

REFERENCE TITLE: poultry husbandry

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1373**

Introduced by  
Senators Burns, Aguirre, Arzberger, Flake; Representatives Lujan, Mason,  
Weiers JP: Senator Blendu; Representative Nelson

AN ACT

AMENDING SECTION 3-701, ARIZONA REVISED STATUTES; REPEALING SECTION 3-702,  
ARIZONA REVISED STATUTES; AMENDING TITLE 3, CHAPTER 5, ARIZONA REVISED  
STATUTES, BY ADDING ARTICLE 2; RELATING TO POULTRY HUSBANDRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-701, Arizona Revised Statutes, is amended to  
3 read:

4 3-701. Definitions

5 In this ~~article~~ CHAPTER, unless the context otherwise requires:

6 1. "Agent" includes a bailee, broker, commission merchant, factor,  
7 auctioneer, solicitor, consignee and any other person acting upon the express  
8 or implied authority of another person.

9 2. "ARIZONA POULTRY HUSBANDRY COUNCIL" OR "COUNCIL" MEANS THE COUNCIL  
10 ESTABLISHED BY ARTICLE 2 OF THIS CHAPTER.

11 ~~2-~~ 3. "Associate director" means the associate director of the  
12 division.

13 4. "CANDLING" MEANS THE VISUAL EXAMINATION OF EGGS TO ESTABLISH THEIR  
14 QUALITY BY THE USE OF TRANSMITTED LIGHT TO DETERMINE THE CLEANLINESS AND  
15 SOUNDNESS OF THE SHELL, THE SIZE AND CONDITION OF THE AIRCELL AND THE  
16 CONDITION OF THE YOLK, WHITE AND GERM.

17 ~~3-~~ 5. "Carton" means egg cartons as used in commercial practice in  
18 the United States.

19 ~~4-~~ 6. "Case" means standard thirty-dozen egg cases as used in  
20 commercial practice in the United States.

21 ~~5-~~ 7. "Consumer" means a person who buys eggs for use as food and not  
22 for resale in any form.

23 ~~6-~~ 8. "Container" means any box, one-half case, basket, flat or other  
24 receptacle, excluding a carton ~~as defined in paragraph 3~~ and ~~excluding~~ a case  
25 ~~as defined in paragraph 4~~.

26 ~~7-~~ 9. "Dealer" means any person who contracts or obtains from the  
27 producer, or any producer-dealer, dealer or manufacturer, possession or  
28 control of any eggs or egg products for the purpose of candling, grading,  
29 selling, peddling, distributing, dealing in or trading in eggs or egg  
30 products for resale to an egg dealer within this state, producer-dealer,  
31 manufacturer, retailer or consumer for human consumption within this state.

32 ~~8-~~ 10. "Deceptive" means any arrangement of the contents of any case,  
33 container, subcontainer, lot, load or display in which the eggs in the outer  
34 layer or in any portion exposed to view are in grade, size, condition or any  
35 other respect so superior to those in the interior or unexposed portion as to  
36 materially misrepresent the contents or any part of the contents as to size,  
37 grade, condition or any other respects.

38 ~~9-~~ 11. "Division" means the animal services division of the Arizona  
39 department of agriculture.

40 12. "EGG PRODUCTS" MEANS EGGS REMOVED FROM THE SHELL IN A LIQUID,  
41 FROZEN, DRIED OR FREEZE-DRIED STATE. THE PRODUCT MAY CONSIST OF WHOLE EGGS,  
42 YOLKS, WHITES, OR ANY BLEND OF YOLK AND WHITE, WITH OR WITHOUT ADDITIVES, IF  
43 EGGS ARE THE MAIN INGREDIENT.

44 13. "EGGS" MEANS EGGS IN THE SHELL FROM CHICKENS, TURKEYS, DUCKS, GEESE  
45 OR ANY OTHER SPECIES OF FOWL.

1           ~~10-~~ 14. "Expiration date" means the words "sell by" or "buy thru"  
2 followed by a date, including the month and day, that is not more than  
3 twenty-four days after the eggs were candled and that includes the date the  
4 eggs were candled.  
5           ~~11-~~ 15. "Grade" means classified as to quality and applies to a dozen,  
6 case, lot or load of eggs.  
7           ~~12-~~ 16. "Half case" means a fifteen-dozen container or one-half  
8 standard thirty-dozen egg case as used in commercial practice in the United  
9 States.  
10          ~~13-~~ 17. "Inspector" means an egg inspector appointed or assigned  
11 pursuant to section 3-709.  
12          ~~14-~~ 18. "Manufacturer" means a person engaged in the business of  
13 operating or controlling the operation of one or more breaking plants  
14 producing liquid eggs, dried eggs, frozen eggs or other egg products for  
15 human consumption.  
16          ~~15-~~ 19. "Marked" means plainly, legibly and conspicuously labeled,  
17 stamped, stenciled, printed, typed, lettered or branded.  
18          ~~16-~~ 20. "Mislabel" means the placing or presence of any false,  
19 deceptive or misleading mark, term, statement, design, device, inscription or  
20 other designation upon eggs or upon a carton, container or subcontainer of  
21 eggs, or upon the label or lining or wrapper thereof, or upon the outward end  
22 of the case, or upon a placard or sign used in connection therewith, or in  
23 connection with any display having reference to eggs.  
24          ~~17-~~ 21. "Nest run eggs" means eggs that are packed as they come from  
25 the production facilities without having been washed, sized or candled for  
26 quality, regardless of whether some undergrades have been removed.  
27          ~~18-~~ 22. "Person" includes an individual, household, firm, corporation,  
28 company or association.  
29          23. "PROCESSED" MEANS THAT THE SHELL HAS BEEN TREATED WITH OIL OR  
30 ANOTHER PRESERVATIVE PREPARATION.  
31          ~~19-~~ 24. "Producer" means a person engaged in the business of operating  
32 or controlling the operation of one or more ranches producing eggs within  
33 this state.  
34          ~~20-~~ 25. "Producer-dealer" means a person engaged in the business of  
35 operating or controlling the operation of one or more egg ranches producing  
36 eggs within the state, and who, while in possession or control of any  
37 additional eggs other than the person's own production, candles, grades,  
38 sells, peddles, distributes, deals in or trades in eggs for resale to  
39 dealers, producer-dealers, manufacturers or retailers.  
40          ~~21-~~ 26. "Quality" means the inherent properties of any product which  
41 determine its relative degree of excellence.  
42          ~~22-~~ 27. "Retailer" means a person who buys candled and graded eggs or  
43 egg products from a producer, licensed manufacturer, licensed producer-dealer  
44 or licensed dealer for resale to a consumer only, or who buys egg products to  
45 use in the preparation of other consumer foods for resale.

1       ~~23.~~ 28. "Sell" includes offer for sale, expose for sale, have in  
2 possession for sale, exchange, barter or trade.  
3       ~~24.~~ 29. "Size" means classified as to weight.  
4       ~~25.~~ 30. "Standard" means the quality specifications for a single egg.  
5       ~~26.~~ 31. "Subcontainer" means a container that is used within another  
6 container.  
7       ~~27.~~ 32. "Supervisor" means the supervisor of egg inspection or the  
8 supervisor's authorized representative.  
9       Sec. 2. Repeal  
10       Section 3-702, Arizona Revised Statutes, is repealed.  
11       Sec. 3. Title 3, chapter 5, Arizona Revised Statutes, is amended by  
12 adding article 2, to read:  
13               ARTICLE 2. ARIZONA POULTRY HUSBANDRY COUNCIL  
14       3-761. Definitions  
15       IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:  
16       1. "COUNCIL" MEANS THE ARIZONA POULTRY HUSBANDRY COUNCIL.  
17       2. "EGG PRODUCER" MEANS A PERSON ENGAGED IN THE BUSINESS OF OPERATING  
18 OR CONTROLLING THE OPERATION OF ONE OR MORE EGG RANCHES EACH HAVING TWENTY  
19 THOUSAND OR MORE EGG-LAYING HENS PRODUCING EGGS.  
20       3. "POULTRY" MEANS CHICKENS, TURKEYS, DUCKS, GEESE OR ANY OTHER  
21 SPECIES OF FOWL.  
22       3-762. Arizona poultry husbandry council; members appointment;  
23               term  
24       A. THE ARIZONA POULTRY HUSBANDRY COUNCIL IS ESTABLISHED CONSISTING OF  
25 FIVE MEMBERS AS FOLLOWS:  
26       1. ONE EGG PRODUCER FROM MARICOPA OR PINAL COUNTY WHO IS APPOINTED BY  
27 THE DIRECTOR.  
28       2. ONE EGG PRODUCER FROM ANY COUNTY IN THIS STATE WHO IS APPOINTED BY  
29 THE DIRECTOR.  
30       3. ONE VETERINARIAN WHO HAS A PRACTICE DEALING WITH POULTRY OR POULTRY  
31 PRODUCTION AND WHO IS APPOINTED BY THE DIRECTOR.  
32       4. ONE PERSON WHO REPRESENTS THE PUBLIC AT LARGE AND WHO IS APPOINTED  
33 BY THE DIRECTOR.  
34       5. THE STATE VETERINARIAN.  
35       B. THE TERM OF OFFICE OF EACH COUNCIL MEMBER APPOINTED PURSUANT TO  
36 SUBSECTION A, PARAGRAPHS 1 THROUGH 4 IS FOR THREE YEARS BEGINNING JANUARY 1  
37 AND ENDING DECEMBER 31 OF THE APPROPRIATE YEAR. ON THE EXPIRATION OF A  
38 MEMBER'S TERM OR IF A VACANCY OCCURS, THE DIRECTOR SHALL APPOINT A SUCCESSOR.  
39       C. MEMBERS OF THE COUNCIL ARE NOT ELIGIBLE TO RECEIVE COMPENSATION.  
40       3-763. Powers and duties of the council  
41       THE COUNCIL'S POWERS AND DUTIES ARE TO:  
42       1. ANNUALLY ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS  
43 MEMBERS.

1           2. ADOPT RULES FOR POULTRY HUSBANDRY AND FOR THE PRODUCTION OF EGGS  
2 SOLD IN THIS STATE CONSISTENT WITH THE LAWS AND RULES ADOPTED BY THE  
3 DEPARTMENT.

4           3. PROVIDE FOR A POULTRY HUSBANDRY EDUCATION AND TRAINING PROGRAM.

5           4. AUTHORIZE OR CONTRACT FOR RESEARCH AND DEVELOPMENT OF POULTRY  
6 HUSBANDRY PRACTICES RELATED TO THE PRODUCTION OF EGGS.

7           5. CONDUCT SEMINARS AND OUTREACH ON SAFE AND RECOGNIZED POULTRY  
8 HUSBANDRY PRACTICES RELATED TO THE PRODUCTION OF EGGS.

9           6. CONDUCT TRAINING ON THE PRODUCTION, HARVESTING, HANDLING AND  
10 TRANSPORTATION OF POULTRY AND EGGS TO MARKET.

11           7. DISSEMINATE RELIABLE INFORMATION REGARDING RESEARCH STUDIES AND  
12 SURVEYS, INFORMATION OBTAINED AS A RESULT OF RESEARCH AND INFORMATION  
13 REGARDING THE COUNCIL'S POULTRY HUSBANDRY RULES.

14           8. ACCEPT GRANTS, DONATIONS, CONTRIBUTIONS, GIFTS, PROPERTY OR  
15 SERVICES OR OTHER ASSISTANCE FROM PUBLIC OR PRIVATE SOURCES TO FURTHER THE  
16 OBJECTIVES OF THIS ARTICLE.

17           3-764. Exempt egg producers

18           THIS ARTICLE DOES NOT APPLY TO EGG PRODUCERS OPERATING OR CONTROLLING  
19 THE OPERATION OF ONE OR MORE EGG RANCHES EACH HAVING FEWER THAN TWENTY  
20 THOUSAND EGG-LAYING HENS PRODUCING EGGS.

21           3-765. Statewide concern

22           THE REGULATION OF POULTRY HUSBANDRY PRACTICES RELATED TO THE PRODUCTION  
23 OF EGGS IS OF STATEWIDE CONCERN. THE REGULATION OF POULTRY HUSBANDRY  
24 PRACTICES RELATED TO THE PRODUCTION OF EGGS IS NOT SUBJECT TO FURTHER  
25 REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS  
26 STATE.

27           Sec. 4. Initial members of Arizona poultry husbandry council

28           A. The director of the Arizona department of agriculture shall appoint  
29 the initial members of the Arizona poultry husbandry council pursuant to  
30 section 3-762, subsection A, paragraphs 1 through 4, Arizona Revised  
31 Statutes, as added by this act, on or before December 1, 2008.

32           B. Notwithstanding section 3-762, subsection B, Arizona Revised  
33 Statutes, as added by this act, the initial member appointed pursuant to:

34           1. Section 3-762, subsection A, paragraph 1, Arizona Revised Statutes,  
35 shall serve for a term of three years.

36           2. Section 3-762, subsection A, paragraph 2, Arizona Revised Statutes,  
37 shall serve for a term of one year.

38           3. Section 3-762, subsection A, paragraph 3, Arizona Revised Statutes,  
39 shall serve for a term of three years.

40           4. Section 3-762, subsection A, paragraph 4, Arizona Revised Statutes,  
41 shall serve for a term of two years.