

ASSEMBLY BILL

No. 1437

Introduced by Assembly Member Huffman
(Principal coauthor: Senator Florez)
(Coauthor: Assembly Member Tom Berryhill)

February 27, 2009

An act to add Chapter 14 (commencing with Section 25995) to Division 20 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as introduced, Huffman. Shelled eggs: sale for human consumption: compliance with animal care standards.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Public Health to regulate manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act, including, but not limited to, prohibition against the receipt in commerce of any adulterated food, as defined. A violation of these provisions is a crime.

Existing law, enacted as Proposition 2, an initiative measure approved by the voters at the November 4, 2008, statewide general election, establishes, commencing January 1, 2015, specified farm animal treatment standards.

This bill would, commencing January 1, 2015, prohibit the sale of a shelled egg for human consumption if it is the product of an egg-laying hen that was confined on a farm or place that is not in compliance with those animal care standards and would make violations of these provisions a crime. This bill would declare that its provisions are

severable. By creating a new crime, this 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 a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 14 (commencing with Section 25995)
2 is added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 14. SHELLED EGGS

5
6 25995. The Legislature finds and declares all of the following:

7 (a) According to the Pew Commission on Industrial Farm
8 Production, food animals that are treated well and provided with
9 at least minimum accommodation of their natural behaviors and
10 physical needs are healthier and safer for human consumption.

11 (b) A key finding from the World Health Organization and Food
12 and Agricultural Organization of the United Nations Salmonella
13 Risk Assessment was that reducing flock prevalence results in a
14 directly proportional reduction in human health risk.

15 (c) Egg-laying hens subjected to stress are more likely to have
16 higher levels of pathogens in their intestines and the conditions
17 increase the likelihood that consumers will be exposed to higher
18 levels of food-borne pathogens.

19 (d) Salmonella is the most commonly diagnosed food-borne
20 illness in the United States.

21 (e) It is the intent of the Legislature to protect California
22 consumers from the deleterious, health, safety, and welfare effects
23 of the sale and consumption of eggs derived from egg-laying hens
24 that are exposed to significant stress and may result in increased
25 exposure to disease pathogens including salmonella.

26 25996. (a) Commencing January 1, 2015, a shelled egg may
27 not be sold or contracted for sale for human consumption in
28 California if it is the product of an egg-laying hen that was confined

1 on a farm or place that is not in compliance with animal care
2 standards set forth in Chapter 13.8 (commencing with Section
3 25990).

4 (b) Any person who violates this chapter is guilty of a
5 misdemeanor, and upon conviction thereof shall be punished by
6 a fine not to exceed one thousand dollars (\$1,000) or by
7 imprisonment in the county jail for a period not to exceed 180 days
8 or by both that fine and imprisonment.

9 (c) The provisions of this chapter are in addition to, and not in
10 lieu of, any other laws protecting animal welfare, including the
11 Penal Code. This chapter shall not be construed to limit any state
12 law or regulation protecting the welfare of animals, nor shall
13 anything in this chapter prevent a local governing body from
14 adopting and enforcing its own animal welfare laws and
15 regulations.

16 SEC. 2. If any provision of this act, or the application thereof
17 to any person or circumstances, is held invalid or unconstitutional,
18 that invalidity or unconstitutionality shall not affect other
19 provisions or applications of this act or other existing state law or
20 regulation that can be given effect with out the invalid or
21 unconstitutional provision or application, and to this end the
22 provisions of this act are severable.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.