

## CHAPTER 235

H.B. No. 1638

AN ACT

relating to the Texas egg law.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 132.006, Agriculture Code, is amended by adding Subsection (e) to read as follows:

*(e) The department shall perform sufficient inspections of the records of out-of-state licensees to ensure that out-of-state licensees selling eggs in Texas pay inspection fees equal to the percentage of out-of-state eggs sold in Texas. The department may contract with the comptroller of public accounts to perform such inspections.*

SECTION 2. Section 132.044, Agriculture Code, is amended as follows:

Sec. 132.044. LABELING REQUIREMENTS FOR EGG CONTAINERS. (a) A container in which eggs for human consumption are offered for retail or wholesale must be legibly labeled with a statement showing:

- (1) the size and grade of the eggs in the container;
- (2) the address, including the city and state, and the license number of the person who graded and sized the eggs; and
- (3) if the eggs were sized and graded at an address other than that provided under Subdivision (2) of this subsection: [.]

(A) the address at which the eggs were sized and graded; or

(B) a department approved code.

*(b) Statements on the egg container must be in accordance with the rules of the department. [The information required by Subsection (a)(1) of this section must be printed on the container in at least one-fourth inch bold-faced type. The information required by Subsections (a)(2) and (a)(3) of this section must be printed in at least 12-point bold-faced type. The statement of the classification of the eggs must be in accordance with the rules of the department.]*

(c) A container required to be labeled under Subsection (a) of this section may not be deceptively labeled, advertised, or invoiced.

(d) If the department determines that an emergency exists that prevents or hinders labeling as provided by this section, the department may allow eggs to be labeled in another manner that includes the address and license number of a licensee and the size and grade of the eggs.

(e) The department may provide for the repacking, downgrading, or both repacking and downgrading of eggs by a retailer.

SECTION 3. Section 132.029, Agriculture Code, is repealed.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 13, 1993, by a viva-voce vote.

Approved May 20, 1993.

Effective Sept. 1, 1993.