

BILL ANALYSIS

Senate Research Center

H.B. 1052
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Agriculture
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Engrossed

DIGEST

Shell eggs, including Grade "A" shell eggs, are often implicated in reported food borne illnesses caused by Salmonella enteritidis (salmonella). Additional health controls, which are considered by the federal Food and Drug Administration (FDA) to be essential in minimizing the risk of Salmonella in shell eggs, include maintaining shell eggs at an actual content temperature of 45 degrees Fahrenheit or 7 degrees Celsius until sold or used. The United States Department of Agriculture (USDA) regulations require a specific ambient or surrounding temperature of 60 degrees Fahrenheit, even though federal law since 1991 has required an ambient temperature of no greater than 45 degrees.

The Texas Department of Agriculture (TDA) has rulemaking authority under Section 132, Agriculture Code, to implement temperature standards. On September 3, 1996, TDA changed storing regulations in anticipation of USDA/FDA setting new storage temperature requirements. The regulation was changed from "eggs shall be stored under refrigeration at a temperature not higher than 60 degrees Fahrenheit..." to "eggs shall be stored under refrigeration at the temperature required by the United States Department of Agriculture and the federal Food and Drug Administration."

This bill would require shell eggs to be stored at 45 degrees Fahrenheit or less after initial packing.

PURPOSE

As proposed, H.B. 1052 requires shell eggs to be stored at 45 degrees Fahrenheit or less after initial packing.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of agriculture under SECTION 2 (b) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 132.004, Agriculture Code, to require the standards for the inspection and regulation of shell eggs, including quality, grade, and size of shell eggs, to require, after initial packing, shell eggs to be stored at a temperature of 45 degrees Fahrenheit or less, provided, however, that any different temperature standard adopted by the United States Department of Agriculture and the federal Food and Drug Administration shall prevail.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Requires, before January 1, 1998, the commissioner of agriculture to adopt rules to implement the changes made by this Act to Section 132.004, Agriculture Code.

SECTION 3. Emergency clause.