

135.16A Vendors participating in federal nutrition program — egg sales.

1. As used in [this section](#), unless the context otherwise requires:
 - a. “*Conventional eggs*” means eggs other than specialty eggs.
 - b. “*Eggs*” means shell eggs that are graded as “AA”, “A”, or “B” pursuant to [7 C.F.R. pt. 56, subpt. A](#), and that are sold at retail in commercial markets.
 - c. “*Federal nutrition program*” means the special supplemental nutrition program for women, infants, and children as provided in 42 U.S.C. §1786 et seq.
 - d. “*Grocery store*” means a food establishment as defined in [section 137F.1](#) licensed by the department of inspections, appeals, and licensing pursuant to [section 137F.4](#), to sell food or food products to customers intended for preparation or consumption off premises.
 - e. “*Specialty eggs*” means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments:
 - (1) Cage-free.
 - (2) Free-range.
 - (3) Enriched colony cage.
2. a. The department of inspections, appeals, and licensing shall assist the department in adopting rules necessary to implement and administer [this section](#).
- b. If necessary to implement, administer, and enforce [this section](#), the department, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the department. The department shall regularly report the status of such request to the legislative services agency.
3. A grocery store that is a vendor participating in a federal nutrition program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal nutrition program.
4. [This section](#) does not require a grocery store to do any of the following:
 - a. Stock or sell specialty eggs.
 - b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business.
 - c. Comply with the provisions of [this section](#), if the grocery store’s inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018.
5. A violation of [subsection 3](#) by a grocery store shall not be construed to disqualify a grocery store from participating in a federal nutrition program unless otherwise authorized by the United States department of agriculture.

[2018 Acts, ch 1025, §1; 2018 Acts, ch 1172, §19; 2021 Acts, ch 76, §31; 2023 Acts, ch 19, §129, 1880, 1881](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume
 Subsection 1, paragraph d amended
 Subsection 2 amended