

Chapter 496

(Senate Bill 9)

AN ACT concerning

Agriculture – Maryland Egg Law – Revisions

FOR the purpose of altering the scope of certain provisions of the Maryland Egg Law to include certain eggs produced from certain poultry; requiring shell eggs produced from poultry other than domesticated chickens to be sold in a certain manner; authorizing the Secretary of Agriculture to conduct certain examinations, testing, and sampling for certain purposes; specifying that shell eggs are adulterated when the shell eggs are subjected to certain contamination or conditions; altering certain requirements that apply to a certain applicant for a certain registration; requiring a certain retailer or food service facility to keep a certain invoice delivery ticket for a certain period of time; defining a certain term; altering certain definitions; making clarifying, conforming, and stylistic changes; and generally relating to the Maryland Egg Law.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 4–301, 4–302, 4–304, 4–307, 4–308, 4–310, 4–311, 4–311.2, and 4–311.7

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

4–301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Consumer” means any person who purchases or otherwise acquires shell eggs for household consumption.

(c) (1) “Distributor” means any person who:

(i) Sells, offers, or exposes for sale shell eggs;

(ii) Purchases shell eggs for other than household consumption; or

(iii) Distributes eggs to a retail outlet or food service facility owned by that person.

(2) “Distributor” does not include any person who purchases shell eggs either exclusively as a retailer or exclusively for use in a food service facility or exclusively both as a retailer and as a food service facility.

(d) “Food service facility” means any person who operates a facility where eggs are used in the preparation of food and who does not distribute eggs to a food service facility owned by that person.

(e) “Packer” means any person who places shell eggs in the original case, carton, or container that is used to hold eggs for distribution or sale to a consumer.

(F) “POULTRY” MEANS ANY LIVING DOMESTICATED BIRD.

[(f)] (G) “Retailer” means any person who sells shell eggs to a consumer and who does not distribute eggs to a retail outlet owned by that person.

[(g)] (H) “Shell eggs” means raw or treated **[chicken] POULTRY** eggs that are still in the shell and intended for human consumption.

[(h)] (I) “Treated egg” means a **[chicken] POULTRY** egg that has been subjected to a process that alters the egg while still in the shell.

4–302.

A person may not donate, sell, advertise, offer, or in any manner represent for sale shell eggs to any person unless the shell eggs meet **THE** standards of **[quality, grade, and size classification as provided in]** this subtitle **OR ANY REGULATION ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.**

4–304.

(A) (1) The size or weight classification for **[individual shell] DOMESTICATED CHICKEN** eggs in the State shall be the same as the official United States Department of Agriculture weight classes for **[shell] DOMESTICATED CHICKEN** eggs for the following classifications: jumbo, extra large, large, medium, small, and pee wee. **[The Secretary shall adopt rules and regulations prescribing the weights permitted in this subtitle. The net weight of shell eggs does not include the weight of any container.]**

(2) SHELL EGGS PRODUCED FROM POULTRY OTHER THAN DOMESTICATED CHICKENS SHALL BE SOLD BY NET QUANTITY.

(3) WHEN SOLD BY WEIGHT, THE NET WEIGHT OF SHELL EGGS DOES NOT INCLUDE THE WEIGHT OF ANY CONTAINER.

(B) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS UNDER THIS SUBTITLE FOR WEIGHTS AND NET QUANTITY.

4-307.

(A) A person may not sell, offer to sell, or deliver any shell eggs not properly designated in respect to quality [and], size [standard], **AND NET QUANTITY STANDARDS.**

(B) When shell eggs are sold or offered for sale, the designation shall be plainly and conspicuously shown on the container and in the offer to sell, and if the shell eggs are loose, by a sign placed on or near the eggs.

(C) Any shell eggs not designated as [United States Department of Agriculture Grade B] **TO QUALITY** shall be presumed to [be United State Department of Agriculture Grade A in allowing tolerance for quality] **MEET THE MINIMUM STANDARDS FOR QUALITY ESTABLISHED BY THE SECRETARY BY REGULATION.**

4-308.

(A) A person may not sell or deliver shell eggs to a distributor, retailer, or food service facility unless at the time of delivery the person [furnishes] **PROVIDES** an invoice delivery ticket accurately detailing the sale of the shell eggs [pursuant to] **IN ACCORDANCE WITH** this section.

(B) [Every] **EACH** invoice delivery ticket shall contain [upon] **ON** its face the following information:

- (1) Delivery date;
- (2) Name and address of the seller;
- (3) Name and address of the purchaser;
- (4) The registration number, if any, of the purchaser;
- (5) The quantity;
- (6) The grade and size of the shell eggs delivered; and
- (7) The inspection fee, if applicable.

4-310.

(a) During the usual business hours, the Secretary may enter any warehouse, store, building, market, **FOOD SERVICE FACILITY, PRODUCTION FACILITY, PACKING**

FACILITY, or any other place, carrier, conveyance, or vehicle where or from where shell eggs are **PRODUCED, DISTRIBUTED, PACKED, DONATED**, sold, **OR** offered[,] or exposed for sale, to enforce [the provisions of] this subtitle.

(B) THE SECRETARY MAY EXAMINE, TEST, OR SAMPLE ANY SHELL EGG, LAYER HOUSE, PEN, COOLER, PACKING FACILITY, WASHING FACILITY, OR ANY OTHER PLACE OR ITEM TO DETERMINE WHETHER THE ENVIRONMENT OF THE FACILITY WHERE SHELL EGGS ARE PRODUCED, PACKED, OR HELD IS IN COMPLIANCE WITH THIS SUBTITLE.

[(b) (C) (1) If the Secretary finds shell eggs are sold[,] OR offered or exposed for sale in violation of this subtitle, [he] THE SECRETARY may issue a written or printed “stop–sale” order to the person violating this section.

(2) After receipt of [the order] AN ORDER ISSUED UNDER THIS SUBSECTION, the recipient OF THE ORDER may not sell[,] OR offer[,] or expose for sale any shell eggs subject to the order.

(3) [Any] A person [upon whom] WHO HAS BEEN ISSUED a “stop–sale” order [has been served] UNDER THIS SUBSECTION may appeal to the Secretary.

4–311.

(A) SHELL EGGS ARE ADULTERATED IF THE SHELL EGGS ARE:

(1) CONTAMINATED BY A PATHOGEN, POISONOUS SUBSTANCE, OR OTHER DELETERIOUS SUBSTANCE; OR

(2) SUBJECTED TO CONDITIONS LIKELY TO CAUSE CONTAMINATION THAT MAY RENDER THE SHELL EGGS INJURIOUS TO HUMAN HEALTH.

(B) If the Secretary finds that any shell eggs are adulterated or unfit for human consumption, [he] THE SECRETARY shall [segregate them]:

(1) SEGREGATE THE SHELL EGGS; and [mark them]

(2) MARK THE SHELL EGGS in a permanent manner to permit ready identification.

(C) (1) If no appeal is taken from a determination of condemnation, the Secretary shall destroy [them] THE SHELL EGGS in a manner prescribed by [the rules and regulations] REGULATION.

(2) If an appeal is taken, the condemned shell eggs shall be segregated and stored pending completion of an appeal inspection.

(3) The SHELL eggs may be destroyed in accordance with this section if the appeal is sustained.

4-311.2.

(a) Except as [otherwise] provided in subsection (b) of this section, an applicant for registration shall:

(1) Submit to the Secretary an application on the form that the Secretary provides; [and]

(2) **BE IN COMPLIANCE WITH THE FEDERAL STANDARDS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. PART 16 AND PART 118 FOR THE PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS DURING PRODUCTION, STORAGE, AND TRANSPORTATION, AS APPLICABLE;**

(3) **AGREE TO ALLOW THE SECRETARY OR THE SECRETARY'S DESIGNEE TO ENTER THE APPLICANT'S PREMISES TO DETERMINE COMPLIANCE IN ACCORDANCE WITH § 4-310(B) OF THIS SUBTITLE; AND**

[(2)] (4) Pay to the Secretary the appropriate registration fee established in subsection (c) of this section.

(b) A packer or distributor who keeps 3,000 or fewer [chickens] **POULTRY** and who sells[,] **OR** offers[,] or exposes for sale shell eggs only from those [chickens] **POULTRY** shall register with the Secretary, but is exempt from paying any fee required by this subtitle.

(c) The following persons shall pay to the Secretary the registration fee indicated:

- (1) Packer.....\$30; and
- (2) Distributor.....\$30.

4-311.7.

(A) A packer or distributor shall:

(1) Keep accurate records showing the number of eggs sold or delivered to any person;

- (2) Keep required records at each place of business or at a central location within the State;
- (3) Keep required records for 1 year; and
- (4) Make required egg records available to the Secretary upon request.

(B) A RETAILER OR FOOD SERVICE FACILITY SHALL KEEP EACH INVOICE DELIVERY TICKET RECEIVED IN ACCORDANCE WITH § 4-308 OF THIS SUBTITLE FOR 90 DAYS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.