

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2836**

As Amended by Senate Committee on  
Agriculture

**Brief\***

HB 2836 would modify existing provisions of the Kansas Egg Law and add several new provisions.

Specifically, the bill would amend the definition of "egg" to include the eggs of turkeys, geese, guineas, and other eggs offered for sale for human consumption. Terms added to the definition section of the law would include; balut; candling; expiration date; food purveyor; graded egg; identity; last handler; pack date; packer; producer; repackaging eggs; and retailer.

In addition to other unlawful acts under the law, the bill would make it unlawful to sell, offer or expose for sale or distribute eggs without acquiring a license or to fail to comply with any provision of the law or any rule or regulation adopted pursuant to the law.

The bill also would specifically permit the Secretary of Agriculture to provide inspection fee stamps to those who request them. The stamps would serve as a label indicating size and quality. In the alternative, the bill would allow persons to report and pay the inspection fee quarterly, except that the minimum quarterly inspection fee could not be less than \$15. The Secretary would be given authority to increase or decrease fees as necessary through rules and regulations adopted by the Secretary.

In addition, the bill would require the licensure of persons selling, offering, or exposing for sale or distribution or grading eggs in lieu of the current requirement of registration. The license fee could not exceed \$25. Retailers and food purveyors would be exempt from the licensing requirements, but would be subject to all other provisions of the law. Records would be required to be kept for three years.

Provisions of the bill would exempt producers with fewer than 50

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

hens from the provisions of the law. For those who own more than 50 hens but fewer than 250 hens, the bill would outline requirements for these producers such as requiring that the eggs are washed and clean and that they are packaged and labeled as being ungraded.

Other amended provisions would eliminate language which had set the minimum number of eggs as a sample (100 eggs), and require that the inspection fee would be paid by the last handler and the fee would only be paid once on the same eggs.

New provisions of the bill would:

- Outline how eggs should be labeled;
- Provide the conditions under which a retailer in a store may repackage eggs;
- Authorize civil penalty authority for the agency to impose for violations of the Kansas Egg Law or rules and regulations promulgated to implement the law; (The civil penalty would be not less than \$100 nor more than \$500 for each violation.)
- Permit the Secretary of Agriculture to deny, suspend, revoke or modify a license under certain conditions outlined in the bill; and
- Establish provisions for the regulation of “balut” which is a food derived from fertile eggs, generally chicken or duck, which are incubated for a period of time shorter than is necessary for hatching.

## **Background**

This bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill, one of the conferees was a representative of the agency who indicated that the way the current law is written with regard to who pays inspection fees is confusing. In addition, the conferee stated that there was some concern about the manner in which the current law treats small, direct marketers of eggs. A representative of the Kansas Farmers Union made comments about the bill. There were no opponents.

The House Committee on Agriculture amended the bill in a technical manner.

The House Committee of the Whole amended the bill to exempt producers with less than 50 hens from the requirements of the Kansas Egg Law. It also amended the bill to provide certain requirements for those producers with between 50 and 250 hens such as selling eggs which are cleaned and washed and that they be packaged and labeled as being ungraded.

The amendment made by the Senate Committee on Agriculture was technical in nature.

The fiscal note on the original bill indicates that there would be an increase in revenue of \$100 in the Egg Fee Fund.