



## Agricultural Commodities Assurance Program (ACAP)

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[www.ksda.gov](http://www.ksda.gov)

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### Frequently asked questions – small egg producers

To ensure eggs are safe, all eggs must be stored at or below 45 degrees Fahrenheit.

#### If I want to sell eggs at a farmers market, what are the requirements?

If you choose to sell eggs from your own flock, for example at a farmers market, you have two options. A producer may sell either graded or ungraded eggs. If you choose to sell graded eggs then you are subject to the requirements of the Kansas egg law. Second, you may choose to sell “ungraded” eggs. Ungraded eggs may only be sold to consumers and not to other businesses for resale.

#### What must I do to sell “ungraded” eggs?

If you choose to sell “ungraded” eggs, you do not need to obtain a license or buy egg inspection fee stamps. If you have 50 hens or less then you are not subject to the requirements of the Kansas egg law. If you have 51 hens but less than 250 you may sell “ungraded” eggs as long as the following requirements are met:

- Eggs are washed and clean
- Eggs are prepackaged and labeled as ungraded with the name and address of the producer
- Cartons are not reused unless all brand markings and other identification is obliterated and the carton is free of foreign material
- Sales are to consumers only
- Eggs are maintained at a temperature of 45 degrees Fahrenheit or below.

Please note the following:

- If you package ungraded eggs in a used egg container and have not obliterated the markings then you may be representing that your eggs are in fact graded. Representing that your eggs are graded may subject you to the requirements of the Kansas egg law including licensing and civil penalty provisions.
- The Kansas Food Code contains requirements pertaining to eggs. Regardless of the size of your flock, eggs must be maintained at a temperature of 45°F or below.
- The Kansas food, drug and cosmetic act gives KDA jurisdiction over food sold at retail and in some instances over food service. KDA will investigate any complaints that food is not safe or not in compliance with Kansas law.

#### What must I do to sell “graded” eggs?

If a producer desires to sell graded eggs or sell eggs to a retail business they must first obtain a license. The license fee is \$5.00. Licenses expire December 31, and must be renewed annually. Licensees are subject to an inspection fee of \$0.0035 per dozen eggs which may be paid quarterly (\$15.00 minimum per quarter) or per dozen by purchasing inspection fee stamps, to be affixed on each carton, from the Kansas Department of Agriculture. Stamps come in a variety of sizes and grades in rolls of 1,000 stamps.

#### How do I obtain the license application and buy the egg inspection fee stamps?

You may contact the ACAP office or go to our website at [www.ksda.gov](http://www.ksda.gov).

#### If I choose to sell “graded” eggs, what are the labeling requirements?

Each container of “graded” eggs shall be labeled, in English, with the following information:

- The size and quality of eggs shall be printed in boldface type letters not less than 3/8 inch in height
- The identity of the eggs (eggs other than chicken eggs i.e. duck, goose, etc.)
- Name and address of either the packer or the retailer if the eggs have been repacked
- The pack date (month/day or Julian date) and the expiration date be preceded by “exp,” or “sell by”
- Safe handling instructions which shall include the statements:  
“Keep refrigerated at or below 45 degrees Fahrenheit,” printed on the outside of the carton; and  
“to prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly,” printed either on the outside or the inside of the carton; and

#### Can I sell other types of eggs besides chicken eggs?

Eggs other than chicken eggs cannot be graded. These types of eggs have the same requirements of the “ungraded” eggs stated above.

**Please contact our office if you have questions or concerns.**

\*\*\*\*\* 9/2006