



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: COM DPA 9-0-0-1

HB 2387: DHS; exemption; certain foods; wineries

Sponsor: Representative Griffin, LD 14

Caucus & COW

Overview

Amends Department of Health Services (DHS) rules to exempt spirituous liquor, wine or beer produced and nonhazardous commercially prepackaged food that is served on the premises.

History

The director of DHS issues certain rules prescribed by law. For example, DHS must set reasonably necessary measures to ensure all food or drink for human consumption is free from foreign substances, including disease-causing organisms.

These rules must include minimum standards for sanitary production facilities, warehouses and restaurants, as well as trucks or other vehicles. Finally, DHS's rules must provide for the inspection and licensing of premises and vehicles used for food and drink.

There are existing statutory exemptions from these DHS regulations for products that are:

- 1) Served at a noncommercial social event or an employee-conducted function of less than four hours;
- 2) Prepared at a cooking school in a home;
- 3) Not hazardous and prepared in a private home for occasional sale or noncommercial distribution, including cottage food products;
- 4) Offered at locations that only provide commercially prepackaged food, including a child care facility;
- 5) Fruits or vegetables prepared on-site at a child care facility or from a public school garden; and
- 6) Produce that is subject to federal produce safety rules ([A.R.S. § 36-136](#)).

Spirituos liquor includes wine, beer, any beverage containing 0.5% of alcohol by volume and any liquid mixture which produces intoxication ([A.R.S. § 4-101](#)).

Provisions

1. Exempts, from DHS rules governing production, processing, labeling, storing, handling, serving, transportation and inspection, the following:
 - a) Spirituous liquor, wine or beer produced and served on the premises; and
 - b) Commercially prepackaged food that is not potentially hazardous that is served on the premises of a spirituous liquor, wine or beer producer. (Sec. 1)
2. Exempts spirituous liquor, wine or beer and commercially prepackaged food from DHS food safety regulation and inspection until DHS adopts such exemptions in rule. (Sec. 1)
3. Makes conforming changes. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

Amendments

Committee on Commerce

1. Prohibits the common use of a cup under the DHS exemption.
2. Includes an exemption for licensed areas open to the public that serve liquor and commercially prepackaged food, crackers or pretzels.