

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative George**

A Bill

ACT 115 OF 1993
HOUSE BILL 1119

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-58-202 AND 20-58-210
9 RELATING TO THE MARKETING OF EGGS; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "AN ACT RELATING TO THE MARKETING OF EGGS."

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17 SECTION 1. Arkansas Code 20-58-202 is hereby amended to read as
18 follows:

19 "20-58-202. Definitions.

20 As used in this subchapter, unless the context otherwise requires:

21 (1) _Candle_ means to determine the interior quality based on the use
22 of a candling light as defined in the U.S. standards;

23 (2) _Consumer_ means any person using eggs for food and shall include
24 restaurants, hotels, cafeterias, hospitals, state institutions, and any other
25 establishment serving food to be consumed or produced on the premises but
26 shall not include the armed forces or any other federal agency or institution;

27 (3) _Denatured_ means rendering unfit for human food by treatment or
28 the addition of a foreign substance as approved by USDA, AMS, Administrator;

29 (4) _Eggs_ means the product of the domesticated chicken hen and any
30 other eggs offered for sale for human consumption;

31 (5) _Case_ means a container of thirty (30) dozen shell eggs;

32 (6) _Inedible and unfit for human food_ means eggs described as black
33 rots, white rots, mixed rots or addled eggs, sour eggs, eggs with green
34 whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood
35 rings, eggs containing embryo chicks at or beyond the blood ring stage, and
36 any eggs that are adulterated as that term is defined in the Food, Drug, and

1 Cosmetic Act, § 20-56-201 et seq.;

2 (7) Person means any individual, partnership, association, business
3 trust, corporation, or any organized group of persons, whether incorporated or
4 not;

5 (8) Possession means the fact of possession by any person engaged in
6 the sale of a commodity is prima facie evidence that the commodity is for
7 sale;

8 (9) Retailer means any person who sells eggs to a consumer;

9 (10) Sell means to offer for sale, expose for sale, have in
10 possession for sale, exchange, barter, or trade;

11 (11) Packer means any person who grades, sizes, candles, and packs
12 eggs for purpose of resale;

13 (12) Dealer-wholesaler means a person engaged in the business of
14 buying eggs from producers or other persons on his own account and selling or
15 transferring eggs to other dealer-wholesalers, processors, retailers, or other
16 persons and consumers. A dealer-wholesaler further means a person engaged in
17 producing eggs from his own flock and disposing of any portion of this
18 production on a graded basis;

19 (13) Processor means a person who operates a plant for the purpose of
20 breaking eggs for freezing, drying, or commercial food manufacturing;

21 (14) The Egg Products Inspection Act means Public Law 91-597, Egg
22 Products Inspection Act, dated December 29, 1970;

23 (15) Ambient temperature means the atmospheric temperature
24 surrounding or encircling shell eggs;

25 (16) Container includes any carton, basket, case, cart, pallet, or
26 other receptacle.

27 (a) Immediate container means any consumer package, or other
28 container in which shell eggs, not consumer packaged, are packed.

29 (b) Shipping container means any container used in packing
30 shell eggs packaged in an immediate container."

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32 SECTION 2. Arkansas Code 20-58-210 is hereby amended to read as
33 follows:

34 "20-58-210 Refrigeration of eggs - Temperature and labeling
35 requirements.

1 (A) All shell eggs packed in containers for the purpose of resale to
2 consumers shall be stored and transported under refrigeration at an ambient
3 temperature no greater than forty-five (45) degrees Fahrenheit (7.2 degrees
4 Celsius).

5 (B) All shell eggs that are packed into containers for the purpose of
6 resale to the consumer shall be labeled with the following statement: Keep
7 refrigerated at or below 45 degrees Fahrenheit.

8 (C) Every person, firm or corporation selling eggs for the purpose of
9 resale to the consumer must store and transport shell eggs under refrigeration
10 at an ambient temperature no greater than forty-five (45) degrees Fahrenheit
11 (7.2 degrees Celsius), and all containers of eggs must be labeled with the
12 following statement Keep refrigerated at or below 45 degrees Fahrenheit.
13 This includes retailers, institutional users, dealer/wholesalers, food
14 handlers, transportation firms, or any person who delivers to the retail or
15 consuming trade.

16 (D) Packers shall not be responsible for the interior quality of eggs
17 unless all recommended handling procedures in this section are followed by all
18 parties after the sale of the eggs by the packer."

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20 SECTION 3. All provisions of this act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 5. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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APPROVED: 2/11/93

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