

1 **EGG RETAILER AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ryan D. Wilcox**

5 Senate Sponsor: Scott D. Sandall

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7 **LONG TITLE**

8 **General Description:**

9 This bill addresses exemptions from regulations for the sale of shell eggs.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies requirements for the sale of shell eggs.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **4-4-107**, as last amended by Laws of Utah 2020, Chapter 354

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

22 Section 1. Section **4-4-107** is amended to read:

23 **4-4-107. Exemptions from regulation.**

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

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

28 (3) The department may assist, consult, or inspect shell eggs when requested by a small  
29 producer.

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

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

- 37 (a) are addled or moldy; or
- 38 (b) contain:
  - 39 (i) black spot;
  - 40 (ii) black rot;
  - 41 (iii) white rot;
  - 42 (iv) blood ring;
  - 43 (v) adherent yolk; or
  - 44 (vi) a bloody or green albumen.

45 [~~5~~] (6) The department may make rules, in accordance with Title 63G, Chapter 3,  
46 Utah Administrative Rulemaking Act, to govern the temperature, cleaning, and sanitization of  
47 shell eggs under this chapter that are sold by a small producer to a restaurant.

48 [~~6~~] (7) Eggs sold by a small producer pursuant to this chapter are exempt from the  
49 restricted egg tolerances for United States Consumer Grade B as specified in the United States  
50 Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by  
51 the Agricultural Marketing Service of United States Agriculture Department.