

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.