

REFERENCE TITLE: false claims; agriculture; technical correction

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1098

Introduced by
Senator Kerr

AN ACT

AMENDING SECTION 3-113, ARIZONA REVISED STATUTES; RELATING TO THE
AGRICULTURE PROTECTION ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-113, Arizona Revised Statutes, is amended to
3 read:

4 3-113. Action for false claims against perishable
5 agricultural food product; limitation; definitions

6 A. A producer, ~~OR~~ OR shipper, or an association that represents
7 producers or shippers, of perishable agricultural food products that
8 suffers damages as a result of malicious public dissemination of false
9 information that the food product is not safe for human consumption may
10 bring an action for damages and for any other appropriate relief,
11 including compensatory and punitive damages, in a court of competent
12 jurisdiction.

13 B. A person who intentionally disseminates false information to the
14 public that a perishable agricultural food product is not safe for human
15 consumption for the purpose of harming a producer or shipper is liable for
16 damages determined under subsection A.

17 C. In any action brought under this section the court may award the
18 successful party court costs and reasonable attorney fees.

19 D. An action under this section shall be commenced within two years
20 after the false information is disseminated.

21 E. For THE purposes of this section:

22 1. "False information" means information that is not based on
23 reliable scientific facts and reliable scientific data and that the
24 disseminator knows or should have known to be false.

25 2. "Perishable agricultural food product" means any agricultural or
26 aquacultural food product or commodity that is grown or produced in this
27 state and that is sold or distributed in a form that will perish or decay
28 within a reasonable period of time.

29 3. "Producer" means the person who grows or produces perishable
30 agricultural food products.

31 4. "Shipper" means a person who ships, transports, sells or markets
32 perishable agricultural food products under the person's registered
33 trademark or label or a person who first markets the perishable
34 agricultural food product on behalf of the producer.