

REFERENCE TITLE: agricultural vaccinations; disclosure; prohibition

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2762**

Introduced by  
Representatives Gillette: Biasiucci, Cook, Smith

AN ACT

AMENDING TITLE 3, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 3-302; AMENDING SECTION 3-1203, ARIZONA REVISED STATUTES;  
RELATING TO AGRICULTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 3, chapter 2, article 4, Arizona Revised Statutes,  
3 is amended by adding section 3-302, to read:

4 3-302. Organic labeling; disclosure; prohibition; definitions

5 A. ALL AQUACULTURE, LIVESTOCK OR POULTRY PRODUCTS MADE FROM  
6 AQUACULTURE, LIVESTOCK OR POULTRY THAT RECEIVED A MESSENGER RIBONUCLEIC  
7 ACID VACCINATION SHALL:

8 1. BE LABELED TO STATE THAT THE AQUACULTURE, LIVESTOCK OR POULTRY  
9 FROM WHICH THE PRODUCT WAS MADE RECEIVED A MESSENGER RIBONUCLEIC ACID  
10 VACCINATION ON THE PRODUCT'S LABEL OR ACCOMPANYING DOCUMENTS OF SALE.

11 2. NOT BE LABELED OR ADVERTISED AS "ORGANIC".

12 B. FOR THE PURPOSES OF THIS SECTION, "AQUACULTURE", "LIVESTOCK" AND  
13 "POULTRY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 3-1201.

14 Sec. 2. Section 3-1203, Arizona Revised Statutes, is amended to  
15 read:

16 3-1203. General powers and duties; self-inspection program;  
17 civil penalties; central investigation group

18 A. The director or the director's authorized representative shall  
19 exercise general supervision over the livestock interests of ~~the~~ THIS  
20 state, protect the livestock industry from theft and the livestock and  
21 poultry industries from contagious and infectious diseases and protect the  
22 public from diseased and unwholesome meat products.

23 B. The director, with the advice of the state veterinarian, may  
24 make rules to control and govern:

25 1. THE importation of animals and poultry into ~~the~~ THIS state,  
26 establishment of quarantine and its boundaries, notice of quarantine and  
27 accomplishment of all things necessary to effect the object of the  
28 quarantine and to protect the livestock and poultry industries from and  
29 prevent the spread of contagious or infectious diseases.

30 2. THE slaughter of animals and poultry affected by contagious or  
31 infectious diseases and THE disposition of carcasses of animals and  
32 poultry so slaughtered, ~~when~~ when the action appears necessary to prevent the  
33 spread of contagion or infection among livestock and poultry.

34 3. THE importation, manufacture, sale, distribution or use within  
35 ~~the~~ THIS state of serums, vaccines and other biologics intended for  
36 diagnostic or therapeutic treatment of animals and poultry, and the  
37 importation, manufacture or use of virulent blood or living virus of  
38 diseases affecting animals and poultry. THIS PARAGRAPH DOES NOT AUTHORIZE  
39 THE DIRECTOR OR THE STATE VETERINARIAN TO REQUIRE OR ADMINISTER A  
40 MESSENGER RIBONUCLEIC ACID VACCINE THAT HAS NOT RECEIVED FULL APPROVAL  
41 FROM EITHER THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE UNITED  
42 STATES FOOD AND DRUG ADMINISTRATION OR, THEIR SUCCESSOR AGENCIES. FOR THE  
43 PURPOSES OF THIS SECTION, FULL APPROVAL DOES NOT INCLUDE EMERGENCY  
44 APPROVAL.

1 C. The director may:

2 1. Enter into agreements with neighboring states, including  
3 agreements regarding the use of livestock officers or livestock inspectors  
4 or other agency resources for the purpose of enforcement of livestock laws  
5 within this state or within border areas of neighboring states.

6 2. Waive inspections, service charges or inspection fees under this  
7 chapter in cases the director deems advisable.

8 3. Direct employees or peace officers to execute the director's  
9 orders under this chapter.

10 D. The director may adopt by rule a mandatory self-inspection  
11 program for moving livestock from one location to another, and may  
12 provide for the private treaty sale of self-inspected livestock. The  
13 associate director shall monitor compliance with the requirements of the  
14 self-inspection program and shall periodically examine self-inspection  
15 records, including livestock inventory records that verify the origin,  
16 shipment or sale of livestock. For just cause the director may suspend or  
17 modify the self-inspection authorization of feedlots, dairies and  
18 producers. A person who knowingly violates the requirements of the  
19 self-inspection program shall be placed on administrative probation by the  
20 director for a period of one year. If a subsequent violation occurs  
21 during the period of probation, the person shall be brought before an  
22 administrative law judge and is subject to a civil penalty of ~~two hundred~~  
23 ~~dollars~~ \$200 per violation, and the self-inspection authorization shall be  
24 revoked for a period of three years. The director may review any order of  
25 the administrative law judge and shall review each order involving  
26 subsequent violations during a period of probation pursuant to title 41,  
27 chapter 6, article 10. The period of a sanction imposed under this  
28 subsection begins on the date ~~of determination of~~ DETERMINING the  
29 violation at a hearing. Civil penalties imposed under this subsection  
30 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
31 general fund.

32 E. The director may establish a central investigation group to  
33 investigate reports of crimes related to livestock and other violations of  
34 this title and rules adopted pursuant to this title. Livestock officers  
35 and other employees of the department shall report all cases of apparent  
36 crimes related to livestock to the associate director. The investigation  
37 group shall cooperate and coordinate its activities with appropriate  
38 federal, state and local law enforcement agencies in apprehending and  
39 prosecuting violators of livestock laws.