

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

15

By: Senator Beebe

For An Act To Be Entitled

"AN ACT TO AMEND SECTION 20-59-205(a)(15) OF THE ARKANSAS CODE OF 1987, TO AUTHORIZE THE ADOPTION OF DEFINITIONS AND STANDARDS OF IDENTITY FOR MILK, MILK PRODUCTS, CHEESE AND FROZEN DESSERTS AS FOUND AT 21 CODE OF FEDERAL REGULATIONS (CFR), PARTS 131, 133 AND 135, AND TO ADOPT ANY ADDITIONS OR AMENDMENTS MADE THEREUNDER WHEN NECESSARY TO MEET FEDERAL STANDARDS; TO REQUIRE THAT THE STATE BOARD OF HEALTH GIVE WRITTEN NOTICE TO THE ACTIVE ARKANSAS MILK PRODUCERS MARKETING AGENTS AND TO THE ARKANSAS DAIRY PRODUCTS ASSOCIATION OF PROPOSALS TO CHANGE RULES OR REGULATIONS AFFECTING SUCH DEFINITIONS AND STANDARDS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. That subsection (15) of subsection (a) of Section 20-59-205 of the Arkansas Code of 1987 is hereby amended to read as follows:

"(15) Dairy Product Definitions and Standards of Identity and Labeling Requirements. The State Board of Health shall adopt the definitions and standards of identity for milk, milk products, cheeses and frozen desserts found at 21 Code of Federal Regulations (CFR), Parts 131, 133 and 135, and shall adopt any amendments or additions made thereunder. The State Board of Health may adopt definitions and standards of identity of milk products, cheeses and frozen desserts if they are not found at 21 Code of Federal Regulations. All packages enclosing milk, milk products, cheeses and frozen desserts shall be labeled in accordance with the 'Federal Food, Drug, and Cosmetic Act as amended,' the 'Fair Packaging and Labeling Act,' and regulations promulgated thereunder.

Provided, that the State Board of Health shall not change, correct, adopt

or promulgate rules or regulations or other health code standards pertaining to the dairy industry of Arkansas, as defined herein, until such changes have been reviewed by active Arkansas milk producers marketing agents, herein referred to as the 'agents', and by the Arkansas Dairy Products Association, hereinafter referred to as the 'Association', in regular or specially-called meetings of the agents and the Association, or the governing bodies thereof. However, if meetings of the agents and the Association are not held within thirty (30) days after a written notice by the State Board of Health of intent to change, correct, adopt or promulgate rules and regulations, the review of the agents and the Association shall be deemed waived.

Notice as required by this subsection shall be given in writing by ordinary mail, or be hand delivered, to the agents and to the director of the Association.

The Director of the State Department of Health and/or the State Board of Health may change, correct, adopt or promulgate rules and regulations pertaining to the dairy industry of Arkansas in times of emergency or natural disaster without notice to the agents and the Association.

As used in this subchapter, the term 'dairy industry of Arkansas' means Grade 'A' milk plants, milk manufacturing plants, ice cream plants, milk producers, milk producer/distributors, milk haulers, milk distributors, dairy farms, receiving stations, and transfer stations."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that the dairy industry of Arkansas is essential to the public health, safety and welfare of the people of this State, and is vital to the economy of this State; that due to changes and innovations in the dairy products industry and the development of the fast foods industry, it is essential that the State Board of Health be given the power to change and correct rules and regulations pertaining to milk, cream, and other milk products and frozen

desserts, as may be necessary to correspond to and coincide with changes made in federal standards for such products, in order to enable the dairy products industry in this State to remain competitive with other states, and to assure the preservation of the safety and health of the people of this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.