

HB 1186 - VERSION ADOPTED BY BOTH BODIES

5Mar2026... 0613h

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

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 RSA 428:22-29 is repealed and reenacted to read as follows: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. Terms used in this subdivision shall be interpreted as stated unless the
3 language or context clearly indicates otherwise.

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

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

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

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

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

16 428:23 Labeling.

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

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

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

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

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

30 VI. All eggs sold, delivered or donated to consumers, retailers, food service facilities, dealers,
31 or wholesalers that are labeled or marketed as grades AA, A, or B via markings on individual shell

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eggs or packaging shall meet the United States Department of Agriculture standards for grades, determination methods and labeling. Shell eggs that are not graded shall not include markings, labeling, be marketed or placed in packaging that implies grade.

428:24 Refrigeration.

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

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

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

428:25 Prohibitions.

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

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

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

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

428:28 Penalties.

I. Any person who, acting alone or by their servant or agent, violates any provision of this subdivision or rule adopted under this subdivision shall be guilty of a misdemeanor. For any

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1 subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a
2 felony if any other person.

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

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

10 428:29 Stop Sale, Use or Removal Orders. When the commissioner or their authorized agent
11 has reasonable cause to believe eggs are being distributed in violation of this subdivision, or of any
12 rules adopted pursuant to this subdivision, he or she may issue and serve a written "stop sale, use or
13 removal" order upon the owner or custodian of any such eggs. The eggs shall not be sold, used or
14 removed until the provisions of this subdivision have been complied with, and the eggs have been
15 released by the commissioner, or the violation has been otherwise disposed of as provided in this
16 subdivision by a court of competent jurisdiction.

17 2 Repeal. RSA 428:29-a, relative to stop sale, use, or removal orders regarding the sale of eggs,
18 is repealed.

19 3 Effective Date. This act shall take effect 60 days after its passage.

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LBA
26-2553
03/17/2026

**HB 1186- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2026-0613h)**

AN ACT relative to the sale and labeling of eggs.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Department of Agriculture, Markets and Food, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association