

Oklahoma Agriculture Code
Title 2 of the Oklahoma Statutes
Article 10 Poultry and Poultry Products
G. EGGS

§2-10-71. Definitions.

As used in this subarticle:

1. “Ambient temperature” means the atmospheric temperature surrounding or encircling shell eggs;
2. “Case” means thirty (30) dozen eggs or any container designed to hold thirty (30) dozen eggs;
3. “Consumer” means any person using eggs for food and including, but not limited to, restaurants, hotels, cafeterias, hospitals, state institutions, or any other establishment serving food to be consumed on the premises. The term “consumer” shall not include the armed forces or any other federal agency or institution where federal egg grade certificates are issued;
4. “Container” means any receptacle or packaging in which eggs are dispensed to consumers;
5. “Dealer” means any person engaged in the wholesale marketing of eggs. A dealer may also sell eggs to the consumer but shall not be considered a retailer;
6. “Eggs” means raw eggs in the shell that are the product of the domesticated chicken or egg products manufactured from raw eggs and intended for human consumption;
7. “Expiration date” means the date the eggs are to be removed from sale;
8. “Pack-date” means the date that the eggs were placed in the container;
9. “Packer” means any person who grades or packs eggs for sale to dealers, retailers, or consumers within the state. A packer may sell eggs to consumers but shall not be considered a dealer;
10. “Processor” means any person who operates a plant for the purpose of breaking or boiling eggs for liquid, freezing, drying, or commercial food manufacturing; and
11. “Retailer” mean any person who sells eggs to a consumer.

§2-10-72. Pack-date and expiration date.

- A. A pack-date may be in a three-digit Julian date or a calendar date.
- B. An expiration date shall be used on the container, the date shall be preceded by “EXP”, “sell by”, or “use through”.

§2-10-72.1. Shell eggs not processed to destroy salmonellae – Safe handling instruction.

Shell eggs that have not been specifically processed to destroy all live salmonellae before distribution to the consumer shall require that the retail establishments include the following safe handling statement on the label of the shell egg container:

SAFE HANDLING INSTRUCTION: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm and cook foods containing eggs thoroughly.

§2-10-73. Refrigeration.

- A. Eggs at the retail level shall be refrigerated at an ambient temperature of forty-five degrees (45°) Fahrenheit or lower. Eggs shall not be allowed to freeze.
- B. Eggs stored at the packer's facility that are intended for sale to the consumer shall be held at a temperature in accordance with the USDA standards.
- C. Except as provided in this section, eggs intended for sale to the consumer shall be stored and transported under refrigeration at an ambient temperature of forty-five degrees (45°) Fahrenheit or lower. All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the following statement: “Keep refrigerated at or below 45 degrees Fahrenheit”. This should be done at time of grading.
- D.
 1. Eggs being transported or held at retail or dealer locations without proper refrigeration may be destroyed or shipped to an egg processor.
 2. Destruction or shipment of eggs as required by this subsection shall be under the supervision of an authorized agent of the Board.
 3. Packers shall not be responsible for the interior quality of eggs if all handling procedures in this section are not followed by all parties after the sale of the eggs by the packer.
- E. At retail locations a sign furnished by the Oklahoma Department of Agriculture, Food, and Forestry stating the proper procedure for storage and handling of eggs shall be permanently displayed at a location easily seen by egg-handling employees.

§2-10-74. Application

The provisions of this subarticle shall apply only to eggs bought or sold for human food or consumption by humans.

§2-10-75. Standards

A. The United States Department of Agriculture egg standards of size and quality shall be used as minimum standards for the State of Oklahoma.

B. Standards for egg products shall be the “Egg Products Inspection Act” (P.L. 91-597, 84 Stat. 1620 et seq.) including all amendments thereto.

§2-10-76. Grading

All grading shall be performed as prescribed by the State Board of Agriculture.

§2-10-77. Violations

It shall be a violation of this subarticle for any person other than those exempted in Section 10-77 of the Oklahoma Agricultural Code:

1. To sell, display for sale, or offer for sale eggs below the quality of “Oklahoma Grade B” to consumers;
2. To sell, display for sale, or offer for sale eggs to consumers unless the container shows the pack-date and indicates the correct size and grade in boldface legible letters with no other descriptive wording. Descriptive wording is permitted if the eggs are not below the quality of “Oklahoma Grade A” and the descriptive wording is not false or misleading;
3. To sell, display for sale, or offer for sale eggs to consumers unless the container exterior bears one of the following acceptable methods:
 1. USDA plant number assigned by USDA, AMS while plant is under contract for official grading service,
 2. Oklahoma state permit number as assigned by the Oklahoma Department of Agriculture, Food, and Forestry,
 3. packer name with complete address of the location where eggs were packed, and
 4. USDA shell egg surveillance registrant number including state code and handler code. Example: 05 0267 NOTE: The shell egg surveillance registrant number contains a state code, county code, and handler code. Do not include the county code, only state and handler code;
4. To falsely or deceptively label, mark, advertise, or invoice eggs;
5. To advertise eggs for sale with any descriptive wording, except official grade designations, unless the eggs meet the quality requirements of “Oklahoma Grade A” or “Oklahoma Grade AA”, or to state a price when advertising eggs without also designating the full, correct, and unabbreviated grade and size;

6. To store graded eggs at a higher ambient temperature than specified in Section 10-73 of this title, including "Grade B" and above, which are in the person's possession for sale or resale to consumers;
7. To sell, display for sale, or offer for sale eggs to consumers in a container that does not bear the permit number of the packer or processor showing that the inspection fee has been paid;
8. To use a retail egg container more than one time;
9. To do business as a packer, processor, retailer, or dealer of eggs without first obtaining a license from the Board;
10. To fail or neglect to pay any license or inspection fee, to fail or neglect to file the monthly inspection fee report when required, or to file a false monthly report of the quantity of eggs packed for sale during any month;
11. To refuse any authorized agent of the Board entry to any premises or deny access to records or product when conducting inspections, investigations, or audits made pursuant to this subarticle;
12. To sell, display for sale, or offer for sale eggs to consumers below Grade "A" with any descriptive wording other than the correct grade as provided by the United States Department of Agriculture standards for shell eggs; or
13. For any packer or dealer to sell eggs intended for sale in Oklahoma to another packer, dealer, or retailer who does not hold an appropriate Oklahoma license.

§2-10-78. Sale of eggs produced on farm directly to consumer not prohibited

A. Oklahoma producers of eggs selling ungraded eggs from their own flock production are exempt from this subarticle. Nothing in this subarticle shall prohibit the sale of eggs produced on the farm and sold direct to the consumer. Eggs sold under this section shall be produced by hens maintained on the farm from which the eggs are sold.

B. A producer may sell graded eggs if in compliance with this subarticle.

§2-10-79. Enforcement

A. The State Board of Agriculture and authorized agents shall enforce the provisions of this subarticle. The Board shall promulgate the necessary rules to carry out the provisions of this subarticle.

B. Any authorized agent of the Board may enter any place of business within the state where any eggs are bought, sold, graded, or held and may take for inspection purposes samples of eggs and egg containers.

C. Any authorized agent of the Board may seize and hold as evidence any eggs displayed or offered for sale in violation of any provisions of this subarticle.

§2-10-80. Samples

The State Board of Agriculture shall establish methods for selecting samples which are representative of entire lots or containers of eggs. Any sample inspected or official certificate of the grade and size of the eggs by the Board shall be prima facie evidence of the correct grade, size, and condition of the entire lot.

§2-10-81. Licenses - Application - Fees - Term - Renewal - Inspection fee - Records - Annual audit - Report of fees due and payable

A. No person shall be issued a license to handle eggs commercially unless an application has been properly filed on a form provided by the State Board of Agriculture, and the annual license fee has been paid. The license shall not be transferable.

1. A state egg dealer's license shall be Thirty-five Dollars (\$35.00).
2. An egg packer or processor license shall be Thirty-five Dollars (\$35.00).
3. Each license shall expire annually on the last day of the anniversary month in which the license was issued. The Board shall adjust the anniversary date to provide for efficient administration.
4. Each location shall require a separate license.
5. Packers residing within the state who package eggs intended solely for distribution sale or resale outside the state shall obtain a license except the packer shall be exempt from all fee and reporting requirements. A packer shall be subject to all inspections, record keeping, and audits.
6. If a license expires and is not renewed within thirty (30) days of its expiration, the applicant for renewal shall pay a penalty. The penalty shall be an amount equal and in addition to the license fee.

B. Each packer or processor shall pay an inspection fee of three (3) mills per dozen on all eggs that are processed, graded, packed, or repacked which are intended for sale to consumers in this state.

1. There shall be a nine-cent (\$0.09) per case inspection fee on all egg products sold or shipped into the state.
2. All egg products processors shall pay the inspection fees on all processed eggs sold or used for human consumption in the state based on the following formula:

- a. thirty-six (36) pounds of frozen or liquid eggs equals a thirty-dozen case of shell eggs,
- b. nine (9) pounds of dried eggs equals a thirty-dozen case of shell eggs,
- c. two (2) containers of boiled eggs weighing twenty (20) to twenty-five (25) pounds each equals a thirty-dozen case of shell eggs, and
- d. fifty (50) pounds of cooked or diced eggs equals a thirty-dozen case of shell eggs.

C. 1. Packers, processors and dealers shall keep records of eggs graded, packed, distributed, or sold as required by the State Board of Agriculture.

2. Records shall be maintained for three (3) years. The Board shall have access to all required records of any applicant for a license.

3. The Board shall audit the records of packers who report and pay monthly fees at least once every three (3) years. The packer shall reimburse to the Board for travel expenses incurred in conducting the required annual audit. The costs of audits other than the required annual audit shall be paid by the Board.

D. 1. Packers paying inspection fees on a monthly basis shall prepare a report of all fees due as of the last day of each month. The report and fee payment shall be due no later than the fifteenth day of the following month.

2. Reports shall contain the quantity of eggs packed and intended for sale or resale in the state, the names of the dealers for whom the eggs were packed or to whom the eggs were sold or delivered, and all other information required by the Board.

3. Reports provided to the Board pursuant to this section shall not be public information and may be used only for administration of this article. Reports may be used for statistical information if specific packers are not identified by name or implication.

4. If a report is not filed and the fees are not paid within thirty (30) days of the due date, the packer shall pay a penalty of two percent (2%) of the fees due for each additional day the fees are late. If the report is not filed and the fees are not paid within sixty (60) days of the due date, the amount of the penalty shall be an amount equal and in addition to the amount of the fees due.