

By: Johnson, Hughes
Sparks

S.B. No. 1864

A BILL TO BE ENTITLED

AN ACT

relating to egg grading and the selling of ungraded eggs;
authorizing a fee.

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 any quantity of ungraded eggs directly to consumers in
this state and, subject to Subsections (d) and (e), up to 500 dozen
ungraded eggs per week at wholesale in this state.

(c) A person who sells ungraded eggs as provided by
Subsection (b) shall label the cartons of eggs with a label that:

(1) is legible;

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

(3) contains:

(A) the word "ungraded";

(B) the producer's name;

(C) the producer's address;

(D) the date the carton was packed; and

1 (E) if the eggs are sold or offered for sale at
2 wholesale, the producer's registration number as provided by
3 Subsection (d).

4 (d) A person must register with the department if the person
5 produces eggs as described by Subsection (a) and sells the eggs at
6 wholesale. The department may set an annual registration fee of not
7 more than \$50.

8 (e) A person who sells eggs as described by Subsection (d)
9 shall:

10 (1) maintain records as provided by Section [132.061](#);

11 (2) within 36 hours of collecting the eggs,
12 refrigerate the eggs;

13 (3) maintain the eggs at an ambient temperature of 45
14 degrees Fahrenheit or below during storage and distribution; and

15 (4) follow the sanitation requirements of Section
16 [132.045](#) when handling eggs sold or offered for sale at wholesale.

17 (f) A state agency or political subdivision may not prohibit
18 a person described by Section [132.021](#)(b) from purchasing,
19 reselling, or using eggs described by Subsection (c).

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section [39](#), Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2025.