.~~ Each container individual carton or individual loose pack case of eggs offered for sale at retail shall bear on the exterior of the container any one or combination of the following acceptable methods markings:

1. United States Department of Agriculture (USDA) plant number assigned by USDA, AMS USDA/AMS-USDA Agricultural Marketing Service (AMS) while the plant is under contract for official grading service.
2. Arkansas State permit number as assigned by the Arkansas Livestock and Poultry Commission Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.
3. Packer name with complete address of the location where eggs were packed.
3. USDA shell egg surveillance registrant number including state code and handler code. Example: 05-0267 NOTE: The shell egg surveillance registrant number contains a state code, county code and handler code. Do not include the county code, only state and handler number.
4. Any one method from those listed above may be used. The identification must be applied to each individual carton and if loose pack, each individual case must be identified.

(C). All other sections of this Rule are to be met by all retailers of eggs.



**20-58-208. ~~Display of grade and size required~~ Display Requirements of Eggs:**

- (A). Grade and size of eggs must be identified in ads, papers, circulars and point-of sale materials.
- (B). ~~Packers, jobbers and dealer-wholesalers~~ Processors, packers, or wholesalers shall have the responsibility of clearly informing restaurants, hotels and other eating establishments of this the grade and size of the eggs on the packaging.
- (C). ~~Packers, jobbers and dealer-wholesalers~~ Processors, packers, or wholesalers shall be in violation if they sell to restaurants, hotels and other eating establishments who are not complying with this requirement if eggs sold by the packers, jobbers and dealer-wholesalers are below "A" quality. if they sell eggs in packaging not displaying the grade and size of the eggs to a retail vendor, restaurant, or other eating establishment.
- (D). Establishments selling eggs below "A" quality shall be required to display the quality and weight of the eggs in a location where it can easily be seen by the customers on a placard of heavy sturdy-quality cardboard of not less than eight inches by eleven inches (8" x 11"), or on the menu.

**20-58-210 Refrigeration of eggs - Temperature and labeling requirements:**

- (A) Shell eggs packed into containers for the purpose of resale to the consumer must be stored immediately following packing at an ambient temperature of ~~no more than forty-five (45) degrees Fahrenheit~~ forty-five degrees Fahrenheit (45° F) or below (7.2 degrees Celsius) or below and maintain this temperature until such eggs reach the consumer. This provision includes any person, firm or corporation transporting or selling eggs to the consumer.
- (B) All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the following statement: "Keep refrigerated at or below 45 degrees Fahrenheit":  
~~This should be done~~ at time of grading.
- (C) 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.
- (D) Eggs sold 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) of forty-five degrees Fahrenheit (45° F) or below. Eggs shall be delivered to the consumer dry and not saturated in melted ice water.
- ~~(C) Refrigeration is defined as an operable refrigeration unit which will maintain 45EF or below@. Containers for storage of eggs refrigerated by means of ice, dry ice, or other non-powered refrigerated container will not be acceptable.~~

20-58-212. Retail sales. Each container of eggs offered for sale at retail shall bear on the exterior of the container one of the following acceptable methods:

1. ~~USDA plant number assigned by USDA, AMS~~ USDA/AMS while plant is under contract for official grading service.
2. ~~Arkansas State permit number as assigned by the Arkansas Livestock and Poultry Commission Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.~~
3. ~~Packer name with complete address of the location where eggs were packed.~~
4. ~~USDA shell egg surveillance registrant number including state code and handler code. Example: 05-0267 NOTE: The shell egg surveillance registrant number contains a state code, county code and handler code. Do not include the county code, only state and handler number.~~
5. ~~Any one method from those listed above may be used or a combination of more than one. The identification must be applied to each individual carton and if loose pack each individual case must be identified.~~



~~6. Retailers shall be required to produce an invoice showing origin of eggs. All other sections of this Act and Regulation rule are to be met by all retailers of eggs.~~

~~20-58-215. Fees.~~

~~(A). Packers shall be required to report and pay inspection fees on reported volume on a monthly basis. This fee shall be paid not later than the 15th of the following month. If a report is not received by the due date, a letter notice will be sent to the packer reminding them of the past due report will be sent in writing. If the packer does not report within 10 days from date of the past due notice, the packer's permit will be canceled suspended and all eggs found will be put off sale a stop sale notice shall be issued to the packer.~~

~~(B). Report forms shall be supplied made available by the Arkansas Department of Agriculture Arkansas Livestock and Poultry Commission. It shall be the responsibility of the packer to request these forms as they are needed. Jobbers and dealer-wholesalers. Packers or wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.~~

~~(C). For the purpose of financing the administration and enforcement of this Act rule, the state of Arkansas, through the Arkansas Livestock and Poultry Commission Arkansas Department of Agriculture, shall collect an inspection fee the following fees from the processor, packer, and/or dealer-wholesaler processor, packer, or wholesaler to include an annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year:~~

~~1. An annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year.~~

~~(A)2. A fee of six cents (6¢) per case for all graded or processed shell eggs and/or egg products sold in the state of Arkansas, if the sale is to the consumer, and/or if the purchase by the buyer is for the purpose of resale at retail and/or if by dealer-wholesaler is for the purpose of resale.~~

~~(B) 3. Breaker plants: A fee of one-half cent (1/2¢) per case on eggs graded and/or processed in Arkansas. An additional five and one-half cents (5 1/2¢) (for a total of six cents (6¢) per case) on graded and/or processed eggs sold in the state of Arkansas directly to the consumer and if the purchase by the buyer is for the purpose of resale at retail or to be used in food items sold at retail in Arkansas and/or under an Arkansas permit.~~

~~(D). For purposes of fee calculations for egg products:~~

~~1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.~~

~~3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~(E). All egg product plants from outside the state of Arkansas will be responsible for the fees due on all egg products entering the state of Arkansas. Additionally, at the discretion of the Commission Arkansas Department of Agriculture, a dealer-wholesaler selling egg products in the state of Arkansas could be held liable for fees due in lieu of the egg products plants.~~

~~1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.~~

~~3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.~~

4. Fifty (50) pounds of cooked (diced) eggs shall represent a thirty (30) dozen case of shell eggs.

20-58-16. Audits.

Underpayments or overpayments found during audits are to be reported on the next monthly egg inspection report to the Commission Department.

Enforcement

The Arkansas Department of Agriculture is authorized and may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

- (A) The Arkansas Department of Agriculture is authorized to make such inspections as needed, to determine if the grades of the eggs conform to grades as labeled on the exterior of the container. 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 Department is authorized to examine the invoices to determine the cause and place of the violation.
- (B) The Department and its authorized employees shall have the power to issue a stop sale and impound for evidence, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this rule.

Issued in Little Rock, Arkansas on June 5, 2003

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Phil Wyrick, Executive Director  
Arkansas Livestock & Poultry Comm.

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

11  
12  
13  
14 TO AMEND THE LAW CONCERNING EGG  
15 MARKETING; AND TO AMEND THE ARKANSAS EGG  
16 MARKETING ACT OF 1969.

17  
18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
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.

5  
 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.

13  
 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.

27  
 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.

7  
 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.

31  
 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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