

1 AN ACT concerning health.

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 amended
5 by adding Section 3.21a and by changing Sections 6 and 15 as
6 follows:

7 (410 ILCS 615/3.21a new)

8 Sec. 3.21a. "Lot consolidation" means the removal of
9 damaged eggs from consumer labeled cartons and replacement of
10 the damaged eggs with eggs of the same grade, size, sell-by
11 date, brand, lot, and source.

12 (410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

13 Sec. 6. Candling; labeling; sales by producers; retail
14 sales; temperature requirements. All eggs sold at retail or
15 purchased by institutional consumers must be candled for
16 quality and graded for size.

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

21 All eggs designated for sale off the premises where the
22 entire flock is located, such as at farmers' markets, and at

1 retail or for institutional use must be candled and graded and
2 held in a place or room in which the temperature may not exceed
3 45 degrees Fahrenheit after processing. Nest run eggs shall be
4 held at 60 degrees Fahrenheit or less at all times. During
5 transportation, the egg temperature may not exceed 45 degrees
6 Fahrenheit.

7 Hatcheries buying eggs for hatching purposes from
8 producers under contract may sell their surplus eggs to a
9 licensed packer or handler provided that the hatchery shall
10 keep records which indicate the number of cases sold, the date
11 of sale and the name and address of the packer or handler
12 making the purchase.

13 All eggs candled or candled and graded outside the State
14 must meet Federal standards before they can be sold or offered
15 for sale in the State. No eggs may be offered for sale for
16 consumer use 45 days or more after the date of candling ~~after~~
17 ~~the original 30 day candling date.~~

18 Each container of eggs offered for sale or sold at
19 wholesale or retail must be labeled in accordance with the
20 standards established by the Department showing grade, size,
21 packer identification, and candling date, and must be labeled
22 with an expiration date, or other similar language as specified
23 by USDA standards, that is not later than 45 ~~30~~ days from the
24 candling date for grade A eggs and not later than 30 ~~15~~ days
25 after the candling date for grade AA eggs.

26 The grade and size of eggs must be conspicuously marked in

1 bold face type on all consumer-size containers.

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

5 All advertising of shell eggs for sale at retail for a
6 stated price shall contain the grade and size of the eggs. The
7 information contained in such advertising shall not be
8 misleading or deceptive. In cases of food-borne disease
9 outbreaks in which eggs are identified as the source of the
10 disease, all eggs from the flocks from which those
11 disease-causing eggs came shall be identified with a producer
12 identification or flock code number to control the movement of
13 those eggs.

14 (Source: P.A. 96-1310, eff. 7-27-10.)

15 (410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)

16 Sec. 15. Samples; packing methods.

17 (a) The Department shall prescribe methods in conformity
18 with the United States Department of Agriculture
19 specifications for selecting samples of lots, cases or
20 containers of eggs or egg products which shall be reasonably
21 calculated to produce fair representations of the entire lots
22 or cases and containers sampled. Any sample taken shall be
23 prima facie evidence in any court in this State of the true
24 condition of the entire lot, case or container of eggs or egg
25 products in the examination of which the sample was taken.

1 It shall be unlawful for any handler or retailer to pack
2 eggs into consumer-size containers other than during the
3 original candling and grading operations unless the retailer
4 performs a lot consolidation.÷

5 (b) A retailer that wishes to consolidate eggs shall
6 implement and administer a training program for employees that
7 will perform the consolidation as part of their duties. The
8 program shall include, but not be limited to, the following:

9 (1) Laws governing egg lot consolidation:

10 (A) same lot code;

11 (B) same source;

12 (C) same sell-by date;

13 (D) same grade;

14 (E) same size;

15 (F) same brand;

16 (2) temperature requirements;

17 (3) egg is a hazardous food (FDA Guidelines);

18 (4) sanitation;

19 (5) egg quality (USDA guidelines);

20 (6) original packaging requirements (replacement
21 cartons shall not be utilized); and

22 (7) record keeping requirements.

23 (c) Training shall be conducted annually and may be
24 conducted by any means available, including, but not limited
25 to, online, computer, classroom, live trainers, and remote
26 trainers.

1 (d) A copy of the training material must be made available
2 upon request from the Department. A copy of the training
3 material may be kept electronically.

4 (e) Eggs shall be consolidated in a manner consistent with
5 training materials required by subsection (b).

6 (f) Each store shall maintain a record of each egg carton
7 consolidated. The records shall be maintained by the store at
8 the physical location the eggs were consolidated at for a
9 period not less than one year past the last sell-by date on the
10 cartons consolidated. The records must be available for
11 inspection upon request from the Department. The records may be
12 kept electronically.

13 Each lot consolidation shall be documented. The
14 information documented shall include, but not be limited to,
15 the following:

16 (1) date of consolidation;

17 (2) brand;

18 (3) egg size;

19 (4) distributor;

20 (5) USDA plant number;

21 (6) grade; and

22 (7) best-by (sell-by/use-by) date.

23 (g) An Illinois-based egg producer or Illinois-based egg
24 producer-dealer may prohibit its brands from being included in
25 an egg lot consolidation program. Any Illinois-based egg
26 producer or Illinois-based egg producer-dealer that chooses to

1 prohibit its brands from being included in an egg lot
2 consolidation program shall notify a retailer in writing before
3 entering into an agreement to distribute its eggs to the
4 retailer. Producers or producer-dealers with agreements
5 entered into prior to the effective date of this Act shall have
6 90 days after the effective date of this Act to notify
7 retailers in writing of their choice to prohibit consolidation
8 of their egg brands.

9 Upon notification from an Illinois-based producer or
10 Illinois-based producer dealer, a retailer shall not
11 consolidate those brands.

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

15 ~~(b) The process of transferring is done in a licensed~~
16 ~~establishment.~~

17 ~~(c) (Blank).~~

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

23 ~~(e) (Blank).~~

24 ~~If procedures described in paragraph (a) or (b) of this~~
25 ~~Section are executed, the mandatory labeling as it appears on~~
26 ~~the master cases with respect to name, address, grade, size and~~

1 ~~handling date must be identical to the labeling on the~~
2 ~~consumer size containers into which the eggs are transferred~~
3 ~~except that the name and address may be changed, provided that~~
4 ~~the words "packed for", "packed by" or words of similar import~~
5 ~~do not appear.~~

6 (Source: P.A. 92-677, eff. 7-16-02.)