

Assembly Bill No. 593

CHAPTER 403

An act to add Sections 27643 and 27644 to the Food and Agricultural Code, relating to food.

[Approved by Governor September 2, 1997. Filed
with Secretary of State September 2, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 593, Cardoza. Food: raw eggs.

Existing law, the California Uniform Retail Food Facilities Law, requires raw shell eggs to be stored and displayed at 45°F, commencing January 1, 1998 until January 1, 2000, except under certain conditions.

Existing law provides for the regulation of the production and marketing of eggs. Repeat violations of these provisions or any regulation adopted pursuant thereto is a misdemeanor. These provisions define "egg handler" as a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs for market or who engages in the operation of selling or marketing eggs that he or she has produced, purchased, or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, employee, or otherwise.

This bill would make it unlawful for an egg handler to hold, store, transport, or display eggs that are packed or graded for human consumption unless the eggs are held, stored, transported, or displayed at an average ambient temperature of 45°F or lower or at a temperature equal to or less than that established by regulations of the United States Department of Agriculture. The bill would set forth exceptions to this requirement. The bill would make it unlawful for an egg handler to sell, offer for sale, or expose for sale eggs (1) that are packed or graded for human consumption that are not accompanied with notice of refrigeration requirements using designated labeling on the consumer container or prescribed signs at the point of sale and (2) that are packed for human consumption that are not labeled with prescribed "Sell-by" information on the container and subcontainer and the identification of the plant of origin. By changing the definition of a crime and increasing the duties of county agricultural commissioners, the bill would impose a state-mandated local program.

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 specified reasons.

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

SECTION 1. Section 27643 is added to the Food and Agricultural Code, to read:

27643. (a) It is unlawful for an egg handler, as defined in Section 27510, to hold, store, transport, or display eggs that are packed or graded for human consumption unless the eggs are held, stored, transported, or displayed consistent with all of the following requirements:

(1) At an average ambient temperature of 45 degrees Fahrenheit, or lower.

(2) At a temperature equal to or less than the temperature requirement for holding, storing, transporting, or displaying eggs established by regulations of the United States Department of Agriculture in Title 7 of Part 56 of the Code of Federal Regulations governing the grading of shell eggs.

(b) Retail outlets that are regulated by this chapter, except for retail outlets located in shell egg packing or distribution facilities, are exempt from subdivision (a).

(c) Certified farmers' markets, as defined in Section 113745 of the Health and Safety Code, are not required to comply with subdivision (a).

(d) Transport vehicles may exceed the 45 degree Fahrenheit maximum temperature required pursuant to subdivision (a) when eggs are either being loaded into the transport vehicle or unloaded from the transport vehicle. A transport vehicle shall be deemed to be in compliance with subdivision (a) if the transport vehicle is equipped and has in operation when eggs are in the transport vehicle a refrigeration unit delivering air at a temperature of 45 degrees Fahrenheit or lower.

SEC. 2. Section 27644 is added to the Food and Agricultural Code, to read:

27644. (a) It is unlawful for an egg handler, as defined in Section 27510, to sell, offer for sale, or expose for sale eggs that are packed or graded for human consumption unless at least one of the following conditions is met:

(1) The consumer container is plainly, legibly, and conspicuously labeled "KEEP REFRIGERATED" or with words of similar meaning.

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

(b) It is unlawful for an egg handler to sell, offer for sale, or expose for sale eggs that are packed for human consumption unless each



container and subcontainer is labeled on one outside top, side, or end with both of the following:

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

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

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

(2) The identification number of the plant of origin.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Furthermore, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

