

AMENDED IN SENATE JANUARY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1414**

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**Introduced by ~~Committee on Accountability and Administrative Review (Frazier (Chair), Achadjian (Vice Chair), Buchanan, Ian Calderon, Cooley, Lowenthal, Medina, Quirk-Silva, and Salas)~~ Committee on Agriculture (Eggman (Chair), Olsen (Vice Chair), Dahle, Pan, Quirk, and Yamada)**

March 20, 2013

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An act to amend ~~Section 12102 of the Business and Professions Code, relating to weights and measures Sections 27510, 27519, and 27644 of, and to add Sections 27519.6 and 27644.5 to, the Food and Agricultural Code, relating to eggs, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, ~~Committee on Accountability and Administrative Review~~ Committee on Agriculture. ~~Weights and measures: annual report. Pasteurized in-shell eggs.~~

(1) Existing law requires egg handlers to register with the Secretary of Food and Agriculture and generally sets forth standards for shell eggs. Existing law imposes specified requirements relating to packing and labeling shell eggs and makes a violation of those provisions a crime.

This bill would exclude pasteurized in-shell eggs, as defined, from the labeling provisions that are generally applicable to shell eggs, and would instead impose other labeling requirements on egg handlers of pasteurized in-shell eggs, as specified. By creating new crimes, the bill would impose a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law requires the Department of Food and Agriculture, except as provided, to have general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law requires the department to annually report to the Governor, and the Legislature before each regular session, the work related to weights and measures, and to make recommendations that may be proper and necessary.~~

~~This bill would also require the department to post the annual report on its Internet Web site.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 27510 of the Food and Agricultural Code*  
2     *is amended to read:*

3     27510. “Egg handler” means a person engaged in the business  
4     of producing, candling, grading, packing, or otherwise preparing  
5     shell eggs *or pasteurized in-shell eggs* for market or who engages  
6     in the operation of selling or marketing eggs that he or she has  
7     produced, purchased, or acquired from a producer, or which he or  
8     she is marketing on behalf of a producer, whether as owner, agent,  
9     employee, or otherwise. This section shall not apply to any  
10    purchaser who is a retailer and who does not handle eggs in any  
11    other capacity, except as a retailer.

12    *SEC. 2. Section 27519 of the Food and Agricultural Code is*  
13    *amended to read:*

14    27519. “Shell eggs” means *any in-shell eggs other than*  
15    *pasteurized in-shell eggs, as defined in Section 27519.6.*

16    *SEC. 3. Section 27519.6 is added to the Food and Agricultural*  
17    *Code, to read:*

1 27519.6. "Pasteurized in-shell eggs" means in-shell eggs that  
2 have been pasteurized by any method approved by the federal  
3 Food and Drug Administration or the department.

4 SEC. 4. Section 27644 of the Food and Agricultural Code is  
5 amended to read:

6 27644. (a) ~~It~~ Except as provided in subdivision (c), it is  
7 unlawful for an egg handler, as defined in Section 27510, to sell,  
8 offer for sale, or expose for sale eggs that are packed or graded  
9 for human consumption unless at least one of the following  
10 conditions is met:

11 (1) The consumer container is plainly, legibly, and  
12 conspicuously labeled "KEEP REFRIGERATED" or with words  
13 of similar meaning. Consumer container labeling that complies  
14 with the safe-handling instructions required by Section 101.17 of  
15 Title 21 of the Code of Federal Regulations shall be deemed to  
16 comply with this paragraph.

17 (2) A conspicuous sign is posted at the point of sale for eggs on  
18 bulk display advising consumers that the eggs are to be refrigerated  
19 as soon as practical after purchase.

20 (b) Except as provided in subdivision (c), it is unlawful for an  
21 egg handler to sell, offer for sale, or expose for sale eggs that are  
22 packed for human consumption unless each container intended for  
23 sale to the ultimate consumer is labeled on one outside top, side,  
24 or end with all of the following:

25 (1) (A) The words "Sell-by" immediately followed by the month  
26 and day in bold type, for example "June 30" or "6-30." Common  
27 abbreviations of months shall be permitted.

28 (B) The sell-by date shall not exceed 30 days from the date on  
29 which the eggs were packed, excluding the date of packing.

30 (C) If the eggs are repacked but not regraded, the original sell-by  
31 date shall apply.

32 (2) A Julian pack date. As used in this paragraph, the Julian  
33 pack date is the consecutive day of the year on which the eggs  
34 were packed.

35 (3) The identification number of the plant of origin.

36 (c) This section does not apply to eggs that are packaged for  
37 export. Paragraph (1) of subdivision (b) does not apply to eggs  
38 that are packaged for interstate commerce or eggs that are packaged  
39 for military sales. *This section does not apply to pasteurized*  
40 *in-shell eggs.*

1 (d) All eggs returned from grocery stores, store warehouses,  
2 and institutions shall not be reprocessed for retail shell egg sales.

3 (e) (1) For the purposes of paragraph (3) of subdivision (b), the  
4 department, in consultation with the Shell Egg Advisory  
5 Committee, shall establish a plant identification numbering system  
6 and assign identification numbers to all egg handling facilities.

7 (2) For the purposes of complying with paragraph (3) of  
8 subdivision (b), an egg handling facility that is inspected by the  
9 United States Department of Agriculture, and to which a federal  
10 plant identification number has been assigned, may use the federal  
11 identification number, the identification number assigned by the  
12 department, or both.

13 *SEC. 5. Section 27644.5 is added to the Food and Agricultural*  
14 *Code, to read:*

15 *27644.5. (a) It is unlawful for an egg handler, as defined in*  
16 *Section 27510, to sell, offer for sale, or expose for sale pasteurized*  
17 *in-shell eggs that are packed for human consumption unless both*  
18 *of the following conditions are met:*

19 *(1) The consumer container is conspicuously labeled “KEEP*  
20 *REFRIGERATED” or with words of similar meaning. Consumer*  
21 *container labeling that complies with the safe handling instructions*  
22 *required by Section 101.17 of Title 21 of the Code of Federal*  
23 *Regulations shall be deemed to comply with this paragraph.*

24 *(2) A conspicuous sign is posted at the point of sale for*  
25 *pasteurized in-shell eggs on bulk display advising consumers that*  
26 *the pasteurized in-shell eggs are to be refrigerated as soon as*  
27 *practical after purchase.*

28 *(b) Except as provided in subdivision (c), it is unlawful for an*  
29 *egg handler to sell, offer for sale, or expose for sale pasteurized*  
30 *in-shell eggs that are packed for human consumption unless each*  
31 *container intended for sale to the ultimate consumer is labeled on*  
32 *one outside top, side, or end with all of the following:*

33 *(1) The words “Sell by” immediately followed by the month and*  
34 *day in bold type. Common abbreviations for months may be used.*

35 *(A) The sell-by date shall not exceed 75 days from the date on*  
36 *which the pasteurized in-shell eggs were pasteurized, excluding*  
37 *the date of pasteurization. Processors of in-shell eggs that subject*  
38 *the eggs to the pasteurization process shall establish a sell-by date*  
39 *by completion of an appropriate shelf stability study that includes*  
40 *public health and safety criteria. The processor shall retain the*

1 study on file at the processing plant and make it available to the  
2 department upon request.

3 (B) If the pasteurized in-shell eggs are repacked, the original  
4 sell-by date shall apply.

5 (2) A Julian pack date. As used in this paragraph, the Julian  
6 pack date is the consecutive day of the year on which the  
7 pasteurized in-shell eggs were pasteurized.

8 (3) The identification number of the plant of origin.

9 (4) A conspicuous identification of the eggs as “pasteurized.”

10 (5) All state and federal labeling requirements.

11 (c) This section does not apply to pasteurized in-shell eggs that  
12 are packaged for export.

13 (d) Paragraph (1) of subdivision (b) does not apply to  
14 pasteurized in-shell eggs that are packaged for interstate commerce  
15 or pasteurized in-shell eggs that are packaged for military sales  
16 if exported to a state or federal agency that requires a different  
17 format for the sell-by or best-if-used-by date on pasteurized  
18 in-shell eggs, and the processor is utilizing that format.

19 (e) All pasteurized in-shell eggs returned from grocery stores,  
20 store warehouses, and institutions shall not be reprocessed for  
21 any retail in-shell egg sales.

22 (f) (1) The department, in consultation with the Shell Egg  
23 Advisory Committee, established pursuant Section 27571, shall  
24 establish a plant identification numbering system and assign  
25 identification numbers to all pasteurized in-shell egg handling  
26 facilities.

27 (2) For purposes of complying with paragraph (3) of subdivision  
28 (b), a pasteurized in-shell egg handling facility that is inspected  
29 by the United States Department of Agriculture or the federal Food  
30 and Drug Administration, and to which a federal plant  
31 identification number has been assigned, may use the federal  
32 identification number, the identification number assigned by the  
33 department, or both.

34 SEC. 6. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section 17556 of  
40 the Government Code, or changes the definition of a crime within

1 *the meaning of Section 6 of Article XIII B of the California*  
2 *Constitution.*

3 *SEC. 7. This act is an urgency statute necessary for the*  
4 *immediate preservation of the public peace, health, or safety within*  
5 *the meaning of Article IV of the Constitution and shall go into*  
6 *immediate effect. The facts constituting the necessity are:*

7 *In order to make changes to labeling requirements for*  
8 *pasteurized in-shell eggs at the earliest possible time to protect*  
9 *public health and safety, it is necessary that this act take effect*  
10 *immediately.*

11 ~~SECTION 1. Section 12102 of the Business and Professions~~  
12 ~~Code is amended to read:~~

13 ~~12102. The department shall annually report to the Governor,~~  
14 ~~and shall before each regular session report to the Legislature, the~~  
15 ~~work under this division, and shall make recommendations that~~  
16 ~~may be proper and necessary. The department shall post the annual~~  
17 ~~report on its Internet Web site.~~