



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 54 (EC)

Introduced by:

Jesse A. Lujan 

Edward J.B. Calvo 

AN ACT TO AMEND SUBSECTION 40120(F)(3) OF
CHAPTER 40 OF TITLE 10 OF THE GUAM CODE
ANNOTATED; TO ADD §11106(D) AND TO AMEND
§11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF
THE GUAM ADMINISTRATIVE RULES AND
REGULATIONS RELATIVE TO REDUCING THE
PRICE OF EGGS BY REMOVING THE INDIVIDUAL
EGG STAMPING REQUIREMENT OF IMPORTED
EGGS THAT MEET LOCAL AND UNITED STATES
DEPARTMENT OF AGRICULTURE INSPECTION
REQUIREMENTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. *I Liheslaturan Guåhan* finds that much
3 legislation has been enacted to regulate the sale of shell eggs. The laws apply
4 to the edibility of the product and to its quality and grade. Both Federal and
5 State laws are applicable to eggs, but practically most of those pertaining to
6 grading have been enacted by the States.

1 The Egg Products Inspection Act (EPIA)(United States Public Law 91-
2 597), which became law in 1970, provides for the uniformity of standards and
3 grades. The Act states: “For eggs which have moved or are moving in
4 interstate or foreign commerce, no State or local jurisdiction may require the
5 use of standards of quality, condition, weight, quantity, or grade which are in
6 addition to or different from the official Federal standards.” This has
7 prompted States with egg laws in which the standards and grades differ
8 somewhat from the official Federal standards and grades to amend their laws
9 to comply with the Federal standards. A provision on labeling prohibits
10 States from requiring labeling on eggs from other areas to indicate the State or
11 other geographic area of production or origin. This provision does not apply
12 to Alaska, Hawaii, Puerto Rico, Guam or the Virgin Islands. However, Guam
13 is the only U.S. jurisdiction that requires individual egg stamp labeling.

14 Guam’s administrative rules require that the origin of the eggs must be
15 stamped on each egg. As the only U.S. domestic jurisdiction with this
16 requirement, egg producers apply an added cost which inevitably is borne by
17 the consumers of Guam. As much as ten percent (10%) of the freight on board

1 (FOB) cost is added to the packaged product cost. The existing stamping
2 requirement has no added benefit for the consumers of Guam. The Federal
3 Food, Drug, and Cosmetic Act, and the regulations for its enforcement, apply
4 to all food products in interstate commerce, including shell eggs. This act is
5 designed to prevent the shipment of adulterated and misbranded foods.
6 Additionally, the Federal Trade Commission has responsibility for regulating
7 the business practices engaged in by firms marketing eggs in interstate or
8 foreign commerce. Therefore, *I Liheslaturan Guåhan* finds that the removal of
9 Guam's egg stamping policies will benefit the people of Guam by reducing
10 the cost of imported egg products.

11 **Section 2.** Subsection 11106(d) is hereby added to Chapter 11, Division
12 2 of Title 8 of the Guam Administrative Rules and Regulations to read:

13 “(d) In the case of eggs imported from mainland
14 United States or foreign countries, regardless of the
15 person producing the same, imported eggs shall be
16 marked by the importer on each carton or other type of

1 container or package of eggs as required by 5 GCA
2 Chapter 66, the *Chicken Egg Regulation*. “

3 **Section 3.** Section 11107 of Chapter 11, Division 2 of Title 8 of the
4 Guam Administrative Rules and Regulations is amended to read:

5 “§11107. **Notice of Grade and Size; Designation of**
6 **Origin of Imported Eggs.** (a) It shall be unlawful for any
7 person to sell, or offer to sell or expose for sale to a consumer,
8 any eggs other than those of his own production intended for
9 human consumption without notifying by suitable sign or label
10 the person purchasing or intending to purchase the same
11 whether the same are imported from the mainland United
12 States or foreign countries or of local production, and the exact
13 grade or quality and size or weight and date such eggs were
14 graded.

15 (b) The word local shall be used to designate eggs
16 produced in ~~the Territory~~ of Guam.

1 (c) ~~In the case of eggs imported from mainland~~
2 ~~United States or foreign countries, regardless of the~~
3 ~~person producing the same, each egg so imported shall be~~
4 ~~marked by the importer in clear and plain letters, of not~~
5 ~~less than twelve (12) point type, the letters "U.S.," if such~~
6 ~~egg was produced in the mainland united States, or the~~
7 ~~name of the country, if such egg was produced in a~~
8 ~~foreign country, before such eggs may be removed from~~
9 ~~any dock or landing until the consignee thereof has been~~
10 ~~furnished with a certificate issued by the Department~~
11 ~~certifying that the eggs contained in the shipment in~~
12 ~~which such eggs arrived are marked as provided in this~~
13 ~~Section.~~

14 (c~~d~~) Anybody importing eggs into the Territory
15 Guam for sale shall obtain a permit from the Department
16 of Agriculture, stating the country of origin, the volume
17 of eggs to be imported and other pertinent data as may be

1 prescribed by the Department in compliance with 5 GCA
2 Chapter 66, the *Chicken Egg Regulation*."

3 **Section 4.** Subsection 40120(f)(3) of Chapter 40 of Title 10 of the Guam
4 Code Annotated is amended to read:

5 “(3) Notwithstanding any provision of law, all fresh or
6 frozen packaged meat, fresh eggs, bread, fresh milk and fresh
7 daily products and ice cream, and such other food, drug and
8 consumer commodity designated by the Director of the
9 Department of Public Health and Social Services shall have a
10 clearly designated expiration date on each package offered for
11 retail sale. Notwithstanding any other provision of law, in lieu
12 of stamping any required labels whatsoever on individual eggs,
13 such information may instead be stamped on each egg carton if
14 the eggs are packed in individual cartons of twelve (12) eggs or
15 less as required by 5 GCA Chapter 66, the *Chicken Egg*
16 *Regulation*.”

1 **Section 5. Severability.** *If* any provision of this Law or its
2 application to any person or circumstance is found to be invalid or contrary to
3 law, such invalidity shall *not* affect other provisions or applications of this
4 Law which can be given effect without the invalid provisions or application,
5 and to this end the provisions of this Law are severable.