

House Engrossed

expiration date; eggs; definition

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2750

AN ACT

AMENDING SECTIONS 3-701, 3-705, 3-718, 3-724 AND 3-733, ARIZONA REVISED STATUTES; RELATING TO THE REGULATION OF 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 3-701, 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 or consignee and any other person acting on the
8 express or implied authority of another person.
9 2. "Associate director" means the associate director of the
10 division.
11 3. "Candling" means the visual examination of eggs to establish
12 their quality by ~~the use of~~ USING transmitted light to determine the
13 cleanliness and soundness of the shell, the size and condition of the
14 aircell and the condition of the yolk, white and germ.
15 4. "Carton" means an egg carton as used in commercial practice in
16 the United States.
17 5. "Case" means a standard thirty-dozen egg case as used in
18 commercial practice in the United States.
19 6. "Consumer" means a person who buys eggs for use as food and not
20 for resale in any form.
21 7. "Container" means any box, one-half case, basket, flat or other
22 receptacle, excluding a carton and a case.
23 8. "Dealer" means any person who contracts for 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
29 state.
30 9. "Deceptive" means any arrangement of the contents of any case,
31 container, subcontainer, lot, load or display in which the eggs in the
32 outer layer or in any portion exposed to view are in grade, size,
33 condition or any other respect so superior to those in the interior or
34 unexposed portion as to materially misrepresent the contents or any part
35 of the contents as to size, grade, condition or any other respects.
36 10. "Division" means the animal services division of the Arizona
37 department of agriculture.
38 11. "Egg products":
39 (a) Means eggs that are removed from the shell in a liquid, frozen,
40 dried or freeze-dried state.
41 (b) May consist of whole eggs, yolks, whites or any blend of yolk
42 and white, with or without additives, if eggs are the main ingredient.
43 12. "Eggs" means eggs that are in the shell and that are from
44 chickens, turkeys, ducks, geese or any other species of fowl.

1 13. "Expiration date" means:

2 (a) For eggs that are marked grade AA, the words "sell by" or "buy
3 thru" followed by a date, including the month and day, that is not more
4 than ~~twenty-four~~ THIRTY days after the eggs were candled and includes the
5 date the eggs were candled.

6 (b) For eggs that are marked grade A, the words "best by" or "use
7 by" followed by a date, including the month and day, that is not more than
8 forty-five days after the eggs were candled and includes the date the eggs
9 were candled.

10 14. "Grade" means classified as to quality and applies to a dozen,
11 case, lot or load of eggs.

12 15. "Half case" means a fifteen-dozen container or one-half
13 standard thirty-dozen egg case as used in commercial practice in the
14 United States.

15 16. "Inspector" means an egg inspector who is appointed or assigned
16 pursuant to section 3-709.

17 17. "Manufacturer" means a person that is engaged in the business
18 of operating or controlling the operation of one or more breaking plants
19 producing liquid eggs, dried eggs, frozen eggs or other egg products for
20 human consumption.

21 18. "Marked" means plainly, legibly and conspicuously labeled,
22 stamped, stenciled, printed, typed, lettered or branded.

23 19. "Mislabel" means the placing or presence of any false,
24 deceptive or misleading mark, term, statement, design, device, inscription
25 or other designation on eggs or on a carton, container or subcontainer of
26 eggs, or on the label or lining or wrapper thereof, or on the outward end
27 of the case, or on a placard or sign used in connection therewith, or in
28 connection with any display having reference to eggs.

29 20. "Nest run eggs" means eggs that are packed as they come from
30 the production facilities without having been washed, sized or candled for
31 quality, regardless of whether some undergrades have been removed.

32 21. "Person" includes an individual, household, firm, corporation,
33 company or association.

34 22. "Processed" means that the shell has been treated with oil or
35 another preservative preparation.

36 23. "Producer" means a person that is engaged in the business of
37 operating or controlling the operation of one or more ranches producing
38 eggs within this state.

39 24. "Producer-dealer" means a person that is engaged in the
40 business of operating or controlling the operation of one or more egg
41 ranches producing eggs within ~~the~~ THIS state, and that, while in
42 possession or control of any additional eggs other than the person's own
43 production, candles, grades, sells, peddles, distributes, deals in or
44 trades in eggs for resale to dealers, producer-dealers, manufacturers or
45 retailers.

1 25. "Quality" means the inherent properties of any product that
2 determine its relative degree of excellence.

3 26. "Retailer" means a person that buys candled and graded eggs or
4 egg products from a producer, licensed manufacturer, licensed
5 producer-dealer or licensed dealer for resale to a consumer only, or that
6 buys egg products to use in the preparation of other consumer foods for
7 resale.

8 27. "Sell" includes to offer for sale, to expose for sale or to
9 have in possession for sale, exchange, barter or trade.

10 28. "Size" means classified as to weight.

11 29. "Standard" means the quality specifications for a single egg.

12 30. "Subcontainer" means a container that is used within another
13 container.

14 31. "Supervisor" means the supervisor of egg inspection or the
15 supervisor's authorized representative.

16 Sec. 2. Section 3-705, Arizona Revised Statutes, is amended to
17 read:

18 3-705. Standards of quality

19 A. The standards of quality for chicken eggs in the shell as
20 determined by candling shall be established by rule adopted by the
21 director.

22 B. THE STANDARDS OF QUALITY ESTABLISHED PURSUANT TO THIS SECTION
23 MAY NOT PROHIBIT AN EGG THAT OTHERWISE MIGHT BE DEEMED GRADE A AFTER
24 TWENTY-FOUR DAYS AFTER THE EGG WAS CANDLED, INCLUDING THE DATE THE EGG WAS
25 CANDLED, FROM BEING ADVERTISED AND SOLD AS GRADE AA FOR UP TO THIRTY DAYS
26 AFTER THE EGG WAS CANDLED, INCLUDING THE DATE THE EGG WAS CANDLED.

27 Sec. 3. Section 3-718, Arizona Revised Statutes, is amended to
28 read:

29 3-718. Sale of eggs; invoice; deterioration of eggs below
30 grade; exceptions

31 A. Every person ~~selling~~ THAT SELLS eggs or egg products to a
32 producer-dealer, dealer, retailer, manufacturer, hotel, hospital, bakery,
33 restaurant or other eating place, ~~or~~ or consumer shall furnish an invoice
34 showing the date of sale, the exact quantity of eggs or egg products, ~~AND~~
35 THE size and grade of the eggs, ~~or~~ or nest run EGGS, according to the
36 standards prescribed pursuant to this chapter, together with the name and
37 address of the person THAT IS buying and selling the eggs. An egg
38 purchase ticket given by a dealer or producer-dealer to a producer when
39 the producer sells nest run eggs to ~~such~~ THE dealer or producer-dealer
40 complies with this section. A copy of the invoice or egg purchase ticket
41 shall be kept on file by the seller and the buyer at their respective
42 places of business for a period of thirty days and shall be open at all
43 reasonable times to inspection by an inspector.

1 B. A person ~~having eggs marked~~ THAT MARKS EGGS in accordance with
2 the invoice ~~who~~ AND THAT keeps the eggs for such time after they are
3 purchased as to cause them to deteriorate to a lower grade or size and
4 then offers or exposes ~~them~~ THE EGGS for sale under the mark of the
5 invoice grade or size violates this article, UNLESS THE INVOICE GRADE OF
6 THE EGGS IS GRADE AA AND THE EGGS ARE OFFERED OR EXPOSED FOR SALE ON OR
7 BEFORE THIRTY DAYS AFTER THE EGGS WERE CANDLED, INCLUDING THE DATE THE
8 EGGS WERE CANDLED.

9 C. ~~No~~ AN invoice ~~shall be~~ IS NOT required on eggs when sales are
10 made by the producer from eggs THAT ARE produced on the producer's
11 premises and THAT ARE sold direct to the consumer.

12 D. ~~No~~ AN invoice ~~shall be~~ IS NOT required on eggs sold or delivered
13 by a retailer when selling eggs from the retailer's establishment to
14 consumers.

15 Sec. 4. Section 3-724, Arizona Revised Statutes, is amended to
16 read:

17 3-724. Misrepresentation of quality; exemption

18 A. ~~No~~ A person ~~shall~~ MAY NOT advertise, REPRESENT or sell eggs as
19 fresh eggs ~~or represent them to be fresh eggs~~ unless ~~they~~ THE EGGS meet
20 the requirements for grade A or better.

21 B. ~~No~~ A person ~~shall~~ MAY NOT advertise, represent or sell eggs as
22 local eggs unless the eggs have been produced within this state and meet
23 the requirements for grade A or better.

24 C. A PERSON MAY ADVERTISE, REPRESENT OR SELL EGGS MARKED GRADE AA
25 AS FRESH OR GRADE AA FOR UP TO THIRTY DAYS AFTER THE EGGS WERE CANDLED,
26 INCLUDING THE DATE THE EGGS WERE CANDLED.

27 Sec. 5. Section 3-733, Arizona Revised Statutes, is amended to
28 read:

29 3-733. Unlawful acts and conduct; exemption

30 The following acts or conduct ~~are~~ IS unlawful:

31 1. ~~Failure~~ FAILING to comply with a lawful order of the department,
32 or of a court, in a proceeding under the provisions of this article.

33 2. ~~Refusal~~ REFUSING to submit eggs or egg products or a case,
34 carton, container, subcontainer, lot, load or display of eggs to
35 inspection or ~~to refuse~~ to stop, at the request of an authorized
36 representative of the department, any vehicle transporting eggs or egg
37 products.

38 3. ~~Failure~~ FAILING to appear in court at the time and place
39 designated in a written promise given after arrest in accordance with the
40 provisions of this article, regardless of the disposition of the offense
41 originally charged.

1 4. Making a statement, representation or assertion in writing, or
2 by any other manner or means ~~whatever~~, concerning the grade, size, weight,
3 condition of or any other matter relating to advertising and selling eggs
4 and egg products ~~which~~ THAT is false, deceptive or misleading in any
5 particular. FOR THE PURPOSES OF THIS PARAGRAPH, ADVERTISING OR SELLING
6 GRADE AA EGGS FOR UP TO THIRTY DAYS AFTER THE EGGS WERE CANDLED, INCLUDING
7 THE DATE THE EGGS WERE CANDLED, IS NOT FALSE, DECEPTIVE OR MISLEADING.
8 5. Furnishing an invoice, statement or bill showing the size,
9 grade, representation of freshness or any other description of eggs or egg
10 products ~~which~~ THAT is false, deceptive or misleading in any particular.