

CHAPTER 29

POULTRY, EGGS

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29.21 DEFINITIONS.

[For text of subs 1 to 3, see M.S.1990]

Subd. 4. **Checks.** "Checks" means eggs that have cracks or breaks in the shell but have intact shell membranes that do not leak.

Subd. 5. **Dirties.** "Dirties" means eggs with adhering dirt, foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface, if localized, or 1/16 of the shell surface, if scattered.

Subd. 6. **Egg handler.** "Egg handler" means a person who buys, sells, transports, stores, processes, or in any other way receives or has shell eggs. This includes farmers who sell candled and graded eggs off their premises.

Subd. 7. **Grading.** "Grading" means assigning an identifying classification to a group of eggs that demonstrates that those eggs have the same degree of quality.

Subd. 8. **Incubator rejects.** "Incubator rejects" means eggs that have been subjected to incubation and have been removed during the hatching operation as infertile or otherwise unhatchable.

Subd. 9. **Leakers.** "Leakers" means eggs that have a crack or break in the shell and shell membrane to the extent that the contents pass or are free to pass through the shell.

Subd. 10. **Loss.** "Loss" means eggs that are unfit for human consumption because they are smashed, broken, leaking, overheated, frozen, contaminated, or incubator rejects, or because they contain bloody whites, large meat spots, a large quantity of blood, or other foreign material.

Subd. 11. **Restricted eggs.** "Restricted eggs" means eggs that contain dirties, checks, leakers, inedibles, loss, and incubator rejects.

History: 1991 c 179 s 1-8

29.22 EGG HANDLERS ANNUAL INSPECTION FEE; DISPOSITION OF FEES.

Subd. 2. **Fee.** In addition to the annual food handler's license, required under section 28A.04, there is an annual inspection fee applicable to every person who engages in the business of buying for resale, selling, or trading in eggs except a retail grocer who sells eggs previously candled and graded. The fee must be computed on the basis of the number of cases of shell eggs handled at each place of business during the highest volume month of each licensing year. If a given lot of eggs is moved from one location of business to a second location of business and the food handler's license is held by the same person at both locations, the given lot of eggs must be counted in determining the volume of business on which the inspection fee is based at the first location of business but must not enter into the computation of volume of business for the second location. For the purpose of determining fees, "case" means one of 30 dozen capacity. The schedule of fees is as follows:

HIGHEST VOLUME OF CASES EACH LICENSING YEAR	FEE
1 - 50	\$ 10
51 - 100	\$ 25
101 - 1000	\$ 50
1001 - 2000	\$ 75
2001 - 4000	\$100
4001 - 6000	\$125
6001 - 8000	\$150
8001 - 10,000	\$200
OVER 10,000	\$250

Each person subject to the inspection fee in this section shall, under the direction of the commissioner, keep records necessary to accurately determine the volume of shell eggs on which the inspection fee is due and shall prepare annually a written report of the volume upon forms supplied by the commissioner. This report, together with the required inspection fee, must be filed with the department on or before the last day of May of each year.

Subd. 3. Candlers and graders. The commissioner has general supervisory powers over the candlers and graders of eggs and may conduct, in collaboration with the college of agriculture and the extension service of the University of Minnesota, an educational and training program to improve the efficiency and quality of the work done by candlers.

Subd. 4. Egg breaking. Any person engaged in the business of breaking eggs for resale shall at all times comply with the rules of the department in respect to the conduct of that business. The commissioner shall collect from each egg breaking plant laboratory fees for routine analysis and full reimbursement for services performed by a state inspector assigned to that plant on a continuous basis under section 29.27.

Subd. 5. Disposition of fees. All fees collected and all fines paid for a violation of sections 29.21 to 29.28 or rules promulgated under those sections, as well as all license fees and penalties must be deposited in the state treasury, and credited to a separate account to be known as the egg law inspection fund, which is hereby created, set aside, and appropriated as a revolving fund to be used by the department to help defray the expense of inspection, supervision, and enforcement of sections 29.21 to 29.28 and is in addition to and not in substitution for the sums regularly appropriated or otherwise made available for this purpose to the department.

History: 1991 c 254 art 3 s 16

29.23 GRADING.

Subdivision 1. Grades, weight classes and standards for quality. All eggs purchased on the basis of grade by the first licensed buyer shall be graded in accordance with grade and weight classes established by the commissioner. The commissioner shall establish, by rule, and from time to time, may amend or revise, grades, weight classes, and standards for quality. When grades, weight classes, and standards for quality have been fixed by the secretary of the department of agriculture of the United States, they may be accepted and published by the commissioner as definitions or standards for eggs in interstate commerce.

Subd. 2. Equipment. The commissioner shall also by rule provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. Equipment in use before the effective date of this chapter that does not meet the design and fabrication requirements of this chapter may remain in use if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of 50 degrees Fahrenheit (10 degrees Celsius) or less.

Subd. 3. Egg temperature. Eggs must be held at a temperature not to exceed 50 degrees Fahrenheit (10 degrees Celsius) after being received by the egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately

be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius). After August 1, 1992, eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius). Equipment in use prior to August 1, 1991, is not subject to this requirement.

Subd. 4. **Vehicle temperature.** A vehicle used for the transportation of shell eggs from a warehouse, retail store, candling and grading facility, or egg holding facility must have an ambient air temperature of 50 degrees Fahrenheit (10 degrees Celsius) or below.

History: 1991 c 179 s 9

29.235 SALE OF SHELL EGGS.

Subdivision 1. **Restriction.** Checks and dirties must not be sold for human consumption as shell eggs, but may be sold as such to be processed for human consumption by a processor licensed by the commissioner to break eggs for resale, except that a producer may sell such shell eggs of the producer's own production on the producer's premises directly to a household consumer for the consumer's own personal use.

Subd. 2. **Package label.** All eggs offered for sale in cartons, boxes or cases, racks, or other packaging materials must contain the statement: "Perishable. Keep Refrigerated."

History: 1991 c 179 s 10

29.236 EGGS IN UNCOOKED OR UNDERCOOKED FOODS.

Pasteurized eggs must be used in uncooked or undercooked food or food containing unpasteurized eggs must be processed under a method approved by the commissioner sufficient to destroy the pathogen salmonella. This section does not exclude the use of shell eggs certified free of pathogens by a process or mechanism approved by the commissioner.

History: 1991 c 179 s 11

29.237 UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. **Shell eggs.** Federal regulations governing the grading of shell eggs and United States standards, grades, and weight classes for shell eggs, in effect on July 1, 1990, as provided by Code of Federal Regulations, title 7, part 56, are the grading and candling rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Subd. 2. **Inspection.** Federal regulations governing the inspection of eggs and egg products, in effect on May 1, 1990, as provided by Code of Federal Regulations, title 7, part 59, are the inspection of egg and egg products rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

History: 1991 c 179 s 12

29.26 EGGS IN POSSESSION OF RETAILER.

All eggs sold or offered for sale at retail must have been candled and graded and must be clearly labeled according to Minnesota consumer grades as established by rule under section 29.23. No eggs shall be sold or offered for sale as "ungraded," "unclassified," or by any other name that does not clearly designate the grade. All eggs in possession of the retailer, either in temporary storage or on display, must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius).

Candled and graded eggs held 31 days past the coded pack date lose their grades and must be removed from sale.

History: 1991 c 179 s 13

29.27 RULES.

The department may supervise, regulate, and, in the manner provided by law make reasonable rules relative to grading, candling, cleaning, breaking, purchasing, and selling of eggs and egg products for purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for resale is a matter of state concern, the surroundings in which such product is handled must be maintained in a sanitary condition, and, therefore, the department may establish, in the manner provided by law, reasonable rules relative to the inspection of all establishments wherein the business of breaking eggs for resale is maintained, and when the sanitary conditions of any such establishment are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human consumption, it may revoke such license to break eggs for resale until such time as the department is satisfied that the establishment is maintained in a sanitary condition. The department shall have the right, from time to time, to adopt rules in the same manner as herein set forth. All liquid, frozen or dried egg products sold or offered for sale shall be processed under continuous supervision of an inspector of the department or of the United States Department of Agriculture.

History: 1991 c 179 s 14

29.28 VIOLATIONS, PENALTIES.

A person violating this chapter is guilty of a misdemeanor. Each day a violation continues is a separate offense.

History: 1991 c 179 s 15