



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

ENACTED

FACT SHEET FOR S.B. 1167/H.B. 2335

unlawful food or drink contamination

Purpose

Prohibits, and establishes penalties for, intentionally introducing, adding or mingling any bodily fluid or foreign object not intended for human consumption with specified products intended for human consumption.

Background

It is unlawful for a person to knowingly: 1) introduce, add or mingle any poison, bacterium, virus or chemical compound into any spring, well, reservoir, water, food, drink, medicine or other product intended for human consumption or to be applied to the body; or 2) place a needle, razor blade or any other harmful object or substance in any water, food, drink or medicine to be taken by a human being. Adding poison or any other harmful substance to food, drink or medicine is a class 6 felony ([A.R.S. § 13-3704](#)).

A person commits *criminal nuisance* if, by conduct either unlawful in itself or unreasonable under the circumstances, the person recklessly creates or maintains a condition that endangers the safety or health of others. Criminal nuisance is a class 3 misdemeanor ([A.R.S. § 13-2908](#)).

Any spoiled or contaminated food or drink intended for human consumption is a public nuisance dangerous to the public health ([A.R.S. § 36-601](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person from intentionally introducing, adding or mingling any bodily fluid or foreign object not intended for human consumption with:
 - a) water;
 - b) food;
 - c) drink; or
 - d) other product intended for consumption by another human being.
2. Classifies, as a class 1 misdemeanor, intentional contamination of water, food, drink or other product for human consumption if:
 - a) a human being consumes the contaminated product; or
 - b) the damage caused by the contamination is at least \$1,000.

3. Classifies, as a class 2 misdemeanor, intentional contamination of water, food, drink or other product for human consumption if:
 - a) no human being consumes the contaminated product; and
 - b) the damage caused by the contamination is less than \$1,000.
4. Allows the calculation of damages caused by the contamination to include:
 - a) the cost to clean and sanitize the contaminated area; and
 - b) any monetary compensation given to a human being who consumed the contaminated water, food, drink or other product.
5. Becomes effective on the general effective date.

Senate Action

COM 1/27/21 DP 8-1-0
3rd Read 2/9/21 20-9-1

House Action

JUD 2/3/21 DP 10-0-0-0
3rd Read 2/11/21 56-3-1
(S.B. 1167 was substituted for H.B. 2335 on
3rd Read)

Signed by the Governor 2/18/21
Chapter 30

Prepared by Senate Research
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LB/MC/kja