

AN ACT concerning health.

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

Section 5. The Illinois Egg and Egg Products Act is amended by adding Section 3.21a and by changing Sections 6 and 15 as follows:

(410 ILCS 615/3.21a new)

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

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

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

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

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

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

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

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

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

The grade and size of eggs must be conspicuously marked in

bold face type on all consumer-size containers.

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

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

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

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

Sec. 15. Samples; packing methods.

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

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

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

(1) Laws governing egg lot consolidation:

(A) same lot code;

(B) same source;

(C) same sell-by date;

(D) same grade;

(E) same size;

(F) same brand;

(2) temperature requirements;

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

(4) sanitation;

(5) egg quality (USDA guidelines);

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

(7) record keeping requirements.

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

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

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

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

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

- (1) date of consolidation;
- (2) brand;
- (3) egg size;
- (4) distributor;
- (5) USDA plant number;
- (6) grade; and
- (7) best-by (sell-by/use-by) date.

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

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

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

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

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

~~(c) (Blank).~~

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

~~(e) (Blank).~~

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

Public Act 099-0732

HB6287 Enrolled

LRB099 16919 MJP 41266 b

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

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