

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

SENATE BILL 1373

AN ACT

AMENDING SECTION 3-701, ARIZONA REVISED STATUTES; REPEALING SECTION 3-702, ARIZONA REVISED STATUTES; AMENDING SECTION 3-710, ARIZONA REVISED STATUTES; 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, 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. "Associate director" means the associate director of the division.

10 3. "CANDLING" MEANS THE VISUAL EXAMINATION OF EGGS TO ESTABLISH THEIR
11 QUALITY BY THE USE OF TRANSMITTED LIGHT TO DETERMINE THE CLEANLINESS AND
12 SOUNDNESS OF THE SHELL, THE SIZE AND CONDITION OF THE AIRCELL AND THE
13 CONDITION OF THE YOLK, WHITE AND GERM.

14 ~~3-~~ 4. "Carton" means egg cartons as used in commercial practice in
15 the United States.

16 ~~4-~~ 5. "Case" means standard thirty-dozen egg cases as used in
17 commercial practice in the United States.

18 ~~5-~~ 6. "Consumer" means a person who buys eggs for use as food and not
19 for resale in any form.

20 ~~6-~~ 7. "Container" means any box, one-half case, basket, flat or other
21 receptacle, excluding a carton ~~as defined in paragraph 3~~ and ~~excluding~~ a case
22 ~~as defined in paragraph 4~~.

23 ~~7-~~ 8. "Dealer" means any person who contracts or obtains from the
24 producer, or any producer-dealer, dealer or manufacturer, possession or
25 control of any eggs or egg products for the purpose of candling, grading,
26 selling, peddling, distributing, dealing in or trading in eggs or egg
27 products for resale to an egg dealer within this state, producer-dealer,
28 manufacturer, retailer or consumer for human consumption within this state.

29 ~~8-~~ 9. "Deceptive" means any arrangement of the contents of any case,
30 container, subcontainer, lot, load or display in which the eggs in the outer
31 layer or in any portion exposed to view are in grade, size, condition or any
32 other respect so superior to those in the interior or unexposed portion as to
33 materially misrepresent the contents or any part of the contents as to size,
34 grade, condition or any other respects.

35 ~~9-~~ 10. "Division" means the animal services division of the Arizona
36 department of agriculture.

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

41 12. "EGGS" MEANS EGGS IN THE SHELL FROM CHICKENS, TURKEYS, DUCKS, GEESE
42 OR ANY OTHER SPECIES OF FOWL.

1 ~~10-~~ 13. "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-~~ 14. "Grade" means classified as to quality and applies to a dozen,
6 case, lot or load of eggs.
7 ~~12-~~ 15. "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-~~ 16. "Inspector" means an egg inspector appointed or assigned
11 pursuant to section 3-709.
12 ~~14-~~ 17. "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-~~ 18. "Marked" means plainly, legibly and conspicuously labeled,
17 stamped, stenciled, printed, typed, lettered or branded.
18 ~~16-~~ 19. "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-~~ 20. "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-~~ 21. "Person" includes an individual, household, firm, corporation,
28 company or association.
29 22. "PROCESSED" MEANS THAT THE SHELL HAS BEEN TREATED WITH OIL OR
30 ANOTHER PRESERVATIVE PREPARATION.
31 ~~19-~~ 23. "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-~~ 24. "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-~~ 25. "Quality" means the inherent properties of any product which
41 determine its relative degree of excellence.
42 ~~22-~~ 26. "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.~~ 27. "Sell" includes offer for sale, expose for sale, have in
2 possession for sale, exchange, barter or trade.

3 ~~24.~~ 28. "Size" means classified as to weight.

4 ~~25.~~ 29. "Standard" means the quality specifications for a single egg.

5 ~~26.~~ 30. "Subcontainer" means a container that is used within another
6 container.

7 ~~27.~~ 31. "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. Section 3-710, Arizona Revised Statutes, is amended to read:

12 3-710. Powers and duties

13 A. The department may acquire and distribute to persons interested
14 useful information relative to the preparation for market, handling,
15 purchasing, transportation, storage and marketing of eggs and egg products,
16 including the demonstration of how to classify eggs and egg products in
17 accordance with the uniform standards and grades prescribed pursuant to this
18 chapter.

19 B. The department may issue in booklet form copies of this article
20 containing complete descriptive terms as to shell, aircell, white, yolk and
21 germ, and may make changes in definitions of terms and grades as they are
22 made and promulgated by the United States department of agriculture.

23 C. Upon request of the United States government, and others, the
24 director may negotiate and sign cooperative agreements to do inspection and
25 grading services and charge and receive payment for the reasonable cost
26 thereof. The funds received for such services shall be deposited, pursuant
27 to sections 35-146 and 35-147, in the state egg inspection ~~account~~ FUND.

28 D. When the production of papers, books and records relating to any
29 matter under investigation is deemed advisable, the director may apply to the
30 superior court in any county for an order requiring the production of the
31 papers, books and records. If the court is satisfied that the papers, books
32 and records are pertinent to the matter under investigation, their production
33 shall be ordered.

34 E. A complaint filed with the department charging a noncompliance with
35 or violation of any provision of this article shall be in writing and signed
36 by the complainant.

37 F. The supervisor and inspectors shall enforce the provisions of this
38 article in conformity with rules adopted by the director. The refusal of an
39 officer authorized under this article to carry out the orders and directions
40 of the director in the enforcement of this article or prosecutions thereunder
41 is neglect of duty. The director shall make and enforce such rules as he
42 deems necessary to carry out the provisions of this article.

1 G. An inspector may enter and inspect any place or conveyance within
2 the state over which he has supervision where eggs are produced, candled,
3 incubated, stored, packed, delivered for shipment, loaded, shipped,
4 transported or sold, and may inspect all invoices, eggs and the cases and
5 containers thereof and equipment found in the places or conveyances, and may
6 take for inspection representative samples of the invoices, eggs and cases or
7 containers for the purpose of determining whether or not any provision of
8 this article has been violated.

9 H. An inspector may, while enforcing the provisions of this article,
10 seize and hold as evidence an advertisement, sign, placard, invoice, case or
11 container of eggs or egg products or all or any part of any pack, load, lot
12 consignment or shipment of eggs or egg products packed, stored, delivered for
13 shipment, loaded, shipped, transported or sold in violation of any provisions
14 of this article.

15 I. THE DEPARTMENT MAY PRESCRIBE MINIMUM STANDARDS FOR EGG PROCESSING
16 PLANTS AND SANITARY STANDARDS FOR THE PROCESSING OF SHELL EGGS. THE
17 DEPARTMENT SHALL ESTABLISH THESE STANDARDS BY RULE. CHEMICALS USED IN EGG
18 PROCESSING PLANTS, SANITIZERS USED IN EGG PROCESSING, EGG SOAPS, EGG OIL AND
19 OTHER SUBSTANCES USED IN PROCESSING SHELL EGGS ARE SUBJECT TO THE APPROVAL OF
20 THE DIRECTOR.

21 J. THE DIRECTOR SHALL ADOPT RULES FOR POULTRY HUSBANDRY AND THE
22 PRODUCTION OF EGGS SOLD IN THIS STATE. THIS SUBSECTION DOES NOT APPLY TO EGG
23 PRODUCERS OPERATING OR CONTROLLING THE OPERATION OF ONE OR MORE EGG RANCHES
24 EACH HAVING FEWER THAN TWENTY THOUSAND EGG-LAYING HENS PRODUCING EGGS.

25 K. CONSISTENCY OF POULTRY HUSBANDRY PRACTICES FOR THE PRODUCTION OF
26 EGGS IS A STATEWIDE MATTER. THE REGULATION OF POULTRY HUSBANDRY PRACTICES
27 RELATED TO THE PRODUCTION OF EGGS IS NOT SUBJECT TO FURTHER REGULATION BY A
28 COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.