

Ala. Code 1975, § 13A-10-170

Endangering Food Supply

The defendant is charged with endangering the food supply.

A person commits the crime of endangering the food supply if he/she knowingly **[read as appropriate]**:

- (1) Brings into this state any domestic animal that is affected with any contagious or infectious disease or any animal that has been exposed to any contagious or infectious disease;
- (2) Exposes any animal in this state to any contagious or infectious disease;
- (3) Delivers any poultry that is infected with any contagious or infectious disease to any poultry producer pursuant to a production contract;
- (4) Except as otherwise permitted by Alabama law, brings or releases into this state any insect pest or exposes any plant to an insect pest; **(OR)**
- (5) Exposes any raw agricultural commodity, animal feed, or processed food to any contaminant or contagious or infectious disease.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant **[read as appropriate]**:
 - (a) Brought into this state a domestic animal that was affected with a contagious or infectious disease or an animal that had been exposed to a contagious or infectious disease;
 - (b) Exposed an animal in this state to a contagious or infectious disease;
 - (c) Delivered poultry that was infected with a contagious or infectious disease to a poultry producer pursuant to a production contract;
 - (d) Except as otherwise permitted by Alabama law, brought or released into this state an insect pest or exposed a plant to an insect pest; **(OR)**
 - (e) Exposed a raw agricultural commodity, animal feed, or processed food to a contaminant or contagious or infectious disease; **(AND)**
- (2) The defendant did so knowingly.

Contagious or infectious disease is a specific highly communicable disease caused by one or more biological agents and that is generally found in livestock, including poultry, designated for human consumption. [13A-10-170(a)(1)]

Processed food is any food other than a raw agricultural commodity, including any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling. [13A-10-170(a)(2)]

Raw agricultural commodity is any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing. [13A-10-170(a)(3)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

[Read as appropriate]: The offense of endangering the food supply does not include bona fide experiments and actions related to those experiments carried on by commonly recognized research facilities or actions by agricultural producers and animal health professionals who may inadvertently contribute to the spread of detrimental biological agents while employing generally acceptable management practices. [13A-10-170(c)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of endangering the food supply, then you shall find the defendant guilty of endangering the food supply.

If you find that the State has failed to prove any one or more of the elements of endangering the food supply, then you cannot find the defendant guilty of endangering the food supply.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 06-17-16.]