

HB 1186 - AS INTRODUCED

2026 SESSION

26-2553

08/06

HOUSE BILL            **1186**

AN ACT                relative to the sale and labeling of eggs.

SPONSORS:            Rep. Barbour, Hills. 35; Rep. J. Aron, Sull. 4; Rep. Bixby, Straf. 13; Rep. Comtois, Belk. 7; Rep. Kenny, Hills. 13

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill recodifies the subdivision relative to the sale of eggs to reflect modern methods of sorting, labeling, and grading eggs.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to the sale and labeling of eggs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

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 RSA 428:22-29 is repealed and reenacted to read as follows:

2 428:22 Definitions.

3 Terms used in this subdivision shall be construed as follows unless a different meaning is clearly  
4 apparent from the language or context:

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

11 II. "Shell egg" means hens' egg.

12 III. "Person" means any person, firm, partnership, corporation, or association."

13 IV. "Nest run egg" means shell eggs collected from hen houses, prior to being washed, sized,  
14 graded, and packaged for sale.

15 428:23 Labeling.

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

19 II. All shell eggs sold, delivered or donated to consumers, retailers, food service facilities,  
20 dealers, or wholesalers within the state that are labeled or marketed by size via markings on  
21 individual shell eggs or packaging shall meet the United States Department of Agriculture  
22 standards for size, determination methods and labeling. Shell eggs that are not sized shall not  
23 include markings, labeling, be marketed or placed in packaging that implies size.

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

29 428:24 Refrigeration.

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

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

7 428:25 Prohibited.

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

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

13 428:26 Rulemaking; Assistants.

14 The commissioner of agriculture, markets, and food shall have general authority to administer  
15 this subdivision and shall adopt rules, pursuant to RSA 541-A, for carrying out its provisions. He or  
16 she may appoint agents to assist them and fix their salaries within the amount appropriated  
17 therefore, subject to the rules of the state personnel commission . He or she shall in person or by  
18 their deputy or agent have free access at all reasonable hours to any place, building, or vehicle in  
19 which eggs are sold, offered, or exposed for sale, or exchanged or distributed at retail, or wholesale.  
20 He or she shall also have power in person or by their deputy or agent to open any package or  
21 container and may upon tendering the market price take such container and its contents or sample  
22 therefrom.

23 428:27 Hearings.

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

28 428:28 Penalties.

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

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

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

4           428:29 Stop Sale, Use or Removal Orders.

5           When the commissioner or their authorized agent has reasonable cause to believe eggs are being  
6 distributed in violation of any of the provisions of this subdivision, or of any rules adopted under this  
7 subdivision, he or she may issue and serve a written "stop sale, use or removal" order upon the  
8 owner or custodian of any such eggs. The eggs shall not be sold, used or removed until the  
9 provisions of this subdivision have been complied with, and the eggs have been released by the  
10 commissioner, or the violation has been otherwise disposed of as provided in this subdivision by a  
11 court of competent jurisdiction.

12           2 Repeal. RSA 428:29-a, relative to stop sale, use, or removal orders regarding the sale of eggs,  
13 is repealed.

14           3 Effective Date. This act shall take effect 60 days after its passage.