

REFERENCE TITLE: food producers; prohibited ordinances

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1250

Introduced by
Senator Farnsworth D

AN ACT

AMENDING SECTIONS 3-561, 3-562 AND 3-563, ARIZONA REVISED STATUTES;
RELATING TO FOOD PRODUCTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Heading change

3 The article heading of title 3, chapter 3, article 7, Arizona
4 Revised Statutes, is changed from "SALE OF FOOD PRODUCTS BY PRODUCERS" to
5 "SALE AND PRODUCTION OF FOOD PRODUCTS BY PRODUCERS".

6 Sec. 2. Section 3-561, Arizona Revised Statutes, is amended to
7 read:

8 3-561. Definitions

9 In this article, unless the context otherwise requires:

10 1. "Food product" includes:

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

12 (b) Beef and beef products.

13 (c) Swine and pork products.

14 (d) Fowls and poultry products.

15 (e) Eggs and egg products.

16 (f) Milk and milk products.

17 (g) Lamb and sheep products.

18 (h) Animal feed that is grown or raised by the producer and sold as
19 feed for:

20 (i) Livestock, poultry or ratites purchased or raised for
21 slaughter. ~~including~~

22 (ii) Livestock purchased or raised for production or use, such as
23 milk cows, breeding bulls, laying hens and riding or work horses.

24 2. "Producer" includes owners, proprietors or tenants of
25 agricultural lands, orchards, farms and gardens, INCLUDING RESIDENTIAL AND
26 COMMUNITY GARDENS, where food products are grown, raised or prepared for
27 market.

28 Sec. 3. Section 3-562, Arizona Revised Statutes, is amended to
29 read:

30 3-562. Restrictions on production and sales of food products
31 by producers prohibited

32 A. The producers of food products on agricultural lands, ~~AND~~ farms
33 and IN gardens, ~~shall never under any pretext~~ INCLUDING RESIDENTIAL AND
34 COMMUNITY GARDENS, MAY NOT be denied or restricted the right to sell and
35 dispose of their products, except in the manner and to the extent provided
36 in this article, and subject to inspection by lawful authority ~~when~~ IF the
37 inspection is uniform as to the same product and IS without cost to the
38 producer.

39 B. The right to sell and dispose of food products ~~shall extend~~
40 EXTENDS to the producer in person, members of ~~his~~ THE PRODUCER'S family,
41 ~~his~~ THE PRODUCER'S agents and all persons in ~~his~~ THE PRODUCER'S service,
42 when the products are sold or disposed of on ~~his~~ THE PRODUCER'S behalf and
43 for ~~his~~ THE PRODUCER'S benefit.

44 C. A CITY, TOWN OR COUNTY MAY NOT DENY OR RESTRICT A PRODUCER OF
45 FOOD PRODUCTS ON AGRICULTURAL LANDS AND FARMS AND IN GARDENS, INCLUDING

1 RESIDENTIAL AND COMMUNITY GARDENS, FROM THE RIGHT TO PRODUCE FOOD
2 PRODUCTS, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED IN THIS ARTICLE,
3 AND SUBJECT TO INSPECTION BY LAWFUL AUTHORITY WHEN THE INSPECTION IS
4 UNIFORM AS TO THE SAME PRODUCT AND IS WITHOUT COST TO THE PRODUCER.

5 Sec. 4. Section 3-563, Arizona Revised Statutes, is amended to
6 read:

7 3-563. Tax, license or fee against producers and purchasers
8 prohibited

9 A. A tax, license or fee may not be imposed or levied on or
10 demanded or collected from:

11 1. A producer for a sale of a food product.

12 2. A purchaser of a food product from a producer.

13 B. A penalty or punishment may not be imposed on account of the
14 sale of a food product, except for a violation of laws providing for
15 inspection.

16 C. A ~~municipal~~ CITY, TOWN OR COUNTY ordinance that seeks to impose
17 or subject a producer, or a purchaser of a food product from a producer,
18 to a tax, license or fee is void, except that all such products in common
19 with similar products offered for sale by persons not the producers
20 thereof are subject to inspection. A ~~municipal~~ CITY, TOWN OR COUNTY
21 ordinance providing for inspection is not valid unless it applies in the
22 same manner and ON THE SAME terms to other persons offering similar
23 products for sale.