

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2108

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 3-710, Arizona Revised Statutes, is amended to  
3 read:

4 3-710. Powers and duties; state preemption; egg promotion  
5 program; prohibition

6 A. The department may acquire and distribute to interested persons  
7 useful information relative to preparing for market, handling, purchasing,  
8 transporting, storing and marketing eggs and egg products, including  
9 demonstrating how to classify eggs and egg products in accordance with the  
10 uniform standards and grades prescribed pursuant to this chapter.

11 B. The department may issue in booklet form copies of this article  
12 containing complete descriptive terms as to shell, aircell, white, yolk and  
13 germ, and may change definitions of terms and grades as they are made and  
14 promulgated by the United States department of agriculture.

15 C. On request of the United States government, and others, the  
16 director may negotiate and sign cooperative agreements to provide  
17 inspection and grading services and charge and receive payment for the  
18 reasonable cost of such services. The monies received for such services  
19 shall be deposited in the state egg inspection trust fund established by  
20 section 3-717.

21 D. When the production of papers, books and records relating to any  
22 matter under investigation is deemed advisable, the director may apply to  
23 the superior court in any county for an order requiring the production of  
24 the papers, books and records. If the court is satisfied that the papers,

1 books and records are pertinent to the matter under investigation, their  
2 production shall be ordered.

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

6 F. The supervisor and inspectors shall enforce this article in  
7 conformity with rules adopted by the director. The refusal of an officer  
8 authorized under this article to carry out the orders and directions of the  
9 director in the enforcement of this article or prosecutions under this  
10 article is neglect of duty. The director shall make and enforce such rules  
11 as the director deems necessary to carry out this article.

12 G. An inspector may enter and inspect any place or conveyance within  
13 this state over which the inspector has supervision where eggs are  
14 produced, candled, incubated, stored, packed, delivered for shipment,  
15 loaded, shipped, transported or sold, and may inspect all invoices and eggs  
16 and the cases and containers of the eggs and equipment found in the places  
17 or conveyances, and may take for inspection representative samples of the  
18 invoices, eggs and cases or containers for the purpose of determining  
19 whether or not any provision of this article has been violated.

20 H. An inspector, while enforcing this article, may seize and hold as  
21 evidence an advertisement, sign, placard, invoice, case or container of  
22 eggs or egg products or all or any part of any pack, load, lot consignment  
23 or shipment of eggs or egg products packed, stored, delivered for shipment,  
24 loaded, shipped, transported or sold in violation of any provisions of this  
25 article.

26 I. The department may prescribe minimum standards for egg processing  
27 plants and sanitary standards for processing shell eggs. The department  
28 shall establish these standards by rule. Chemicals used in egg processing  
29 plants, sanitizers used in egg processing, egg soaps, egg oil and other  
30 substances used in processing shell eggs are subject to the approval of the  
31 director.

1 J. The director shall adopt rules for poultry husbandry and the  
2 production of eggs sold in this state. This subsection does not apply to  
3 egg producers operating or controlling the operation of an egg ranch that  
4 has fewer than twenty thousand egg-laying hens producing eggs.

5 K. Consistency of poultry husbandry practices for the production of  
6 eggs is a statewide matter. The regulation of poultry husbandry practices  
7 related to the production of eggs is not subject to further regulation by a  
8 county, city, town or other political subdivision of this state.

9 L. The director may:

10 1. Establish an egg promotion program to provide certification,  
11 inspection and grading services and may prescribe, by rule, fees for those  
12 services. ~~Except as provided in paragraph 3 of this subsection,~~ Monies  
13 collected from the fees shall be deposited, pursuant to sections 35-146 and  
14 35-147, in the state egg inspection trust fund established by section  
15 3-717.

16 2. Adopt rules to administer the egg promotion program, including  
17 participation guidelines, use requirements for department trademarks and  
18 certification marks and other rules the director deems necessary.

19 3. Conduct inspections to ensure compliance with the trademark and  
20 certification mark rules adopted pursuant to this subsection. The monies  
21 collected from fees for an inspection conducted pursuant to this paragraph  
22 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
23 egg inspection trust fund established by section 3-717.

24 M. THE DIRECTOR MAY NOT PROHIBIT THE SALE OF EGGS ON THE BASIS OF  
25 BARN OR CAGE SIZE."

26 Amend title to conform

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