

1 AN ACT concerning farm products.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Egg and Egg Products Act is  
5 amended by changing Sections 6, 8, 10, and 15 as follows:

6 (410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

7 Sec. 6. Candling; labeling; sales by producers; retail  
8 sales; temperature requirements. All eggs sold at retail or  
9 purchased by institutional consumers must be candled for  
10 quality and graded for size.

11 ~~A producer may sell, direct to a household consumer, for~~  
12 ~~that consumer's personal use and that consumer's non-paying~~  
13 ~~guests, eggs produced by a producer's own birds without~~  
14 ~~candling or grading the eggs.~~

15 A producer may sell on his own premises where eggs are  
16 produced, direct to household consumers, for the consumer's  
17 personal use and that consumer's non-paying guests, nest run  
18 ~~eggs classified as checks and dirties~~ without candling or  
19 grading those eggs.

20 All eggs designated for sale off the premises where the  
21 flock is located, such as at farmers' markets, and at retail  
22 or for institutional use must be candled and graded and held  
23 in a place or room in which the temperature may not exceed 45  
24 degrees Fahrenheit after processing. Nest run eggs shall be  
25 held at 60 degrees Fahrenheit or less at all times. During  
26 transportation, the egg temperature may not exceed 45 degrees  
27 Fahrenheit.

28 Hatcheries buying eggs for hatching purposes from  
29 producers under contract may sell their surplus eggs to a  
30 licensed packer or handler provided that the hatchery shall  
31 keep records which indicate the number of cases sold, the

1 date of sale and the name and address of the packer or  
2 handler making the purchase.

3 All eggs candled or candled and graded outside the State  
4 must meet Federal standards before they can be sold or  
5 offered for sale in the State. No eggs may be offered for  
6 sale for consumer use after the original 30-day candling  
7 date. ~~All--eggs--candled--or--candled--and--graded--must--be~~  
8 ~~recandled--and--regraded-if-not-sold-at-retail-within-30-days~~  
9 ~~of-the-original-candling-date.~~

10 Each container of eggs offered for sale or sold at  
11 wholesale or retail must be labeled in accordance with the  
12 standards established by the Department showing grade, size,  
13 packer identification, and candling packing date, and may be  
14 labeled with an expiration date, or other similar language as  
15 specified by USDA standards, that is not later than 30 days  
16 from after the candling packing date for grade A eggs and not  
17 later than 15 days after the candling date for grade AA eggs.  
18 ~~The-date-of-candling-and-an-expiration-date-not-later-than-30~~  
19 ~~days--after--the--date-of-packing-must-appear-in-lettering-on~~  
20 ~~the-container-in-which-the-eggs-are-offered--for--sale.--Eggs~~  
21 ~~identified--as--grade--AA--shall--have-an-expiration-date-not~~  
22 ~~later-than-15-days-after-the-date-of-packing.~~

23 The grade and size of eggs must be conspicuously marked  
24 in bold face type on all consumer-size containers.

25 The size and height of lettering or numbering requirement  
26 shall be set by regulation and shall conform as near as  
27 possible to those required by Federal law.

28 All advertising of shell eggs for sale at retail for a  
29 stated price shall contain the grade and size of the eggs.  
30 The information contained in such advertising shall not be  
31 misleading or deceptive. In cases of food-borne disease  
32 outbreaks in which eggs are identified as the source of the  
33 disease, all eggs from the flocks from which those  
34 disease-causing eggs came shall be identified with a producer

1 identification or flock code number to control the movement  
2 of those eggs.

3 (Source: P.A. 89-154, eff. 7-19-95.)

4 (410 ILCS 615/8) (from Ch. 56 1/2, par. 55-8)

5 Sec. 8. Any person or business who buys, sells, trades,  
6 or traffics in eggs in this State and is a broker,  
7 distributor, handler, packer, producer, or producer-dealer,  
8 as defined in this Act, must be licensed in this State. A  
9 limited or full license must be purchased annually. No person  
10 or business shall buy, sell, trade, or traffic in barter eggs  
11 in this State without having obtained a license as provided  
12 in Section 9, except the following:

13 (a) A producer who obtains eggs from his own flock,  
14 regardless of the size of the flock, and sells them as nest  
15 run eggs, either to household consumers on the premises where  
16 the flock is located, or to a holder of an Illinois Egg  
17 License;

18 (b) Hatcheries which purchase eggs to be used  
19 exclusively for hatching purposes;

20 (c) Institutional consumers where all eggs purchased are  
21 served in the establishment;

22 (d) Manufacturers of food products who use all eggs  
23 purchased in their products such as bakeries,  
24 confectioneries, and ice cream manufacturers, etc.;

25 (e) Agents employed and carried on the payroll on a  
26 salary basis by licensed dealers or distributors;

27 (f) A consumer buying eggs for his own consumption;

28 (g) A retailer who buys eggs from licensed distributors  
29 or from licensed handlers only and sells eggs only at retail.

30 (Source: P.A. 89-154, eff. 7-19-95.)

31 (410 ILCS 615/10) (from Ch. 56 1/2, par. 55-10)

32 Sec. 10. Inspection fee. The Director shall set, by

1 regulation, a per case inspection fee which shall cover the  
2 administrative and inspection costs of the program required  
3 by the Act. In no case shall the rate exceed 6¢ per each 30  
4 dozen eggs or fraction thereof.

5 The inspection fee as set shall be imposed upon eggs  
6 bearing a designated size and grade sold or offered for sale  
7 in Illinois. The first handler in Illinois who packed and  
8 sold the eggs must pay the prescribed inspection fee on those  
9 eggs. If eggs are shipped into Illinois, the handler who  
10 invoiced the eggs to Illinois must pay the fee. ~~The fee shall~~  
11 ~~be paid by the handler at the point of candling and grading.~~  
12 When the handler sells the eggs, the inspection fee shall be  
13 charged in addition to the sale price of the eggs and shall  
14 be remitted to the seller by the purchaser. Each sales  
15 invoice shall indicate the amount of inspection fee for the  
16 transaction. Eggs sold and shipped out of the State of  
17 Illinois by Illinois packers are exempt from the inspection  
18 fee.

19 The inspection fee shall be paid only once on the same  
20 quantity of eggs so long as those eggs maintain their  
21 identity by remaining in their original case, carton or  
22 package. All inspection fees shall be paid into the  
23 "Agricultural Master Fund" to the credit of a special account  
24 designated as the "Auxiliary Egg Inspection Fund". All  
25 amounts credited to the "Auxiliary Egg Inspection Fund" shall  
26 be used for the enforcement of the provisions of this Act.  
27 The method and manner of collecting the inspection fee  
28 levied, whether it be by the use of stamps, monthly reporting  
29 and collecting from dealers or any other method shall be  
30 prescribed by the Director of Agriculture, pursuant to rules  
31 and regulations adopted for this purpose as authorized under  
32 the provisions of this Act.

33 (Source: P.A. 89-154, eff. 7-19-95.)

1 (410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)  
 2 Sec. 15. Samples; packing methods. The Department shall  
 3 prescribe methods in conformity with the United States  
 4 Department of Agriculture specifications for selecting  
 5 samples of lots, cases or containers of eggs or egg products  
 6 which shall be reasonably calculated to produce fair  
 7 representations of the entire lots or cases and containers  
 8 sampled. Any sample taken shall be prima facie evidence in  
 9 any court in this State of the true condition of the entire  
 10 lot, case or container of eggs or egg products in the  
 11 examination of which the sample was taken.

12 It shall be unlawful for any handler or retailer to pack  
 13 eggs into consumer-size containers other than during the  
 14 original candling and grading operations unless:

15 (a) The loose eggs to be so transferred are in master  
 16 case stamped no more than 5 days previous indicating that the  
 17 size and quality have been verified.

18 (b) The process of transferring is done in a licensed  
 19 establishment.

20 (c) (Blank).

21 (d) The loose eggs to be transferred are reprocessed in  
 22 the same manner as nest-run eggs and each egg is recandled  
 23 for quality and regraded for size in an establishment  
 24 recognized as a competent grading facility by the Director or  
 25 his authorized representative.

26 (e) (Blank) ~~The-retail-location-shall-be-granted-written~~  
 27 ~~permission-to-repack-eggs-and-shall-comply-with-the-following~~  
 28 ~~requirements:~~

29 ~~{1}-A-retailer-shall-only-repackage-clean-and-sound~~  
 30 ~~shell-eggs-which-originated-from-properly-labeled~~  
 31 ~~consumer-size-containers-that-have-been-damaged-or-their~~  
 32 ~~contents-damaged.-The-repacked-eggs-shall-meet-U.S.~~  
 33 ~~Department-of-Agriculture-standards-for-consumer-Grade-B~~  
 34 ~~eggs.-Eggs-in-the-repacked-consumer-size-container-shall~~

1 be no less than medium in size. It shall be unlawful to  
2 repack eggs that do not meet the requirements of  
3 Section 6 of this Act.

4 (2) The consumer size egg container that contains  
5 eggs that have been repacked shall be labeled with a  
6 statement declaring that the eggs in the container were  
7 repackaged by the retail store offering the eggs for  
8 sale, the name of the retail store, its location, the  
9 date the eggs were repacked and the oldest candling date  
10 which appeared on the consumer size egg container or  
11 containers from which the repackaged eggs originated.  
12 The repackaged egg container shall also be labeled "Grade  
13 B-Medium" and contain a statement indicating that "some  
14 of the eggs may be larger than indicated on the carton".

15 (3) The labeling on the consumer size container  
16 used for the repackaged eggs shall meet the type and  
17 lettering size requirements as required on the original  
18 consumer size containers. The additional labeling  
19 information required on repacked egg containers shall be  
20 in bold face type with lettering no less than 1/8 inch in  
21 height.

22 (4) The Department shall grant written permission  
23 to repack eggs at the retail level when an application  
24 is made by a retailer.

25 If procedures described in paragraph (a) or (b) of this  
26 Section are executed, the mandatory labeling as it appears  
27 on the master cases with respect to name, address, grade,  
28 size and candling date must be identical to the labeling on  
29 the consumer size containers into which the eggs are  
30 transferred except that the name and address may be changed,  
31 provided that the words "packed for", "packed by" or words  
32 of similar import do not appear.

33 (Source: P.A. 89-154, eff. 7-19-95.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.