

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1743

5 By: Representative Wooldridge  
6 By: Senator D. Wallace  
7

## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE ARKANSAS FEED LAW OF 1997; AND  
10 FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE ARKANSAS FEED LAW OF 1997.  
14  
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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18 SECTION 1. Arkansas Code § 2-37-102 is amended to read as follows:  
19 2-37-102. Enforcing agency.

20 This chapter shall be administered by the ~~State Plant Board~~ Department  
21 of Agriculture.  
22

23 SECTION 2. Arkansas Code § 2-37-103(a), concerning the definition of  
24 "board" under the Arkansas Feed Law of 1997, is repealed.

25 ~~(a) "Board" means the State Plant Board.~~  
26

27 SECTION 3. Arkansas Code § 2-37-103(o), concerning the definition of  
28 "official sample" under the Arkansas Feed Law of 1997, is amended to read as  
29 follows:

30 (o) "Official sample" means a sample of feed taken by the ~~board~~  
31 Department of Agriculture or its agent in accordance with the provisions of §  
32 2-37-111(c), (e), or (f).  
33

34 SECTION 4. Arkansas Code § 2-37-104 is amended to read as follows:  
35 2-37-104. Registration and licensing.

36 (a)(1) Any person:



1 (A) Who manufactures a commercial feed within this state;

2 (B) Who distributes a commercial feed in or into the  
3 state; or

4 (C) Whose name appears on the label of a commercial feed  
5 as guarantor,

6 shall obtain a license for each facility which distributes in or  
7 into the state authorizing him or her to manufacture or distribute commercial  
8 feed before he or she engages in such activity.

9 (2) Any person who makes only retail sales of commercial feed  
10 which bears labeling or other approved indication that the commercial feed is  
11 from a licensed manufacturer, guarantor, or distributor who has assumed full  
12 responsibility for the sum due for tonnage inspection fee due under this  
13 chapter is not required to obtain a license.

14 (b)(1)(A) A person who is required to obtain a license shall submit an  
15 application on a form provided or approved by the ~~State Plant Board~~  
16 Department of Agriculture.

17 (B) ~~The sum accompanied by a license fee~~ of ten dollars  
18 (\$10.00) shall be paid to the board department for each facility for which a  
19 license shall be issued.

20 (C) ~~The department~~ The board shall remit ~~such license fees~~  
21 the sum to the Treasurer of State for deposit into the State Treasury to the  
22 credit of the Plant Board Fund ~~for the sole use of the board in order to~~  
23 carry out the State Plant Board's functions, powers, and duties.

24 (2) A license shall expire on the last day of December of the  
25 year for which it is issued; provided that any license shall be valid through  
26 ninety (90) days of the next ensuing year or until the issuance of the  
27 renewal license, whichever event first occurs, if the holder thereof has  
28 filed a renewal application with the ~~board~~ department on or before December  
29 31st of the year for which the current license was issued.

30 (3) A new applicant who fails to obtain a license within fifteen  
31 (15) working days after notification of the requirement to obtain a license,  
32 or any licensee who fails to comply with license renewal requirements, shall  
33 pay ~~a~~ the sum of thirty-dollars ~~late fee~~ (\$30.00) in addition to the sum paid  
34 for the license fee.

35 (c) The form and content of the commercial feed license application  
36 shall be established by rules adopted by the board.

1 (d) The ~~board~~ department may, at any time, request from a license  
 2 applicant or licensee copies of labels and labeling in order to determine  
 3 compliance with the provisions of this chapter.

4 (e)(1) The ~~board~~ department is empowered to refuse to issue a license  
 5 to any person not in compliance with the provisions of this chapter.

6 (2) The board may suspend or revoke any license issued to any  
 7 person found not in compliance with any provision of this chapter.

8 (3) The board may place conditions that limit production or  
 9 distribution of a particular commercial feed on the license of any person  
 10 found not to be in compliance with this chapter.

11 (4) No license shall be conditioned, suspended, refused or  
 12 revoked unless the applicant or licensee shall first be given an opportunity  
 13 to be heard before the board in order to comply with the requirements of this  
 14 chapter.

15 (f)(1) In order to be exempt from the provisions of this chapter,  
 16 integrated operators, as defined in § 2-37-103, shall submit an application  
 17 for exemption on a form provided or approved by the ~~board accompanied by an~~  
 18 ~~application fee~~ department.

19 (2) The sum of ten dollars (\$10.00) shall be paid for each  
 20 facility for which an exemption shall be issued.

21 (3) The board shall remit ~~such application fees~~ the sum paid  
 22 under subdivision (f)(2) of this section to the Treasurer of State for  
 23 deposit into the State Treasury to the credit of the Plant Board Fund ~~to be~~  
 24 ~~used solely by the board~~ to carry out the board's functions, powers, and  
 25 duties.

26 (g) A grower's production of unmanipulated poultry litter is exempt  
 27 from the provisions of this chapter.

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 29 SECTION 5. Arkansas Code § 2-37-108(g), concerning the prohibited act  
 30 of failing to pay inspection fees and file reports under the Arkansas Feed  
 31 Law of 1997, is amended to read as follows:

32 (g) Failure to pay sums for inspection ~~fees~~ and file reports as  
 33 required by § 2-37-109.

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 35 SECTION 6. Arkansas Code § 2-37-109 is amended to read as follows:  
 36 2-37-109. Inspection ~~fees~~ and reports.

1           (a) ~~An inspection fee at the rate~~ The sum of thirty cents (\$.30) per  
 2 ton shall be paid on commercial feeds distributed in this state by the person  
 3 whose name appears on the label as the manufacturer, guarantor or  
 4 distributor, except that a person other than the manufacturer, guarantor or  
 5 distributor may assume liability for the ~~inspection fee~~ cost, subject to the  
 6 following:

7           (1) ~~No fee~~ A sum shall not be paid on a commercial feed if the  
 8 payment has been made by a previous distributor.

9           (2) ~~No fee~~ A sum shall not be paid on customer-formula feeds if  
 10 the inspection fee is paid on the commercial feeds which are used as  
 11 ingredients therein.

12           (3)(A) ~~No fee~~ A sum shall not be paid on commercial feeds which  
 13 are used as ingredients for the manufacture of commercial feeds.

14           (B) If the ~~fee~~ sum has already been paid, credit shall be  
 15 given for such payment.

16           (4)(A) On commercial feed distributed in quantities of ~~twenty-~~  
 17 ~~five (25)~~ thirty-four (34) tons or less, a minimum ~~fee~~ sum of ten dollars  
 18 (\$10.00) per quarterly report shall be paid.

19           (B) A tonnage report and minimum ~~fee~~ sum is due for each  
 20 reporting period, even though no distribution of commercial feeds occurred in  
 21 the state during that period.

22           (b) Each person who is liable for the payment of such ~~fee~~ sum shall:

23           (1) File, not later than the last day in January, April, July,  
 24 and October of each year, a quarterly statement, setting forth the number of  
 25 net tons of commercial feeds distributed in this state during the preceding  
 26 three (3) months; ~~and upon.~~ After filing such statement shall pay the  
 27 inspection fee the quarterly statement, the Department of Agriculture shall  
 28 invoice the responsible party at the rate stated in subsection (a) of this  
 29 section. ~~Inspection fees~~ costs which are due and owing and have not been  
 30 remitted to the ~~State Plant Board~~ department within fifteen (15) days  
 31 following the date due shall have a penalty ~~fee~~ of fifteen percent (15%) or  
 32 twenty-five dollars (\$25.00), whichever is the higher, added to the amount  
 33 due when payment is finally made. The assessment of this penalty ~~fee~~ shall  
 34 not prevent the board from taking other actions as provided in this chapter.

35           (2) Keep such records as may be necessary or required by the  
 36 ~~board~~ department to indicate accurately the tonnage of commercial feed

1 distributed in this state, and the ~~board~~ department shall have the right to  
2 examine such records to verify statements of tonnage. Failure to make an  
3 accurate statement of tonnage or to pay the inspection ~~fee~~ costs or comply as  
4 provided herein shall constitute sufficient cause for the cancellation of the  
5 license of a distributor. However, no license shall be canceled or revoked  
6 before the distributor has been given an opportunity to be heard before the  
7 board and to pay the ~~fees~~ sums owed under this section.

8 (c) ~~Fees~~ Sums collected shall constitute a fund for the payment of the  
9 costs of inspection, sampling, and analysis, and other expenses necessary for  
10 administration of this chapter and shall be deposited into the State Treasury  
11 to the credit of the ~~State~~ Plant Board Fund.

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13 SECTION 7. Arkansas Code §§ 2-37-111 through 2-37-114 are amended to  
14 read as follows:

15 2-37-111. Inspection, sampling, and analysis.

16 (a) For the purpose of enforcement of this chapter, and in order to  
17 determine whether its provisions have been complied with, including whether  
18 or not any operations may be subject to such provisions, officers or  
19 employees designated by the ~~State Plant Board~~ Department of Agriculture, upon  
20 presenting appropriate credentials, and notice to the owner, operator, or  
21 agent in charge, are authorized:

22 (1) To enter, during normal business hours, any factory,  
23 warehouse, or establishment within the state in which commercial feeds are  
24 manufactured, processed, packed, or held for distribution, or to enter any  
25 vehicle being used to transport or hold such feeds; and

26 (2) To inspect at reasonable times and within reasonable limits  
27 and in a reasonable manner, such factory, warehouse, establishment or vehicle  
28 and all pertinent equipment, finished and unfinished materials, containers,  
29 and labeling herein. The inspection may include the verification of only such  
30 records, and production and control procedures as may be necessary to  
31 determine compliance with the good manufacturing practice rules established  
32 under § 2-37-107(15).

33 (b) Notice shall be given for each such inspection, but a notice shall  
34 not be required for each entry made during the period covered by the  
35 inspection. Each such inspection shall be commenced and completed with  
36 reasonable promptness. Upon completion of the inspection the person in charge

1 of the facility or vehicle shall be so notified.

2 (c) If the owner of any factory, warehouse, or establishment described  
3 in subsection (a), or his or her agent, refuses to admit the ~~board~~ department  
4 or its agent to inspect in accordance with subsections (a) and (b), the ~~board~~  
5 department is authorized to obtain from any state court a warrant directing  
6 such owner or his or her agent to submit premises described in such warrant  
7 to inspection.

8 (d) For the enforcement of this chapter, the ~~board~~ department or its  
9 designated agent is authorized to enter upon any public or private premises  
10 including any vehicle of transport during regular business hours to have  
11 access to, and to obtain samples, and to examine records relating to  
12 distribution of commercial feeds.

13 (e) Sampling and analysis shall be conducted in accordance with  
14 methods published by the AOAC International or in accordance with other  
15 generally recognized methods.

16 (f) The results of all analyses of official samples shall be forwarded  
17 by the ~~board~~ department to the person named on the label and to the  
18 purchaser. When the inspection and analysis of an official sample indicates a  
19 commercial feed has been adulterated or misbranded and upon request within  
20 thirty (30) days following the receipt of the analysis the ~~board~~ department  
21 shall furnish to the registrant or licensee a portion of the sample  
22 concerned.

23 (g) The ~~board~~ department, in determining for administrative purposes  
24 whether a commercial feed is deficient in any component, shall be guided by  
25 the official sample as defined in § 2-37-103(o) and obtained and analyzed as  
26 provided for in subsections (d) and (e) of this section.

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28 2-37-112. Detained commercial feeds.

29 (a) Withdrawal from Distribution Orders.

30 (1) (A) When the ~~State Plant Board~~ Department of Agriculture or  
31 its authorized agent has reasonable cause to believe any lot of commercial  
32 feed is being distributed in violation of any of the provisions of this  
33 chapter or any of the prescribed rules under this chapter, the ~~board~~  
34 department may issue and enforce a written or printed "withdrawal from  
35 distribution" order, warning the distributor not to dispose of the lot of  
36 commercial feed in any manner until written permission is given by the ~~board~~

1 department or the court.

2 (B) The ~~board~~ department shall release the lot of  
3 commercial feed so withdrawn when the provisions and rules have been complied  
4 with.

5 (C) If compliance is not obtained the ~~board~~ department may  
6 begin, or upon request of the distributor or registrant, shall begin  
7 proceedings for condemnation.

8 (2) A withdrawal from distribution order issued under this  
9 section expires thirty (30) days after the day it was first issued unless  
10 condemnation proceedings have begun in a court of competent jurisdiction.

11 (b) Condemnation and Confiscation.

12 (1) Any lot of commercial feed not in compliance with the  
13 provisions and rules shall be subject to seizure on complaint of the ~~board~~  
14 State Plant Board to a court of competent jurisdiction in the area in which  
15 the commercial feed is located.

16 (2)(A) In the event the court finds the commercial feed to be in  
17 violation of this chapter and orders the condemnation of the commercial feed,  
18 it shall be disposed of in any manner consistent with the quality of the  
19 commercial feed and the laws of the state.

20 (B) However, in no instance shall the disposition of the  
21 commercial feed be ordered by the court without first giving the claimant an  
22 opportunity to apply to the court for release of the commercial feed or for  
23 permission to process or re-label the commercial feed to bring it into  
24 compliance with this chapter.

25 (3) If the court orders the sale of the feed, the proceeds from  
26 the sale shall be remitted to the Treasurer of State to be credited to the  
27 General Revenue Fund Account of the State Apportionment Fund.

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29 2-37-113. Penalties.

30 (a) A person convicted of violating any of the provisions of this  
31 chapter or who shall impede, hinder, or otherwise prevent, or attempt to  
32 prevent, the ~~State Plant Board~~ Department of Agriculture or its authorized  
33 agent in performance of his or her duty in connection with the provisions of  
34 this chapter, shall be adjudged guilty of a violation punishable by a fine of  
35 not more than fifty dollars (\$50.00) for the first violation, and not more  
36 than two hundred dollars (\$200) for each subsequent violation, and the

1 proceeds from such fines shall be remitted into the State Treasury to the  
2 credit of the General Revenue Fund Account of the State Apportionment Fund.

3 (b) Nothing in this chapter shall be construed as requiring the ~~board~~  
4 department or its representative to:

5 (1) Report for prosecution;

6 (2) Institute seizure proceedings; or

7 (3) Issue a withdrawal from distribution order, as a result of  
8 minor violations of this chapter, or when the ~~board~~ department believes the  
9 public interest will best be served by suitable notice of warning in writing.

10 (c) In all prosecutions for violations of this chapter, the  
11 certificate of the analyst, or other officer making the analysis or  
12 examination, when sworn to or subscribed by the analyst or officer, shall be  
13 prima facie evidence of the facts therein certified.

14 (d) The ~~board~~ State Plant Board is authorized to apply for and the  
15 court to grant a temporary or permanent injunction restraining any person  
16 from violating or continuing to violate any of the provisions of this chapter  
17 or any rule promulgated under this chapter notwithstanding the existence of  
18 other remedies at law. The injunction shall be issued without bond.

19 (e) A person adversely affected by an act, order, or ruling of the  
20 board made under the provisions of this chapter may within forty-five (45)  
21 days thereafter bring action in the Pulaski County Circuit Court for judicial  
22 review of the actions. The form of the proceeding may be any which may be  
23 provided by statutes of this state to review decisions of administrative  
24 agencies, or in the absence or inadequacy thereof, any applicable form of  
25 legal action, including actions for declaratory judgments or writs of  
26 prohibitory or mandatory injunctions.

27 (f) A person who uses to his or her own advantage, or reveals to other  
28 than the board or officers of the board or other officers of state agencies,  
29 or to the courts when relevant in any judicial proceeding, any information  
30 acquired under the authority of this chapter, concerning any method, records,  
31 formulations, or processes which as a trade secret is entitled to protection,  
32 is guilty of a Class C misdemeanor; provided, that this prohibition shall not  
33 be deemed as prohibiting the board or its authorized agent, from exchanging  
34 information of a regulatory nature with authorized officials of the United  
35 States Government, or of other states, who are similarly prohibited by law  
36 from revealing this information.



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2-37-114. Cooperation with other entities.

The ~~State Plant Board~~ Department of Agriculture may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the United States Government, and private associations in order to carry out the purpose and provisions of this chapter.

**APPROVED: 4/14/25**