

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB134

Chairperson: Senator Lydia Brasch

Committee: Agriculture

Date of Hearing: January 17, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 134 outright repeals the Graded Egg Act and transfers authority to regulate egg handling operations to the Pure Food Act. Further, LB 134 expands and clarifies authorities of the Department of Agriculture under the Nebraska Pure Food Act. The specific changes are as follows:

- Inserts "egg handler" as a defined term under the Pure Food Act and assigns a duty to persons selling or otherwise providing eggs for human consumption to comply with applicable regulations of the Department and to properly identify eggs for source tracing. Egg handling operations that fall below certain thresholds are exempted from permit and fee requirements otherwise applicable to egg handlers as a food establishment. Harmonizing revisions elsewhere in state law are made due to the outright repeal of the Graded Egg Act and termination of the Graded Egg Cash Fund.
- Inserts "food delivery service" as a defined term under the Pure Food Act. The bill distinguishes food delivery service as a category of food establishment for purpose of annual inspection and license fees and clarifies a duty of food delivery services to display their food establishment permit.
- Amends 81-2,281 to insert express authority of the Department, subject to a duty of reasonable care, to enter regulated business premises without liability for trespass or damage for purpose of inspection, for purpose of inspection, to hold food for inspection and determination of compliance with the Pure Food Act, to inspect food transported through the state and to obtain an inspection warrant. This revision is particularly intended to eliminate ambiguity as to the Department's authority to inspect and determine disposition of food products while in transport.

Principal Introducer: _____

Senator Lydia Brasch