CHAPTER 160

SENATE BILL 1344

AN ACT

AMENDING SECTIONS 3-1269, 3-1336, 3-1337, 3-2401, 3-2405, 3-2601, 3-2603 AND 3-2607, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA DEPARTMENT OF AGRICULTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 3-1269, Arizona Revised Statutes, is amended to read:

3-1269. Use of unrecorded brand prohibited; violation; classification; exception

A. A person who knowingly brands livestock with an unrecorded, cancelled, suspended or forfeited brand is guilty of a class 3 misdemeanor.

B. THIS SECTION DOES NOT APPLY TO PERSONS THAT BRAND LIVESTOCK WITH YEAR, BIRTH, NUMERIC HERD OR ALPHABETIC HERD BRANDS.

Sec. 2. Section 3-1336, Arizona Revised Statutes, is amended to read:

3-1336. Inspection of livestock to be slaughtered, sold or transported; fee; violation; classification

A. Except as otherwise provided in this section, livestock, other than equines, SWINE and livestock inspected BY MOVERS OF LIVESTOCK OR at feedlots or dairies pursuant to section 3-1337, shall not be slaughtered, sold, purchased, driven, transported, shipped or conveyed unless the animals have been inspected by a livestock officer or inspector for health, brands and marks before they are slaughtered, sold, purchased, driven, transported, shipped or conveyed and the inspection fee HAS BEEN paid.

B. The owner or agent of the owner of the livestock to be slaughtered, sold, driven, transported, shipped or conveyed as provided in subsection A of this section shall notify the nearest livestock officer or inspector of that intention.

C. Equines consigned to either licensed Arizona livestock auctions or other special auctions approved by the department from out of state or from Indian reservations in this state or from other state or federal agencies without prior inspection shall be inspected on delivery at an auction.

D. All livestock other than equines sold at auctions shall be inspected out on an inspection certificate or auction invoice validated by the department.

E. The owner or producer of livestock excluding equines may slaughter or transport to another person to slaughter livestock without having the animal inspected and without paying the inspection fee or service charge if the meat of the slaughtered livestock is solely for home consumption by the producer providing that the owner contacts a livestock officer or inspector within a forty-eight-hour period prior to BEFORE THE slaughter and is able to establish proof of ownership either by a prior inspection certificate OR by a recorded brand on the animal or PROOF that the animal was raised by said owner, and the hide is inspected as provided for in section 3-2011. If proof of ownership cannot be established to the satisfaction of the livestock officer or inspector, then the livestock officer or inspector may require an inspection prior to BEFORE THE slaughter.

F. The associate direct may waive an inspection for brands and marks before the slaughter of an animal if a federal or state meat inspector on the premises certifies on a form provided by the department that, as determined
by an antemortem inspection, the animal is in a distressed condition and for
humane reasons should be slaughtered immediately if it is otherwise fit for
slaughter and if the hide, carcass and certification are segregated and held
pending inspection for brands and marks. The associate director may waive
inspections under this subsection only for individual animals, and a separate
certification shall be made for each animal.

G. Livestock officers or inspectors shall not inspect livestock for
health before they are slaughtered at an establishment which THAT is subject
to federal meat inspections as provided under chapter 13 of this title.

H. A person violating any provision of this section is guilty of a
class 3 misdemeanor.

I. If a federal governmental entity seizes any privately owned animals
subject to brand inspection pursuant to this chapter, the department or its
authorized inspector shall not issue brand inspection certificates or permits
to remove the animals or for the transfer of ownership of the animals by sale
or otherwise unless one of the following occurs:

1. The department receives consent from the owner.
2. The owner is unknown.
3. Before the seizure, the federal governmental entity obtains
approval for the seizure from a court of competent jurisdiction and submits a
copy of the order approving the seizure to the department or its authorized
inspector.

J. This section does not apply to:
1. A feral animal.
2. Wild free-roaming horses and burros, as defined in 16 United States
Code section 1332.
3. A stray animal.
4. An animal that is seized by a governmental entity to protect the
health and safety of the public or to prevent cruelty to the animal.

Sec. 3. Section 3-1337, Arizona Revised Statutes, is amended to read:
3-1337. Service charge and inspection fee; self-inspection;
civil penalties

A. Livestock officers and inspectors shall collect from the person in
charge of cattle inspected a service charge of three dollars plus an
inspection fee of twenty-five cents per head for making inspections for the
transfer of ownership, sale, slaughter or transportation of cattle.

B. Livestock officers and inspectors shall collect from the person in
charge of sheep inspected a service charge of three dollars plus an
inspection fee of five cents per head for making inspections for the transfer
of ownership, sale, slaughter or transportation of sheep.

C. Livestock officers and inspectors shall collect from the person in
charge of dairy cattle inspected a service charge of three dollars plus an
inspection fee of twenty-five cents per head for making inspections for the
transfer of ownership, sale, slaughter or transportation of dairy cattle.

D. The division may approve self-inspection by movers of beef cattle.
Movement shall be documented on SIMPLE AND CONCISE SELF-INSPECTION forms THAT ARE provided by the department AND THAT INCLUDE ONLY THE FOLLOWING INFORMATION:

1. THE CERTIFICATE NUMBER.
2. THE DEPARTMENT CONTACT INFORMATION.
3. FOR OUT-OF-STATE SHIPMENTS, OFFICIAL IDENTIFICATION.
4. FOR DAIRY CATTLE, BACK TAG NUMBERS.
5. THE AMOUNT COLLECTED PURSUANT TO SECTION 3-1236.
6. THE NUMBER AND DESCRIPTION OF LIVESTOCK.
7. THE LIVESTOCK OWNER'S OR AGENT'S NAME, SIGNATURE AND ADDRESS.
8. THE TRANSPORTER'S NAME.
9. THE LOCATION OF THE PLACE AND DATE OF SHIPMENT.
10. THE DESTINATION OR BUYER'S NAME AND ADDRESS.
11. FOR BRANDED ANIMALS, THE ANIMAL'S REGISTERED BRAND, INCLUDING BRAND NUMBER, LOCATION AND EXPIRATION DATE.

E. Movers of beef cattle, LIVESTOCK AND feedlots and dairies that utilize self-inspection shall pay an outgoing inspection fee of twenty cents per head PURCHASE THE SELF-INSPECTION BOOK FROM THE DEPARTMENT. THE DIRECTOR, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 3-104, MAY ESTABLISH A FEE FOR THE SELF-INSPECTION BOOK.

E. F. Service charges and inspection ANY fees collected by the livestock officers and inspectors and BY MOVERS OF LIVESTOCK AND feedlots and dairies utilizing self-inspection shall be remitted to the division. Service charges and inspection ANY fees incurred by MOVERS OF LIVESTOCK AND feedlots and dairies shall be remitted to the department within ten days after the end of the month in which the livestock were inspected.

Sec. 4. Section 3-2401, Arizona Revised Statutes, is amended to read:

3-2401. Control of destructive animals and noxious rodents; agreements and cooperation with federal agencies; exception

A. The director shall cooperate with the animal and plant health inspection service of the United States department of agriculture in the control and destruction or relocation of predatory wildlife, REINTRODUCED PREDATORY WILDLIFE, noxious rodents and related animals that are injurious to livestock, poultry, game, agriculture, other industries and the public health in accordance with organized and systematic plans of the animal and plant health inspection service. For such purposes, the director shall enter into written agreements with the animal and plant health inspection service regarding the methods and procedure to be followed, the extent of supervision to be exercised by the state and federal agencies, respectively, and the use and expenditure of state funds. The director, in cooperation with the animal and plant health inspection service, may also enter into cooperative agreements with other governmental agencies and counties of the state to promote the control and destruction of predatory wildlife, REINTRODUCED PREDATORY WILDLIFE, noxious rodents and related animals.
B. The authority to destroy predatory wildlife, **REINTRODUCED PREDATORY WILDLIFE**, noxious rodents and related animals does not include big game animals as defined in section 17-101, except:

1. Bear and mountain lion taken pursuant to section 17-302.

2. To protect public health and safety.

Sec. 5. Section 3-2405, Arizona Revised Statutes, is amended to read:

> 3-2405. **Powers of boards of supervisors**

The boards of supervisors of the several counties may within their respective counties:

1. Control and destroy predatory wildlife, **REINTRODUCED PREDATORY WILDLIFE**, noxious rodents and related animals as **defined by PROVIDED IN section 3-2401**.

2. Enter into cooperative agreements with the department and the animal and plant health inspection service of the United States department of agriculture.

3. Make necessary expenditures from any special, contingent or general county fund available for the purposes specified in this section.

Sec. 6. Section 3-2601, Arizona Revised Statutes, is amended to read:

> 3-2601. **Definitions**

In this article, unless the context otherwise requires:

1. "**ALIRT AGREEMENT**" MEANS THE ARIZONA LIVESTOCK INCIDENT RESPONSE TEAM AGREEMENT ESTABLISHED BETWEEN THE DEPARTMENT AND A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

2. "**Brand**" means the term, design or trademark and other specific designation under which an individual commercial feed is distributed in this state.

3. "**Commercial feed**" means all materials, except whole seeds unmixed or physically altered entire unmixed seeds, that are distributed for use as feed or for mixing in feed. Commercial feed includes raw agricultural commodities distributed for use as feed or for mixing in feed when the commodities are adulterated within the meaning of section 3-2611.

4. "**Customer-formula feed**" means a mixture of commercial feed or feed materials, or both, each batch of which is mixed according to the specific instructions of the final purchaser.

5. "**Distribute**" means to offer for sale, sell, barter or otherwise supply commercial feeds or customer-formula feeds, **except that the term "distribute" shall BUT DOES not include or apply to any feeds supplied for consumption on the premises of the supplier.**

6. "**Division**" means the environmental services division of the Arizona department of agriculture.

7. "**Feed ingredient**" means each of the constituent materials making up a commercial feed.

8. "**Label**" means a display of written, printed or graphic matter **upon OR affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed.**
8. "Official sample" means any sample of feed taken by the
9. director or the director's agent and designated as official.
10. "Per cent" or "percentage" means percentage by weight.
11. "Person" includes AN individual, partnership, corporation,
12. firm, association or agent.
13. "Sell" or "sale" includes exchange.
14. "Ton" means a net weight of two thousand pounds avoirdupois.
15. Sec. 7. Section 3-2603, Arizona Revised Statutes, is amended to read:
16. 3-2603. Enforcement and administrative powers
17. A. The associate director may refuse to license or may cancel the
18. license of any distributor in violation of the provisions of this article.
19. The director shall review the associate director's action on request of any
20. person adversely affected by the action.
21. B. The director may, after a hearing:
22. 1. Adopt rules:
23. (a) Requiring the guarantee of substances and elements when claimed
24. present in a commercial feed, and declare the form in which the guarantee
25. shall appear upon ON the label.
26. (b) Setting forth acceptable descriptive terms by which ingredients
27. shall be listed on the labeling when used as ingredients of a commercial feed
28. or customer-formula feed.
29. (c) Requiring a statement of warning and directions for use of
30. commercial feeds and customer-formula feeds containing drugs or chemicals.
31. (d) Establishing limits of viable weed seeds contained in commercial
32. feed.
33. (e) Both administrative and technical, which the director deems
34. necessary for the efficient administration of this article.
35. 2. Cooperate with, and enter into agreements with, UNIVERSITIES UNDER
36. THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, other agencies of the THIS
37. state, other states and agencies of the federal government in order to carry
38. out the purpose and provisions of this article, INCLUDING THE IMPLEMENTATION
39. AND USE OF COMMERCIAL FEED TRUST FUND MONIES TO ASSIST THE EFFORTS OF AN
40. ALIRT AGREEMENT.
41. 3. Exempt from the definition of commercial feed or from specific
42. provisions of this chapter ARTICLE commodities such as hay, straw, stover,
43. silage, cobs, husks, hulls and individual chemical compounds or substances
44. when such THOSE commodities, compounds or substances are not intermixed or
45. mixed with other materials and are not adulterated within the meaning of
46. section 3-2611.
47. 4. Define weights in the metric system.
48. Sec. 8. Section 3-2607, Arizona Revised Statutes, is amended to read:
49. 3-2607. Commercial feed trust fund; exemption
50. A. The commercial feed trust fund is established for the exclusive
51. purpose of implementing, continuing and supporting the agricultural program
52. established by this article. All monies collected under the provisions of
53. this article shall be deposited in the trust fund.
B. The director shall administer the TRUST fund as trustee. EACH YEAR THE DIRECTOR SHALL DISTRIBUTE NOT MORE THAN FIFTY THOUSAND DOLLARS FROM THE TRUST FUND TO EXECUTE THE ALIRT AGREEMENT.

C. The state treasurer shall accept, separately account for and hold in trust any monies deposited in the state treasury, which THAT are considered to be trust monies as defined in section 35-310 and which THAT shall not be commingled with any other monies in the state treasury except for investment purposes. On notice from the director, the state treasurer shall invest and divest any trust fund monies deposited in the state treasury as provided by sections 35-313 and 35-314.03, and monies earned from investment shall be credited to the trust fund.

D. The beneficiary of the trust is the agriculture AGRICULTURAL program established by this article. The trust fund shall be used solely for the purposes of this article on the order of the director.

E. The commercial feed trust fund is exempt from the provisions of section 35-190 relating to lapsing appropriations. Surplus monies, including any unexpended and unencumbered balance at the end of the fiscal year, do not revert to the state general fund.

Sec. 9. Exemption from rulemaking
For the purposes of section 3-1337, subsections D and E, Arizona Revised Statutes, as amended by this act, the Arizona department of agriculture is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.

APPROVED BY THE GOVERNOR MAY 11, 2016.