

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

Subtitle

11 TO AMEND THE ARKANSAS FEED LAW OF 1997.
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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.
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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24 "board" under the Arkansas Feed Law of 1997, is repealed.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.~~
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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).
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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.

28
 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.

34
 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.

12
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.

27
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.