

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, 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 at retail or for
21 institutional use must be candled and graded and held in a
22 place or room in which the temperature may not exceed 45
23 degrees Fahrenheit after processing. Nest run eggs shall be
24 held at 60 degrees Fahrenheit or less at all times. During
25 transportation, the egg temperature may not exceed 45 degrees
26 Fahrenheit.

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

1 handler making the purchase.

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

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

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

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

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

1 of those eggs.

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

3 (410 ILCS 615/10) (from Ch. 56 1/2, par. 55-10)

4 Sec. 10. Inspection fee. The Director shall set, by
5 regulation, a per case inspection fee which shall cover the
6 administrative and inspection costs of the program required
7 by the Act. In no case shall the rate exceed 6¢ per each 30
8 dozen eggs or fraction thereof.

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

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

1 prescribed by the Director of Agriculture, pursuant to rules
2 and regulations adopted for this purpose as authorized under
3 the provisions of this Act.

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

5 (410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)

6 Sec. 15. Samples; packing methods. The Department shall
7 prescribe methods in conformity with the United States
8 Department of Agriculture specifications for selecting
9 samples of lots, cases or containers of eggs or egg products
10 which shall be reasonably calculated to produce fair
11 representations of the entire lots or cases and containers
12 sampled. Any sample taken shall be prima facie evidence in
13 any court in this State of the true condition of the entire
14 lot, case or container of eggs or egg products in the
15 examination of which the sample was taken.

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

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

22 (b) The process of transferring is done in a licensed
23 establishment.

24 (c) (Blank).

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

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

33 ~~{1}-A-retailer-shall-only-repackage-clean-and-sound~~

1 shell--eggs--which--originated--from--properly---labeled
2 consumer-size--containers-that-have-been-damaged-or-their
3 contents-damaged.--The--repacked--eggs--shall--meet--U.S.
4 Department--of-Agriculture-standards-for-consumer-Grade-B
5 eggs.--Eggs-in-the-repacked-consumer-size-container-shall
6 be-no-less-than-medium-in-size.--It-shall-be-unlawful--to
7 repack--eggs--that--do--not--meet--the-requirements-of
8 Section-6-of-this-Act.

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

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

27 (4)--The-Department-shall-grant--written--permission
28 to-repackage-eggs-at-the-retail-level-when-an-application
29 is-made-by-a-retailer.

30 If procedures described in paragraph (a) or (b) of this
31 Section are executed, the mandatory labeling as it appears
32 on the master cases with respect to name, address, grade,
33 size and candling date must be identical to the labeling on
34 the consumer-size containers into which the eggs are

1 transferred except that the name and address may be changed,
2 provided that the words "packed for", "packed by" or words
3 of similar import do not appear.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.