

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1186, relative to the sale and labeling of eggs.

Hearing Date: April 2, 2026

Time Opened: 9:01 a.m.

Time Closed: 9:24 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Barbour

Rep. J. Aron

Rep. Bixby

Rep. Comtois

Rep. Kenny

Who supports the bill: 13 Individuals signed in Support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 5 Individuals signed in Opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Barbara Comtois,

- Representative Comtois introduced the legislation on behalf of the prime sponsor. She said it was at the request of the department because a review of the RSA found that backyard farmers were not complying with the law as it is currently written.
- The House amended the RSA to maintain existing procedural requirements for commercial farmers still have to do the refrigeration but allows small farmers selling from home stands or local, in-state stores to reuse egg cartons, provided they are properly labeled, and exempts them from certain other provisions such as grading.

- This carve-out is limited and applies only to in-state sales. It is a small provision to protect our farmers.
- She said the bill simply asks that farmers put a sign up that explains they do not grade or wash their eggs if selling locally.

Senator Rosenwald asked about the difference in maximum temperature, wondering whether it is because items do not need to be stored at a lower temperature before being washed.

Representative Comtois confirmed and explained that they can be kept at room temperature.

Allen Wyman, Director of the Division of Regulatory Services (Department of Agriculture)

- Director Wyman explained that, as currently written, the department opposed the bill. He said he understood that the executive branch does not make laws but only implements them, though he emphasized that implementation would be difficult.
- He stated that it was the department's preference that, if the legislature passes bills, they should be implementable. He provided testimony with suggested changes to specific RSAs to clarify that the bill has nothing to do with shelf life or washing of eggs, but rather with the refrigeration of eggs to prevent salmonella.
- He noted that federal law does not require grading or sizing, but if grading and sizing are conducted, federal standards must be met. He detailed the egg's process, explaining how its protective coating breaks down over time and increases the risk of salmonella, and emphasized that refrigeration stops the spread of salmonella within eggs.
- He said he had heard concerns from constituents who wanted to remain in step with federal requirements, but many constituents did not want state involvement at all. He noted that confusing language in the bill was creating problems, and that the complaints the department received were primarily about grading and size—issues for which DAS was not qualified to handle.

Senator Rosenwald asked how many cases of salmonella in eggs had been reported in the past five years.

Mr. Wyman said he did not have that data, though he had a 2010 study of 19,000, which did not include New Hampshire. He added that he would get the state-specific data from DHHS and send it to the committee.

Senator Pearl asked if he could clarify whether he wanted the legislature to repeal the entire egg statute.

Mr. Wyman said yes, a full repeal. In specific to that statutes for Department of Agriculture not the statutes for DHHS.

Senator Pearl asked if that would leave the state relying solely on federal regulations.

Mr. Wyman said yes and added that it is already federal law and by exempting anyone from refrigerating their eggs, the current statute effectively requires the State not do so.

Senator McConkey said he sometimes questions the risk of salmonella in eggs and noted that most retail sellers are small customers. He emphasized that he wanted state-specific regulations rather than relying on federal rules.

Mr. Wyman said he did not disagree, but his point was that this approach would be contrary to federal regulations. He noted that he would need legislative guidance on implementation, and if the regulations were not included in the RSA, he would defer to federal authority.

Senator Pearl commented that his farm has never had a salmonella problem in eggs and that their eggs sometimes sit on the shelf for two weeks.

Mr. Wyman responded that the department must comply with federal requirements, and he was not addressing the practical issues raised, only pointing out the inconsistency with federal law.

Representative Barbour, Hollis 35

- She said Mr. Wyman was looking at federal law, but her job is to address state laws and legislate about state issues.
- The legislation was introduced in keeping with New Hampshire's longstanding commitment to protecting small farms. It addresses an issue with egg carton reuse, where small farmers were often unknowingly violating the law. This measure allows them to continue their current practices, so long as they follow proper labeling and good safety standards, breaking any laws.
- She noted that salmonella is not an issue in the State and expressed her support for passing the legislation as written to help small farmers.

Robert Johnson, NH farm Bureau

- The Bureau was in support of the bill. He said that many members were interested in it and that the compromise language handled the balance between interstate commerce and local sales well. He added that he had discussed the bill with a UNH specialist, who expressed no opposition to it.