

REFERENCE TITLE: **technical correction; nuisance; nonconforming eggs**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1180

Introduced by
Senator Gowan

AN ACT

AMENDING SECTION 3-730, ARIZONA REVISED STATUTES; RELATING TO EGGS AND EGG PRODUCTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-730, Arizona Revised Statutes, is amended to
3 read:

4 3-730. Nonconforming eggs as nuisance; procedure for handling
5 and abatement

6 A. Eggs or egg products prepared, packed, stored, delivered for
7 shipment, delivered for sale, loaded, shipped, transported or sold in
8 violation of this article, together with their cases, cartons or
9 containers, are declared a public nuisance, and the eggs or egg products
10 shall be held by the person in possession and shall not be moved from the
11 place where held, except ~~upon~~ ON written permission or specified direction
12 of the director.

13 B. An inspector may affix a warning tag or notice to the eggs or
14 egg products and may give notice of the violation to the producer,
15 manufacturer, dealer, ~~OR~~ OR owner or any person in possession of the eggs or
16 egg products. If the person, after notice, refuses or fails within
17 seventy-two hours to proceed with due diligence to recondition or ~~remark~~
18 RE-MARK the eggs or egg products so as to comply with this article, the
19 eggs or egg products, and their cases, cartons or containers, may be
20 seized by a law enforcement officer. When the eggs or egg products are in
21 cold storage the ~~seventy-two-hour~~ SEVENTY-TWO-HOUR period does not
22 commence to run until the eggs or egg products are removed from storage
23 and delivered to a dealer or producer.

24 C. The county attorney of the county in which the nuisance exists,
25 on the relation of the director, shall maintain in the name of the state a
26 civil action to abate and prevent the nuisance. If the court finds a
27 nuisance exists, the court shall order the eggs or egg products condemned
28 and destroyed in the manner directed by the court, or reconditioned,
29 ~~remarked~~ RE-MARKED, denatured or otherwise processed, or released ~~upon~~ ON
30 such conditions as the court may prescribe to ~~insure~~ ENSURE that the
31 nuisance will be abated. If the owner fails to comply with the order of
32 the court within the time specified, the court may order disposal of the
33 eggs or egg products, and their cases, cartons or containers, or the sale
34 thereof, under such conditions as the court may prescribe, by the
35 director, the sheriff or the constable. ~~In the event~~ IF the court orders
36 any of the eggs or egg products and their cases, cartons or containers
37 ~~which~~ THAT can be salvaged to be sold, the cost of disposal shall be
38 deducted from the proceeds of the sale and the balance paid into court to
39 be delivered to the owner.

40 D. In actions arising under this section, the superior court has
41 original jurisdiction.