

HOUSE BILL No. 2102

By Committee on Agriculture

1-21

Proposed Amendment for HB 2102
Senate Committee on Agriculture & Natural Resources
Balloon 1
Clarifying Egg Repackaging Requirements
March 11, 2021
Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to eggs; repackaging
2 requirements for retailers; amending K.S.A. 2020 Supp. 2-2510 and
3 repealing the existing section.

2-2507 and

See attachment

4
5 Be it enacted by the Legislature of the State of Kansas:

, which may include dirty eggs or eggs from containers with
broken eggs,

6 Section 1. K.S.A. 2020 Supp. 2-2510 is hereby amended to read as
7 follows: 2-2510. (a) A retailer may repack repack eggs located in a
8 store as long as the following requirements in subsection (b) or (c) are
9 met;

following

10 (b) Repackaged eggs may be graded as grade B if the following
11 standards are met:

- :
(1) The eggs do not pose a health risk;
(2) the eggs are not subject to an embargo issued by the secretary;
(3) the eggs have not previously been repackaged;
(4) the eggs remain subject to inspection and the requirements of this act;
(5) no container with repackaged eggs is labeled with a declaration of
enhanced quality or with any claim that did not appear on the original
container;
(6) all eggs with undamaged shells are handled and repackaged employing
good manufacturing practices under refrigerated conditions in accordance
with United States food and drug administration regulations;
(7) all damaged containers and packaging material identified with the United
States department of agriculture grade shield are destroyed;
(8) all damaged eggs are properly segregated to prevent human
consumption; and
(9) the eggs satisfy the standards of subsection (b) or (c)

12 ~~(1) Eggs eligible for repacking include dirty eggs or eggs in~~
13 ~~containers with broken eggs. Eggs that are determined to pose a health risk~~
14 ~~shall not be eligible for repacking. The eggs, which may include dirty eggs~~
15 ~~or eggs from containers with broken eggs, do not pose a health risk;~~

16 ~~(2) the eggs are not subject to a stop sale order an embargo issued by~~
17 ~~the secretary;~~

18 ~~(3) the eggs cannot be repacked more than once have not previously~~
19 ~~been repackaged;~~

(1) 20 ~~(4) repacked the eggs must meet grade B requirements and shall not~~
21 ~~be graded higher than grade B, except as provided in subsection (b);~~

(2) 22 ~~(5) all containers shall have the necessary following labeling~~
23 ~~requirements printed on the outside of the carton which shall include:~~

24 (A) Grade and size;

25 (B) a statement saying that the eggs have been repacked repackaged
26 by the retailer where the eggs are located;

27 (C) name and address of the retailer that repacked repackaged the
28 eggs;

29 (D) a statement containing the phrase, "Keep refrigerated at or below
30 45° Fahrenheit";

31 (E) the expiration date which shall be that is the earliest expiration
32 date of the repacked repackaged eggs; and

33 (F) an inspection fee stamp on the carton indicating that the
34 inspection fee has been paid, unless repackaged as described in subsection
35 (b) in a carton that has already been assessed the inspection fee;

B

(3) 36 ~~(6) records must be kept and available for inspection on all eggs~~

and

1 ~~repacked~~ *repackaged* by the retailer ~~and~~
2 ~~(7) the eggs remain subject to inspection and the requirements of this~~
3 ~~act~~
4 ~~(b)(c)~~ Repackaged eggs may be graded higher than grade B if ~~the~~
5 ~~following standards are met:~~
6 ~~(1) The eggs, which may include dirty eggs or eggs from containers~~
7 ~~with broken eggs, do not pose a health risk;~~
8 ~~(2) the eggs are not subject to an embargo issued by the secretary;~~
9 ~~(3) the eggs have not previously been repackaged;~~
10 ~~(4) the eggs remain subject to inspection and the requirements of this~~
11 ~~act;~~
12 ~~(5)~~ undamaged eggs ~~from damaged containers~~ are placed only into
13 containers *that are already labeled* with the same distributor and packer
14 information, including the name, address, *Kansas egg license number or*
15 *United States department of agriculture plant number;* and packaging code;
16 ~~(2)(6) no container with repackaged eggs are is labeled with a~~
17 ~~declaration of enhanced quality or with any claim that did not appear on~~
18 ~~the original container;~~
19 ~~(3)(7) all eggs with undamaged shells are handled and repackaged~~
20 ~~employing good manufacturing practices under refrigerated conditions in~~
21 ~~accordance with United States food and drug administration regulations;~~
22 ~~(4)(8) all damaged containers and packaging material identified with~~
23 ~~the United States department of agriculture grade shield are destroyed; and~~
24 ~~(5)(9) all segregated inedible eggs are properly destroyed to prevent~~
25 ~~human consumption~~;
26 ~~(e)(d)~~ Retailers may lose the privilege to ~~repack~~ *repackage* eggs if:
27 (1) The retailer is found postdating ~~repacked~~ *repackaged* eggs;
28 (2) the eggs do not meet grade B or higher standards; and
29 (3) the retailer has violated any other provision of this act.
30 ~~(d)(e)~~ The provisions of this section shall be *a* part of and
31 supplemental to the Kansas egg law.
32 Sec. 2. K.S.A. 2020 Supp. ~~2-2510~~ is hereby repealed.
33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.

2-2507 and

And by renumbering sections accordingly

Section 1. K.S.A. 2020 Supp. 2-2507 is hereby amended to read as follows: 2-2507. (a) For the purpose of financing the administration and enforcement of this act, there is hereby levied an inspection fee on all graded eggs sold, offered or exposed for sale or distributed to food purveyors or retailers at the rate of 3.5 mills for each dozen eggs. Such fee shall be paid by the last handler. The inspection fee shall be paid only once on the same quantity of eggs so long as such eggs remain in the eggs' original container or have been repackaged in accordance with this act and are graded higher than grade B.

(b) The secretary shall provide inspection fee stamps for sale to persons requesting such stamps. The price of such inspection fee stamps shall include the printing and mailing costs thereof. Such inspection fee stamps shall also serve as a label indicating size and quality in boldface type letters not less than $\frac{3}{8}$ inch in height.

(c) Persons desiring to report and pay the inspection fee quarterly, in lieu of using such inspection fee stamps, may make application to the secretary for a permit to pay the inspection fee quarterly, except that in no event shall the inspection fee for any quarter be less than \$15. The secretary may grant the permit if the applicant agrees to keep such records and make such report as may be necessary to indicate accurately the quantity of eggs sold on which the inspection fee is due, and if the applicant agrees to grant the secretary permission to verify the statement of quantity of eggs sold. The report shall be filed in the office of the secretary, and shall be due and payable on the first day of October, January, April and July for the previous three months. If the report is not filed and the inspection fee is not paid within 30 days after the due date, or if the report of quantity is false, the secretary may revoke the permit. In addition to the inspection fee there may be assessed against the permit holder a penalty of \$5 per day for each day the inspection fee remains unpaid after the 30-day period has expired. Such records of quantity sold shall be held for a period of three years.

(d) If the department finds that the fees specified in this section are providing more funds than necessary for the

administration of this act, the department may reduce the above-mentioned fee pursuant to rules and regulations adopted by the secretary. The secretary may increase such fee when necessary, pursuant to rules and regulations adopted by the secretary, except that such fee shall not exceed the rate specified in subsection (a). The secretary shall remit all moneys received by or for the secretary under article 25 of chapter 2 of [the] Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provision of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the egg fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary.