

SECTION 1. Article 3, Chapter 39, Title 39 of the 1976 Code is amended to read:

“Article 3

Provisions for the Labeling and Marketing of Eggs

Section 39-39-110. As used in this chapter:

- (1) ‘Ambient temperature’ means the atmospheric temperature surrounding or encircling shell eggs.
- (2) ‘Candle’ means to determine the interior quality of eggs based on the use of a candling light as defined in the federal standards.
- (3) ‘Consumer’ means a person using eggs for food and includes restaurants, hotels, cafeterias, hospitals, state institutions, and other establishments serving food to be consumed or produced on the premises but does not include the armed forces or other federal agency or institution.
- (4) ‘Eggs’ means the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea hen.
- (5) ‘Label’ means the display of any printed, graphic, or other method of identification on the shipping container or on the immediate container including, but not limited to, an individual consumer package of eggs.
- (6) ‘South Carolina eggs’ means eggs produced in this State.
- (7) ‘Producer’ means a person engaged in the business of producing and marketing eggs laid on his farm.
- (8) ‘Retailer’ means a person, firm, or corporation selling or offering for sale eggs to consumers in this State.
- (9) ‘Distributor’ means a person offering for sale or distributing eggs in this State to a retailer, cafe, restaurant, or other establishment serving eggs to the public or to an institutional user. It includes a person distributing eggs to his own retail outlet but does not include a person engaged to haul or transport eggs nor a producer.
- (10) ‘Wholesaler’ means a person engaged in the business of buying or receiving eggs from producers or other persons on his own account and selling or transferring eggs to other wholesalers, processors, retailers, or other persons and consumers. A wholesaler further means a person engaged in producing eggs from his own flock and disposing of a portion of this production on a graded basis.
- (11) ‘Person’ means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.
- (12) ‘Sell’ means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

Section 39-39-120. All wholesalers, distributors, commission merchants, brokers, and dealers who desire to sell or offer eggs for sale in this State shall first file for a license with the Commissioner of Agriculture, upon forms furnished by the commissioner, stating the name of the firm or person desiring to offer eggs for sale either by themselves or by their agent, together with the address of the firm or person and the type or kind of eggs to be offered for sale. The license must be issued at no cost and in a form prescribed by regulations promulgated by the department.

Section 39-39-121.

(A) A person may not engage in business as a wholesaler or as a distributor without first obtaining a license from the commissioner. A license issued pursuant to this article must not be suspended or revoked except for health and sanitation reasons or for violations of this article and until the affected licensee is provided with reasonable notice and an opportunity for hearing, pursuant to the South Carolina Administrative Procedures Act. Licenses issued pursuant to this article are valid until suspended or revoked and are not transferable with respect to persons or location. There is no fee for this license.

(B) Shell egg handlers registered under the United States Department of Agriculture Egg Surveillance Inspection Program are exempt from the provisions of subsection (A) of this section.

Section 39-39-122. Wholesalers, distributors, and retailers shall maintain records and invoices of their egg purchases for a period of at least ninety days. These records and invoices must show the person or firm to whom the sale was made, the address of the person or firm, and the kind and quantity of eggs involved in the sale, except that this section does not require the filing of a copy of the invoice of a sale to a consumer. The commissioner or his authorized representative may enter, during regular business hours, the place of any producer, wholesaler, retailer, retail establishment, institution, institutional user, warehouse, cold storage house, or other storage places, trucks, or carriers where eggs are stored and inspected.

Section 39-39-130. The South Carolina standards, grades, and weight classes for shell eggs are the same as the United States standards, grades, and weight classes for shell eggs and their supplements and revisions as published by the United States Department of Agriculture, except as modified or rejected by regulations promulgated by the Commissioner of Agriculture.

Section 39-39-135.

(A) Shell egg producers shall refrigerate eggs upon gathering the eggs. Eggs must be graded and packed within a reasonable period of time from gathering.

(B) After washing, processing, and packaging, eggs must be transported, stored, and displayed at ambient temperatures not to exceed forty-five degrees Fahrenheit until sold at retail or used by a commercial establishment or public institution.

Section 39-39-140.

(A) In order to protect the producer, the distributor, and the consumer, all eggs sold in this State must be labeled so as to designate their quality, size, and weight class.

(B) The department shall establish standards for the grading, classification, and marking of shell eggs bought and sold by a person in this State.

(C) The standards, on the date of the sale to the consumer, must conform to the minimum standards promulgated by the United States Department of Agriculture as defined in the 'United States Standards, Grades and Weight Classes for Shell Eggs', authorized pursuant to 7 U.S.C. Section 1624.

(D) The standards of quality of the United States Department of Agriculture are adopted as the standards of quality for the enforcement of this article. An egg described by the United States Department of Agriculture as being inedible is considered inedible pursuant to the provisions of this article.

(E) At the time of packing and candling of each case of eggs, the producer or dealer shall affix a label not less than two inches by four inches or not less than eight square inches on one end of each case. On this label must be printed or stamped, legibly in letters not less than one-fourth of an inch in size, the date when the eggs were packed and candled or the expiration date, which may not exceed forty-five days from the date packed, the size and grade of the eggs, and either the name and address of the packer or the USDA assigned plant number or a state approved plant identification code. The name of the state of origin may be given. If eggs are sold in cartons, the cartons must show the date packed or the expiration date, which may not exceed forty-five days from the date packed, and the grade and size, together with either the name and address of the packer or the USDA assigned plant number or a state approved plant identification code. The state of origin also may be given.

(F) Abbreviations of words in the classification or in designating the grade and size are prohibited. The information pertaining to the grade and size must be shown in legible letters not less than one-fourth of an inch in size. The information pertaining to the name and address of the packer or the USDA

assigned plant number or a state approved plant identification code and the date packed or expiration date must be given legibly. All wording on egg cases and egg cartons must be in English and must be approved by the Department of Agriculture before using.

(G) Words or phrases tending to obscure or nullify the proper classification of eggs are prohibited. Each word of the classification, including the name of the state of origin, must appear in the same size type and color in a printed advertisement. Abbreviations of a word in the classification or in designating the size and grade to which eggs belong are prohibited. A person advertising eggs for sale, at retail or wholesale, in newspapers, by window displays, or otherwise shall set forth in the advertisement the classification as to size and grade of the eggs offered for sale. The classification must be set forth in letters equal in size to those advertising the eggs for sale.

Section 39-39-141.

(A) All eggs offered for sale at retail in open cases, boxes, or other containers from which eggs are sold in bulk to consumers must be classified properly in accordance with this subsection. A heavy cardboard or placard, not less than eight by eleven inches, must be displayed conspicuously at all times on or over each receptacle containing eggs offered for sale, setting forth in letters not less than one inch in height, plainly and legibly, the classification as to the quality, weight, and the expiration date.

(B) The name of the state of origin of eggs may appear on the placard.

(C) The placard is not required if eggs are packed in properly labeled cartons. The eggs are required to meet the standard as noted on the placard.

(D) Restaurants, hotels, or other eating places shall display conspicuously a placard at all times on or over each receptacle containing eggs to be used in food preparation.

Section 39-39-150. It is unlawful to:

(1) offer eggs for sale at retail in open cases, boxes, or other containers from which eggs are sold in bulk to consumers and fail to display conspicuously on the case, box, or other container a plainly written designation showing the correct grade and weight class to which the eggs conform. The designation must be of the kind and in the manner required by regulations of the Department of Agriculture;

(2) use the word 'nulaid', 'country', 'hennery', 'day-old', 'select', 'selected', 'certified', 'best', 'nearby', 'fresh-laid', or a similar descriptive term which the Commissioner of Agriculture, by regulation, prohibits in connection with the advertising or selling of eggs;

(3) use the words 'South Carolina' in connection with the advertisement and sale of eggs not produced in this State;

(4) use the word 'fresh' in connection with the advertisement and sale of eggs not produced in this State unless those eggs meet or exceed the quality standard designated 'Grade A';

(5) offer eggs for sale that are not stored properly in a refrigerated state at the temperature specified in Section 39-39-135.

Section 39-39-160. The Commissioner of Agriculture is charged with the enforcement of this chapter and is authorized to promulgate regulations necessary to carry out its provisions and purposes.

Section 39-39-170. The following are exempt from this chapter:

(1) persons who buy or sell eggs to be used exclusively for hatching purposes;

(2) shipments of eggs in interstate commerce;

(3) persons who sell eggs at a roadside stand near the farm on which the eggs were produced.

Section 39-39-180.

(A) A civil action may be brought by the Commissioner of Agriculture in a court of competent jurisdiction to recover a civil penalty of not less than:

- (1) one hundred nor more than two hundred dollars for a first violation;
- (2) two hundred fifty nor more than five hundred dollars for a second violation within two years from the date of the first violation;
- (3) one thousand nor more than five thousand dollars for a third violation within two years of the first violation.

(B) The commissioner or his designee may conduct an administrative hearing and, upon notice and an opportunity to be heard, may assess a civil penalty of not less than:

- (1) one hundred nor more than two hundred dollars for a first violation;
- (2) two hundred fifty nor more than five hundred dollars for a second violation within two years from the date of the first violation;
- (3) one thousand nor more than five thousand dollars for a third violation within two years of the first violation.

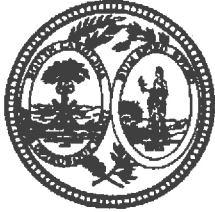
(C) A person violating this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both, in the discretion of the court."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 17th day of March, 2005.

Became law without the signature of the Governor -- 3/24/05.



Hugh E. Weathers
Commissioner

State of South Carolina Department of Agriculture

Laboratory and Consumer Services

EGG GUIDELINES

Mailing Address
PO Box 11280
Columbia, SC 29211

Physical Location:
123 Ballard Court
W Columbia, SC 29172

Laboratory
803.737.9700

Consumer Services
803.737.9690

803.737.9703 (FX)
www.agriculture.sc.gov

THESE ARE THE REQUIREMENTS TO SELL YOUR SHELL EGGS TO THE PUBLIC:

1. No requirements if sold at the farm where eggs are gathered.

You can post a sign outside of your residence "EGGS FOR SALE".

At the very least, eggs should be washed in a 150-200ppm Chlorine Solution. (1 1/2 tablespoons regular bleach/gallon of water) then rinse and refrigerate at 45°F or less.

2. To Sell at Farmers Markets, Flea Markets, Stores, Restaurants:

a. Complete, sign and mail **Egg Application to Distribute Eggs** and a proof of the label you will use to:

SCDA Food Safety & Compliance
c/o Angie Culler-Matthews or Samantha Houston
123 Ballard Court
West Columbia, SC 29172
803-737-0147

b. Wash eggs in 150-200ppm Chlorine Solution (1 tablespoons regular bleach/gallon of water) then rinse.

c. Quickly refrigerate each egg to 45°F or below. Refrigerating at 40°F would provide a margin of safety. **Shell eggs must be kept under refrigeration at or below 45°F at all times.**

d. Candle (Grade) each egg for blood spots, partially formed chicks, cracks, and to measure air cell. Air cell size determines if eggs are Grade AA, A, B.

e. Size each egg by weight as follows:

Minimum weight for each dozen	
Jumbo	30 oz (850g)
Extra Large	27 oz (764g)
Large	24 oz (679g)
Medium	21 oz (594g)
Small	18 oz (509g)
Peeweels	15 oz (424g)

f. Cartons must be labeled with: **Business Name, Address, Grade, Size** and either a **packed on date** or an **expiration date**. Expiration is 45 days from packed on date. It is advisable to add "**Keep Refrigerated at 45°F or below**" or similar wording to label if such wording does not already appear of the carton.

***Submit label and/or carton (and Egg Application) to Samantha Houston or Angie Culler-Matthews at the address above.**

EXAMPLE:

GRADE _____
____ EXTRA LARGE BROWN EGGS – NET WT 27 OZ (764G)
____ LARGE BROWN EGGS – NET WT 24 OZ (679G)
SCDA LICENSE NUMBER #####
Packed on XX/XX/2011

Your Farm Name
1234 Your Road
City, State, ZIP
PH: 803/XXX-XXXX

Keep Refrigerated at 45°F or below.

***Note: Only new or unused cartons can be used. Cartons cannot bear another producer's or distributor's information.**



South Carolina
DEPARTMENT OF AGRICULTURE
CONSUMER PROTECTION DIVISION
 123 Ballard Court, West Columbia, SC 29172

Hugh E. Weathers, Commissioner

APPLICATION FOR SOUTH CAROLINA EGG LICENSE

APPLICATION IS HEREBY MADE FOR A LICENSE TO SELL EGGS IN SOUTH CAROLINA AT LOCATIONS
 OTHER THAN WHERE EGGS ARE GATHERED OR PRODUCED.

NAME OF FIRM: _____

CONTACT NAME: _____

STREET ADDRESS: _____

CITY, STATE, ZIP: _____

COUNTY: _____ EMAIL: _____

TELEPHONE: (W) _____ (H) _____ (C) _____

SOURCE OF SUPPLY (Circle One): Producer Distributor Wholesaler

EGGS WILL BE SOLD IN (Circle One): Cases Cartons*

*(NOTE: Only new or unused cartons can be used. Cartons cannot bear another producer's or distributor's information.)

PLEASE SUBMIT YOUR CARTON AND/OR LABEL ALONG WITH APPLICATION FOR COMPLIANCE REVIEW.

I have the correct equipment to refrigerate, sanitize, weigh, candle, and grade eggs to meet the quality standards for South Carolina. (Initial) _____

I acknowledge that once a South Carolina Egg License is issued I am subject to inspections by the South Carolina Department of Agriculture. (Initial) _____

I will comply with the SC Egg Law (39-39) and all its provisions. (Initial) _____

Date: _____

Signed: _____
 Owner/ Manager

Return to:
 SC Department of Agriculture
 Attention: Samantha Houston
 123 Ballard Court
 West Columbia, SC 29172

Phone: 803-737-0147
 Email: shouston@scda.sc.gov

Example: My Farm Name
 123 Farm Dr.
 West Barnwell, SC 29123
 Grade A Large Eggs
 Packed on _____
 License # XXXX
 Keep Refrigerated at 45° or below