

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Agriculture

Department Livestock and Poultry Division

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Statutory Authority for Promulgating Rules A.C.A. 20-58-214

Rule Title: Arkansas Egg Marketing Rule

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

2/18/24 - 2/20/24

3/18/24

6/21/24

4/10/24

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Linda Luebke linda.luebke@agriculture.arkansas.gov

June 24, 2024

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

501-225-1598

Phone Number

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E-mail Address

General Counsel

Title

June 24, 2024

Date

ARKANSAS EGG MARKETING RULE

Retail Sale of Eggs:

(A). Retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than seven hundred (700) hens, provided that the following requirements are met:

1. The eggs are washed and clean;
2. The eggs are prepackaged and identified as ungraded with the name and address of the producer;
3. Cartons cannot be reused unless all brand markings and other identification are obliterated;
4. The eggs are refrigerated and maintained at a temperature of forty-five degrees Fahrenheit (45° F) or below; and
5. Retailers shall be required to produce an invoice showing origin of eggs.

(B). Each individual carton or individual loose pack case of eggs offered for sale at retail shall bear on the exterior of the container any one or combination of the following acceptable markings:

1. United States Department of Agriculture (USDA) plant number assigned by the USDA Agricultural Marketing Service (AMS) while the plant is under contract for official grading service.
2. Arkansas State permit number as assigned by the Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.
3. Packer name with complete address of the location where eggs were packed.

(C). All other sections of this Rule are to be met by all retailers of eggs.

Display Requirements of Eggs:

(A). Grade and size of eggs must be identified in ads, papers, circulars and point-of sale materials.

(B). Processors, packers, or wholesalers shall have the responsibility of clearly informing restaurants, hotels and other eating establishments of the grade and size of the eggs on the packaging.

(C). Processors, packers, or wholesalers shall be in violation if they sell eggs in packaging not displaying the grade and size of the eggs to a retail vendor, restaurant, or other eating establishment.

(D). Establishments selling eggs below "A" quality shall be required to display the quality and weight of the eggs in a location where it can easily be seen by the customers on a placard of heavy sturdy-quality cardboard of not less than eight inches by eleven inches (8" x 11"), or on the menu.

Refrigeration of eggs - Temperature and labeling requirements:

(A) Shell eggs packed into containers for the purpose of resale to the consumer must be stored immediately following packing at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below and maintain this temperature until such eggs reach the consumer. This provision includes any person, firm or corporation transporting or selling eggs to the consumer.

(B) All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the statement "Keep refrigerated at or below 45 degrees Fahrenheit" at time of grading.

(C) Eggs in retail shall not be removed from the immediate container in which the eggs were received and placed into a different container by the retailer.

(D) Eggs sold for the purpose of direct delivery to the consumer shall, during delivery, maintain eggs at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below. Eggs shall be delivered to the consumer dry and not saturated in melted ice water.

Fees.

(A). Packers shall be required to report and pay inspection fees on reported volume on a monthly basis. This fee shall be paid not later than the 15th of the following month. If a report is not received by the due date, notice of the past due report will be sent in writing. If the packer does not report within 10 days from date of the past due notice, the packer's permit will be suspended and a stop sale notice shall be issued to the packer.

(B). Report forms shall be made available by the Arkansas Department of Agriculture. Packers or wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.

(C). For the purpose of financing the administration and enforcement of this rule, the state of Arkansas, through the Arkansas Department of Agriculture, shall collect the following fees from the processor, packer, or wholesaler:

1. An annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year.

2. A fee of six cents (6¢) per case for all graded or processed shell eggs and/or egg products sold in the state of Arkansas, if the sale is to the consumer, and/or if the purchase by the buyer or wholesaler is for the purpose of resale.

3. Breaker plants: A fee of one-half cent (1/2¢) per case on eggs graded and/or processed in Arkansas. An additional five and one-half cents (5 1/2¢) (for a total of six cents (6¢) per case) on graded and/or processed eggs sold in the state of Arkansas directly to the consumer and if the purchase by the buyer is for the purpose of resale at retail or to be used in food items sold at retail in Arkansas or under an Arkansas permit.

(D). For purposes of fee calculations for egg products:

1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.

2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.

3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.

(E). All egg product plants from outside the state of Arkansas will be responsible for the fees due on all egg products entering the state of Arkansas. Additionally, at the discretion of the Arkansas Department of Agriculture, a wholesaler selling egg products in the state of Arkansas could be held liable for fees due in lieu of the egg plants.

Audits.

Underpayment or overpayment found during audits are to be reported on the next monthly egg inspection report to the Department.

Enforcement

(A). The Arkansas Department of Agriculture is authorized and may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

1. The Arkansas Department of Agriculture is authorized to make such inspections as needed, to determine if the grades of the eggs conform to grades as labeled on the exterior of the container, If the inspection determines that the eggs in the container do not conform to the grade as labeled on the exterior of the container, the Department is authorized to examine the invoices to determine the cause and place of the violation.

2. The Department and its authorized employees shall have the power to issue a stop sale and impound for evidence, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this rule.