

REFERENCE TITLE: food producers; prohibited ordinances

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

## **SB 1050**

Introduced by  
Senators Farnsworth D, Lesko: Allen, Barto, Begay, Biggs, Burges, Shooter;  
Representatives Bolding, Borrelli, Cardenas, Lawrence, Townsend

AN ACT

AMENDING SECTIONS 3-561, 3-562 AND 3-563, ARIZONA REVISED STATUTES; RELATING  
TO THE SALE OF FOOD PRODUCTS BY PRODUCERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-561, Arizona Revised Statutes, is amended to  
3 read:

4 3-561. Definitions

5 In this article, unless the context otherwise requires:

6 ~~2-~~ 1. "Food product" includes:

7 (a) Every product of the soil in its natural or manufactured state.

8 (b) Beef and beef products.

9 (c) Swine and pork products.

10 (d) Fowls and poultry products.

11 (e) Eggs and egg products.

12 (f) Milk and milk products.

13 (g) Lamb and sheep products.

14 ~~1-~~ 2. "Producer" includes owners, proprietors or tenants of  
15 agricultural lands, orchards, farms and gardens, **INCLUDING RESIDENTIAL AND**  
16 **COMMUNITY GARDENS, whereon** **WHERE** food products are grown, raised or prepared  
17 for market.

18 Sec. 2. Section 3-562, Arizona Revised Statutes, is amended to read:

19 3-562. Restrictions on production and sales of food products by  
20 producers prohibited

21 A. The producers of food products on agricultural lands, ~~AND~~ farms  
22 and **IN** gardens, **INCLUDING RESIDENTIAL AND COMMUNITY GARDENS, shall never**  
23 **under any pretext MAY NOT** be denied or restricted the right to sell and  
24 dispose of their products, except in the manner and to the extent provided in  
25 this article, and subject to inspection by lawful authority when the  
26 inspection is uniform as to the same product and without cost to the  
27 producer.

28 B. The right to sell and dispose of food products ~~shall extend~~ **EXTENDS**  
29 to the producer in person, members of ~~his~~ **THE PRODUCER'S** family, ~~his~~ **THE**  
30 **PRODUCER'S** agents and all persons in ~~his~~ **THE PRODUCER'S** service, when the  
31 products are sold or disposed of on ~~his~~ **THE PRODUCER'S** behalf and for ~~his~~ **THE**  
32 **PRODUCER'S** benefit.

33 C. **A CITY, TOWN OR COUNTY MAY NOT DENY OR RESTRICT A PRODUCER OF FOOD**  
34 **PRODUCTS ON AGRICULTURAL LANDS AND FARMS AND IN GARDENS, INCLUDING**  
35 **RESIDENTIAL AND COMMUNITY GARDENS, FROM THE RIGHT TO PRODUCE FOOD PRODUCTS,**  
36 **EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED IN THIS ARTICLE, AND SUBJECT**  
37 **TO INSPECTION BY LAWFUL AUTHORITY WHEN THE INSPECTION IS UNIFORM AS TO THE**  
38 **SAME PRODUCT AND WITHOUT COST TO THE PRODUCER.**

39 Sec. 3. Section 3-563, Arizona Revised Statutes, is amended to read:

40 3-563. Tax, license or fee against producers prohibited

41 A. ~~No~~ **A** tax, license or fee ~~shall~~ **MAY NOT** be imposed, ~~OR levied upon,~~  
42 **ON OR** demanded or collected from a producer for a sale of a food product ~~as~~  
43 ~~defined in this article,~~ and ~~no~~ **A** penalty or punishment ~~shall~~ **MAY NOT** be  
44 imposed on account of the sale, except for **A** violation of laws providing for  
45 inspection.

1           B. A ~~municipal~~ CITY, TOWN OR COUNTY ordinance ~~which~~ THAT seeks to  
2 impose or subject a producer to a tax, license or fee ~~shall be~~ IS void,  
3 except that all such products in common with similar products offered for  
4 sale by persons not the producers thereof ~~shall be~~ ARE subject to inspection.  
5 A ~~municipal~~ CITY, TOWN OR COUNTY ordinance providing for inspection ~~shall~~ IS  
6 not ~~be~~ valid unless it applies in the same manner and ON THE SAME terms to  
7 other persons offering similar products for sale.