

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2604

AN ACT

AMENDING SECTIONS 3-606 AND 3-2001, ARIZONA REVISED STATUTES; AMENDING
TITLE 3, CHAPTER 13, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 3-2099; AMENDING SECTION 3-2156, ARIZONA REVISED STATUTES;
RELATING TO THE SALE OF MEAT, MILK AND POULTRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-606, Arizona Revised Statutes, is amended to
3 read:

4 3-606. Sale of milk, milk products, raw milk and raw milk
5 products; regulation; definition

6 A. All milk and milk products, including cottage cheese, as defined
7 in the federal milk ordinance, sold to the final consumer, restaurants,
8 soda fountains, grocery stores or similar establishments shall be grade A
9 pasteurized or certified pasteurized milk and milk products. No other
10 milk or milk products may be sold to the final consumer, restaurants, soda
11 fountains, grocery stores or similar establishments except:

12 1. Grade A raw or certified raw milk and cream only when produced
13 and bottled or produced, manufactured and placed in containers for final
14 sale within this state.

15 2. Cottage cheese, buttermilk, butter, kefir and other cheeses made
16 from grade A raw or certified raw milk.

17 3. Manufactured milk products made from manufacturing milk.

18 B. A PERSON MAY NOT MISREPRESENT A PRODUCT THAT IS NOT DERIVED FROM
19 MILK AS MILK OR A MILK PRODUCT. THIS PARAGRAPH DOES NOT LIMIT A PERSON
20 FROM SELLING PRODUCTS LABELED AS FAKE MILK OR ALTERNATIVE MILK OR UNDER
21 ANOTHER COMPARABLE QUALIFIER. PRODUCTS SHALL INCLUDE A PROMINENT STATEMENT
22 ON THE PACKAGE THAT THE PRODUCT IS MADE FROM PLANTS OR GROWN IN A LAB OR A
23 COMPARABLE DISCLOSURE.

24 ~~B.~~ C. Any raw milk, raw cream or raw milk products authorized
25 under subsection A shall meet the same health and sanitation standards
26 provided for in this chapter for similar grade A pasteurized milk and milk
27 products.

28 ~~C.~~ D. Raw milk or cream or cottage cheese, butter, buttermilk,
29 kefir or cheeses made from raw milk or cream shall be displayed for sale
30 separately from and shall not be commingled with pasteurized dairy
31 products. The display shall be prominently marked "raw milk" or "raw milk
32 products". The principal display panel of the label on a raw milk product
33 shall prominently state "raw milk product". The principal display panel
34 of the label on raw milk shall prominently state "raw milk: not
35 pasteurized and may contain organisms injurious to your health." In each
36 case the label statement shall appear in conspicuous and easily legible
37 bold-faced print or type in distinct contrast to other matter on the
38 package. The label statement shall appear as a distinct item on the
39 principal display panel, shall be separated by a space at least equal to
40 the height of the lettering used in the statement from other printed label
41 information appearing above or below the statement and by a space at least
42 equal to twice the width of the letter "N" of the type style used in the
43 statement from other printed label information appearing to the left or
44 right of the statement. The statement shall be in letters in a type size
45 established in relationship to the area of the principal display panel of

1 the package and shall be uniform for all packages of substantially the
2 same size by complying with the following type specifications:

3 1. Not less than one-eighth inch in height on packages the
4 principal display panel of which has an area of twenty-five square inches
5 or less.

6 2. Not less than three-sixteenths inch in height on packages the
7 principal display panel of which has an area of more than twenty-five but
8 not more than one hundred square inches.

9 3. Not less than one-fourth inch in height on packages the
10 principal display panel of which has an area of more than one hundred
11 square inches but not more than four hundred square inches.

12 4. Not less than one-half inch in height on packages the principal
13 display panel of which has an area of more than four hundred square
14 inches.

15 ~~D.~~ E. Raw milk products authorized under the provisions of
16 subsection A may be produced outside this state and sold in this state and
17 may be manufactured and placed in containers for final sale on premises
18 other than those where the milk is produced.

19 ~~E.~~ F. Raw milk and raw milk products authorized under subsection A
20 may not be sold or used by restaurants, soda fountains or other similar
21 establishments.

22 G. FOR THE PURPOSES OF THIS SECTION, "MISREPRESENT" MEANS TO USE
23 ANY UNTRUE, MISLEADING OR DECEPTIVE ORAL OR WRITTEN STATEMENT,
24 ADVERTISEMENT, LABEL, DISPLAY, PICTURE, ILLUSTRATION OR SAMPLE.

25 Sec. 2. Section 3-2001, Arizona Revised Statutes, is amended to
26 read:

27 3-2001. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Adulterated" shall apply to any carcass, part thereof, meat or
30 meat food product under one or more of the following circumstances if:

31 (a) It bears or contains any poisonous or deleterious substance
32 which may render it injurious to health, but in case the substance is not
33 an added substance, such article shall not be considered adulterated if
34 the quantity of such substance in or on such article does not ordinarily
35 render it injurious to health.

36 (b) It bears or contains, by reason of administration of any
37 substance to the live animal or otherwise, any added poisonous or added
38 deleterious substance other than one which is a pesticide chemical in or
39 on a raw agricultural commodity, a food additive or a color additive which
40 may in the judgment of the director or his authorized representative make
41 such article unfit for human food.

42 (c) It is, in whole or in part, a raw agricultural commodity and
43 such commodity bears or contains a pesticide chemical which is unsafe
44 within the meaning of section 408 of the federal food, drug and cosmetic
45 act, any food additive which is unsafe within the meaning of section 409

1 of the federal food, drug and cosmetic act or any color additive which is
2 unsafe within the meaning of section 706 of the federal food, drug and
3 cosmetic act. An article which is not otherwise deemed adulterated under
4 this subdivision is nevertheless deemed adulterated if use of the
5 pesticide chemical, food additive or color additive in or on such article
6 is prohibited by rules of the director.

7 (d) It consists in whole or in part of any substance unfit for
8 human food.

9 (e) It has been prepared, packed or held under unsanitary
10 conditions whereby it may have become contaminated with filth or whereby
11 it may have been rendered injurious to health.

12 (f) It is in whole or in part the product of any animal which has
13 died otherwise than by slaughter.

14 (g) Its container is composed in whole or in part of any poisonous
15 or deleterious substance which may render the contents injurious to
16 health.

17 (h) It has been intentionally subjected to radiation, unless the
18 use of the radiation was in conformity with a regulation or exemption in
19 effect pursuant to section 409 of the federal food, drug and cosmetic act.

20 (i) Any valuable constituent has been in whole or in part omitted
21 or abstracted therefrom, or if any substance has been substituted, wholly
22 or in part therefor, or if damage or inferiority has been concealed in any
23 manner, or if any substance has been added thereto or mixed or packed
24 therewith so as to increase its bulk or weight, or reduce its quality or
25 strength, or make it appear better or of greater value than it is.

26 (j) It is margarine containing animal fat and any of the raw
27 material used therein consisted in whole or in part of any substance unfit
28 for human food.

29 2. "Arizona inspected and passed" means the carcasses and parts of
30 carcasses have been inspected, stamped and passed in slaughtering
31 establishments with state meat inspection service, and the carcasses and
32 parts of carcasses used by such a slaughtering establishment or by a meat
33 processor have been re-inspected and the operations in the preparation of
34 meat and meat food products have been approved in accordance with the
35 provisions of this chapter.

36 3. "Associate director" means the associate director of the
37 division.

38 4. "Broker" means a person engaged in the business of buying or
39 selling carcasses, parts of carcasses, meat or meat food products of
40 livestock on commission or otherwise negotiating purchases or sales of
41 such articles other than for his own account or as an employee of another
42 person.

43 5. "Carcass" means all parts, including viscera, of a slaughtered
44 animal that are capable of being used for human food.

1 6. "Chief veterinary meat inspector" means a qualified licensed
2 veterinarian appointed by the director to supervise the state meat
3 inspection service for the state and to carry out the provisions of this
4 chapter.

5 7. "Condemned" means the carcass, the viscera, parts of carcasses,
6 meat, meat by-product or meat food products, so marked or identified, is
7 unsound, unhealthful, unwholesome or otherwise unfit for human food, or an
8 animal which has been inspected and found to be in a dying condition or
9 affected with any other condition or disease that would require
10 condemnation of its carcass.

11 8. "Distributor" means a person, firm or corporation that is
12 engaged in the business of receiving carcasses, meat, meat food products,
13 meat by-products, poultry or poultry products from state or federally
14 inspected establishments and storing and distributing properly identified
15 products to commercial outlets, processors or individuals and that
16 conducts no processing.

17 9. "Division" means the animal services division of the Arizona
18 department of agriculture.

19 10. "Establishment" means a mobile or stationary building, plant,
20 vehicle or structure where meat or meat food products are slaughtered or
21 processed or offered for sale.

22 11. "Exempt processor" means any person preparing for compensation
23 carcasses, meat or meat food products derived from the slaughter by any
24 individual of cattle, sheep, swine or goats, or game animals delivered by
25 the owner for such processing and the intrastate transportation of meat
26 food products exclusively for use by the owner, his family, members of his
27 household, and his nonpaying guests and employees.

28 12. "Exempt slaughterer" means a person engaged for compensation in
29 this state in the business of slaughtering or dressing animals for human
30 consumption which are not to be sold or offered for sale.

31 13. "Inspector" includes chief veterinary meat inspector, veterinary
32 meat inspector, lay meat inspector, livestock officer or any other
33 employee appointed by the associate director, with the approval of the
34 director, to carry out the purposes of this chapter, the livestock laws
35 and rules adopted thereunder.

36 14. "Lay meat inspector" means any person qualified by the chief
37 veterinary meat inspector and appointed by the associate director, with
38 the approval of the director, to work under the supervision of the chief
39 veterinary meat inspector.

40 15. "Livestock officer" means a livestock officer employed by the
41 department pursuant to section 3-1208.

42 16. "Meat" means the edible part of the muscle of cattle, sheep,
43 swine, goats or equines which is skeletal or which is found in the tongue,
44 in the diaphragm, in the heart or in the esophagus, with or without the
45 accompanying and overlying fat, and the portions of bone, skin, sinew,

1 nerve and blood vessels which normally accompany the muscle tissue and
2 which are not separated from it in the process of dressing. It does not
3 include the muscle found in the lips, snout or ears.

4 17. "Meat by-product" means any edible part other than meat which
5 has been derived from one or more cattle, sheep, goats, swine, horses,
6 mules or other equines.

7 18. "Meat food product" means any article of food or any article
8 intended for or capable of being used as human food which is derived or
9 prepared, in whole or in substantial and definite part, from any portion
10 of any cattle, sheep, swine, goats, horses, mules or other equines, except
11 such articles as organotherapeutic substances, meat juice, meat extract,
12 and the like, which are only for medicinal purposes and are advertised
13 only to the medical profession.

14 19. "Meat processor" means any person, including jobbers,
15 wholesalers or slaughtering establishments, who changes meat or meat food
16 products in any way by cutting, mixing, blending, canning, curing or
17 otherwise preparing meat or meat food products for human consumption.

18 20. "Meat wholesaler or jobber" means any person with an established
19 place of business who buys meat or meat food products and offers them for
20 resale, for sale to restaurants or for sale to the consuming public.

21 21. "Misbranded" shall apply to any carcass, part thereof, meat or
22 meat food product under one or more of the following circumstances, if:

23 (a) Its labeling is false or misleading in any particular.

24 (b) It is offered for sale under the name of another food.

25 (c) It is an imitation of another food, unless its label bears in
26 contrasting color, and in type of uniform size and prominence, the word
27 "imitation" and immediately thereafter, the name of the food imitated.

28 (d) Its container is so made, formed or filled as to be misleading.

29 (e) In a package or other container unless it bears a label showing
30 the name and place of business of the manufacturer, packer or distributor
31 and an accurate statement of the quantity of the contents in terms of
32 weight, measure or numerical count, provided that reasonable variations
33 may be permitted, and exemptions as to small packages or articles not in
34 packages or other containers may be established, by rules prescribed by
35 the director.

36 (f) Any word, statement or other information required to appear on
37 the label or other labeling is not prominently placed thereon with such
38 conspicuousness, as compared with other words, statements, designs or
39 devices in the labeling, and in such terms as to render it likely to be
40 read and understood by the ordinary individual under customary conditions
41 of purchase and use.

42 (g) It purports to be or is represented as a food for which a
43 definition and standard of identity or composition has been prescribed by
44 rules of the director unless it conforms to such definition and standard,
45 and its label bears the name of the food specified in the definition and

1 standard and, insofar as may be required by such rules, the common names
2 of optional ingredients, other than spices, flavoring and coloring,
3 present in such food.

4 (h) It purports to be or is represented as a food for which a
5 standard or standards of fill of container have been prescribed by rules
6 of the director and it falls below the standard of fill of container,
7 unless its label bears, in such manner and form as such rules specify, a
8 statement that it falls below such standard.

9 (i) It is not subject to the provisions of subdivision (g), unless
10 its label bears both:

11 (i) The common or usual name of the food, if any.

12 (ii) In case it is fabricated from two or more ingredients, the
13 common or usual name of each such ingredient, except that spices,
14 flavorings and colorings may, when authorized by the department, be
15 designated as spices, flavorings and colorings without naming each. To
16 the extent that compliance with the requirements of this item is
17 impracticable, or results in deception or unfair competition, exemptions
18 shall be established by rules of the director.

19 (j) It purports to be or is represented for special dietary uses,
20 unless its label bears such information concerning its vitamin, mineral
21 and other dietary properties as the director, after consultation with the
22 secretary of health and human services of the United States, determines to
23 be and by rules prescribes as necessary in order fully to inform
24 purchasers as to its value for such uses.

25 (k) It bears or contains any artificial flavoring, artificial
26 coloring or chemical preservative, unless it bears labeling stating that
27 fact. To the extent that compliance with the requirements of this
28 subdivision is impracticable, exemptions shall be established by rules of
29 the director.

30 (l) It fails to bear directly thereon or on its containers, as the
31 director may by rules prescribe, the inspection legend and, unrestricted
32 by any of the foregoing, such other information as the director may
33 require in such rules to assure that it will not have false or misleading
34 labeling and that the public will be informed of the manner of handling
35 required to maintain the article in a wholesome condition.

36 22. "MISREPRESENT" MEANS TO USE ANY UNTRUE, MISLEADING OR DECEPTIVE
37 ORAL OR WRITTEN STATEMENT, ADVERTISEMENT, LABEL, DISPLAY, PICTURE,
38 ILLUSTRATION OR SAMPLE.

39 ~~23.~~ 23. "Peddler" means any person without an established place of
40 business who buys meat or meat food products and offers them for resale,
41 for sale to restaurants or for sale to the consuming public.

42 ~~24.~~ 24. "Restaurant" means any person who cooks or otherwise
43 prepares and serves meat or meat food products for consumption by the
44 ultimate consumer.

1 ~~24.~~ 25. "Retailer" means any person other than a restaurant who
2 sells meat or meat food products to the ultimate consumer.

3 ~~25.~~ 26. "Slaughter" means to kill cattle, sheep, swine, goats,
4 horses, mules or other equines and to prepare the carcasses or parts of
5 carcasses for human consumption.

6 ~~26.~~ 27. "Slaughterer" means any person who slaughters cattle,
7 sheep, swine, goats, horses, mules or other equines in a slaughtering
8 establishment and prepares the carcasses or parts of carcasses for human
9 consumption.

10 ~~27.~~ 28. "Slaughtering establishment", "slaughterhouse" or
11 "slaughtering plant" includes all premises where animals are slaughtered
12 and prepared for food purposes.

13 ~~28.~~ 29. "State meat inspection service" means the meat inspection
14 provided in sections 3-2041 through 3-2047 and sections 3-2049, 3-2051 and
15 3-2052, providing approved slaughtering plants with inspectors during all
16 periods of slaughter to conduct antemortem and postmortem inspections of
17 all cattle, sheep, swine, goats, horses, mules or other equines
18 slaughtered.

19 ~~29.~~ 30. "Veterinary meat inspector" means a qualified licensed
20 veterinarian appointed by the associate director, with the director's
21 approval, to work under the direction of the chief veterinary meat
22 inspector.

23 Section 3. Title 3, chapter 13, article 3, Arizona Revised
24 Statutes, is amended by adding section 3-2099, to read:

25 3-2099. Products not derived from harvested production
26 livestock; misrepresentation as meat; prohibition

27 A. A PERSON MAY NOT MISREPRESENT A PRODUCT THAT IS NOT DERIVED FROM
28 HARVESTED PRODUCTION LIVESTOCK AS MEAT OR A MEAT FOOD PRODUCT.

29 B. THIS SECTION DOES NOT LIMIT A PERSON FROM SELLING PRODUCTS
30 LABELED AS FAKE MEAT OR ALTERNATIVE MEAT OR UNDER ANOTHER COMPARABLE
31 QUALIFIER. THESE PRODUCTS SHALL INCLUDE A PROMINENT STATEMENT ON THE
32 PACKAGE THAT THE PRODUCT IS MADE FROM PLANTS OR GROWN IN A LAB OR A
33 COMPARABLE DISCLOSURE.

34 Sec. 4. Section 3-2156, Arizona Revised Statutes, is amended to
35 read:

36 3-2156. Prohibited acts

37 A. A person shall not:

38 1. Slaughter any poultry or process any poultry products ~~which are~~
39 ~~capable of use~~ THAT MAY BE USED as human food at any establishment
40 processing any such articles solely for intrastate commerce, except in
41 compliance with the requirements of this chapter.

42 2. Sell, transport, offer for sale or transportation or receive for
43 transportation in intrastate commerce any poultry products ~~which are~~
44 ~~capable of use~~ THAT MAY BE USED as human food and THAT are adulterated or
45 misbranded at the time of ~~such~~ THE sale, transportation, offer for sale or

1 transportation or receipt for transportation or any poultry products THAT
2 ARE required to be inspected unless they have been so inspected and
3 passed.

4 3. ~~Do,~~ With respect to any poultry products ~~which are capable of~~
5 ~~use~~ THAT MAY BE USED as human food, COMMIT any act while ~~they~~ THE PRODUCTS
6 are being transported in intrastate commerce or held for sale after such
7 transportation ~~which~~ THAT is intended to cause or has the effect of
8 causing such products to be adulterated or misbranded.

9 4. Sell, transport, offer for sale or transportation or receive for
10 transportation in intrastate commerce or from an official establishment
11 any slaughtered poultry from which the blood, feathers, feet, head or
12 viscera have not been removed in accordance with rules adopted by the
13 director, except as may be authorized by rule.

14 5. Use to ~~his~~ THE PERSON'S own advantage, or reveal other than to
15 the authorized representatives of the state government or any other
16 government in their official capacity, or as ordered by a court in any
17 judicial proceedings, any information acquired under the authority of this
18 chapter concerning any matter ~~which~~ THAT is entitled to protection as a
19 trade secret.

20 ~~6. A person shall not:~~

21 ~~1.~~ 6. Forge any official device, mark or certificate.

22 ~~2.~~ 7. Without authorization from the division, use any official
23 device, mark or certificate, or simulation thereof, or alter, detach,
24 deface or destroy any official device, mark or certificate.

25 ~~3.~~ 8. Contrary to the rules prescribed by the director, fail to
26 use, or detach, deface or destroy, any official device, mark or
27 certificate.

28 ~~4.~~ 9. Knowingly possess, without promptly notifying the department
29 or its representative, any official device or any counterfeit, simulated,
30 forged or improperly altered official certificate or any device or label
31 or any carcass of any poultry, or part or product thereof, bearing any
32 counterfeit, simulated, forged or improperly altered official mark.

33 ~~5.~~ 10. Knowingly make any false statement in any shipper's
34 certificate or other nonofficial or official certificate provided for in
35 the rules prescribed by the director.

36 ~~6.~~ 11. Knowingly represent that any article has been inspected and
37 passed or exempted, ~~when~~ IF in fact it has not been ~~so~~ inspected and
38 passed or exempted.

39 12. MISREPRESENT A PRODUCT THAT IS NOT DERIVED FROM HARVESTED
40 PRODUCTION POULTRY AS A POULTRY PRODUCT. THIS PARAGRAPH DOES NOT LIMIT A
41 PERSON FROM SELLING PRODUCTS LABELED AS FAKE POULTRY OR ALTERNATIVE
42 POULTRY OR UNDER ANOTHER COMPARABLE QUALIFIER. THESE PRODUCTS SHALL
43 INCLUDE A PROMINENT STATEMENT ON THE PACKAGE THAT THE PRODUCT IS MADE FROM
44 PLANTS OR GROWN IN A LAB OR A COMPARABLE DISCLOSURE.

1 B. ~~No~~ A brand manufacturer, printer, or other person shall NOT
2 cast, print, lithograph or otherwise make any device containing any
3 official mark or simulation thereof, or any label bearing any such mark or
4 simulation, or any form of official certificate or simulation thereof,
5 except as authorized by the division.