

REFERENCE TITLE: sale of eggs; expiration date

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2464

Introduced by
Representative Norgaard

AN ACT

AMENDING SECTION 3-701, ARIZONA REVISED STATUTES; RELATING TO EGGS.

(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 ~~upon~~ ON
8 the 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 transmitted light to determine the cleanliness
13 and soundness of the shell, the size and condition of the aircell and the
14 condition of the yolk, white and germ.

15 4. "Carton" means AN egg ~~cartons~~ CARTON as used in commercial
16 practice in the United States.

17 5. "Case" means A standard thirty-dozen egg ~~cases~~ 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. ~~The product~~

41 (b) May consist of whole eggs, yolks, whites, ~~or~~ 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 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~~ FORTY-FIVE days after the eggs were candled and that includes
4 the date the eggs were candled.

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

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

10 16. "Inspector" means an egg inspector WHO IS appointed or assigned
11 pursuant to section 3-709.

12 17. "Manufacturer" means a person THAT IS engaged in the business
13 of 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 18. "Marked" means plainly, legibly and conspicuously labeled,
17 stamped, stenciled, printed, typed, lettered or branded.

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

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

28 21. "Person" includes an individual, household, firm, corporation,
29 company or association.

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

32 23. "Producer" means a person THAT IS engaged in the business of
33 operating or controlling the operation of one or more ranches producing
34 eggs within this state.

35 24. "Producer-dealer" means a person THAT IS engaged in the
36 business of operating or controlling the operation of one or more egg
37 ranches producing eggs within the state, and ~~who~~ THAT, while in possession
38 or control of any additional eggs other than the person's own production,
39 candles, grades, sells, peddles, distributes, deals in or trades in eggs
40 for resale to dealers, producer-dealers, manufacturers or retailers.

41 25. "Quality" means the inherent properties of any product ~~which~~
42 THAT determine its relative degree of excellence.

43 26. "Retailer" means a person ~~who~~ THAT buys candled and graded eggs
44 or egg products from a producer, licensed manufacturer, licensed
45 producer-dealer or licensed dealer for resale to a consumer only, or ~~who~~

1 **THAT** buys egg products to use in the preparation of other consumer foods
2 for resale.
3 27. "Sell" includes **TO** offer for sale, **TO** expose for sale, ~~OR~~ **OR TO**
4 have in possession for sale, exchange, barter or trade.
5 28. "Size" means classified as to weight.
6 29. "Standard" means the quality specifications for a single egg.
7 30. "Subcontainer" means a container that is used within another
8 container.
9 31. "Supervisor" means the supervisor of egg inspection or the
10 supervisor's authorized representative.