

By: Lambert

H.B. No. 2028

A BILL TO BE ENTITLED

AN ACT

relating to egg grading.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 132.002, Agriculture Code, is amended to read as follows:

Sec. 132.002. SALE OF UNGRADED EGGS BY PRODUCER [~~LIMITATION OF CHAPTER~~]. (a) Except as provided by Subsection (b), this [~~This~~] chapter does not apply to a person selling only eggs that are produced by the person's own flock and for which the person does not claim a grade.

(b) A person who produces eggs as described by Subsection (a) may sell the eggs directly to a consumer or at wholesale if the eggs are sold in a carton labeled with "ungraded" followed by "produced by (producer's name)" and the producer's address. The label information must be legible, must appear on the top panel of the carton, and may be preprinted on the carton, printed on a label attached to the carton, or hand printed on the carton. The carton may not display the name of a retailer or of a producer other than the producer whose flock produced the eggs.

(c) A state agency or political subdivision may not prohibit a person described by Section 132.021(b) from purchasing, reselling, or using eggs described by Subsection (b).

SECTION 2. Section 132.043(c), Agriculture Code, is amended to read as follows:

1 (c) Licensees required by this section to collect or pay a
2 special fee shall remit the fee [~~monthly~~] in accordance with rules
3 established by the department. The rules may not require a licensee
4 to remit the fee more often than:

5 (1) monthly; or

6 (2) annually, if the licensee is required to remit
7 less than \$360 for the year.

8 SECTION 3. Not later than December 1, 2021, the Department
9 of Agriculture shall adopt rules consistent with Section
10 [132.043\(c\)](#), Agriculture Code, as amended by this Act.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section [39](#), Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.