

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09O .0103

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, box 2, correct the numerical rule citation from ".0102" to ".0103"

On the form, box 5, provide the date this Rule was certified by the RRC. It should be the June 18, 2014 meeting date.

On the form, box 6, for the "Link to Agency notice:" this should reflect the agency's website link for the rulemaking effort of the agency. Please correct.

Line 6, is "state" for North Carolina? If so, please capitalize to clarify and replace "the" with "this"

Lines 7 thru 9, is there not a website for the incorporated information, similar to the website provided on Line 12?

Line 19, is the scenario of "producer to the consumer" the same as what is occurring in Paragraph (c)? If so, consider rewriting as follows:

"Except as set forth in Paragraph (c), it shall..."

Line 23, delete the "January 1, 2015" date

Line 25, replace the period after "2012" with a semicolon

Line 26, add a new authority line that states the following:

"Amended Eff. January 1, 2015."

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

02 NCAC 09O .0103 is amended with changes as published in 29:02 NCR 105 as follows:

02 NCAC 09O .0103 STANDARDS FOR SHELL EGGS

(a) The United States Standards, Grades, and Weight Classes for Shell Eggs, adopted by the Agricultural Marketing Service of the United States Department of Agriculture as AMS-56, are incorporated by reference, including subsequent amendments and editions, and shall apply to all shell eggs sold, offered for sale, or advertised for sale in the state except the term "ungraded eggs" may be used to designate eggs exempt from grading pursuant to G.S. 106-245.15. Copies of this document may be obtained at no cost from the Division of Marketing, North Carolina Department of Agriculture and Consumer Services.

(b) Title 9, Code of Federal Regulations, Part 590, Inspection of Eggs and Egg Products, is incorporated by reference, including subsequent amendments and editions. Copies may be obtained at no cost from the United States Government Printing Office website at <http://www.gpoaccess.gov/cfr/index.html>.

(c) Cracked or checked eggs may be sold by producers or processors to a consumer for his or her personal use, except an "institutional consumer," as defined in G.S. 106-245.14. Said sales shall be made only at the premises of production or processing.

(d) Cracked or checked eggs may also be sold to a processing plant by a producer or processor for further processing.

(e) It shall be unlawful for cracked or checked eggs to be displayed, sold, or offered for sale in a retail outlet except as permitted by 02 NCAC 09O .0101(4) and Paragraph (a) of this Rule.

(f) Except when sold directly by the producer to the consumer, it shall be unlawful to offer for sale any repackaged [repackage] eggs at any retail [outlet. to be offered for sale.] outlet.

History Note: Authority G.S. 106-245.16; 106-245.21;

Eff. January 1, 2015; August 1, 1982;

Amended Eff. July 1, 2005; April 1, 1988; December 1, 1987;

Transferred from 02 NCAC 43H .0103 Eff. May 1, 2012.