



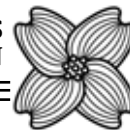
RULES OF

# Department of Agriculture

## Division 90—Weights, Measures and Consumer Protection

### Chapter 36—Egg Quality Program

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**TITLE 2 – DEPARTMENT OF AGRICULTURE**  
**Division 90 – Weights, Measures and Consumer**  
**Protection**  
**Chapter 36 – Egg Quality Program**

**2 CSR 90-36.005 Definitions**

*PURPOSE: This rule establishes definitions of words or terms (except in those instances where the context clearly indicates otherwise) used in the regulations of this chapter as required by section 196.354, RSMo.*

(1) “Check” means any individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A “check” is lower in quality than a “dirty.”

(2) “Consumer” means any person who purchases eggs for such person’s own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking, baking, or manufacturing their products.

(3) “Container” means any box, case, basket, carton, sack, bag, or other receptacle.

(4) “Dealer” means any person who purchases eggs from the producers thereof, or another dealer, for the purpose of selling such eggs to another dealer, a processor, or retailer.

(5) “Denatured” means eggs –  
(A) Made unfit for human food by treatment or the addition of a foreign substance; or  
(B) With one-half (1/2) or more of the shell’s surface covered by a permanent black, dark purple, or dark blue dye.

(6) “Director” means the director of the Department of Agriculture.

(7) “Dirty” or “dirt” means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(8) “Eggs” means the shell eggs of a domesticated chicken, turkey, duck, quail, goose, or guinea that are intended for human consumption.

(9) “Inedible eggs” means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, RSMo, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture.

(10) “Leaker” means an individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

(11) “Loss” means an egg that is inedible, cooked, frozen, contaminated, musty, or moldy, or an egg that contains a large blood spot, large meat spot, bloody white, green white, rot, sour eggs, stuck yolk, blood ring, embryo chick (at or beyond the blood ring state), free yolk in the white, or other foreign material, or an egg that is adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

(12) “Person” means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation, or any other business organization, and any member, officer, or employee thereof.

(13) “Processor” means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated.

(14) “Retailer” means any person who sells eggs to a consumer.

(15) “Sell” means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(16) “Subcontainer” means any container when being used within another container.

*AUTHORITY: section 196.354, RSMo 2016.\* Original rule filed March 18, 2024, effective Nov. 30, 2024.*

*\*Original authority: 196.354, RSMo 1955, amended 1995.*

**2 CSR 90-36.010 Egg Inspection and Enforcement**

*PURPOSE: Under Missouri Egg Law, this rule establishes the regulations governing the licensing, selling, trafficking in, delivering, transporting, marketing, processing, and distribution of eggs. This rule is intended to insure that the consumer will be able to buy eggs that meet the proper standards.*

*PUBLISHER’S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Shell eggs shall meet the standards as incorporated by reference in the *United States Standards, Grades, and Weight Classes for Shell Eggs*, AMS 56 published by the United States Department of Agriculture, dated July 20, 2000. This rule does not incorporate any subsequent amendments or additions. This document is available on the internet at [www.ams.usda.gov/poultry](http://www.ams.usda.gov/poultry) under Publications or by writing to USDA, AMS, Poultry Programs Stop 0259, Room 3944 South 1400 Independence Ave, SW Washington, DC 20250-0259.

(A) Basis of Grading Service (Sampling).

1. Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to the determination of the quality of products shall be incorporated by reference to the United States Standards, Grades, and Weight Classes. However, grading service may be rendered with respect to products which are bought and sold based on institutional contract specifications or specifications of the applicant and such service, when approved by the administrator, shall be rendered on the basis of such specifications. The supervision of packaging shall be in accordance with such instructions as may be approved or issued by the administrator.



2. Whenever grading service is performed on a representative sample basis; such sample shall be drawn and consist of not less than the minimum number of cases as indicated in the following table.

Less than 1 case (30 dozen)	50 eggs must be examined, if less than 50, all eggs examined in lot.
1 case and above	100 eggs must be examined per sample case. For each additional 50 cases or fraction thereof.
For each additional fifty (50) cases, or fraction thereof, more than six hundred (600) cases, one (1) additional case shall be included in the sample.	

**(B) Identification of Graded Eggs in Containers.**

1. Eggs packaged in containers by licensed dealers for supply or sale to retailers must be identified on each container with either the name and address (city and state), or approved identification number of the dealer under whose authority the eggs were packed and the day, month, and year when said eggs were graded. Either a normal dating procedure or a numerical code based on the day of the year may be used. (Example: July 1, 1966, or 182-6; July 2, 1966, or 183-6).

2. The identification shall be stamped or printed in bold legible type upon each container with letters no less than three-sixteenths inch (3/16") in height. The term container includes box, basket, carton, sack, bag, case, or other receptacle.

(C) Identification of Graded Eggs in Bulk. All eggs in bulk, packed in cases, graded for retail sale, must be accompanied by grading certificates bearing the name and address (city and state), or approved identification number of the dealer under whose authority the eggs were packed and the date when said eggs were graded. The identification may be stamped or printed in bold, legible type with letters no less than three-sixteenths inch (3/16") in height upon a grading certificate of strong paper approximately five inches (5") long and three inches (3") wide which shall be placed under the top flat above the first layer of eggs, or said information may be stamped or printed on the outside of the egg case.

(2) Advertising. All advertising including newspapers, handbills, radio, and window signs shall carry the full, correct and unabbreviated designation of size and quality as provided by law. Persons selling eggs from door to door, if not entirely of their own production must have the container properly labeled as to size and quality.

(3) Records. All persons licensed under the provisions of this rule shall keep on file for a period of two (2) years a true and complete record of all eggs purchased or sold with the following exceptions: no record need be kept of the name and address of the person from whom the eggs are bought when such person is the original producer of the eggs and the quantity purchased is less than thirty (30) dozen; no record need be kept of eggs sold at retail; records need not show size and quality of eggs bought from original producers or exchanged between wholesalers. With the previous exceptions, this record will show the name and address of the person, firm, or corporation from whom eggs were purchased and to whom sold. Such record to show the size and quality of such eggs in each transaction after they have been graded and also the

number of dozens or cases included in such transaction, and the dates thereof.

(4) Stop Sale Notice. The director of the Department of Agriculture, or duly authorized agents, upon determining that the provisions of this rule, or the rules promulgated for its enforcement, are being violated may place "Stop Sale Notice" on all eggs being sold or offered for sale in violation of the provisions of this rule or the regulations thereunder and shall report the circumstances to the director of the Department of Agriculture for action. Eggs which have had "Stop Sale Notice" applied shall be recandled and regraded for size and quality within forty-eight (48) hours from the time such "Stop Sale Notice" was applied. Upon failure to bring the eggs into compliance with the rule, the director of the Department of Agriculture will take necessary steps to cause the eggs to be condemned, denatured, processed, destroyed, or otherwise disposed of by court action.

(5) Maximum Temperature for Eggs Held for Retail Sale. Shell eggs that are to be officially identified as U.S. Grade AA, A, or B shall be placed under refrigeration at an ambient temperature no greater than forty-five degrees Fahrenheit (45°F) seven and two-tenths degrees Centigrade (7.2°C) promptly after packaging. Shell eggs officially identified as U.S. Grade AA, A, or B, when shipped between official plants, shall be transported at an ambient temperature no greater than forty-five degrees Fahrenheit (45°F) seven and two-tenths degrees Centigrade (7.2°C).

*AUTHORITY: section 196.354, RSMo 2016.\* Original rule filed April 27, 1964, effective May 7, 1964. Amended: Filed April 1, 1966, effective April 11, 1966. Emergency rescission filed Dec. 10, 1981, effective Jan. 1, 1982, expired March 1, 1982. Rescinded: Filed Dec. 10, 1981, effective Jan. 1, 1982. Emergency rule filed Dec. 10, 1981, effective Jan. 1, 1982, expired March 1, 1982. Readopted: Filed Dec. 10, 1981, effective March 11, 1982. Rescinded and readopted: Filed Nov. 4, 2002, effective May 30, 2003. Amended: Filed June 27, 2018, effective Jan. 30, 2019. Amended: Filed March 18, 2024, effective Nov. 30, 2024.*

*\*Original authority: 196.354, RSMo 1955, amended 1995.*

**2 CSR 90-36.015 Egg License Requirements**

*PURPOSE: This rule establishes license requirements, enforcement actions, and license fees for retailers, dealers, and processors.*

(1) All persons engaged in buying, selling, trading, or trafficking in, or processing eggs is required to be licensed except –

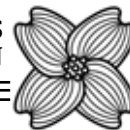
(A) Those who sell only eggs produced by their own flocks, provided such eggs are not sold at an established place of business away from the premises of such producer;

(B) Hatcheries that purchase eggs used exclusively for hatching purposes;

(C) Hotels, restaurants, and other public eating places where all eggs purchased are served in the establishment; and

(D) Bakeries, confectioneries, and ice cream manufacturers purchasing eggs for use and used only in the manufacture of their products.

(2) A "retailer's license" is required for any person selling eggs to a consumer. Along with an application and fee, a "No Tax Due" letter from the Missouri Department of Revenue must



accompany application for license and must be provided each year upon renewal.

(3) A “dealer’s license” is required for any person who buys eggs from a producer or other dealer(s) to resell to other dealers, processors, or retailers.

(4) A “processor’s license” is required for any person who is engaged in breaking eggs or manufacturing or processing eggs into liquid, whole egg meats, yolks, whites, or any mixture without the addition of ingredients, whether chilled, frozen, concentrated, dried, powdered, or desiccated.

(5) The director of agriculture shall have the authority to assess egg licensing fees to assist in defraying operating expenses. The license fees are as follows:

License Type	Fee
Egg Licensing Fee – R2-Retailer	\$25
Egg Licensing Fee – R1-Retailer: Sells at farmers markets or roadside stand	\$25
Egg Licensing Fee – Dealer-D1:0-100 cases	\$40
Egg Licensing Fee – Dealer-D4:Over 100 cases	\$50
Egg Licensing Fee – Processor-P1:0-250 cases	\$60
Egg Licensing Fee – Processor-P3: 250-1000 cases	\$75
Egg Licensing Fee – Processor-P4:Over 1000 cases	\$100

(6) All licenses shall be conspicuously posted in the place of business to which it applies. The license year shall be twelve (12) months, or any fraction thereof, beginning July 1 and ending June 30.

(7) No license shall be transferable, but it may be moved from one place to another by the consent of the director.

(8) All moneys received from license fees collected hereunder shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200, RSMo.

(9) The director may suspend or revoke the license of any dealer, processor, or retailer, or refuse to issue a license to any applicant. After a public hearing, if it is found that such dealer, processor, retailer, or applicant has violated any of the provisions of sections 196.311 to 196.361, RSMo, any such dealer, processor, retailer, or applicant shall have full rights to have counsel, to produce witnesses in his behalf at such hearing, and to have ten (10) days notice in writing of the date, time, and place of such hearing, and the charges and grounds upon which the license is sought to be revoked or suspended, or to be refused a license. The order of suspension, revocation, or refusal to issue a license shall not become final until ten (10) days after the date thereof, and after the party to the proceeding has been notified in writing of the action of the director. Any party to the proceedings that is aggrieved by any final decision or order of the director may appeal such order in the manner provided for such appeals in the Administrative Procedure Act of Missouri (Chapter 536).

*AUTHORITY: section 196.354, RSMo 2016.\* Original rule filed March 14, 2024, effective Nov. 30, 2024.*

*\*Original authority: 196.354, RSMo 1955, amended 1995.*

## 2 CSR 90-36.020 Repackaging of Eggs at Retail Level

*PURPOSE: This rule establishes requirements for repackaging of shell eggs at the retail level.*

(1) It shall be unlawful for any handler or retailer to pack eggs into consumer-size containers other than during the original candling and grading operations except under the following stipulations:

(A) The retail location offering the eggs for sale shall make a written request and obtain written permission from the Department of Agriculture to repackage eggs. The request must include the name and location of the store. If there are multiple store locations, only one (1) letter will be required with all store locations listed in the letter;

(B) A retailer shall only repackage clean and sound shell eggs which originate from properly labeled consumer-size containers that have been damaged or their contents damaged. These eggs shall be placed in new, clean containers that are properly labeled. Eggs or the original egg cartons must not be washed or cleaned in any way for use because of the many possibilities of bacterial introduction. All original egg cartons must be destroyed immediately upon removal of eggs. The repacked eggs shall meet USDA standards for consumer Grade B eggs. Eggs in the repacked consumer-size container shall be no less than medium in size;

(C) The consumer-size egg container which contains eggs that have been repacked shall be labeled with a statement declaring that the eggs in such containers were repacked by the retail store offering such eggs for sale, name of the retail store, its location and the oldest candling date which appeared on the consumer-size egg container or containers from which the repacked eggs originated. The candling date may be handwritten or stamped in ink. The repackaged egg container shall also be labeled “Grade B Medium” and contain a statement indicating that some of the eggs may be larger than indicated on the carton;

(D) The labeling on the consumer-size container used for the repackaged eggs shall meet the type and lettering size requirements as required on the original consumer-size containers. The additional labeling information required on repacked egg containers shall be in bold face type with lettering no less than one-eighth inch (1/8") in height;

(E) Once eggs have been repacked they are the responsibility of the retailer who must accept loss if eggs are classified as stop sale. Eggs under an official stop sale by the Department of Agriculture must be sent back to the dealer for regrading regardless of who is responsible for the eggs. Retailers are not grading stations. Only licensed dealers have the authority to grade and pack shell eggs; and

(F) The Department of Agriculture shall grant permission to repackage eggs at the retail level when a written request is made by a retailer. This request will be automatically renewed on an annual basis providing the retailer has not violated any segment of the repackaging rules. A retailer violating the repackaging rules shall be subject to penalties, as provided by section 196.361, RSMo 1986 of the Missouri Egg Law, and upon having two (2) or more violations of 2 CSR 90-36.020 during any twelve (12)-month period the retailer's permission to repack eggs shall be revoked for a period not to exceed ninety (90) days. Once a retailer's permission to repackage eggs has been revoked twice, the retailer will be subject to permanent



suspension of permission to repackage eggs, at the discretion of the Department of Agriculture. A retailer who has received written permission from the Department of Agriculture to repackage eggs shall post such license in a conspicuous location in the place of business to which it applies.

*AUTHORITY: section 196.354, RSMo 1986. \* Original rule filed April 12, 1985, effective June 27, 1985.*

*\*Original authority: 196.354, RSMo 1955, amended 1995.*