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ARIZONA ATTORNEY GENERAL
December 1, 1952

J. C. Evans, Secretary
Live Stock Sanitary Board
407 State Office Building
Phoenix, Arizona

W.R.

Dear Mr. Evans:

In your letter of December 1, 1952, you ask the opinion of this office on the following questions:

"Under 50-1304 Location and sanitation of slaughterhouses.-- (a) Arizona Code. This section would seem to prohibit the slaughter of sheep and swine and goats in a slaughter house which is conducting a business of slaughtering horses. * * * * *

This section (50-1308a) deals with the handling (of horsemeat) with other meats. In this section there is no mention of sheep, swine or goats and the question which I wish to ask is, whether this section supersedes the first section mentioned in my letter, namely - will an establishment engaged in the slaughtering of horses be permitted to slaughter sheep, swine or goats, in view of this section 50-1308a, which was added to the law in 1951, and does it amend or repeal section 50-1304? Location and sanitation of slaughterhouses."

A review of the sections of the Code which you cite and a search of the decisions relating to statutory construction leads us to the conclusion that the statute applicable in this case is 50-1308a, which provides:

"Handling with other meats.-- All horsemeat or horsemeat products sold at retail must be sold from a case separate from that which contains the flesh of cattle. No horsemeat

shall be stored, slaughtered or packed in any slaughter house or packing house engaged in the business of slaughtering or packing any meat or meat food products from the flesh of cattle."

This section was enacted into law in 1951, whereas Section 50-1304 (a) relating to the "location and sanitation of slaughter houses" was enacted in 1943. These two sections are in conflict with one another in that Section 50-1304 (a) provides that:

"The slaughtering of horses and the preparation and processing of horsemeat and products thereof shall be conducted in a house or establishment separate from any house or establishment in which cattle, sheep, swine, or goats are slaughtered or prepared, or any meat or meat food products thereof are prepared or handled, * * * * *"

Whereas, Section 50-1308a deals with "handling (horsemeat) with other meats" and simply prohibits the storing, slaughtering and packing of horsemeat in the same establishment or house wherein "the business of slaughtering or packing any meat or meat food products from the flesh of cattle" is carried on.

The case of McCarthy v. State of Arizona ex rel Richard F. Harless, 55 Ariz. 328, 101 P. 2d 449, provides that if there is any conflict between two statutes the more recent one must prevail. Thus Section 50-1308a, having been enacted more recently than Section 50-1304 (a), should prevail.

Therefore, it is our opinion that a licensee storing, slaughtering, packing and handling horsemeat, may also store, slaughter, pack and handle all other meats and meat products, except the flesh of cattle, in the same establishment.

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

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