

SENATE BILL 9

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Agriculture)**

Requested: September 16, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Maryland Egg Law – Revisions**

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

14 BY repealing and reenacting, with amendments,
15 Article – Agriculture
16 Section 4–301, 4–302, 4–304, 4–307, 4–308, 4–310, 4–311, 4–311.2, and 4–311.7
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2019 Supplement)

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

Article – Agriculture

22 4–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Consumer" means any person who purchases or otherwise acquires shell eggs
2 for household consumption.

3 (c) (1) "Distributor" means any person who:

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

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

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

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

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

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

16 **(F) "POULTRY" MEANS ANY LIVING DOMESTICATED BIRD.**

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

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

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

23 4-302.

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

28 4-304.

29 **(A) (1)** The size or weight classification for **[individual shell] DOMESTICATED**
30 **CHICKEN** eggs in the State shall be the same as the official United States Department of
31 Agriculture weight classes for **[shell] DOMESTICATED CHICKEN** eggs for the following

1 classifications: jumbo, extra large, large, medium, small, and pee wee. [The Secretary shall
2 adopt rules and regulations prescribing the weights permitted in this subtitle. The net
3 weight of shell eggs does not include the weight of any container.]

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

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

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

10 4-307.

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

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

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

20 4-308.

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

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

27 (1) Delivery date;

28 (2) Name and address of the seller;

29 (3) Name and address of the purchaser;

30 (4) The registration number, if any, of the purchaser;

1 (5) The quantity;

2 (6) The grade and size of the shell eggs delivered; and

3 (7) The inspection fee, if applicable.

4 4–310.

5 (a) During the usual business hours, the Secretary may enter any warehouse,
6 store, building, market, **FOOD SERVICE FACILITY, PRODUCTION FACILITY, PACKING**
7 **FACILITY**, or any other place, carrier, conveyance, or vehicle where or from where shell
8 eggs are **PRODUCED, DISTRIBUTED, PACKED, DONATED**, sold, **OR** offered[,] or exposed
9 for sale, to enforce [the provisions of] this subtitle.

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

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

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

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

23 4–311.

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

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

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

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

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

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

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

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

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

10 4-311.2.

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

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

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

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

23 [(2)] (4) Pay to the Secretary the appropriate registration fee established
24 in subsection (c) of this section.

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

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

30 (1) Packer.....\$30; and

31 (2) Distributor.....\$30.

1 4-311.7.

2 (A) A packer or distributor shall:

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

5 (2) Keep required records at each place of business or at a central location
6 within the State;

7 (3) Keep required records for 1 year; and

8 (4) Make required egg records available to the Secretary upon request.

9 (B) **A RETAILER OR FOOD SERVICE FACILITY SHALL KEEP EACH INVOICE**
10 **DELIVERY TICKET RECEIVED IN ACCORDANCE WITH § 4-308 OF THIS SUBTITLE FOR**
11 **90 DAYS.**

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