

Senate File 2391

H-8273

1 Amend Senate File 2391, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 MEAT PRODUCTS — MISCELLANEOUS>

6 2. Page 6, line 11, after <chapters> by inserting <137A,>

7 3. Page 6, line 20, after <chapters> by inserting <137A,>

8 4. Page 7, after line 35 by inserting:

9 <DIVISION ____

10 EGG PRODUCTS

11 PART A

12 MISBRANDING OF EGG PRODUCTS

13 Sec. ____ . NEW SECTION. 137A.1 **Definitions.**

14 As used in this chapter, unless the context otherwise
15 requires:

16 1. "*Department*" means the department of inspections,
17 appeals, and licensing.

18 2. *a.* "*Egg*" means a food product that is the reproductive
19 output of an agricultural food animal classified as a chicken.

20 *b.* "*Egg*" includes albumen and yolk encased in a
21 calcium-based shell.

22 3. "*Egg processing*" means the processing of eggs that may
23 include any of the following:

24 *a.* The handling, preparation, and packaging of whole shelled
25 or unshelled eggs.

26 *b.* The handling, preparation, heating, and packaging of
27 whole shelled or unshelled eggs.

28 *c.* The breaking of eggs and the separation of eggs;
29 pasteurization; filtering, mixing, stabilizing, or blending
30 parts of the egg; any cooling, freezing, or drying of parts of
31 the egg; storage; and packaging.

32 4. "*Egg product*" means a food product derived from
33 egg processing in which eggs or egg parts are the primary
34 ingredient.

35 5. "*Fabricated-egg product*" means a food product, if it has

1 one or more sensory attributes that resemble an egg product
2 but that, in lieu of being the output of a chicken commonly
3 referred to as a laying hen, is derived from manufactured
4 plants or other organic materials.

5 6. a. *"Identifying egg term"* means any word or phrase
6 that states, indicates, suggests, or describes an egg product,
7 regardless of whether the word or phrase is used individually,
8 as a portmanteau, or as a compound word.

9 b. *"Identifying egg term"* includes but is not limited to any
10 of the following:

11 (1) (a) A common name for a type of a chicken, including
12 laying hen, hen, or layer, cage-free, poultry, or fowl.

13 (b) A common name for a characteristic of a chicken based
14 on age, breed, or sex.

15 (2) Any part of the egg, including its egg, eggshell, egg
16 white, or yolk.

17 (3) (a) A common name that a reasonable purchaser would
18 immediately and exclusively associate with an egg product
19 prepared for sale in normal commercial channels such as
20 custard, eggnog, frittata, huevos rancheros, omelette,
21 mayonnaise, meringue, sunny side up, over easy, over hard,
22 scrambled, or quiche.

23 (b) A comparable word or phrase as approved by the
24 department.

25 7. *"Label"* means a display of written, printed, or graphic
26 matter placed upon any container storing a food product that
27 is offered for sale or sold on a wholesale or retail basis,
28 regardless of whether the label is printed on the container's
29 packaging or a sticker affixed to the container.

30 8. a. *"Qualifying term"* means a word, compound word, or
31 phrase that would clearly disclose to a reasonable purchaser of
32 egg products from a food processing plant that a food product
33 is not an egg product.

34 b. *"Qualifying term"* includes but is not limited to fake,
35 imitation, egg-free, plant, plant-based, vegan, vegetable,

1 vegetarian, veggie, or a comparable word or phrase as approved
2 by the department.

3 9. "Regulatory authority" means the same as defined in
4 section 137F.1.

5 Sec. _____. NEW SECTION. 137A.2 Administration.

6 1. In conducting a routine inspection of the premises of a
7 food processing plant licensed under chapter 137F, a regulatory
8 authority is not required to determine if any food product
9 located on the premises is misbranded as an egg product as
10 provided in section 137A.3.

11 2. A regulatory authority shall inspect an inventory of
12 food products offered for sale or sold at a food processing
13 plant based on a credible complaint that the food products are
14 misbranded as egg products as provided in section 137A.3.

15 3. A regulatory authority shall have the same powers to
16 inspect a food processing plant under this chapter as it does
17 under chapter 137F.

18 4. The department shall adopt rules pursuant to chapter 17A
19 that are necessary or desirable to administer and enforce this
20 chapter.

21 Sec. _____. NEW SECTION. 137A.3 Misbranded food product.

22 A food product is misbranded as an egg product if all of the
23 following apply:

24 1. The food product is a fabricated-egg product or the food
25 product contains a fabricated-egg product.

26 2. The food product is offered for sale or sold by a food
27 processing plant.

28 3. a. A label that is part of or placed on the package
29 or other container storing the food product includes an
30 identifying egg term.

31 b. Paragraph "a" does not apply if the label contains a
32 conspicuous and prominent qualifying term in close proximity to
33 an identifying egg term.

34 Sec. _____. NEW SECTION. 137A.4 Prohibition — sale.

35 A food processing plant shall not offer for sale or sell a

1 food product that is misbranded as an egg product as provided
2 in section 137A.3.

3 Sec. _____. NEW SECTION. 137A.5 **Enforcement — stop order.**

4 1. If a regulatory authority has reasonable cause to believe
5 that a food processing plant is offering for sale or selling a
6 food product that is misbranded as an egg product in violation
7 of section 137A.4, the regulatory authority may issue a stop
8 order. Upon being issued the stop order, the food processing
9 plant shall not offer for sale or sell the food product until
10 the regulatory authority determines that the food product is or
11 is not misbranded as an egg product.

12 2. The regulatory authority may require that the food
13 product be held by the food processing plant and be secured
14 from purchase.

15 3. If a regulatory authority determines that the food
16 product being offered for sale or sold by a food processing
17 plant is misbranded as an egg product, the regulatory authority
18 may issue an embargo order requiring the food processing plant
19 to dispose of the misbranded egg product other than by sale to
20 purchasers in this state.

21 4. The department, the attorney general, or the county
22 attorney in the county where the food product is being offered
23 for sale or sold may enforce the stop order or embargo order by
24 petitioning the district court of that county.

25 Sec. _____. NEW SECTION. 137A.6 **Violation — misbranding —**
26 **civil penalty.**

27 1. A food processing plant shall not misbrand a food product
28 as an egg product as provided in section 137A.3 as determined
29 by the department.

30 2. A food processing plant violating subsection 1 is subject
31 to a civil penalty of not more than five hundred dollars, not
32 to exceed ten thousand dollars total for violations arising
33 out of the same transaction or occurrence. Each day that a
34 violation continues constitutes a separate offense.

35 3. The department shall impose the civil penalty provided

1 in subsection 2. A food processing plant may contest the
2 imposition of the civil penalty by initiating a contested case
3 proceeding pursuant to chapter 17A.

4 4. Civil penalties collected under this section shall be
5 deposited in the general fund of the state.

6 Sec. _____. NEW SECTION. 137F.4A **Egg products.**

7 1. A regulatory authority shall not suspend or revoke a
8 license issued to a food processing plant under this chapter
9 for offering for sale or selling a food product that is
10 misbranded as an egg product in violation of section 137A.4.

11 2. A license issued to a food processing plant under section
12 137F.4 also covers the operation of a food processing plant
13 under chapter 137A.

14 PART B

15 FEDERAL PROGRAM PURCHASING RESTRICTIONS

16 Sec. _____. NEW SECTION. 135.16D **Federal nutrition programs**
17 **— fabricated-egg products.**

18 1. As used in this section, unless the context otherwise
19 requires:

20 a. "*Fabricated-egg product*" means the same as defined in
21 section 137A.1.

22 b. "*Federal nutrition program*" or "*program*" means any of the
23 following:

24 (1) The special supplemental nutrition program for women,
25 infants, and children as provided in 42 U.S.C. §1786 et seq.

26 (2) The supplemental nutrition assistance program as
27 provided in 7 U.S.C. ch. 51.

28 2. If the United States department of agriculture approves
29 fabricated-egg products for purchase under a federal nutrition
30 program, the department of health and human services shall
31 submit a request to the United States department of agriculture
32 for a waiver or other exception that excludes fabricated-egg
33 products from program eligibility in this state.

34 PART C

35 STATE PURCHASING RESTRICTIONS

1 Sec. ____ . NEW SECTION. **260C.10A Purchases — egg products.**

2 The board of directors providing services to a merged area,
3 and the board of directors of a community college, shall
4 establish policies to prevent the purchase of a food product
5 that is misbranded as an egg product as prohibited in chapter
6 137A.

7 Sec. ____ . NEW SECTION. **262.25E Purchases — egg products.**

8 The state board of regents, and institutions under the
9 control of the board, shall establish policies to prevent the
10 purchase of a food product that is misbranded as an egg product
11 as prohibited in chapter 137A.

12 Sec. ____ . NEW SECTION. **283A.13 Purchases — egg products.**

13 The department of education, and school boards, shall
14 establish policies to prevent the purchase of a food product
15 that is misbranded as an egg product as prohibited in chapter
16 137A.>

17 5. By renumbering as necessary.

HORA of Washington