

By: Cain, et al.

H.B. No. 2945

A BILL TO BE ENTITLED

AN ACT

relating to egg grading and the selling of ungraded eggs; requiring an occupational license.

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 this section, 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 up to 120 dozen ungraded eggs per week directly to consumers or at wholesale.

(c) A person who produces eggs as described by Subsection (a) may not sell the eggs at wholesale unless the person holds a license as an ungraded dealer-wholesaler issued by the department. The license must be renewed as provided by Section [132.024](#).

(d) A person who holds a license described by Subsection (c) shall maintain records as provided by Section [132.061](#).

(e) A person who holds a license described by Subsection (c) shall follow the sanitation requirements of Section [132.045](#) when handling eggs sold or offered for sale at wholesale.

(f) A person who sells ungraded eggs as provided by

1 Subsection (b) shall label the cartons of eggs with a label that:

2 (1) is legible;

3 (2) appears on the top panel of the carton; and

4 (3) contains:

5 (A) the word "ungraded";

6 (B) the producer's name;

7 (C) the producer's address;

8 (D) the producer's license number under

9 Subsection (c), if the eggs are sold or offered for sale at
10 wholesale; and

11 (E) the date the carton was packed.

12 SECTION 2. Section [132.043\(c\)](#), Agriculture Code, is amended
13 to read as follows:

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

18 (1) monthly; or

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

21 SECTION 3. Not later than December 1, 2023, the Department
22 of Agriculture shall adopt rules consistent with Section
23 [132.043\(c\)](#), Agriculture Code, as amended by this Act.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section [39](#), Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.