

Rep. Comtois, Belk. 7
Rep. Barbour, Hills. 35
Rep. J. Aron, Sull. 4
Rep. Kenny, Hills. 13
February 9, 2026
2026-0613h
07/08

Amendment to HB 1186

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Definitions; Sale of Eggs. RSA 428:22-29 is repealed and reenacted to read as follows:

4 428:22 Definitions. Terms used in this subdivision shall be interpreted as stated unless the
5 language or context clearly indicates otherwise.

6 I. "Adulterated" means a shell egg or shell egg packaging that bears or contains an added
7 substance which may render it injurious to human health; consists in whole or in part of any filthy,
8 putrid or decomposed substance or if it is otherwise spoiled or unfit for use as or contact with human
9 food; has been subject to incubation; has been prepared, packaged or held under unsanitary
10 conditions whereby it may have become contaminated with filth or otherwise rendered injurious to
11 human health.

12 II. "Commercial egg producer" means any person who ships and/or sells eggs to a
13 distributor, egg dealer, wholesaler, or retail chain.

14 III. "Shell egg" means hens' egg.

15 IV. "Person" means any person, firm, partnership, corporation, or association.

16 V. "Nest run egg" means shell eggs collected from hen houses, prior to being washed, sized,
17 graded, and packaged for sale.

18 428:23 Labeling.

19 I. All egg producers in this state shall follow truth-in-labeling standards.

20 II. Every producer shall include their business, farm, or personal name, an address or
21 website, and a phone number on any egg carton sold.

22 III. If a producer uses reused cartons, producers shall inform customers that the eggs inside
23 are not graded and that the size indicated on the carton does not apply to the eggs being sold.

24 IV. The packaging of all shell eggs sold, delivered or donated to consumers, retailers, food
25 service facilities, dealers, or wholesalers within the state shall identify the producer's name and
26 contact information.

27 V. All shell eggs sold, delivered or donated to consumers, retailers, food service facilities,
28 dealers, or wholesalers within the state that are labeled or marketed by size via markings on
29 individual shell eggs or packaging shall meet the United States Department of Agriculture

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1 standards for size, determination methods and labeling. Shell eggs that are not sized shall not
2 include markings, labeling, be marketed or placed in packaging that implies size.

3 VI. All eggs sold, delivered or donated to consumers, retailers, food service facilities, dealers,
4 or wholesalers that are labeled or marketed as grades AA, A, or B via markings on individual shell
5 eggs or packaging shall meet the United States Department of Agriculture standards for grades,
6 determination methods and labeling. Shell eggs that are not graded shall not include markings,
7 labeling, be marketed or placed in packaging that implies grade.

8 428:24 Refrigeration.

9 I. All shell eggs sold, delivered or donated to consumers, retailers, food service facilities,
10 dealers, or wholesalers shall be held at a maximum ambient temperature of 45°F immediately
11 following packing.

12 II. All nest run eggs to be sold, delivered or donated to consumers, retailers, food service
13 facilities, dealers, or wholesalers shall be held at a maximum ambient temperature of 55°F
14 immediately after collection.

15 428:24-a Exemption for Certain Producers. Producers who sell exclusively from their residence,
16 farm store or stand, or to local stores and/or establishment shall label their eggs in accordance with
17 RSA 428:23, but otherwise shall not be subject to RSA 428:22 through RSA 428:24 and RSA 428:25
18 through RSA 428:29.

19 428:25 Prohibitions.

20 I. No person, processor, packer, distributor/wholesaler, retailer or food service facility shall
21 sell, deliver, donate or use shell eggs or packaging that do not meet the requirements of these
22 regulations.

23 II. No person, processor, packer, distributor/wholesaler, retailer or food service facility shall
24 sell, deliver, donate or use adulterated shell eggs or packaging.

25 428:26 Rulemaking; Assistants. The commissioner of agriculture, markets, and food shall have
26 general authority to administer this subdivision and shall adopt rules, pursuant to RSA 541-A, for
27 carrying out its provisions. He or she may appoint agents to assist them and fix their salaries within
28 the amount appropriated therefore, subject to the rules of the state personnel commission. He or she
29 shall, in person, or by their deputy or agent, have free access at all reasonable hours to any place,
30 building, or vehicle in which eggs are sold, offered, or exposed for sale, or exchanged or distributed at
31 retail, or wholesale. He or she shall also have power in person or by their deputy or agent to open
32 any package or container and may upon tendering the market price take such container and its
33 contents or sample therefrom.

34 428:27 Hearings. When the commissioner of agriculture, markets, and food learns of any
35 violation of any of the provisions of this subdivision, he or she shall cause notice of such violations,
36 together with the copy of their findings, to be given the person or persons concerned. Persons so
37 notified shall be afforded a hearing under rules adopted by the commissioner under RSA 541-A.

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1 428:28 Penalties.

2 I. Any person who, acting alone or by their servant or agent, violates any provision of this
3 subdivision or rule adopted under this subdivision shall be guilty of a misdemeanor. For any
4 subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a
5 felony if any other person.

6 II. Any person who violates any provision of this subdivision or any rule adopted or order
7 issued under this subdivision shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for
8 each violation, for each day of a continuing violation, which may be collected in a civil action or in
9 connection with an action for injunctive relief brought by the attorney general.

10 III. Any person who violates any provision of this subdivision, or any rule or order of the
11 commissioner, shall be subject to the imposition of an administrative fine levied by the
12 commissioner, not to exceed \$1,000 for each violation.

13 428:29 Stop Sale, Use or Removal Orders. When the commissioner or their authorized agent
14 has reasonable cause to believe eggs are being distributed in violation of this subdivision, or of any
15 rules adopted pursuant to this subdivision, he or she may issue and serve a written "stop sale, use or
16 removal" order upon the owner or custodian of any such eggs. The eggs shall not be sold, used or
17 removed until the provisions of this subdivision have been complied with, and the eggs have been
18 released by the commissioner, or the violation has been otherwise disposed of as provided in this
19 subdivision by a court of competent jurisdiction.

20 2 Repeal. RSA 428:29-a, relative to stop sale, use, or removal orders regarding the sale of eggs,
21 is repealed.

22 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill recodifies the subdivision relative to the sale of eggs to reflect modern methods of sorting, labeling, and grading eggs. This bill also requires egg producers who sell from their home or farmstand to label their eggs and exempts such egg producers from requirements for sorting, selling and grading eggs.