

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

A Bill

SENATE BILL 550

5 By: Senator Hill
6 By: Representative Painter
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN DUTIES OF
10 THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION; TO
11 CHANGE THE NAME OF THE ARKANSAS LIVESTOCK AND POULTRY
12 COMMISSION TO THE ARKANSAS BOARD OF ANIMAL HEALTH;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 TO CHANGE THE NAME OF THE ARKANSAS
18 LIVESTOCK AND POULTRY COMMISSION TO THE
19 ARKANSAS BOARD OF ANIMAL HEALTH.
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 2-5-204(a)(1), concerning the powers and
24 duties of the Department of Agriculture to administer the Livestock and
25 Poultry Special Revenue Fund, is amended to read as follows:

26 (1) Administer this subchapter and the ~~Livestock and Poultry~~
27 Animal Health Special Revenue Fund;
28

29 SECTION 2. Arkansas Code § 2-5-206(b), concerning fees collected under
30 the Commercial Bait and Ornamental Fish Act, is amended to read as follows:

31 (b) All fees collected under this subchapter shall be deposited into
32 the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund to be used by
33 the department to administer this subchapter.
34

35 SECTION 3. Arkansas Code § 2-6-106(e), concerning the collection of
36 civil penalties under the Arkansas Catfish Processor Fair Practices Act of



1 1987, is amended to read as follows:

2 (e) Civil penalties collected under this chapter shall be deposited
3 into the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund.

4
5 SECTION 4. Arkansas Code § 2-10-104 is amended to read as follows:

6 2-10-104. Powers and duties of the Arkansas ~~Livestock and Poultry~~
7 ~~Commission~~ Board of Animal Health – Definitions.

8 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
9 Health shall:

10 (A) Have jurisdiction over milk and milk products marketed
11 in the State of Arkansas, including without limitation the base milk price
12 paid to an Arkansas milk producer; and

13 (B)(i) Require that an Arkansas milk producer receive
14 Class 1 prices for milk utilized or sold as fluid milk in this state.

15 (ii) Subdivision (a)(1)(B)(i) of this section applies
16 only to milk that is both produced in and sold as fluid milk within this
17 state.

18 (2) The ~~commission~~ board may:

19 (A) Revise the payment of Class 1 prices required under
20 subdivision (a)(1)(B)(i) of this section if Arkansas is no longer considered
21 a milk-deficit state; and

22 (B) Make, modify, and enforce rules that the ~~commission~~
23 board deems necessary to effectively carry out this subsection.

24 (b) As used in this section:

25 (1) “Base milk price” means the top line of a milk producer’s
26 milk check before deductions for quality premiums or discounts,
27 transportation costs, and cooperative administrative fees;

28 (2) “Class 1 price” means the price declared by the Federal Milk
29 Marketing Order No. 7; and

30 (3) “Fluid milk” means milk used for buttermilk, eggnog,
31 flavored, low-fat, skimmed, or whole milk.

32
33 SECTION 5. Arkansas Code § 2-32-301 is repealed.

34 ~~2-32-301. Equine monitoring by identification chips.~~

35 ~~(a)(1) It is found and determined by the General Assembly that:~~

36 ~~(A) The Arkansas Livestock and Poultry Commission has been~~

1 ~~authorized by the United States Department of Agriculture to develop and~~
 2 ~~administer a voluntary equine identification system; and~~

3 ~~(B) Embedding a chip for the purpose of identifying an~~
 4 ~~animal can endanger the animal if not properly injected and placed.~~

5 ~~(2) Therefore, it is the purpose of this section to establish~~
 6 ~~criteria for persons engaged in the voluntary embedding of chips for equine~~
 7 ~~identification.~~

8 ~~(b) The commission shall promulgate rules setting forth training~~
 9 ~~requirements for the voluntary embedding or injecting a chip for purpose of~~
 10 ~~animal identification.~~

11 ~~(c) The commission shall administer training and provide certification~~
 12 ~~upon satisfactory completion.~~

13 ~~(d) The commission shall establish a fine for failure to obtain proper~~
 14 ~~certification before embedding or injecting a chip for the purpose of equine~~
 15 ~~animal identification.~~

16
 17 SECTION 6. Arkansas Code §§ 2-32-501 through 2-32-505 are amended to
 18 read as follows:

19 2-32-501. Administrative penalties.

20 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
 21 Health may impose administrative penalties not to exceed five thousand
 22 dollars (\$5,000) per violation against a person who violates any provision of
 23 this subtitle or any rule adopted by the ~~commission~~ board under this
 24 subtitle.

25 (b) The imposition of administrative penalties shall be conducted
 26 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

27 (c) The ~~commission~~ board or the ~~commission's~~ board's designee may
 28 issue subpoenas.

29 (d) If a person against whom an administrative penalty has been
 30 imposed by the ~~commission~~ board as authorized under this section fails to pay
 31 the penalty to the ~~commission~~ board, the ~~commission~~ board may file an action
 32 to collect the administrative penalty in the circuit court of the county in
 33 which the person resides.

34
 35 2-32-502. Subpoenas – Refusal to testify.

36 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal

1 Health or a member of the ~~commission~~ board may issue a subpoena for a witness
2 to require his or her attendance and testimony before the ~~commission~~ board,
3 and to require the production of books, papers, and records in any proceeding
4 before the ~~commission~~ board that may be material to questions before the
5 ~~commission~~ board.

6 (b) The subpoena under subsection (a) of this section shall be served
7 by:

- 8 (1) The county sheriff of the county in which the person
9 resides;
- 10 (2) The deputy of the county sheriff; or
- 11 (3) Any other officer authorized by law to serve process in this
12 state.

13 (c) If a person fails or refuses to comply with a subpoena issued by
14 the ~~commission~~ board or a member of the ~~commission~~ board, or refuses to
15 testify or answer to a matter in which he or she may lawfully be
16 interrogated, the circuit court of the county in which the person is
17 domiciled, on application of the ~~commission~~ board may:

- 18 (1) In term time or vacation, issue an attachment for the
19 person;
- 20 (2) Compel the person to:
 - 21 (A) Comply with the subpoena;
 - 22 (B) Appear before the ~~commission~~ board;
 - 23 (C) Produce the relevant documents; and
 - 24 (D) Give his or her testimony upon matters as may be
25 lawfully required; and

26 (3) Punish for contempt a person who fails to obey an order
27 under this section, if the person disobeys a subpoena.

28 (d) If a person is not domiciled in this state, the circuit court of
29 the county in which the hearing is held or is to be held shall have
30 jurisdiction.

31
32 2-32-503. Administration of oath to witnesses.

33 A member of the Arkansas ~~Livestock and Poultry Commission~~ Board of
34 Animal Health or his or her attorney may administer an oath to any witness in
35 any hearing, investigation, or proceeding under this subtitle.

36

1 2-32-504. Appellate review.

2 A person affected by a rule, action, or order made by the Arkansas
3 ~~Livestock and Poultry Commission~~ Board of Animal Health may obtain review of
4 the rule, action, or order under the Arkansas Administrative Procedure Act, §
5 25-15-201 et seq.

6
7 2-32-505. Disposition of fees and penalties.

8 (a) Fees paid and penalties collected under this subtitle shall be
9 deposited into the State Treasury as special revenues credited to the
10 ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

11 (b) Fees or penalties collected under this subtitle shall be cash
12 funds when received by the Treasurer of State and shall not be deposited into
13 or deemed a part of the State Treasury for the purpose of:

- 14 (1) Arkansas Constitution, Article 5, § 29;
15 (2) Arkansas Constitution, Article 16, § 12;
16 (3) Arkansas Constitution, Amendment 20; or
17 (4) Any other constitutional or statutory provision.

18
19 SECTION 7. Arkansas Code §§ 2-33-101 through 2-33-105 are amended to
20 read as follows:

21 2-33-101. Creation of ~~commission~~ Arkansas Board of Animal Health.

22 There is created within the Department of Agriculture the Arkansas
23 ~~Livestock and Poultry Commission~~ Board of Animal Health.

24
25 2-33-102. Members.

26 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
27 Health shall consist of nine (9) members who are residents and electors of
28 this state to be appointed by the Governor by and with the advice and consent
29 of the Senate for terms of five (5) years.

30 (2) ~~At least two (2)~~ No more than three (3) members of the
31 ~~commission board~~ shall be veterinarians, ~~at least one (1) of whom shall be~~
32 ~~engaged primarily in large animal or food supply veterinary medicine~~
33 consisting of one (1) veterinarian from each of the following practice areas:

- 34 (A) Poultry;
35 (B) Large animal; and
36 (C) General practice.

1 (3) The remaining members shall be actively engaged in the
2 Arkansas livestock, dairy, or poultry industries.

3 (b) Each congressional district shall be represented by membership on
4 the ~~commission~~ board.

5 (c) The term of office shall commence on January 15 following the
6 expiration date of the preceding term and shall end on January 14 of the
7 fifth year following the year in which the term commenced.

8 (d) Any vacancies arising in the membership of the ~~commission~~ board
9 for any reason other than expiration of the terms for which the members were
10 appointed shall be filled by appointment by the Governor and be effective
11 until the expiration of the terms, subject to the confirmation of the Senate.

12 (e) Before entering upon his or her duties, each member of the
13 ~~commission~~ board shall take, subscribe, and file in the office of the
14 Secretary of State an oath to support the United States Constitution and the
15 Arkansas Constitution and to faithfully perform the duties of the office upon
16 which he or she is about to enter.

17 (f)(1) Members of the ~~commission~~ board shall receive no pay for their
18 services.

19 (2) Members of the ~~commission~~ board may receive expense
20 reimbursement and stipends in accordance with § 25-16-901 et seq.

21 (g)(1) The ~~commission~~ board shall create a committee to make
22 recommendations to the ~~commission~~ board, including without limitation
23 recommendations regarding:

- 24 (A) Rulemaking;
25 (B) Disciplinary issues;
26 (C) Ethical complaints; and
27 (D) Evaluation of applications under the Arkansas
28 Veterinary Medical Practice Act, § 17-101-101 et seq.

29 (2) The veterinary members of the ~~commission~~ board under
30 subdivision (a)(2) of this section shall be members of the committee.

31 (3) The Chair of the Arkansas ~~Livestock and Poultry Commission~~
32 Board of Animal Health shall also designate an additional two (2) Arkansas
33 licensed veterinarians who are engaged primarily in small animal veterinary
34 medicine to serve on the committee.

35
36 2-33-103. Organization and meetings.

1 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
 2 Health shall from time to time select from its membership a ~~chair~~ Chair of
 3 the Board of Animal Health and a vice chair.

4 (b)(1) The ~~commission~~ board shall adopt and may modify rules for the
 5 conduct of its business and shall keep a record of its transactions,
 6 findings, and determinations, which shall be public.

7 (2) Meetings of the ~~commission~~ board shall be called by the
 8 ~~Chair of the Arkansas Livestock and Poultry Commission~~ chair or by four (4)
 9 members of the ~~commission~~ board.

10 (c)(1) A majority of the membership of the ~~commission~~ board shall
 11 constitute a quorum.

12 (2) A majority vote of those members present shall be required
 13 for any action of the ~~commission~~ board.

14 (d) The Governor may remove a member of the ~~commission~~ board before
 15 the expiration of his or her term for cause only, after notice and a hearing
 16 in accordance with §§ 25-17-210 and 25-17-211.

17 (e) All meetings shall be open to the public.

18
 19 2-33-104. Director.

20 (a)(1) The Director of the Arkansas ~~Livestock and Poultry Commission~~
 21 Board of Animal Health shall be appointed by the Governor and shall serve at
 22 the pleasure of the Governor.

23 (2) The director shall report to the Secretary of the Department
 24 of Agriculture.

25 (b)(1) The secretary may delegate to the director any of the powers or
 26 duties required to administer the:

27 (A) Statutory duties of the Arkansas ~~Livestock and Poultry~~
 28 ~~Commission~~ Board of Animal Health; and

29 (B) Rules, orders, or directives promulgated or issued by
 30 the ~~commission~~ board.

31 (2) The director may exercise the powers and duties delegated to
 32 him or her under subdivision (b)(1) of this section in the name of the
 33 ~~commission~~ board and of the Department of Agriculture.

34
 35 2-33-105. State Veterinarian.

36 (a) The Secretary of the Department of Agriculture shall employ a

1 State Veterinarian.

2 (b) The State Veterinarian shall be a person who has been granted the
3 degree of Doctor of Veterinary Medicine and holds a current license issued by
4 the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

5

6 SECTION 8. Arkansas Code § 2-33-107 is amended to read as follows:

7 2-33-107. Powers and duties generally.

8 (a) Authority for the control, suppression, and eradication of
9 livestock and poultry diseases and pests, and supervision of livestock and
10 poultry work in this state, including authority to promulgate rules governing
11 the handling, sale, and use of vaccines, antigens, and other biological
12 products used for reportable diseases and emergencies affecting livestock and
13 poultry, is vested in the Arkansas ~~Livestock and Poultry Commission~~ Board of
14 Animal Health.

15 (b) The ~~commission~~ Department of Agriculture shall have the authority
16 to:

17 (1) Enter into cooperative work agreements with any or all
18 federal agencies in matters relating to the functions performable by the
19 ~~commission~~ department including, but not limited to, general livestock and
20 poultry disease control programs;

21 (2) Receive and expend any moneys arising from federal means,
22 grants, contributions, gratuities, or reimbursements for or on account of any
23 of the functions at any time performable by the ~~commission~~ department;

24 (3) Cooperate with similar agencies existing in other states and
25 with the appropriate federal agencies and appropriate other agencies of this
26 state for the purpose of coordinating laws and rules governing the interstate
27 movement of livestock and poultry and the products producible therefrom, with
28 the view of safeguarding against animal diseases, insects, and pests and at
29 the same time endeavoring to eliminate interstate trade barriers;

30 (4) Cooperate with, and receive the cooperation of, all state-
31 supported institutions of higher education in matters of mutual interest
32 relating to the development of the livestock and poultry interests of this
33 state;

34 (5) Cooperate with the state, district, and county livestock
35 show associations in the promotion and development of the livestock and
36 poultry industry of this state;

1 (6) Contract and be contracted with;

2 (7) Take other action, not inconsistent with law, as it shall
3 deem necessary or desirable to effectively carry out its duties;

4 (8) Make modifications or adjustments in disease and pest
5 control and eradication activities and programs as it deems necessary or
6 appropriate to enable it to carry out its responsibilities with respect to
7 such activities and programs;

8 (9) Obtain, upon majority vote of the ~~commission~~ board, health
9 records of livestock and poultry, including records of livestock and poultry
10 produced, sold, processed, or otherwise handled, to enable it to effectively
11 administer and enforce its rules and laws relating to disease or pest control
12 and eradication programs; and

13 (10) Prescribe, by administrative rule, the method and manner
14 for testing and vaccination of livestock or poultry located within the state
15 but such authority shall not interfere with farmer vaccination of his or her
16 own product.

17 (c) The ~~commission~~ board shall have the authority to make, modify, and
18 enforce such rules and orders, not inconsistent with law, as it shall from
19 time to time deem necessary to effectively carry out the functions
20 performable by it.

21
22 SECTION 9. Arkansas Code § 2-33-111(a) and (b), concerning the
23 promulgation of rules and fees collected by the Arkansas Livestock and
24 Poultry Commission related to livestock and poultry diagnostic services, are
25 amended to read as follows:

26 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
27 Health may promulgate rules concerning services performed by the Arkansas
28 Veterinary Diagnostic Laboratory.

29 (b)(1) A fee structure may be designed and maintained by the
30 ~~commission~~ Department of Agriculture for the purpose of defraying the cost of
31 diagnostic services.

32 (2)(A) The fees collected shall be deposited into the State
33 Treasury as special revenues and shall be credited to the ~~Livestock and~~
34 ~~Poultry~~ Animal Health Special Revenue Fund.

35 (B) Before the close of each fiscal year, the Chief Fiscal
36 Officer of the State shall determine the amount of moneys which will remain

1 at the end of the fiscal year into the account from fees collected under this
 2 section and shall allow the moneys to be carried forward and made available
 3 for the same purposes in the next succeeding fiscal year.

4
 5 SECTION 10. Arkansas Code §§ 2-33-113 and 2-33-114 are amended to read
 6 as follows:

7 2-33-113. Disposition of fees and revenues.

8 All fees and revenues collected by the ~~Arkansas Livestock and Poultry~~
 9 ~~Commission~~ Department of Agriculture shall be deposited into the State
 10 Treasury as special revenues to be credited to the ~~Livestock and Poultry~~
 11 ~~Commission~~ Animal Health Disease and Pest Control Fund.

12
 13 2-33-114. Federal ~~Arkansas Livestock and Poultry Commission~~ Animal
 14 Health Fund.

15 (a) There is created in the State Treasury a fund to be known as the
 16 “Federal ~~Arkansas Livestock and Poultry Commission~~ Animal Health Fund”.

17 (b) Federal funds as may be allotted to the ~~Arkansas Livestock and~~
 18 ~~Poultry Commission~~ Department of Agriculture for maintenance and operation of
 19 its cooperative programs with the United States Department of Agriculture
 20 shall be deposited into the fund created in this section.

21
 22 SECTION 11. Arkansas Code § 2-33-301 is repealed.

23 ~~2-33-301. Division of Markets and Grading.~~

24 ~~There is established a Division of Markets and Grading of the Arkansas~~
 25 ~~Livestock and Poultry Commission which shall have the responsibility of~~
 26 ~~administering, under the direction of the commission, the provisions of the~~
 27 ~~Arkansas Egg Marketing Act of 1969, § 20-58-201 et seq., as amended, and the~~
 28 ~~Poultry and Egg Grading Program authorized by this subchapter.~~

29
 30 SECTION 12. Arkansas Code §§ 2-33-303 through 2-33-308 are amended to
 31 read as follows:

32 2-33-303. Poultry and ~~egg grading program~~ Egg Grading Program.

33 The ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture
 34 is authorized to establish a Poultry and Egg Grading Program in this state
 35 which shall be established in cooperation with the United States Department
 36 of Agriculture and shall be in compliance with the applicable standards and

1 requirements as prescribed by the United States Department of Agriculture for
2 federal poultry and egg grading purposes.

3
4 2-33-304. Providing of poultry and egg grading services.

5 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
6 Health shall promulgate such reasonable rules ~~and regulations~~ for poultry and
7 egg grading in this state as may be necessary for the establishment and
8 enforcement thereof.

9 (2) The rules ~~and regulations~~ shall be in compliance with the
10 standards and requirements established by the United States Department of
11 Agriculture for poultry and egg grading purposes.

12 (b) The ~~commission board~~ may establish a formula or method of
13 prorating the cost of providing the poultry grading services among the
14 various processors or processing plants using the services.

15 (c)(1) Poultry and egg grading services shall be provided for only
16 those processors or processing plants who make application, who shall comply
17 with the rules ~~and regulations~~ promulgated by the ~~commission board~~, and who
18 shall pay the cost of the services in accordance with ~~regulations~~ rules of
19 the ~~commission board~~.

20 (2)(A) Any poultry or egg processor or egg processing plant
21 failing to pay the cost of the services in accordance with the ~~regulations~~
22 rules promulgated by the ~~commission board~~ shall forfeit the right to have
23 poultry graded until the costs are paid.

24 (B) All unpaid costs shall be collectible by the
25 ~~commission~~ Department of Agriculture in the same manner provided by law for
26 collection of delinquent gross receipts taxes.

27
28 2-33-305. Intergovernmental cooperation.

29 The Arkansas ~~Livestock and Poultry Commission~~ Secretary of the
30 Department of Agriculture is authorized to cooperate with the appropriate
31 federal agencies and the appropriate agencies of this state and other states
32 for the purpose of coordinating laws and rules governing the interstate
33 movement of eggs and graded poultry with a view of safeguarding the public
34 health and quality of these products and at the same time endeavoring to
35 eliminate interstate trade barriers.

36

1 2-33-306. Agreement with federal department.

2 The ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture
3 is authorized to enter into a cooperative agreement with the United States
4 Department of Agriculture whereby the ~~commission~~ Department of Agriculture
5 will bill poultry and egg processors in Arkansas for poultry and egg grading
6 and egg products inspection services performed by state and federal personnel
7 and will collect charges for these services and remit a portion thereof to
8 the United States Department of Agriculture for the services performed by
9 personnel of the United States Department of Agriculture in accordance with
10 the provisions of §§ ~~2-33-301~~ 2-33-303 - 2-33-305, 2-33-307, and laws
11 amendatory thereto.

12
13 2-33-307. Poultry and Egg Grading Fund.

14 (a) All funds received by the ~~Arkansas Livestock and Poultry~~
15 ~~Commission~~ Department of Agriculture for providing poultry and egg grading
16 services shall be deposited into the State Treasury. Upon receipt of the
17 funds, the Treasurer of State shall monthly credit them as special revenues
18 to an account to be known as the "Poultry and Egg Grading Fund", to be used
19 for salaries, expenses, equipment, maintenance, operation, and administrative
20 expenses of the Poultry and Egg Grading Program ~~of the commission~~ as provided
21 by law.

22 (b) All funds collected by the ~~commission~~ Department of Agriculture
23 from poultry and egg processors for poultry and egg grading and egg products
24 inspection services shall be deposited into the State Treasury as special
25 revenues and shall be credited to the Poultry and Egg Grading Fund to be used
26 for funding the poultry and egg grading and egg products inspection program
27 and to make payments to the United States Department of Agriculture for
28 poultry and egg grading and poultry products inspection services performed by
29 employees of the United States Department of Agriculture.

30
31 2-33-308. Overtime compensation.

32 The Department of Agriculture is hereby authorized to pay ordinary,
33 customary, and necessary overtime compensation in accordance with rules
34 promulgated by the Chief Fiscal Officer of the State to those employees,
35 including egg and poultry grader supervisors, engaged in the inspection and
36 grading of eggs and poultry products under the ~~Arkansas Livestock and Poultry~~

1 ~~Commission's~~ Poultry and Egg Grading Program.

2
3 SECTION 13. Arkansas Code § 2-34-106(b)(2), concerning the holding of
4 funds following a sale of livestock under questionable ownership, is
5 repealed.

6 ~~(2)(A) If ownership of the animal is not established within~~
7 ~~thirty (30) days, the funds shall be sent to the Arkansas Livestock and~~
8 ~~Poultry Commission to be held for one (1) year from the date of receipt by~~
9 ~~the commission.~~

10 ~~(B) If ownership of the animal cannot be ascertained~~
11 ~~during the one-year period stated in subdivision (b)(2)(A) of this section,~~
12 ~~then after the expiration of the one-year period, the funds shall be~~
13 ~~deposited into the Livestock and Poultry Fund Account.~~

14
15 SECTION 14. Arkansas Code § 2-34-203 is amended to read as follows:
16 2-34-203. Conflicts of brands.

17 The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health
18 shall serve as an adjusting committee in the matter of determining conflicts
19 of brands, and the decision of the ~~committee~~ board shall be final.

20
21 SECTION 15. Arkansas Code §§ 2-34-205 and 2-34-206 are amended to read
22 as follows:

23 ~~2-34-205. Custody of county brand records.~~

24 ~~(a) All county brand records of the various counties of the state~~
25 ~~shall be property of the Arkansas Livestock and Poultry Commission, and it~~
26 ~~shall be unlawful for a county clerk to accept a brand for registry.~~

27 ~~(b) The Department of Agriculture shall collect all county brand~~
28 ~~record books and place them in its office and preserve them as public records~~
29 ~~on behalf of the commission.~~

30 ~~(c) The department shall furnish a record of any brand record in the~~
31 ~~county record books to any person for a reasonable fee determined by the~~
32 ~~department to offset the costs of furnishing the record.~~

33
34 2-34-206. State Brand Book.

35 ~~(a) The Arkansas Livestock and Poultry Commission~~ Department of
36 Agriculture shall publish the State Brand Book on its website, which shall

1 contain ~~a facsimile~~ of each brand and mark that is registered with the
 2 ~~commission~~ department showing the name and address of the owner, together
 3 with the pertinent laws and rules pertaining to registration and
 4 reregistration of brands and marks.

5 ~~(b) The commission, on or before January 1, 1960, and every five (5)~~
 6 ~~years thereafter, shall publish the State Brand Book showing all the brands~~
 7 ~~recorded with the commission before December 1, 1959, and every five (5)~~
 8 ~~years thereafter.~~

9 ~~(c) Supplements to the State Brand Book shall be published annually.~~

10
 11 SECTION 16. Arkansas Code § 2-34-208 is amended to read as follows:
 12 2-34-208. Registration of brands.

13 (a) A person desiring to adopt a brand or to continue to use a brand
 14 shall apply to the ~~Arkansas Livestock and Poultry Commission~~ Department of
 15 Agriculture for the registration of the brand in the manner prescribed in
 16 this section.

17 (b) The ~~commission~~ department shall prepare a standard form, which
 18 shall be made available to those persons who desire to apply for a brand.

19 (c) An applicant shall show a front, rear, left, and right side view
 20 of the animals upon which the brand will be eligible for registry.

21 (d) The brand location shall be designated in the following body
 22 regions: head, right jaw, neck, shoulder, rib and right and left jaw, neck,
 23 shoulder, rib and neck, right and left hip, thigh, and breeching.

24 (e) The applicant shall select at least three (3):

25 (1) Distinct brands and list them in the preferred order; and

26 (2) Locations on the animal and list them in preferred order.

27 (f) Applications for registration or reregistration shall be properly
 28 signed and notarized and accompanied by a reasonable fee to be determined by
 29 the ~~commission~~ department to offset the costs of administering this section.

30 (g) A brand, if approved and accepted by the ~~commission~~ department for
 31 registry, shall be of good standing during the five-year period in which it
 32 is recorded.

33
 34 SECTION 17. Arkansas Code § 2-34-210 is repealed.

35 ~~2-34-210. Sale of book.~~

36 ~~(a) The State Brand Book and all supplements to the State Brand Book,~~

1 ~~for a five year period, shall be sold to the public for a reasonable fee to~~
 2 ~~be determined by the Arkansas Livestock and Poultry Commission to offset the~~
 3 ~~costs of producing the State Brand Book.~~

4 ~~(b) A supplement to the State Brand Book shall be sold to the public~~
 5 ~~for a reasonable fee determined by the Department of Agriculture to offset~~
 6 ~~the costs of producing the supplement.~~

7 ~~(c) The county clerk and the sheriff of each county shall receive~~
 8 ~~copies of the State Brand Book and all supplements to the State Brand Book~~
 9 ~~without cost to their county.~~

10
 11 SECTION 18. Arkansas Code § 2-34-212 is amended to read as follows:
 12 2-34-212. Transfers of registered brands.

13 (a)(1) Only brands appearing ~~in the current edition of the State Brand~~
 14 ~~Book and the supplements to the current edition of the State Brand Book~~ on
 15 the website of the Department of Agriculture shall be subject to sale,
 16 assignment, transfer, devise, or bequest, the same as other personal
 17 property.

18 (2)(A) The transfer of title shall be recorded with the ~~Arkansas~~
 19 ~~Livestock and Poultry Commission~~ department.

20 (B) The fee for recording a transfer of title shall be
 21 determined by the ~~commission~~ department based on the costs of administering
 22 this section.

23 (b)(1) All persons selling livestock branded with their brand recorded
 24 ~~in a current edition of the State Brand Book or supplements to the current~~
 25 ~~edition of the State Brand Book~~ on the department's website shall execute a
 26 written transfer of ownership to the purchaser.

27 (2) If the purchaser suffers damages due to seller's failure to
 28 execute a written transfer of ownership, then the seller is liable for the
 29 damages decided upon by a court of competent jurisdiction.

30
 31 SECTION 19. Arkansas Code § 2-34-214 is repealed.

32 ~~2-34-214. Contracts for administration.~~

33 ~~(a)(1) The Arkansas Livestock and Poultry Commission shall enter into~~
 34 ~~a contract with a private entity that operates primarily as a livestock~~
 35 ~~association to administer the registration and recording of marks and brands~~
 36 ~~under this subchapter.~~

1 ~~(2) When the commission enters into a contract under this~~
2 ~~subsection, the commission shall:~~

3 ~~(A) Compensate the private entity for its services;~~

4 ~~(B) Appoint the private entity as an agent of the~~
5 ~~commission for purposes of receiving fees allowed under this subchapter; and~~

6 ~~(C) Except as provided in subsection (b) of this section,~~
7 ~~direct the private entity to perform duties assigned to the commission or the~~
8 ~~Deputy Director of the Arkansas Livestock and Poultry Commission under this~~
9 ~~subchapter.~~

10 ~~(b) The commission shall not contract with a private entity to~~
11 ~~promulgate rules or set fees under this subchapter.~~

12 ~~(c) Records concerning the administration of this subchapter are~~
13 ~~subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.,~~
14 ~~regardless of whether the records are in the custody or control of the~~
15 ~~commission or a private entity acting as an agent of the commission under~~
16 ~~this section.~~

17 ~~(d) A private entity entering into a contract with the commission~~
18 ~~under this section shall:~~

19 ~~(1) Make a monthly accounting to the commission of all funds~~
20 ~~received by the private entity as an agency of the commission under this~~
21 ~~section; and~~

22 ~~(2) File with the commission a surety bond of a corporate surety~~
23 ~~authorized to do business in this state in an amount determined by the~~
24 ~~commission, conditioned on the faithful performance of the private entity's~~
25 ~~duties and obligations as an agent of the commission under this subchapter.~~

26
27 SECTION 20. Arkansas Code § 2-38-302(a)(2)(A)(ii), concerning the
28 imposition of a civil penalty by the Arkansas Livestock and Poultry
29 Commission for failing to retrieve trespassing livestock, is amended to read
30 as follows:

31 (ii) The ~~Arkansas Livestock and Poultry Commission~~
32 Board of Animal Health may impose a civil penalty not to exceed five thousand
33 dollars (\$5,000) per violation of this chapter or violation of any rules
34 promulgated under this chapter.

35
36 SECTION 21. Arkansas Code § 2-38-502(a)(3), concerning verification by

1 the Arkansas Livestock and Poultry Commission of a valid permit related to
2 feral hogs, is amended to read as follows:

3 (3) After providing verification that he or she has a valid
4 permit issued under rules established by the Arkansas ~~Livestock and Poultry~~
5 ~~Commission~~ Board of Animal Health in accordance with 16 U.S.C. § 742j-1, as
6 it existed on January 1, 2019, upon determining that the permit applicant has
7 a bona fide need to kill feral hogs for protection of land, water, wildlife,
8 livestock, domesticated animals, human life, or crops, and not for a
9 recreational hunting purpose.

10
11 SECTION 22. Arkansas Code § 2-38-503 is amended to read as follows:
12 2-38-503. Animal health requirements.

13 A feral hog shall be subject to animal health requirements established
14 by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

15
16 SECTION 23. Arkansas Code § 2-38-505 is amended to read as follows:

17 2-38-505. Powers and duties of Arkansas ~~Livestock and Poultry~~
18 ~~Commission~~ Board of Animal Health.

19 The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health
20 may:

21 (1) Make, modify, and enforce the rules and orders the
22 ~~commission~~ board deems necessary to effectively carry out this subchapter;

23 (2) Establish and collect reasonable fees to administer and
24 enforce § 2-38-502(a)(3); and

25 (3)(A) Impose administrative penalties not to exceed one
26 thousand dollars (\$1,000) per feral hog against a person who violates this
27 subchapter or a rule adopted by the ~~commission~~ board under this subchapter.

28 (B) The imposition of administrative penalties shall be
29 conducted under the Arkansas Administrative Procedure Act, § 25-15-201 et
30 seq.

31
32 SECTION 24. Arkansas Code § 2-40-103 is amended to read as follows:
33 2-40-103. Duties and enforcement.

34 (a) It is the duty of the Arkansas ~~Livestock and Poultry Commission~~
35 Board of Animal Health to:

36 (1) Inquire into and investigate all outbreaks of contagious or

1 infectious disease of animals;

2 (2) Establish and promulgate rules in regard to isolation or
3 quarantine of infected animals, disinfection of animals and premises,
4 destruction of incurably diseased animals, and disposal of carcasses as it
5 may deem necessary to prevent the spread of disease;

6 (3) Promulgate rules for the protection of areas from which
7 animal diseases may be eradicated; and

8 (4) Draft rules for compensation for owners of exposed or
9 diseased animals and contaminated equipment or other material unsuitable for
10 proper disinfection or destroyed, or for others for any other necessary
11 expenses or for any other purpose, indemnity being subject to available
12 funds.

13 (b) Any federal veterinary inspector working in Arkansas cooperating
14 with the ~~commission~~ Department of Agriculture shall have the power of
15 enforcing the rules of the ~~commission~~ board.

16

17 SECTION 25. Arkansas Code § 2-40-106 is amended to read as follows:

18 2-40-106. Examinations and findings.

19 (a)(1) Any veterinary inspector or other employee duly authorized by
20 the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture shall
21 have the privilege of entering upon any property or premises in this state
22 for the purpose of examining or testing animals which he or she has reason to
23 believe are affected with a contagious or infectious disease so as to
24 constitute a menace to the livestock and poultry of the community.

25 (2) He or she may call on one (1) or more peace officers. It
26 shall be their duty to give him or her all assistance in their power.

27 (b)(1) When ordered by the State Veterinarian, owners or persons in
28 charge of animals shall assemble them at a designated time and place for the
29 purpose of examining, testing, treating, necropsy, disinfecting, or for any
30 other purpose.

31 (2)(A) If after examination of suspected animals the veterinary
32 inspector shall find them to be affected with any reportable disease, he or
33 she shall furnish the owner or person in charge of the animals with a report
34 of his or her findings and with a copy of the existing law and rules of the
35 ~~commission~~ Arkansas Board of Animal Health in regard to the disease.

36 (B) Any person who, after notification, shall fail to

1 comply with the rules shall be guilty of an administrative penalty. He or she
2 shall also be liable for damages to others due to infection from his or her
3 stock.

4
5 SECTION 26. Arkansas Code § 2-40-109 is amended to read as follows:

6 2-40-109. Destruction of diseased poultry flocks.

7 (a) When the ~~Arkansas Livestock and Poultry Commission~~ Department of
8 Agriculture determines that any flock of chickens, turkeys, ducks, geese, or
9 other poultry is infected with a reportable disease, the flock may be
10 depopulated or condemned and properly disposed of to prevent the spread of
11 the disease.

12 (b) The ~~commission~~ Arkansas Board of Animal Health is authorized to
13 adopt rules to prescribe the procedures for condemning a diseased poultry
14 flock as authorized in this section.

15
16 SECTION 27. Arkansas Code §§ 2-40-206 through 2-40-210 are amended to
17 read as follows:

18 2-40-206. Funding of bovine disease program.

19 (a)(1)(A) In order to fund or partially fund the bovine disease
20 control and eradication program, there is levied a fee of one dollar (\$1.00)
21 per head on all cattle sold in this state to be used for the bovine disease
22 control and eradication program.

23 (B)(i) However, if the Director of the Arkansas ~~Livestock~~
24 ~~and Poultry Commission~~ Board of Animal Health determines there is an
25 emergency, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
26 Health may promulgate a rule to temporarily raise the fee set in subdivision
27 (a)(1)(A) of this section after receiving approval of the rule from the
28 Legislative Council or, if the General Assembly is in session, the Joint
29 Budget Committee.

30 (ii) A rule adopted to raise the fee under this
31 subdivision (a)(1)(B) shall be effective only during the period of time the
32 emergency persists or for one (1) year, whichever is shorter.

33 (iii) If an emergency persists after one (1) year,
34 the ~~commission~~ board may promulgate a rule to extend the increased fee for
35 additional one-year periods by following the procedures stated in subdivision
36 (a)(1)(B)(i) of this section each year the rule increasing the fee is to be

1 effective.

2 (iv) The ~~commission~~ board shall not adopt an
3 emergency rule to raise the fee under this subdivision (a)(1)(B).

4 (2) The fee shall not be assessed on the resale of any cattle
5 within ten (10) calendar days after the prior sale if the fee was paid on the
6 prior sale.

7 (b)(1) The fee shall be collected by the purchaser and remitted
8 monthly to the Secretary of the Department of Finance and Administration,
9 except that if the sale occurs through a livestock auction market or any
10 other agent of the seller, the livestock auction market or other agent shall
11 collect and remit the fee. The Secretary of the Department of Finance and
12 Administration may promulgate such rules as he or she deems necessary to
13 implement the collection of the fee.

14 (2)(A) After deducting three percent (3%) for credit to the
15 Constitutional Officers Fund and the State Central Services Fund, the
16 remainder of funds so remitted to the Secretary of the Department of Finance
17 and Administration shall be deposited into the State Treasury as special
18 revenues and credited to the ~~Livestock and Poultry Commission~~ Animal Health
19 Disease and Pest Control Fund.

20 (B) Before the close of each fiscal year, the Chief Fiscal
21 Officer of the State shall determine the amount of funds which will remain at
22 the end of the fiscal year in the ~~Livestock and Poultry Commission~~ Animal
23 Health Disease and Pest Control Fund from fees collected under the provisions
24 of this section. He or she shall allow such funds to be carried forward and
25 made available for the same purposes in the next-succeeding fiscal year.

26 (C) The Secretary of the Department of Finance and
27 Administration shall release all information related to the fee levied per
28 head on all cattle sold in the state to be used for the bovine disease
29 control and eradication fund when requested by the Secretary of the
30 Department of Agriculture.

31

32 2-40-207. Costs of on-the-farm calfhooD vaccinations.

33 The costs of on-the-farm calfhooD vaccination performed by the ~~Arkansas~~
34 ~~Livestock and Poultry Commission~~ Department of Agriculture shall be paid from
35 state or federal funds. Nothing herein shall be construed to prohibit a
36 livestock owner from contracting with and compensating a veterinarian for

1 vaccinating his or her livestock. Veterinarians shall not charge both the
 2 livestock owner and the state or federal government for the same calfhood
 3 vaccination.

4
 5 2-40-208. Inspection of livestock markets.

6 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
 7 Health shall prescribe minimum sanitary and health standards for livestock
 8 markets in the state to promote and protect the health of livestock handled
 9 at these markets and the health of personnel working in the markets.

10 (2) The ~~commission~~ Department of Agriculture or its agents shall
 11 periodically inspect the markets for compliance with the sanitary and health
 12 standards.

13 (b)(1) If the ~~commission~~ department or its agents find that any market
 14 is not in compliance with such standards, it shall notify the operator of the
 15 market, in writing, of areas in which the market is out of compliance.

16 (2) The market operator shall, within fifteen (15) days after
 17 receipt of the notice, certify to the ~~commission~~ department the steps it has
 18 taken to comply with the standards.

19 (c)(1)(A) If the operator fails to respond or if the ~~commission~~
 20 department or its agents determine that the market has not complied with the
 21 health, safety, and sanitation standards, the board may order the market
 22 shall be inspected by a committee consisting of:

- 23 (i) ~~One (1) livestock market representative;~~
- 24 (ii) ~~Two (2) livestock producers; and~~
- 25 (iii) ~~The State Veterinarian.~~

26 (B) ~~Members of the committee shall be appointed by the~~
 27 ~~chair of the commission, and these members shall be from outside the~~
 28 ~~livestock market's trade area.~~

29 (2) ~~If the committee finds that the market does not meet the~~
 30 ~~prescribed sanitary standards, the commission shall order the market closed~~
 31 ~~immediately until the market is found to be in compliance with the health and~~
 32 ~~sanitation standards.~~

33 (3) ~~Members of the commission may receive expense reimbursement~~
 34 ~~and stipends in accordance with § 25-16-901 et seq~~ closed until the market is
 35 found to be in compliance with the health, safety, and sanitation standards.

36

1 2-40-209. Quarantine – Violations.

2 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
3 Health is authorized to adopt appropriate rules regarding the isolation or
4 quarantine of infected, exposed, or suspected infected livestock or poultry.

5 (b) Any person or entity who violates the quarantine rules lawfully
6 promulgated by the ~~commission~~ board shall be subject to an administrative
7 penalty.

8
9 2-40-210. Control and eradication of brucellosis.

10 (a)(1) Any bovine herd infected with or directly exposed to
11 brucellosis shall be depopulated at the discretion of and subject to the
12 rules of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
13 Health.

14 (2) The herd or herds shall be identified and destroyed within
15 thirty (30) days of written order to the owner or owners.

16 (3)(A) The owners will be notified by delivery of the order or
17 by certified mail.

18 (B) One (1) extension of thirty (30) days, if presented in
19 writing to the ~~commission~~ Department of Agriculture, will be considered in
20 extenuating circumstances.

21 (b) The ~~commission~~ board shall adopt appropriate rules concerning
22 depopulation, negotiation, and hearing procedures.

23 (c)(1) The State Veterinarian or his or her designated representative
24 will negotiate with the owner through the use of available federal and state
25 funds to depopulate brucellosis-infected or exposed bovine herds.

26 (2) If the State Veterinarian and the herd owner are unable to
27 arrive at an agreement to depopulate infected or exposed bovine herds, the
28 ~~commission~~ board, on advice of the State Veterinarian and in public meeting,
29 is authorized to issue a written order to depopulate a herd and to provide
30 indemnification to the herd owner at the current established per-head rate,
31 with such indemnification to be paid from federal and state funds available
32 therefor.

33 (3)(A) Should the herd owner desire, the ~~commission~~ board will
34 hear testimony by the owner and any witnesses he or she desires to present
35 arguments as to why the herd or herds should not be depopulated.

36 (B) Following the hearing, the ~~commission~~ board shall

1 determine whether to affirm or repeal its order to depopulate.

2 (d) Any person or entity who violates the provisions of this section
3 shall be subject to an administrative penalty.

4
5 SECTION 28. Arkansas Code § 2-40-401 is amended to read as follows:
6 2-40-401. Definitions.

7 As used in this subchapter, unless the context otherwise requires:

8 (1) "Approved incineration" means a method of incineration
9 approved by the ~~commission~~ Arkansas Board of Animal Health;

10 (2) "~~Commission~~" ~~means the Arkansas Livestock and Poultry~~
11 ~~Commission created by § 2-33-101;~~

12 ~~(3)~~ "Fowl" shall include all domesticated avian species;

13 ~~(4)~~(3) "Fowl carcasses" means carcasses of fowl which died as
14 the result of sickness, suffocation, accident, or from any cause other than
15 intentional slaughter; and

16 ~~(5)~~(4) "Responsible person" means the person who has the direct
17 responsibility for the day-to-day care of the fowl involved.

18
19 SECTION 29. Arkansas Code §§ 2-40-403 and 2-40-404 are amended to read
20 as follows:

21 2-40-403. Requirements.

22 The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health
23 shall, by rule, specify acceptable methods for the disposal of fowl
24 carcasses, including, but not limited to:

25 (1) Composting of carcasses;

26 (2) Cremation or incineration;

27 (3) On-farm freezing; and

28 (4) Rendering.

29
30 2-40-404. Specifications.

31 The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health
32 shall, by rule, specify acceptable methods of the disposal of fowl carcasses
33 in the event of a major die-off.

34
35 SECTION 30. Arkansas Code § 2-40-508 is amended to read as follows:
36 2-40-508. Legislative intent.

1 It is the intent of the General Assembly that the ~~Arkansas Livestock~~
2 ~~and Poultry Commission~~ Department of Agriculture will continue to vaccinate
3 heifers on the farm and at the sale barns for brucellosis and will carry out
4 all the practices ~~of the commission~~ which have brought the state to its
5 current ~~near~~ brucellosis-free status.

6
7 SECTION 31. Arkansas Code § 2-40-801(1), concerning the definition of
8 "accredited veterinarian" under the equine infectious anemia law, is amended
9 to read as follows:

10 (1) "Accredited veterinarian" means a veterinarian licensed by
11 the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health and
12 approved by the United States Animal and Plant Health Inspection Service to
13 perform functions required for state or cooperative state and federal animal
14 disease control and eradication programs;

15
16 SECTION 32. Arkansas Code § 2-40-801(6), concerning the definition of
17 "authorized agent" under the equine infectious anemia law, is amended to read
18 as follows:

19 (6) "Authorized agent" means a person who has been authorized by
20 the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture to
21 act on its behalf in making investigations and inspections and performing
22 other services or acts which have been defined by this subchapter;

23
24 SECTION 33. Arkansas Code § 2-40-801(8), concerning the definition of
25 "certified equine infectious anemia verifier" or "certified EIA verifier"
26 under the equine infectious anemia law, is amended to read as follows:

27 (8) "Certified equine infectious anemia verifier" or "certified
28 EIA verifier" means any certificate holder having completed the prescribed
29 training course ~~co-sponsored by the Arkansas Livestock and Poultry~~
30 ~~Commission, the University of Arkansas Cooperative Extension Service, and the~~
31 ~~Arkansas Horse Council, Inc.;~~

32
33 SECTION 34. Arkansas Code § 2-40-801(9), concerning the definition of
34 "commission" under the equine infectious anemia law, is repealed.

35 ~~(9) "Commission" means the Arkansas Livestock and Poultry~~
36 ~~Commission;~~

1
2 SECTION 35. Arkansas Code § 2-40-801(21), concerning the definition of
3 "official equine infectious anemia test" or "official EIA test" under the
4 equine infectious anemia law, is amended to read as follows:

5 (21) "Official equine infectious anemia test" or "official EIA
6 test" means the agar gel immunodiffusion (AGID) test, also known as the
7 "Coggins" test, the competitive enzyme-linked immunosorbent assay (CELISA)
8 test, the synthetic antigen enzyme linked immunosorbent assay (SA-ELISA) test
9 and any other United States Department of Agriculture licensed tests approved
10 by the ~~commission~~ Department of Agriculture;

11
12 SECTION 36. Arkansas Code § 2-40-801(23)(A), concerning the definition
13 of "permit" or "permit for movement" under the equine infectious anemia law,
14 is amended to read as follows:

15 (23)(A) "Permit" or "permit for movement" means an official
16 document issued by the ~~commission~~ Department of Agriculture, a representative
17 of a Veterinary Services Endorsement Office, or an accredited veterinarian
18 authorizing the movement of a reactor or exposed equidae to a quarantined
19 holding facility, an approved slaughter facility, or approved quarantined
20 premise.

21
22 SECTION 37. Arkansas Code § 2-40-801(24), concerning the definition of
23 "quarantine" under the equine infectious anemia law, is amended to read as
24 follows:

25 (24) "Quarantine" means a written notice or order issued by the
26 ~~commission~~ Department of Agriculture showing the boundaries of the area or
27 premise affected, the equidae restricted, and the restrictions, if any;

28
29 SECTION 38. Arkansas Code § 2-40-801(25), concerning the definition of
30 "quarantined holding facility" under the equine infectious anemia law, is
31 amended to read as follows:

32 (25) "Quarantined holding facility" means a quarantined premise
33 approved by the ~~commission~~ Department of Agriculture to handle reactors or
34 exposed equidae;

35
36 SECTION 39. Arkansas Code § 2-40-801(27), concerning the definition of

1 "regulatory veterinarian" under the equine infectious anemia law, is amended
2 to read as follows:

3 (27) "Regulatory veterinarian" means a veterinarian employed by
4 or acting as an agent for the ~~commission~~ Department of Agriculture; ~~and~~.

5
6 SECTION 40. Arkansas Code § 2-40-801(28), concerning the definition of
7 "research facility" under the equine infectious anemia law, is repealed.

8 ~~(28) "Research facility" means any facility that meets or~~
9 ~~exceeds the standards and requirements set forth by United States Animal and~~
10 ~~Plant Health Inspection Services and the commission for equine infectious~~
11 ~~anemia research.~~

12
13 SECTION 41. Arkansas Code § 2-40-804(a)(3), concerning the written
14 proof of a negative current official equine infectious anemia test, is
15 amended to read as follows:

16 (3) Written proof of a negative current official equine
17 infectious anemia test shall be made available in the form of negative
18 results from an approved laboratory upon request made by an authorized
19 representative of the ~~Arkansas Livestock and Poultry Commission~~ Department of
20 Agriculture or the owner, lessee, or caretaker of a neighboring herd.

21
22 SECTION 42. Arkansas Code § 2-40-804(b)(2), concerning the failure to
23 furnish proof of negative current official equine infectious anemia test, is
24 amended to read as follows:

25 (2) After January 1, 1998, failure to furnish proof of negative
26 current official equine infectious anemia test to an authorized agent of the
27 ~~commission~~ department may result in quarantine and penalties prescribed by §
28 2-40-826 and § 2-40-827 [repealed].

29
30 SECTION 43. Arkansas Code §§ 2-40-805 through 2-40-809 are amended to
31 read as follows:

32 2-40-805. Equidae identification requirements.

33 All equidae domiciled within Arkansas and over the age of six (6)
34 months or weaned from a mare shall be positively identified on the official
35 equine infectious anemia test form by an accredited veterinarian or an agent
36 of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture by

1 means of distinctive markings, color patterns, previous brand, previous
2 tattoo, previously implanted electronic transponder number, permanent scars,
3 other blemishes, cowlicks, whorls, lip tattoo, hot brand or freeze brand
4 before an equine infectious anemia test.

5
6 2-40-806. Authority to require test.

7 Any equidae which have been within four hundred forty yards (440 yds.)
8 of a reactor shall be subject to testing by the ~~Arkansas Livestock and~~
9 ~~Poultry Commission~~ Department of Agriculture, the State Veterinarian, or
10 their agents if the exposure to the reactor occurred no more than thirty (30)
11 days before the testing of the reactor.

12
13 2-40-807. Personnel authorized to collect blood samples.

14 All samples collected from equidae for equine infectious anemia testing
15 shall be collected by an accredited veterinarian, the State Veterinarian, or
16 other ~~Arkansas Livestock and Poultry Commission~~ authorized personnel
17 authorized by the Department of Agriculture.

18
19 2-40-808. Submission of sample and test charts.

20 (a) All blood samples submitted for official equine infectious anemia
21 tests must be accompanied by a properly completed VS Form 10-11 (Equine
22 Infectious Anemia Laboratory Test Form) or other form prescribed by the
23 ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

24 (b) Proof of a negative equine infectious anemia test may be
25 demonstrated through presentation of:

26 (1) The original test record document;

27 (2) An official electronic copy, as defined by the ~~commission~~
28 Arkansas Board of Animal Health; and

29 (3) Other forms as may be prescribed by the ~~commission~~ board.

30
31 2-40-809. Requirements for Arkansas-approved equine infectious anemia
32 testing laboratories.

33 No person, firm, or corporation shall initiate operation of an equine
34 infectious anemia testing laboratory without first obtaining approval from
35 the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

36

1 SECTION 44. Arkansas Code § 2-40-812(a), concerning the quarantine of
2 reactors under the equine infectious anemia law, is amended to read as
3 follows:

4 (a)(1) All reactors shall be quarantined by an authorized agent of the
5 ~~commission~~ Department of Agriculture to the premises of origin or other
6 premises designated by the owner and approved by the ~~Arkansas Livestock and~~
7 ~~Poultry Commission~~ department.

8 (2) The quarantine shall restrict the reactors, all other
9 equidae on the premises, and all equidae epidemiologically determined by the
10 ~~commission~~ department to have been exposed to a reactor.

11 (3) All equidae on affected premises shall be isolated at least
12 four hundred forty yards (440 yds.) away from all equidae on adjacent
13 premises and at least four hundred forty yards (440 yds.) from any public
14 road.

15 (4) It is the responsibility of the owner of reactors to
16 maintain those animals in isolation at least four hundred forty yards (440
17 yds.) away from any public road and all other equidae.

18 (5) The quarantine may be released by an authorized agent of the
19 ~~commission~~ department after all quarantined equidae in the affected herd test
20 negative to an official equine infectious anemia test not less than sixty
21 (60) days nor more than eighty (80) days following the identification and
22 removal of the last reactor, or as determined by the designated
23 epidemiologist.

24
25 SECTION 45. Arkansas Code § 2-40-815(a), concerning the testing
26 requirements for affected herds under the equine infectious anemia law, is
27 amended to read as follows:

28 (a) All equidae determined to have been on the same premises as a
29 reactor at the time the reactor was bled shall be tested by an accredited
30 veterinarian or an authorized agent of the ~~Arkansas Livestock and Poultry~~
31 ~~Commission~~ Department of Agriculture at the owner's expense sixty to eighty
32 (60-80) days after the reactor's last positive test result.

33
34 SECTION 46. Arkansas Code § 2-40-816(d) and (e), concerning the
35 movement of reactors and exposed animals under the equine infectious anemia
36 law, are amended to read as follows:

1 (d)(1) Any other move such as a change in location of a reactor or
2 exposed equidae to an alternate quarantined premise must be approved in
3 advance following an epidemiological investigation by the State Veterinarian
4 or other designated ~~Arkansas Livestock and Poultry Commission~~ Department of
5 Agriculture personnel.

6 (2) The movement must also be accompanied by a permit for
7 movement.

8 (e) If a change in destination becomes necessary, a new permit must be
9 issued by ~~commission authorized~~ department personnel or the regulatory
10 veterinarian.

11
12 SECTION 47. Arkansas Code § 2-40-817 is amended to read as follows:
13 2-40-817. Requirements for quarantined holding facilities.

14 (a)(1) A person desiring to operate a quarantined holding facility
15 must file an application for approval of the facility on forms provided by
16 the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

17 (2) The facility must have an area where equidae testing
18 positive to an official equine infectious anemia test and exposed equidae are
19 kept, and where the equidae are isolated and confined at least four hundred
20 forty yards (440 yds.) from all other equidae at all times.

21 (3) The facility must be approved by the ~~commission~~ department
22 under an inspection of the premises before the issuance of the license.

23 (b) Failure to maintain the reactors and exposed equidae in
24 confinement and isolation at least four hundred forty yards (440 yds.) from
25 all other equidae at all times is a violation of this subchapter.

26 (c)(1) All equidae held in a quarantined holding facility must be
27 shipped directly to an approved slaughter facility without diversion.

28 (2) An animal moved from a quarantined holding facility may not
29 go through any livestock auction facility before shipment to slaughter.

30 (3) All movements from a quarantined holding facility must be
31 accompanied by a permit for movement.

32 (d) All equidae entering or within an approved quarantine holding
33 facility shall be branded or show evidence of an "S" brand on the top of the
34 left hip or a "71A" brand or other brand prescribed by the ~~commission~~
35 department on the left shoulder or neck, not less than two inches (2") in
36 height.

1 (e) No equidae may be held over twenty (20) days.

2 (f) A quarantine pen must be clearly identified by a sign or paint
3 using the word "Quarantined" on all sides. Letters of the sign must be a
4 minimum of one foot (1') in height.

5 (g) Failure to comply with this subchapter shall be cause for
6 cancellation of approval by the ~~commission~~ department.

7
8 SECTION 48. Arkansas Code §§ 2-40-819 through 2-40-821 are amended to
9 read as follows:

10 2-40-819. Testing requirements for change of ownership.

11 (a)(1)(A) All equidae which are sold, bartered, traded, given free of
12 charge, or offered for sale, or any horses otherwise exchanged for any reason
13 within Arkansas except at approved markets must be accompanied by a record of
14 a negative equine infectious anemia test conducted at an approved laboratory
15 within the previous six (6) months.

16 (B) Proof of a negative equine infectious anemia test may
17 be demonstrated through presentation of:

18 (i) The original test record document;

19 (ii) An official electronic copy, as defined by the
20 ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health; and

21 (iii) Other forms as may be prescribed by the
22 ~~Arkansas Livestock and Poultry Commission~~ board.

23 (C) A foal less than six (6) months of age is exempt from
24 the testing requirements if the foal is accompanied by, nursing, and included
25 in change of ownership with a negative tested mare.

26 (D) A foal sold separately is required to have a negative
27 current official equine infectious anemia test.

28 (2) On all private sales, trades, or barter, that is, any sale
29 other than through an approved market, both the buyer and seller are equally
30 and individually responsible for meeting the equine infectious anemia testing
31 requirements before the sale or change of ownership.

32 (b) Notwithstanding the provisions of subsection (a) of this section,
33 with respect to a horse claimed in a claiming race run at a licensed
34 racetrack regulated by the Arkansas Racing Commission, the ~~Arkansas Livestock~~
35 ~~and Poultry Commission~~ board may require:

36 (1) The negative equine infectious anemia test to have been

1 conducted at an approved laboratory within the previous twelve (12) months,
2 rather than the previous six (6) months;

3 (2) Any negative equine infectious anemia test required to be
4 conducted within the last six (6) months to be conducted after the race and
5 after title and risk of loss have passed to the buyer; or

6 (3) That the requirements of both subdivisions (b)(1) and (2) of
7 this section be met.

8
9 2-40-820. Movement of equidae through approved market.

10 (a) All equidae offered for sale or sold at approved markets must:

11 (1) Be accompanied by written proof of a negative equine
12 infectious anemia test conducted within the last six (6) months;

13 (2) Have a blood sample collected by an accredited veterinarian
14 and test negative to an official equine infectious anemia test performed by
15 an approved laboratory before the animal leaves the market;

16 (3) Have a blood sample collected by an accredited veterinarian
17 or an authorized agent of the ~~Arkansas Livestock and Poultry Commission~~
18 Department of Agriculture at the market and be quarantined to the market
19 until negative results are received from an approved laboratory;

20 (4) Be "S" branded and consigned to slaughter before receiving
21 test results; or

22 (5) Be allowed to return to their premises of origin before
23 unloading and before consignment and be quarantined to the premises of origin
24 until tested negative. The equidae must be tested within thirty (30) days.

25 (b) Proof of a negative equine infectious anemia test may be
26 demonstrated through presentation of:

27 (1) The original test record document;

28 (2) An official electronic copy, as defined by the ~~commission~~
29 Arkansas Board of Animal Health; and

30 (3) Other forms as may be prescribed by the ~~commission~~ board.

31 (c) A foal less than six (6) months of age sold with and nursing a
32 negative-tested mare is exempt from the testing requirements of this
33 subchapter.

34 (d)(1) A known reactor or known exposed equidae shall not be consigned
35 for sale at an approved market unless permitted by authorized ~~commission~~
36 department personnel.

1 (2) An animal which is found to be a reactor or exposed through
2 testing conducted at an approved market must be maintained in a quarantine
3 pen and isolated from all other equidae in the sale facility.

4 (3)(A) The quarantine pen must be clearly identified by sign or
5 paint using the word "Quarantined" on all sides.

6 (B) Letters must be one foot (1') high.

7 (e) It is the market owner's responsibility to make sure that all
8 equines sold meet these requirements.

9
10 2-40-821. Requirements of equidae participating in equine activities.

11 (a) All equidae moving within the state to equidae exhibitions,
12 including, but not limited to, fairs, livestock shows, breed association
13 shows, rodeos, trail rides, parades, team pennings, team ropings, racetracks,
14 or other equidae concentration points shall be accompanied by a record of a
15 negative current official equine infectious anemia test within the past
16 twelve (12) months.

17 (b) Proof of a negative equine infectious anemia test may be
18 demonstrated through presentation of:

19 (1) The original test record document;

20 (2) An official electronic copy, as defined by the Arkansas
21 ~~Livestock and Poultry Commission~~ Board of Animal Health; and

22 (3) Other forms as may be prescribed by the ~~commission~~ board.

23 (c) Any individual, club, organization, or association conducting an
24 equine activity shall arrange for a certified equine infectious anemia
25 verifier to be present at the event to verify that each of the equidae is
26 accompanied by a record of a negative current official equine infectious
27 anemia test if:

28 (1) The event charges a fee of any kind, including an entry fee,
29 a gate fee, a membership fee, a registration fee, a user fee, a camping fee,
30 or a grounds fee;

31 (2) The event provides prize money, trophies, plaques, ribbons,
32 points, or awards of any kind, including jackpot and benefits; or

33 (3) The event causes a concentration of more than fifty (50)
34 equidae.

35 (d) Any show or event within the state may require any additional
36 tests or additional requirements deemed necessary.

1
2 SECTION 49. Arkansas Code § 2-40-826 is amended to read as follows:

3 2-40-826. Equine infectious anemia services.

4 (a) In order to fund or partially fund the Equine Infectious Anemia
5 Control and Eradication Program, the Arkansas ~~Livestock and Poultry~~
6 ~~Commission~~ Board of Animal Health may, by appropriately adopted
7 administrative rules, design and maintain a fee structure for the purpose of
8 defraying the cost of services performed.

9 (b) The fees collected shall be deposited into the State Treasury as
10 special revenues and shall be credited to the ~~Livestock and Poultry~~ Animal
11 Health Equine Infectious Anemia Control Fund created on the books of the
12 Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the
13 State.

14
15 SECTION 50. Arkansas Code § 2-40-829 is repealed.

16 ~~2-40-829. Research facility certification required.~~

17 ~~Any research facility in this state which contains equidae infected~~
18 ~~with equine infectious anemia or any reactor equidae shall be certified by~~
19 ~~the Arkansas Livestock and Poultry Commission and shall be so maintained as~~
20 ~~to prevent the infection of any other equidae, whether at or outside the~~
21 ~~research facility.~~

22
23 SECTION 51. Arkansas Code § 2-40-1201(c), concerning the disposition
24 of funds into the Livestock and Poultry Commission Swine Testing Fund, is
25 amended to read as follows:

26 (c) After deducting three percent (3%) for credit to the
27 Constitutional Officers Fund and the State Central Services Fund, the
28 remainder of funds so remitted to the secretary shall be deposited into the
29 State Treasury as special revenues and credited to the ~~Livestock and Poultry~~
30 ~~Commission~~ Animal Health Swine Testing Fund.

31
32 SECTION 52. Arkansas Code §§ 2-40-1301 and 2-40-1302 are amended to
33 read as follows:

34 2-40-1301. Definitions.

35 As used in this subchapter, unless the context otherwise requires:

36 (1) ~~“Commission” means the Arkansas Livestock and Poultry~~

1 ~~Commission created by § 2-33-101;~~

2 (2) "Large animal" means cattle, horses, hogs, sheep, goats,
3 cervidae, bison, llamas, alpacas, ostriches, emus, rheas, and other native or
4 nonnative animals, excluding dogs and cats; and

5 (3)(2) "Large animal carcasses" means carcasses of large animals
6 which died as the result of sickness, suffocation, accident, or from any
7 cause other than intentional slaughter.

8
9 2-40-1302. Disposal.

10 (a)(1) All large animal carcasses and all parts of large animal
11 carcasses shall be disposed of in a manner prescribed by rules of the
12 Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

13 (2) However, no large animal carcass shall be buried or
14 otherwise disposed of in any landfill operated under a permit issued by the
15 Division of Environmental Quality.

16 (b) If a person or entity conducts a farming activity at more than one
17 (1) location, it shall not be necessary for such person or entity to have a
18 disposal ditch or facility at each location unless specified by the State
19 Veterinarian.

20
21 SECTION 53. Arkansas Code § 17-80-106(a), concerning investigations
22 and inspections of alleged wrongdoing related to medical professions, is
23 amended to read as follows:

24 (a) The Arkansas State Medical Board, the Arkansas State Board of
25 Dental Examiners, the Arkansas State Board of Nursing, the Arkansas ~~Livestock~~
26 ~~and Poultry Commission~~ Board of Animal Health, the Arkansas Board of
27 Podiatric Medicine, the State Board of Optometry, and the Arkansas State
28 Board of Physical Therapy are authorized to utilize as their employees, as
29 the investigators for the purposes described in this section, the
30 investigators and inspectors of the Division of Pharmacy Services and Drug
31 Control of the Department of Health.

32
33 SECTION 54. Arkansas Code § 17-101-102(9), concerning the definition
34 of "licensed veterinarian" under the law concerning veterinarians and
35 veterinary technicians, is amended to read as follows:

36 (9) "Licensed veterinarian" means a person who is validly and

1 currently licensed to practice veterinary medicine in this state as a general
2 practitioner or in a specialty area as the Arkansas ~~Livestock and Poultry~~
3 ~~Commission~~ Board of Animal Health may by rule provide;

4
5 SECTION 55. Arkansas Code § 17-101-102(11)(D)(i), concerning the
6 exclusion of certain personnel related to the collection of blood or other
7 samples under the definition of "practice of veterinary medicine" under the
8 law concerning veterinarians and veterinary technicians, is amended to read
9 as follows:

10 (i) Unlicensed personnel employed by the United
11 States Department of Agriculture or the ~~Arkansas Livestock and Poultry~~
12 ~~Commission~~ Department of Agriculture in disease control programs carried out
13 under the authority of the United States Department of Agriculture or the
14 State of Arkansas; and

15
16 SECTION 56. Arkansas Code § 17-101-102(20)(B), concerning the
17 exclusion of certain practices under the definition of "veterinary
18 technology" under the law concerning veterinarians and veterinary
19 technicians, is amended to read as follows:

20 (B) "Veterinary technology" does not include diagnosis,
21 prognosis, surgery, or the prescription of appliances, drugs, medications, or
22 treatment unless otherwise determined by the Arkansas ~~Livestock and Poultry~~
23 ~~Commission~~ Board of Animal Health.

24
25 SECTION 57. Arkansas Code § 17-101-203 is amended to read as follows:
26 17-101-203. Powers and duties.

27 The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health
28 shall have the power to:

29 (1) Examine and determine the qualifications and fitness of
30 applicants for a license to practice general veterinary medicine or any
31 specialty area thereof, and the certification of veterinary technicians in
32 Arkansas, and issue, renew, deny, suspend, or revoke licenses or
33 certificates, or otherwise discipline veterinarians or veterinary
34 technicians;

35 (2) Subpoena witnesses and take testimony bearing on the records
36 of applicants for permits or for licenses to practice veterinary medicine in

1 the State of Arkansas;

2 (3) Establish annually a schedule of license and permit fees
3 based on the ~~commission's~~ board's financial requirements for the ensuing
4 year;

5 (4) Conduct investigations into matters brought before the
6 ~~commission~~ board and proceed on the ~~commission's~~ board's own motion to a
7 hearing or other disciplinary action;

8 ~~(5) Purchase or rent necessary office space, equipment, and~~
9 ~~supplies;~~

10 ~~(6)(5)(A)~~ Promulgate and enforce rules necessary to establish
11 recognized standards for the practice of veterinary medicine and to carry out
12 the provisions of this chapter.

13 (B) The ~~commission~~ board shall make available to
14 interested members of the public copies of this chapter and all rules
15 promulgated by the ~~commission~~ board;

16 ~~(7)(6)~~ Examine and evaluate qualifications of education, skill,
17 and experience for certification of a person as a veterinary technician and
18 for annual registration of employment;

19 ~~(8)(7)~~ Regulate all veterinarians in a corporate practice and
20 prevent corporate or noncorporate holdings from being sold to, directed by,
21 or controlled by a nonveterinarian;

22 ~~(9)(A)(8)(A)~~ Hold hearings on all matters properly brought
23 before the ~~commission~~ board and, in connection thereto, administer oaths,
24 receive evidence, make the necessary determinations, and enter orders
25 consistent with the findings.

26 (B) The ~~commission~~ board may require by subpoena the
27 attendance and testimony of witnesses and the production of papers, records,
28 or other documentary evidence and ~~commission~~ board depositions;

29 ~~(10)(9)~~ Bring proceedings in the courts for the enforcement of
30 this chapter or any rules made under this chapter; and

31 ~~(11)(10)~~ Promulgate rules:

32 (A) Limiting the amount of Schedule II narcotics that may
33 be prescribed and dispensed by licensees of the ~~commission~~ board; and

34 (B) Outlining the use of telehealth and telemedicine in
35 the practice of veterinary medicine.

36

1 SECTION 58. Arkansas Code § 17-101-205(d)(4)(A), concerning the
 2 contents of agreements under the Rural Veterinary Student Scholarship Program
 3 related to the full-time practice of veterinary medicine, is amended to read
 4 as follows:

5 (4)(A) Upon failure to satisfy the obligation to engage in the
 6 full-time practice of veterinary medicine as required by subdivision (d)(2)
 7 of this section, repay to the ~~Arkansas Livestock and Poultry Commission~~
 8 department, within ninety (90) days of the failure to satisfy the obligation
 9 to engage in the full-time practice of veterinary medicine, the amount equal
 10 to the amount awarded to the person, less a prorated amount based on any
 11 periods of practice of veterinary medicine that meet the requirements of this
 12 section, plus interest calculated at the prime rate of interest plus two
 13 percent (2%) from the date the award was received.

14
 15 SECTION 59. Arkansas Code §§ 17-101-301 through 17-101-312, as amended
 16 by Acts 2025, No. 19, are amended to read as follows:

17 17-101-301. Veterinarians – Application – Qualifications.

18 (a) Any veterinarian or licensed veterinarian desiring a license to
 19 practice veterinary medicine in this state may make written application to
 20 the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture
 21 showing that he or she is:

22 (1) At least twenty-one (21) years of age; and

23 (2) A person of moral integrity and acceptable ethical
 24 standards.

25 (b) The application for licensure to practice veterinary medicine in
 26 the State of Arkansas shall:

27 (1) Be written;

28 (2) Be signed by the applicant;

29 (3) Be submitted to the ~~Arkansas Livestock and Poultry~~
 30 ~~Commission~~ department at least thirty (30) days before the exam;

31 (4) Be accompanied by a nonrefundable application fee
 32 established by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
 33 Health; and

34 (5) Include, but not be limited to, the information set forth
 35 below:

36 (A) A current photograph of the applicant;

1 (B) A certified transcript of the applicant's veterinary
2 school records;

3 (C) A copy of the applicant's diploma from an accredited
4 veterinary school or an affidavit from the dean of an accredited veterinary
5 school certifying the applicant's ability to graduate if he or she has not
6 graduated at the time of application. However, a copy of the diploma must be
7 submitted upon availability and before the exam date;

8 (D) An Educational Commission for Foreign Veterinary
9 Graduates Certificate or an equivalent program approved by the Arkansas
10 ~~Livestock and Poultry Commission~~ Board of Animal Health, if applicable; and

11 (E)(i) A National Board Exam score and Clinical Competency
12 Test score or the North American Veterinary Licensing Examination score, or
13 its future equivalent, reported through the Veterinary Information
14 Verification Agency, or its future equivalent.

15 (ii) The Clinical Competency Test is not required
16 for a poultry specialty license.

17 (c)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
18 Health by rule may require that all applicants for licensure by examination
19 complete a preceptorship program during their senior year under the
20 supervision of a veterinarian licensed and in good standing in any state,
21 territory, or district of the United States.

22 (2) The supervising veterinarian shall submit an affidavit to
23 the ~~Arkansas Livestock and Poultry Commission~~ department stating that the
24 applicant has satisfactorily completed the preceptorship.

25 (d)(1) If the ~~Arkansas Livestock and Poultry Commission~~ department
26 finds that the applicant possesses the proper qualifications, the ~~Arkansas~~
27 ~~Livestock and Poultry Commission~~ department shall admit him or her to the
28 next examination.

29 (2) If an applicant is found unqualified to take the examination
30 or to receive a license without examination, the ~~Arkansas Livestock and~~
31 ~~Poultry Commission~~ department shall immediately notify the applicant in
32 writing of its findings and the grounds for same.

33
34 17-101-302. Veterinarians – Examinations.

35 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
36 Health, at such times as it may designate, shall conduct an examination of

1 applicants for license to practice veterinary medicine in the State of
2 Arkansas.

3 (2) All examinations shall be:

4 (A) In writing, supplemented by oral interviews and
5 practical examinations as the ~~commission~~ Arkansas Board of Animal Health may
6 deem necessary; and

7 (B) So conducted as to ensure absolute impartiality in
8 grading.

9 (b) The ~~commission~~ Arkansas Board of Animal Health hereby adopts the
10 National Board Examination and the Clinical Competency Test, or the North
11 American Veterinary Licensing Examination, or its future equivalent, as a
12 basis for licensure in the State of Arkansas, along with a written
13 examination conducted by the ~~commission~~ Department of Agriculture.

14 (c) The ~~commission~~ Arkansas Board of Animal Health requires that all
15 applicants for licensure to practice veterinary medicine in the State of
16 Arkansas shall pass the National Board Examination and the Clinical
17 Competency Test, or the North American Veterinary Licensing Examination, or
18 its future equivalent, in addition to any and all state examinations, written
19 examinations, oral interviews, and practical demonstrations as the ~~commission~~
20 Arkansas Board of Animal Health may request or require.

21 (d) All applicants are required to complete a written examination
22 conducted by the ~~commission~~ Department of Agriculture composed of, but not
23 limited to:

24 (1) The Arkansas Veterinary Medical Practice Act, § 17-101-101
25 et seq.;

26 (2) State and federal statutes relating to prescription and
27 controlled drugs;

28 (3) Ethics of veterinary medicine; and

29 (4) Rules and regulations of the ~~commission~~ Arkansas Board of
30 Animal Health, the United States Department of Agriculture, the United States
31 Animal and Plant Health Inspection Service, and rabies control.

32 (e)(1) Poultry specialty applicants shall sit for a written
33 examination conducted by the ~~commission~~ Department of Agriculture on poultry
34 veterinary medicine.

35 (2) A license will be issued to poultry specialty applicants
36 with a seventy percent (70%) or better score on the ~~commission~~ Department of

1 Agriculture examination and a passing score on the National Board
2 Examination, the North American Veterinary Licensing Examination, or its
3 equivalent.

4
5 17-101-303. License without examination or license by endorsement.

6 (a) The ~~Arkansas Livestock and Poultry Commission~~ Department of
7 Agriculture, at its discretion, may issue a license without written
8 examination to any qualified applicant who furnishes satisfactory evidence
9 that he or she is a veterinarian and has:

10 (1) For the five (5) years before filing his or her application,
11 been a practicing veterinarian and licensed in a state, territory, or
12 district of the United States having license requirements at the time the
13 applicant was first licensed which are substantially equivalent to the
14 requirements of this chapter;

15 (2) Qualified as a diplomate of a specialty board approved by
16 the American Veterinary Medical Association;

17 (3) Been awarded a postgraduate degree in veterinary medicine;
18 or

19 (4) Been recognized as an expert in the veterinary profession.

20 (b) At its discretion, the ~~commission~~ department may examine, orally
21 or practically, any person applying for a license under this section,
22 provided that the applicant has had no disciplinary proceedings pending or
23 completed in another jurisdiction.

24
25 17-101-304. Veterinarians – Temporary permit.

26 (a) The Director of the Arkansas ~~Livestock and Poultry Commission~~
27 Board of Animal Health or his or her designee may issue without examination a
28 temporary permit to practice veterinary medicine in this state to a qualified
29 applicant for a license pending examination and provided that the temporary
30 permit shall expire the day after the notice or results of the first
31 examination given after the permit is issued.

32 (b) A temporary permit may be ~~issued or~~ revoked by majority vote of
33 the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

34
35 17-101-305. Veterinarians – Denial, suspension, or revocation of
36 license.

1 (a) Upon written complaint by any person or on the Arkansas Livestock
2 ~~and Poultry Commission's~~ Board of Animal Health's own motion and after notice
3 and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-
4 15-201 et seq., the ~~commission~~ board may deny, suspend for a definite period,
5 revoke the license of any veterinarian, or impose a civil penalty for:

6 (1) Fraud, misrepresentation, or deception in obtaining a
7 license or permit;

8 (2) Adjudication of insanity;

9 (3) Use of advertising or solicitation which is false,
10 misleading, or otherwise deemed unprofessional under rules promulgated by the
11 ~~commission~~ board;

12 (4)(A) Conviction of a felony listed under § 17-3-102.

13 (B) A copy of the record of conviction certified by the
14 clerk of the court entering the conviction shall be conclusive evidence;

15 (5) Incompetence, gross negligence, or other malpractice in the
16 practice of veterinary medicine;

17 (6) Having professional association with or employing any person
18 practicing veterinary medicine unlawfully;

19 (7) Fraud or dishonesty in the application or reporting of any
20 test for disease in animals;

21 (8) Failure to maintain professional premises and equipment in a
22 clean and sanitary condition in compliance with rules promulgated by the
23 ~~commission~~ board;

24 (9) Dishonesty or gross negligence in the inspection of
25 foodstuffs or in the issuance of health or inspection certificates;

26 (10) Cruelty to animals;

27 (11) Unprofessional conduct by violation of a rule promulgated
28 by the ~~commission~~ board under this chapter;

29 (12) Being unable to practice as a veterinarian with reasonable
30 skill and safety to patients because of illness, the use of drugs, alcohol,
31 narcotics, or chemicals, or as a result of any mental or physical condition;

32 (13) Revocation, suspension, surrender, or other disciplinary
33 sanction of a license to practice veterinary medicine by another state,
34 territory, or district of the United States on grounds other than nonpayment
35 of a registration fee or suspension of privileges by any other regulatory
36 agency including the failure to report any such adverse action to the

1 ~~commission~~ board within sixty (60) days of the final action;

2 (14) The use, prescription, or sale of any veterinary
3 prescription drug or the prescription of an extra-label use of any over-the-
4 counter drug in the absence of a valid veterinarian-client-patient
5 relationship;

6 (15) Overtreating patients or charging for services which did
7 not occur unless the services were contracted for in advance or for services
8 which were not rendered or documented in the patient's records or charging
9 for services which were not consented to by the owner of the patient or the
10 owner's agent;

11 (16)(A) Failing to furnish details of a patient's medical
12 records to another treating veterinarian, hospital, clinic, owner, or owner's
13 agent upon proper request or waiver by the owner or owner's agent or failing
14 to comply with any other law relating to medical records.

15 (B) However, X-rays prepared by the licensed veterinarian
16 shall remain the property of the veterinarian and shall be returned upon
17 request or as otherwise agreed between the veterinarian and client;

18 (17) Failure of any applicant or licensee to cooperate with the
19 ~~commission~~ board during any investigation, if the investigation does not
20 concern the applicant or licensee;

21 (18) Failure to comply with any subpoena or subpoena duces tecum
22 from the ~~commission~~ board, or an order of the ~~commission~~ board;

23 (19) Failure to timely pay license or registration renewal fees
24 as specified in § 17-101-309;

25 (20) Violating a probation agreement with the ~~commission~~ board
26 or any other licensing authority of this state, another state or territory of
27 the United States, or a federal agency; or

28 (21) Violating any informal consent agreement for discipline
29 entered into by an applicant or licensee with the ~~commission~~ board or any
30 other licensing authority of this state, another state or territory of the
31 United States, or a federal agency.

32 (b) At the discretion of the ~~commission~~ board, any person whose
33 license is suspended or revoked by the ~~commission~~ board under this section
34 may be relicensed or reinstated by the ~~commission~~ board at any time upon
35 written application to the ~~commission~~ board showing cause to justify
36 relicensing or reinstatement.

1 (c)(1) Upon suspension or revocation of a license, the actual license
 2 certificate must be surrendered to the ~~commission~~ board within thirty (30)
 3 days of the ~~commission's board's~~ order unless the action is appealed and a
 4 stay is issued.

5 (2) If the ~~commission~~ board prevails upon appeal or the stay is
 6 lifted, the license certificate shall be surrendered within ten (10) days of
 7 the final order of the court.

8
 9 17-101-306. Veterinary technician, veterinary technologist, and
 10 veterinary technician specialist – Certification.

11 (a) A person shall not assist in the practice of veterinary medicine
 12 as a veterinary technician or veterinary technologist without first applying
 13 for and obtaining a certification from the Arkansas ~~Livestock and Poultry~~
 14 ~~Commission~~ Board of Animal Health and having his or her employment with a
 15 licensed veterinarian registered with the ~~commission~~ Arkansas Board of Animal
 16 Health.

17 (b)(1) An applicant for certification as a veterinary technician or
 18 veterinary technologist in this state may make written application to the
 19 ~~commission~~ Department of Agriculture showing that he or she is:

20 (A) A citizen of the United States or an applicant for
 21 citizenship; and

22 (B) A person of moral integrity and acceptable ethical
 23 standards.

24 (2) The application for certification as a veterinary technician
 25 or veterinary technologist in the State of Arkansas shall be written, signed
 26 by the applicant, and submitted to the ~~commission~~ department at least thirty
 27 (30) days before the examination, including without limitation the
 28 information set forth in this subdivision (b)(2), and the application shall
 29 be accompanied by a nonrefundable application fee established by the
 30 ~~commission~~ Arkansas Board of Animal Health:

31 (A) A current photograph of the applicant;

32 (B)(i) A copy of the applicant's diploma or its equivalent
 33 from a college-level program accredited by the American Veterinary Medical
 34 Association.

35 (ii) If the applicant has not graduated at the time
 36 of application, an affidavit from the program certifying the applicant's

1 ability to graduate may be accepted with a copy of the diploma or its
2 equivalent submitted upon availability;

3 (C) A certified copy of college transcripts;

4 (D) A passing score on the National Board Examination or
5 Veterinary Technician National Examination, or future equivalent, reported
6 through the American Association of Veterinary State Boards or its successor;
7 and

8 (E) A letter of recommendation signed by a veterinarian
9 who is licensed in this state or another state, territory, or district of the
10 United States and notarized.

11 (3) This section does not prevent the ~~commission~~ department from
12 issuing a certification by endorsement to an applicant who:

13 (A) Holds a certification, or its equivalent, as a
14 veterinary technician or veterinary technologist in another state, territory,
15 or district of the United States;

16 (B) Is not a respondent in any pending or unresolved board
17 action in any state, territory, or district of the United States;

18 (C) Has a passing score on the National Board Examination
19 or Veterinary Technician National Examination, or its future equivalent,
20 reported through the American Association of Veterinary State Boards or its
21 successor;

22 (D) Submits a completed application, including without
23 limitation a letter of recommendation that is:

24 (i) Signed by a veterinarian;

25 (ii) Notarized by a notary public; and

26 (iii) Accompanied by a nonrefundable application fee
27 established by the ~~commission~~ Arkansas Board of Animal Health; and

28 (E) Signs a statement attesting that he or she has read
29 and understands this chapter and the rules adopted by the ~~commission~~ Arkansas
30 Board of Animal Health governing the practice of veterinary medicine in
31 Arkansas.

32 (c)(1) A veterinary technician or veterinary technologist shall
33 annually register his or her employment with the ~~commission~~ department,
34 stating:

35 (A) His or her name and current address;

36 (B) The name and office address of both his or her

1 employer and the supervising licensed veterinarian; and

2 (C) Any additional information required by the ~~commission~~
3 department.

4 (2) Upon any change of employment as a veterinary technician or
5 veterinary technologist, the certification is inactive until:

6 (A) New employment as a veterinary technician or
7 veterinary technologist has been obtained; and

8 (B) The ~~commission~~ department has been notified in writing
9 of the new employment.

10 (d)(1) A veterinary technician or veterinary technologist shall
11 perform veterinary technology under the direction, supervision, and
12 responsibility of the licensed veterinarian with whom he or she is employed.

13 (2) Supervision of a veterinary technician or veterinary
14 technologist may be direct supervision, indirect supervision, or immediate
15 supervision.

16 (3)(A) A veterinarian who utilizes indirect supervision of a
17 veterinary technician or veterinary technologist shall:

18 (i) Retain control of and authority over the care of
19 the animal; and

20 (ii) Review all recordkeeping and notes documented
21 by the veterinary technician or veterinary technologist on the charts
22 regarding the care of the animal.

23 (B) When utilizing indirect supervision, a supervising
24 veterinarian may authorize a veterinary technician or veterinary technologist
25 to go to a location other than the location of the supervising veterinarian
26 to provide services based on an emergency call for an animal patient.

27 (e) The ~~commission~~ Arkansas Board of Animal Health shall promulgate
28 rules to establish the appropriate level of supervision under which a
29 veterinary technician or veterinary technologist can perform veterinary
30 technology.

31 (f)(1) A licensed veterinarian using, supervising, or employing a
32 veterinary technician or veterinary technologist is individually responsible
33 and liable for the performance of the acts and omissions delegated to the
34 veterinary technician or veterinary technologist.

35 (2) This subsection does not relieve a veterinary technician or
36 veterinary technologist of any responsibility and liability for any of his or

1 her own acts and omissions.

2 (g) A licensed veterinarian shall not establish a separate office or
3 clinic in a location other than his or her regular office and place the
4 separate office or clinic under the control or supervision of a veterinary
5 technician or veterinary technologist.

6 (h)(1) This section does not prevent a licensed veterinarian from
7 utilizing the services of an employee to perform services not requiring the
8 skill and judgment of a veterinary technician, veterinary technologist, or
9 veterinary technician specialist, if the services performed by the employee
10 are under the direct personal supervision of a licensed veterinarian.

11 (2) An employee described under subdivision (h)(1) of this
12 section shall not be identified as a "veterinary technician", "animal
13 technician", "technician", "veterinary technologist", "animal technologist",
14 "technologist", or "veterinary technician specialist".

15 (i) A veterinary technician, veterinary technologist, or veterinary
16 technician specialist shall not receive a fee or other compensation for
17 veterinary services or veterinary technology services other than the salary
18 or other compensation paid to the veterinary technician, veterinary
19 technologist, or veterinary technician specialist by the veterinary clinic,
20 veterinary practice, or veterinarian by which he or she is employed.

21

22 17-101-307. License required – Exemptions.

23 (a) No person may practice veterinary medicine in this state who is
24 not a licensed veterinarian or the holder of a valid temporary permit issued
25 by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

26 (b) This chapter shall not be construed to prohibit:

27 (1) Employees of the United States Government or state
28 government or employees of local government who are certified by an agency
29 approved by the ~~commission~~ board to perform euthanasia from performing their
30 official duties;

31 (2) Regular students in a veterinary school or college from
32 performing duties or actions assigned by the school or college or working
33 under the direct personal supervision of a veterinarian licensed in the State
34 of Arkansas;

35 (3) Reciprocal aid of neighbors in performing routine accepted
36 livestock management practices without compensation;

1 (4) Any veterinarian licensed in any foreign jurisdiction from
2 consulting with a licensed veterinarian;

3 (5) The owner of an animal, his or her consignees, and their
4 employees from performing routine accepted livestock management practices in
5 the care of animals belonging to the owner;

6 (6) A member of the faculty of a veterinary school from
7 performing his or her regular functions or a person from lecturing or giving
8 instruction or demonstration at a veterinary school or in connection with a
9 continuing education course or seminar for licensed veterinarians, veterinary
10 technicians, or veterinary technologists;

11 (7) A person from engaging in bona fide scientific research that
12 reasonably requires experimentation involving animals;

13 (8) Any person:

14 (A) Engaging in the art or profession of horseshoeing;

15 (B) Training, except that the training shall not include
16 diagnosing, prescribing, or dispensing of any therapeutic agent;

17 (C) Selling medicines, feed, appliances, or other products
18 used in the prevention or treatment of animal diseases as permitted by law,
19 by any pharmacist, merchant, or manufacturer at his or her regular place of
20 business;

21 (D) Collecting, preparing, or freezing semen; and

22 (E) Performing nonsurgical artificial insemination;

23 (9)(A) Any act, task, or function performed by a veterinary
24 technician or veterinary technologist at the direction of and under the
25 supervision of a licensed veterinarian, when:

26 (i) The veterinary technician or veterinary
27 technologist is certified by the ~~commission~~ board as being qualified by
28 training or experience to function as an assistant to a veterinarian;

29 (ii) The act, task, or function is performed at the
30 direction of and under the supervision of a licensed veterinarian in
31 accordance with rules promulgated by the ~~commission~~ board; and

32 (iii) The services of the veterinary technician or
33 veterinary technologist are limited to assisting the veterinarian in the
34 particular fields for which he or she has been trained and certified.

35 (B) Subdivision (b)(9)(A) of this section shall not limit
36 or prevent any veterinarian from delegating to a qualified person any acts,

1 tasks, or functions which are otherwise permitted by law but which do not
2 include diagnosis, prescribing medication, or surgery;

3 (10) A chiropractor licensed in this state and certified by the
4 American Veterinary Chiropractic Association or the equivalent thereof from
5 performing chiropractic upon animals;

6 (11) The practice of veterinary medicine through a program in
7 partnership with federal Innovative Readiness Training if the veterinarian or
8 veterinary technician has obtained a license to practice from another state,
9 commonwealth, territory, or the District of Columbia;

10 (12) A person from practicing or performing equine massage
11 therapy or animal massage therapy; or

12 (13) An emergency medical services personnel or an emergency
13 medical services provider from transporting an injured police dog as
14 authorized under § 20-13-217.

15
16 17-101-308. Veterinary technicians – Denial, suspension, or revocation
17 of certificate.

18 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
19 Health may deny or suspend any registration or deny or revoke any certificate
20 of qualification upon the grounds that the applicant or veterinary technician
21 is guilty of:

22 (1) Soliciting patients for any practitioner of the veterinary
23 healing arts;

24 (2) Soliciting or receiving any form of compensation from any
25 person other than his or her registered employer for performing as a
26 veterinary technician;

27 (3) Willfully or negligently divulging a professional secret or
28 discussing a veterinarian's diagnosis or treatment without the express
29 permission of the veterinarian;

30 (4)(A) Any offense punishable by incarceration in the Division
31 of Correction or federal prison.

32 (B) A copy of the record of conviction, certified by the
33 clerk of the court entering the conviction, shall be conclusive evidence;

34 (5) Being unable to practice as a veterinary technician with
35 reasonable skill and safety to patients because of illness, the use of drugs,
36 alcohol, narcotics, or chemicals, or as a result of any mental or physical

1 condition;

2 (6) Fraud or misrepresentation in applying for or procuring:

3 (A) A certificate of qualification to perform as a
4 veterinary technician in Arkansas; or

5 (B) An annual registration;

6 (7) Impersonating another person registered as a veterinary
7 technician or allowing any person to use his or her certificate of
8 qualification or registration;

9 (8) Aiding or abetting the practice of veterinary medicine by a
10 person not licensed by the ~~commission~~ board;

11 (9) Gross negligence in the performance of duties, tasks, or
12 functions assigned to him or her by a licensed veterinarian;

13 (10) Manifesting incapacity or incompetence to perform as a
14 veterinary technician; or

15 (11) Conduct unbecoming a person registered as a veterinary
16 technician or detrimental to the best interests of the public.

17 (b) At the discretion of the ~~commission~~ board, any person whose
18 certificate of qualification is suspended or revoked by the ~~commission~~ board
19 under this section may be recertified or reinstated by the ~~commission~~ board
20 at any time upon written application to the ~~commission~~ board showing cause to
21 justify recertification or reinstatement.

22

23 17-101-309. License, certificate, and registration renewal –
24 Reinstatement.

25 (a)(1) All licenses, certificates, and registrations expire on March
26 31 each year and may be renewed by payment of the annual renewal fee
27 established by rule of the Arkansas ~~Livestock and Poultry Commission~~ Board of
28 Animal Health.

29 (2) Not later than March 1 each year, the ~~commission~~ Department
30 of Agriculture shall provide a ~~written~~ notice to each licensed veterinarian,
31 veterinary technician, and veterinary technologist that his or her license or
32 certificate will expire on March 31 and shall provide a renewal application
33 form.

34 (b)(1) Any person may reinstate an expired license or certificate
35 within five (5) years of its expiration by making application to the
36 ~~commission~~ department for renewal and paying the current renewal fee along

1 with all delinquent renewal fees.

2 (2) After five (5) years have elapsed since the date of
3 expiration, a license or certificate may not be renewed, and the holder must
4 apply for a new license or certificate and take the required examinations.

5 (c) The ~~commission~~ board may provide by rule for waiver of payment of
6 any renewal fee of a licensed veterinarian, veterinary technician, or
7 veterinary technologist during any period when he or she is on active duty
8 with any branch of the United States Armed Forces for not to exceed three (3)
9 years or for the duration of a national emergency, whichever is longer.

10 (d) The ~~commission~~ board may provide by rule for waiver of payment of
11 any renewal fee of a licensed veterinarian or veterinary technician during
12 any period when he or she is a member of the Arkansas National Guard called
13 into state active duty.

14
15 17-101-310. Continuing education required – Exemptions.

16 (a)(1) A veterinarian, veterinary technician, or veterinary
17 technologist under this chapter is required to attend an educational program
18 in the twelve (12) months preceding each renewal date.

19 (2) The postgraduate study or attendance at an institution or at
20 an educational session approved by the Arkansas ~~Livestock and Poultry~~
21 ~~Commission~~ Board of Animal Health shall be considered equivalent to
22 continuing education requirements.

23 (3) The ~~commission~~ board shall have the right, for good cause
24 shown, to prescribe the type and character of postgraduate study to be done
25 by any licensed veterinarian in order to comply with the requirements of this
26 chapter.

27 (b) The ~~commission~~ board shall excuse licentiates or certificate
28 holders, as a group or as individuals, from the annual educational
29 requirements in any of the following instances:

30 (1) When no educational program meeting the requirements
31 approved by the ~~commission~~ board is conducted within the state;

32 (2) When an affidavit is submitted to the ~~commission~~ board
33 evidencing that the licensee, for good cause assigned, was prevented from
34 attending an educational program at the proper time;

35 (3) In the event of an unusual emergency; or

36 (4) If that person holds an inactive license or certificate.

1 (c)(1) A veterinarian, veterinary technician, or veterinary
2 technologist shall fulfill his or her annual education requirements at his or
3 her own expense.

4 (2) The fee for his or her annual education requirements is not
5 included in the license fee.

6 (d)(1) A veterinary technician specialist shall complete an additional
7 eight (8) hours of advanced continuing education in his or her area of
8 specialty each year before veterinary technician specialist certification
9 renewal.

10 (2) A veterinary technician specialist shall maintain an active
11 veterinary technician certification in this state and fulfill all continuing
12 education hours required for the veterinary technician certification.

13
14 17-101-311. Civil penalty – Appeals and disposition of funds.

15 (a)(1) Whenever the Arkansas ~~Livestock and Poultry Commission~~ Board of
16 Animal Health determines that any provision of this chapter or any rule
17 promulgated by the ~~commission~~ board under this chapter has been violated, the
18 ~~commission~~ board may impose a civil penalty not to exceed five thousand
19 dollars (\$5,000) per violation.

20 (2) The ~~commission~~ board may file an action in the Pulaski
21 County Circuit Court to collect any civil penalty not paid within thirty (30)
22 days of service of the order assessing the penalty, unless the circuit court
23 enters a stay of the ~~commission's~~ board's order.

24 (3) If the ~~commission~~ board prevails in the action, the
25 defendant shall be directed to pay reasonable attorney's fees and costs
26 incurred by the ~~commission~~ board in prosecuting the action in addition to the
27 civil penalty.

28 (b) Any person aggrieved by the action of the ~~commission~~ board
29 imposing civil penalties may appeal the decision in the manner and under the
30 procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-
31 201 et seq., for appeals from administrative decisions.

32 (c)(1) All funds derived from civil penalties imposed by the
33 ~~commission~~ board shall be deposited into one (1) or more depositories
34 qualifying for the deposit of public funds.

35 (2) The funds shall be used by the ~~commission~~ board for
36 administering the provisions of this chapter.

1
2 17-101-312. Unlawful practice – Penalties – Injunctions.

3 (a) Any person who shall practice or attempt to practice veterinary
4 medicine in this state without having been duly licensed in accordance with
5 the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon
6 conviction, the person shall be fined in any sum of not less than fifty
7 dollars (\$50.00) nor more than two hundred fifty dollars (\$250) for each and
8 every offense or imprisoned for a term of not less than six (6) months nor
9 more than one (1) year, or shall be both fined and imprisoned in the
10 discretion of the court.

11 (b) Each day of the unlawful practice shall constitute a separate
12 offense.

13 (c) One-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
14 shall be paid into the general fund of the county wherein the fine is
15 assessed, and one-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
16 shall be deposited ~~with the Director of the Arkansas Livestock and Poultry~~
17 ~~Commission and credited to the account of the Arkansas Livestock and Poultry~~
18 ~~Commission~~ into the Animal Health Special Revenue Fund.

19 (d) The unlawful practice of veterinary medicine is declared to be a
20 public nuisance.

21 (e) In addition to the penalties provided in this section, the
22 ~~commission~~ Arkansas Board of Animal Health may institute legal proceedings to
23 enjoin the violation of the provisions of this chapter or the rules of the
24 ~~commission~~ board in any court of competent jurisdiction, and the court may
25 grant a temporary or permanent injunction restraining the violation thereof.
26

27 SECTION 60. Arkansas Code §§ 17-101-314 through 17-101-320, as amended
28 by Acts 2025, No. 19, are amended to read as follows:

29 17-101-314. Practicing without license – ~~Commission penalties~~
30 Penalties.

31 (a)(1)(A) If upon ~~completion~~ review of an ~~investigation~~ a complaint
32 the ~~Director of the Arkansas Livestock and Poultry Commission~~ Board of Animal
33 Health has probable cause to believe that a veterinarian or an unlicensed
34 person acting as a veterinarian has violated the provisions of this chapter,
35 he or she may issue a citation to the veterinarian or unlicensed person, as
36 provided in this section.

1 (B) Each citation shall be in writing and shall describe
2 with particularity the nature of the violation, including a reference to the
3 provision of this chapter alleged to have been violated.

4 (C) Each citation may also contain an order of abatement
5 fixing a reasonable time for abatement of the violation and may contain an
6 assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

7 (2) The citation shall be served upon the veterinarian or
8 unlicensed individual personally or by any type of mailing requiring a return
9 receipt.

10 (b)(1) If a veterinarian or unlicensed person desires to
11 administratively contest a civil citation or the proposed assessment of a
12 civil penalty, he or she shall notify within ten (10) business days after
13 service of the citation the executive officer in writing of his or her
14 request.

15 (2) Upon receipt of the request, a hearing on the matter shall
16 be scheduled before the ~~commission~~ board.

17 (c) Any administrative hearing shall be governed by the Arkansas
18 Administrative Procedure Act, § 25-15-201 et seq.

19 (d) In addition to the penalties provided in this section, the
20 ~~commission~~ board may institute legal proceedings to enjoin the violation of
21 the provisions of this chapter or the rules of the ~~commission~~ board in any
22 court of competent jurisdiction, and the court may grant a temporary or
23 permanent injunction restraining the violation thereof.

24
25 17-101-315. Equine teeth floating.

26 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
27 Health is prohibited from enforcing commission may enforce board policy
28 regarding equine teeth floating by either investigating or prosecuting an
29 individual practitioner engaged in equine teeth floating ~~until July 1, 2013~~.

30 (b)(1) Before engaging in the practice of equine teeth floating in the
31 state, an individual practitioner shall present to the ~~commission~~ board
32 signed letters of recommendation from two (2) clients who have previously
33 employed the individual practitioner and who bear witness to the individual
34 practitioner's ability to perform equine teeth floating.

35 (2) The letters of recommendation shall be presented to the
36 ~~commission~~ board before providing service to a client or performing any

1 procedure on any animal.

2
3 17-101-316. Livestock embryo transfer or transplant and livestock
4 pregnancy determination.

5 (a) ~~Until July 1, 2019, the Arkansas Livestock and Poultry Commission~~
6 ~~is prohibited from investigating or prosecuting~~ The Arkansas Board of Animal
7 Health under a ~~commission~~ board rule or policy may investigate an individual
8 technician who engages in both:

9 (1) Livestock embryo transfer or transplant; and

10 (2) Livestock pregnancy determination.

11 (b) Before engaging in livestock embryo transfer or transplant and
12 livestock pregnancy determination in the state, an individual technician
13 shall obtain a certification from the ~~commission~~ board.

14 (c)(1) An applicant for certification shall submit the following
15 information to the ~~commission~~ Department of Agriculture with an application
16 and application fee of one thousand dollars (\$1,000):

17 (A)(i) One (1) letter from a licensed veterinarian who has
18 witnessed the applicant's ability to perform livestock embryo transfer or
19 transplant and livestock pregnancy determination on at least three (3)
20 occasions within six (6) consecutive months.

21 (ii) The letter described in subdivision
22 (c)(1)(A)(i) of this section shall include the dates that the veterinarian
23 spent with the applicant and an endorsement certifying that the applicant is
24 proficient in the following areas:

25 (a) Basic knowledge, skills, and abilities
26 required to proficiently extract, grade, freeze, thaw, and transfer livestock
27 embryos; and

28 (b) The ability to properly use ultrasound
29 equipment in determining pregnancy status with at least ninety percent (90%)
30 accuracy beginning at sixty (60) days of pregnancy and with at least ninety
31 percent (90%) accuracy when identifying trimester;

32 (B) A record of successfully completing a qualified course
33 taught by a livestock reproduction specialist on both livestock embryo
34 transfer and livestock pregnancy determination;

35 (C) Proof that the applicant has at least fifty percent
36 (50%) financial interest in livestock management equipment, including without

1 limitation ultrasound equipment, microscope, embryo freezer, and other
2 required transfer tools; and

3 (D) Proof of membership in either the International Embryo
4 Technology Society or the American Embryo Transfer Association.

5 (2) The ~~commission~~ department shall approve or deny
6 certification within thirty (30) days of receiving an application.

7 (d)(1) A certification under this section expires after two (2) years.

8 (2) An individual technician shall submit a renewal application
9 and renewal application fee of two hundred fifty dollars (\$250) to the
10 ~~commission~~ board along with a record of completion of a continuing education
11 course on bovine reproduction within the United States or Canada.

12 (3) The ~~commission~~ department shall approve or deny
13 recertification within thirty (30) days of receiving a renewal application.

14 (e) An embryo transfer technician may only administer to livestock
15 prescription drugs that have been prescribed by a licensed veterinarian who
16 has a valid veterinarian-client-patient relationship.

17
18 17-101-317. Veterinary technologist and veterinary technician
19 specialist – Grounds for denial, suspension, or revocation.

20 (a) Upon written complaint by any person or on the Arkansas ~~Livestock~~
21 ~~and Poultry Commission's~~ Board of Animal Health's own motion and after notice
22 and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-
23 15-201 et seq., the ~~commission~~ board may ~~deny or~~ suspend any certification or
24 ~~deny or~~ revoke any certificate of qualification of the applicant, veterinary
25 technologist, or veterinary technician specialist for the following conduct:

26 (1) Solicitation of patients on behalf of a veterinarian or
27 veterinary technician;

28 (2) Solicitation or receiving any form of compensation from any
29 person other than his or her registered employer for his or her employment;

30 (3) Willful or negligent disclosure of a professional secret or
31 discussing a veterinarian's diagnosis or treatment without the express
32 permission of the veterinarian;

33 (4)(A) Any offense punishable by incarceration in the Division
34 of Correction or federal prison.

35 (B) A copy of the record of conviction, certified by the
36 clerk of the court entering the conviction, shall be evidence;

1 (5) Inability to practice as a veterinary technologist or a
2 veterinary technician specialist with reasonable skill and safety to patients
3 due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a
4 result of any mental or physical condition;

5 (6) Fraud or misrepresentation in applying for or procuring:

6 (A) A certificate of qualification to perform as a
7 veterinary technologist or veterinary technician specialist in Arkansas; or

8 (B) An annual employment registration;

9 (7) Impersonation of another person registered as a veterinary
10 technologist or veterinary technician specialist or authorization of any
11 person to use his or her certificate of qualification or registration;

12 (8) Aids or abets the practice of veterinary medicine by a
13 person not licensed by the ~~commission~~ board;

14 (9) Incompetence, gross negligence, or other malpractice in the
15 performance of duties, tasks, or functions assigned to him or her by a
16 licensed veterinarian;

17 (10) Incapacity or incompetence to perform as a veterinary
18 technologist or veterinary technician specialist;

19 (11) Cruelty to animals;

20 (12) Failure:

21 (A) Of any applicant or licensee to cooperate with the
22 ~~commission~~ Department of Agriculture during any investigation, if the
23 investigation does not concern the applicant or licensee;

24 (B) To comply with any subpoena or subpoena duces tecum
25 from the ~~commission~~ board or an order of the ~~commission~~ board; or

26 (C) To timely pay certification or renewal fees; or

27 (13) Unprofessional conduct or conduct that is detrimental to
28 the best interests of the public.

29 (b) At the discretion of the ~~commission~~ board, a person whose
30 certificate of qualification is suspended or revoked by the ~~commission~~ board
31 under this section may be:

32 (1) Recertified or reinstated by the ~~commission~~ board at any
33 time upon written application to the ~~commission~~ board showing cause to
34 justify recertification or reinstatement; and

35 (2) Subject to civil penalties under § 17-101-311 as determined
36 by the ~~commission~~ board.

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17-101-318. Veterinarians – Restricted license.

(a) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health or his or her designee may issue a restricted license to a person who has graduated from an accredited or approved college of veterinary medicine but has not passed the North American Veterinary Licensing Examination, or its future equivalent, to engage in the practice of veterinary medicine under the direct supervision of a licensed veterinarian.

(b) A restricted license shall be issued by the ~~commission~~ board upon the receipt of the following:

(1) A completed application as described in § 17-101-301 and the application fee established by the ~~commission~~ board, if not previously submitted during the applicant’s final year of veterinary school;

(2) A restricted license fee established by the ~~commission~~ board;

(3) A letter of recommendation from the supervising licensed veterinarian; and

(4) Written confirmation that the applicant is scheduled to take the next available North American Veterinary Licensing Examination, or its future equivalent.

(c) If the applicant fails to pass the North American Veterinary Licensing Examination, or its future equivalent, after receiving a restricted license, the applicant may be issued another restricted license by submitting the following:

(1) The restricted license fee established by the ~~commission~~ board;

(2) A letter of recommendation from the supervising licensed veterinarian; and

(3) Written confirmation that the applicant is scheduled to take the next available North American Veterinary Licensing Examination, or its future equivalent.

(d)(1) A restricted license shall expire the day after the results of the North American Veterinary Licensing Examination, or its future equivalent, are made known to the applicant.

(2) An applicant shall not be issued more than three (3) restricted licenses.

1 (e) The applicant is eligible for an unrestricted license to practice
2 veterinary medicine upon receiving a passing score on the North American
3 Veterinary Licensing Examination, or its future equivalent, if all other
4 requirements are met for the unrestricted license.

5 (f) A restricted licensee shall not apply:

6 (1) For a United States Drug Enforcement Administration
7 registration; or

8 (2) To become an accredited veterinarian through the United
9 States Animal and Plant Health Inspection Service.

10
11 17-101-319. Veterinary technician specialist – Certification.

12 (a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
13 Health shall issue additional certifications for a veterinary technician
14 specialist.

15 (2) For an applicant seeking certification as a veterinary
16 technician specialist, the ~~commission~~ board may require:

17 (A) An initial application and an initial application fee
18 as determined by the ~~commission~~ board;

19 (B) A renewal application and a renewal application fee as
20 determined by the ~~commission~~ board; and

21 (C) Any other relevant information determined by the
22 ~~commission~~ board.

23 (b)(1) A veterinary technician specialist shall perform specialized
24 veterinary technology under the direction, supervision, and responsibility of
25 the:

26 (A) Licensed veterinarian with whom he or she is employed;

27 or

28 (B) Collaborating veterinarian under a collaborative
29 practice agreement.

30 (2) Supervision of a veterinary technician specialist may be
31 direct supervision, indirect supervision, or immediate supervision.

32 (3)(A) A veterinarian who utilizes indirect supervision of a
33 veterinary technician specialist shall:

34 (i) Retain control of and authority over the care of
35 the animal patient; and

36 (ii) Review all record keeping and notes documented

1 by the veterinary technician specialist on the charts regarding the care of
2 the animal patient.

3 (B) When utilizing indirect supervision, a supervising
4 veterinarian may authorize a veterinary technician specialist to go to a
5 location other than the location of the supervising veterinarian to provide
6 services based on an emergency call for an animal patient.

7 (c)(1) A licensed veterinarian using, supervising, or employing a
8 veterinary technician specialist is individually responsible and liable for
9 the performance of the acts and omissions delegated to the veterinary
10 technician specialist.

11 (2) This subsection does not relieve a veterinary technician
12 specialist of any responsibility or liability for any of his or her own acts
13 and omissions.

14 (3) A licensed veterinarian shall not establish a separate
15 office or clinic in a location other than his or her regular office and place
16 the separate office or clinic under the control or supervision of a
17 veterinary technician specialist.

18 (d) A veterinary technician specialist shall not receive compensation
19 for performing the practice of specialized veterinary technology other than
20 the salary or compensation paid to the veterinary technician specialist by
21 the veterinary clinic, veterinary practice, or veterinarian by which he or
22 she is employed.

23 (e) A person shall not use or assume the title "certified veterinary
24 technician specialist", "veterinary technician specialist", "VTS", or "CVTS"
25 or use any words, letters, abbreviations, or insignia indicating or implying
26 that the person holds a veterinary technician specialist certification unless
27 the person is certified by the ~~commission~~ board.

28

29 17-101-320. Collaborative practice agreement.

30 (a)(1)(A) A veterinary technician specialist and a veterinarian may
31 enter into a collaborative practice agreement.

32 (B) A veterinarian shall not enter into a collaborative
33 practice agreement with more than three (3) veterinary technician specialists
34 at one (1) time.

35 (2) A collaborative practice agreement shall include without
36 limitation provisions addressing:

1 (A) The location and license details of both the
2 veterinary technician specialist and collaborating veterinarian as well as
3 the availability of the collaborating veterinarian for consultation or
4 referral, or both;

5 (B) Methods of management of the collaborative practice,
6 which shall include protocols for technical duties;

7 (C) Coverage of the veterinary needs of an animal patient
8 in the emergency absence of the veterinary technician specialist or
9 collaborating veterinarian; and

10 (D) Quality assurance with monthly reviews of the
11 veterinary technician specialist's animal patients' medical records or case
12 discussions with the collaborating veterinarian.

13 (3) If a collaborative practice results in complaints of
14 violations of this chapter, the Arkansas ~~Livestock and Poultry Commission~~
15 Board of Animal Health may review the role of the collaborating veterinarian
16 or the veterinary technician specialist in the collaborative practice to
17 determine if the collaborating veterinarian or the veterinary technician
18 specialist is unable to manage his or her responsibilities under the
19 collaborative practice agreement without an adverse effect on the quality of
20 care of the animal patient.

21 (4) A veterinary technician specialist shall notify the
22 ~~commission~~ Department of Agriculture in writing within seven (7) days
23 following the termination of a collaborative practice agreement.

24 (b)(1) A veterinary technician specialist may receive drugs,
25 medicines, or therapeutic devices appropriate to the veterinary technician
26 specialist's area of practice.

27 (2) If the collaborative practice agreement between a veterinary
28 technician specialist and a collaborating veterinarian is terminated, a new
29 collaborative practice agreement shall be required.

30 (3) Under the supervision of a collaborating veterinarian, a
31 veterinary technician specialist may:

32 (A)(i) Establish care for new animal patients by forming a
33 preliminary veterinarian-client-patient relationship on behalf of the
34 collaborating veterinarian with the animal patient or client, order
35 diagnostics, provide a diagnosis or a prognosis, and develop treatment plans
36 with a collaborating veterinarian.

1 (ii) The collaborating veterinarian shall complete
2 the veterinarian-client-patient relationship by personally seeing the animal
3 patient within fifteen (15) days;

4 (B) Perform the induction, maintenance, and monitoring of
5 anesthesia for an animal patient except when in conflict with state or
6 federal law;

7 (C) Perform minor dental and surgical procedures on animal
8 patients, excluding abdominal, thoracic, or orthopedic surgery and
9 neurosurgery;

10 (D) Administer a drug or controlled substance to prevent
11 suffering of animal patients, including without limitation euthanasia, under
12 direct communication with a collaborating veterinarian;

13 (E) Initiate and perform cardiopulmonary resuscitation on
14 animal patients, including administration of medication and defibrillation,
15 and provide immediate post-resuscitation care according to established
16 protocols except when in conflict with state or federal law; and

17 (F) Dispense and administer medicines or therapeutic
18 devices for animal patients except when in conflict with state or federal
19 law.

20 (c) The veterinary technician specialist shall keep accurate records
21 in accordance with the rules of the ~~commission~~ Arkansas Board of Animal
22 Health, including without limitation the medical history, physical
23 examination, other evaluations and consultations, treatment plan objective,
24 informed consent noted in the animal patient's record, treatment,
25 prescriptions, and medications given, agreements regarding the animal
26 patient, and periodic reviews.

27
28 SECTION 61. Arkansas Code § 18-15-1703(e)(2), concerning exemptions
29 from application of the Private Property Protection Act, is amended to read
30 as follows:

31 (2) Laws or rules within the jurisdiction of the State Health
32 Officer or regulatory activities of the Arkansas Pollution Control and
33 Ecology Commission, the Division of Environmental Quality, the Arkansas
34 ~~Livestock and Poultry Commission~~ Board of Animal Health, the Arkansas Public
35 Service Commission, or the State Plant Board under delegated or authorized
36 programs or approved plans under federal law;

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SECTION 62. Arkansas Code § 19-4-906(a)(022), concerning motor vehicle restrictions and authorizations related to state agencies, authorities, boards, commissions, departments, and institutions of higher education, is amended to read as follows:

(022) ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health 81

SECTION 63. Arkansas Code § 19-5-302(8), concerning the Livestock and Poultry Fund Account, is amended to read as follows:

(8) ~~Livestock and Poultry~~ Animal Health Fund Account.

(A) The ~~Livestock and Poultry~~ Animal Health Fund Account shall be used ~~for the maintenance, operation, and improvement of the Arkansas Livestock and Poultry Commission, which was separated from the Department of Commerce [abolished] by Acts 1981, No. 867, § 1,~~ in carrying out the functions, powers, and duties as set out in § 2-33-101 et seq., or other duties imposed by law upon the ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health.

(B) The ~~Livestock and Poultry~~ Animal Health Fund Account shall consist of:

(i) Those general revenues as may be provided by law; and

(ii) Any other funds provided by law;

SECTION 64. Arkansas Code § 19-6-301(33) and (34), concerning the enumeration of special revenues, are amended to read as follows:

(33) Brand registration, sales of state brand books, and fees for transfer of brand titles, as enacted by Acts 1959, No. 179, § 2-34-201, § 2-34-202 [repealed], § 2-34-203, § 2-34-204 [repealed], and §§ 2-34-205 2-34-206 – 2-34-212;

(34) ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health fees and revenues as enacted by Acts 1981, No. 867, and all laws amendatory thereto, § 2-33-113(a), consisting of:

(A) Income from the livestock spraying program, as enacted by Acts 1969, No. 360, and all laws amendatory thereto, § 2-33-207 [repealed] and § 2-33-208 [repealed];

1 (B) Poultry and egg grading fees as enacted by Acts 1969,
2 No. 220, known as the "Arkansas Egg Marketing Act of 1969", and all laws
3 amendatory thereto, § 20-58-201 et seq.;

4 (C) Acts 1965, No. 49, and all laws amendatory thereto, §§
5 ~~2-33-301~~ 2-33-303 – 2-33-305, and 2-33-307;

6 (D) Acts 1975 (Extended Sess., 1976), No. 1216, and all
7 laws amendatory thereto, §§ 2-33-306 and 2-33-307;

8 (E) Carcass data information and feeder pig and feeder
9 calf grading fees, as enacted by Acts 1973, No. 454, and all laws amendatory
10 thereto, §§ 2-33-201 – 2-33-206 [repealed];

11 (F) Livestock and poultry diagnostic service fees, § 2-33-
12 111;

13 (G) State, county, and district paid admission surcharges,
14 § 2-33-115(a)(3) [repealed];

15 (H) Small animal testing fees, as enacted by Acts 1981,
16 No. 770, and all laws amendatory thereto, § 2-33-112 [repealed];

17 (I) Commercial bait and ornamental fish fees collected
18 under the Commercial Bait and Ornamental Fish Act, § 2-5-201 et seq.; and

19 (J) Catfish processor civil penalties collected under the
20 Arkansas Catfish Processor Fair Practices Act of 1987, § 2-6-101 et seq.;

21
22 SECTION 65. Arkansas Code § 19-6-301(95), concerning the enumeration
23 of special revenues, is amended to read as follows:

24 (95) Fees charged by the Arkansas ~~Livestock and Poultry~~
25 ~~Commission~~ Board of Animal Health for the various examinations, permits,
26 licenses, and certificates issued by the ~~Arkansas Livestock and Poultry~~
27 ~~Commission~~ Department of Agriculture, as enacted by Acts 1975, No. 650, as
28 amended, the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

29
30 SECTION 66. Arkansas Code § 19-6-301(126), concerning the enumeration
31 of special revenues, is repealed.

32 ~~(126) Those portions of vaccination fees imposed at livestock~~
33 ~~markets, as enacted by Acts 1985, No. 150, and Acts 1985, No. 151, § 2-40-~~
34 ~~206, and that portion of all fines and penalties resulting from arrests made~~
35 ~~or citations issued by Arkansas Livestock and Poultry Commission enforcement~~
36 ~~officers, § 2-33-113(b) [repealed];~~

1
2 SECTION 67. Arkansas Code § 19-6-409 is amended to read as follows:

3 19-6-409. Poultry and Egg Grading Fund.

4 The Poultry and Egg Grading Fund shall consist of that portion of those
5 special revenues derived from the poultry and egg industry as specified in §
6 19-6-301(34), there to be used for the maintenance, operation, and
7 improvement required by the ~~Arkansas Livestock and Poultry Commission~~ poultry
8 and egg grading programs, in carrying out the functions, powers, and duties
9 as set out in § 2-33-101 et seq., or other duties imposed by law upon the
10 ~~commission~~ Department of Agriculture.

11
12 SECTION 68. Arkansas Code § 19-6-429 is amended to read as follows:

13 19-6-429. Veterinary Examiners ~~Board~~ Fund.

14 (a) The Veterinary Examiners ~~Board~~ Fund shall consist of those special
15 revenues as specified in § 19-6-301(95).

16 (b) The fund shall be used:

17 (1) For the operation, maintenance, and improvement of the
18 ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health in
19 exercising the powers, functions, and duties as set out in the Arkansas
20 Veterinary Medical Practice Act, § 17-101-101 et seq.; and

21 (2) To fund:

22 (A) The Agri Scholarship Program created under § 25-38-212
23 and administered by the Department of Agriculture, with deposits to the Agri
24 Scholarship Program Fund in the amount of up to thirty thousand dollars
25 (\$30,000) per year; and

26 (B) The Rural Veterinary Student Scholarship Program, §
27 17-101-205.

28
29 SECTION 69. Arkansas Code § 19-6-433 is amended to read as follows:

30 19-6-433. ~~Livestock and Poultry~~ Animal Health Equine Infectious Anemia
31 Control Fund.

32 The ~~Livestock and Poultry~~ Animal Health Equine Infectious Anemia
33 Control Fund shall consist of those special revenues as specified in § 19-6-
34 301(195), there to be used for the purpose of defraying the costs of services
35 performed in the Equine Infectious Anemia Control and Eradication Program as
36 set out in § 2-40-801 et seq.

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SECTION 70. Arkansas Code § 19-6-448 is amended to read as follows:

19-6-448. ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

The ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund shall consist of any funds authorized by law and those special revenues as specified in § 19-6-301(126), there to be used in order to fund or partially fund the bovine disease control and eradication program as provided in § 2-40-206.

SECTION 71. Arkansas Code § 19-6-466 is amended to read as follows:

19-6-466. ~~Livestock and Poultry Commission~~ Animal Health Swine Testing Fund.

The ~~Livestock and Poultry Commission~~ Animal Health Swine Testing Fund shall consist of those special revenues as specified in § 19-6-301(159), there to be used for the Pseudorabies Control and Eradication Program as set out in § 2-40-1201.

SECTION 72. Arkansas Code § 19-6-480 is amended to read as follows:

19-6-480. ~~Livestock and Poultry~~ Animal Health Special Revenue Fund.

(a) The ~~Livestock and Poultry~~ Animal Health Special Revenue Fund shall consist of those special revenues as specified in § 19-6-301(33) and (34) and §§ 2-5-204, 2-5-206, and 2-6-106 that are not required for support of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture Poultry and Egg Grading Program, there to be used for those purposes as set out by law.

(b) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, with the approval of the Chief Fiscal Officer of the State, shall have the authority to transfer funds from the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund to the ~~Livestock and Poultry~~ Animal Health Fund Account.

SECTION 73. Arkansas Code § 20-19-312 is amended to read as follows:

20-19-312. State Board of Health's authority to regulate.

(a) The State Board of Health shall adopt rules necessary to carry out this subchapter, with subsequent amendments as needed.

1 (b) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
2 Health may adopt rules as are necessary pertaining to dogs and cats
3 transported or moved into Arkansas for any purpose.
4

5 SECTION 74. Arkansas Code § 20-58-204(a), concerning penalties under
6 the Arkansas Egg Marketing Act of 1969, is amended to read as follows:

7 (a) Any person, firm, or corporation violating any of the provisions
8 of this subchapter or rules of the Arkansas ~~Livestock and Poultry Commission~~
9 Board of Animal Health shall be guilty of a violation and shall upon
10 conviction:

11 (1) For the first offense, be fined not less than twenty-five
12 dollars (\$25.00) nor more than one hundred dollars (\$100);

13 (2) For the second offense, be fined not less than one hundred
14 dollars (\$100) nor more than two hundred fifty dollars (\$250); and

15 (3) For the third offense, be fined not less than two hundred
16 fifty dollars (\$250) nor more than five hundred dollars (\$500).
17

18 SECTION 75. Arkansas Code §§ 20-58-205 and 20-58-206 are amended to
19 read as follows:

20 20-58-205. Employees of Department of Agriculture – Powers and duties.

21 All duties and functions required to be performed by the Arkansas
22 ~~Livestock and Poultry Commission~~ Board of Animal Health under the provisions
23 of this subchapter shall be performed by the Department of Agriculture or its
24 authorized employees.
25

26 20-58-206. Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
27 Health – Establishment of standards.

28 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
29 Health shall establish standards for the grading, classification, and marking
30 of shell eggs bought and sold by any person, firm, or corporation in the
31 State of Arkansas.

32 (b) The standards shall, on the date of the sale to the consumer,
33 conform to the minimum standards promulgated by the United States Department
34 of Agriculture as defined in the “United States Standards, Grades and Weight
35 Classes for Shell Eggs”, authorized under 7 U.S.C. § 1624, effective July 11,
36 1952, and amendments thereto.

1 (c) The standards of quality of the United States Department of
2 Agriculture are adopted as the standards of quality for the enforcement of
3 this subchapter. Any egg described by the United States Department of
4 Agriculture as being inedible shall be deemed inedible under the provisions
5 of this subchapter.
6

7 SECTION 76. Arkansas Code § 20-58-207(b)(2) and (3), concerning
8 prohibited acts under the Arkansas Egg Marketing Act of 1969, are amended to
9 read as follows:

10 (2) Use descriptive terminology as to eggs that have not been
11 graded and sized according to the standards set forth by the Arkansas
12 ~~Livestock and Poultry Commission~~ Board of Animal Health; or

13 (3) Use descriptive terminology such as “fresh” to represent the
14 same to be “fresh” any eggs excepting those eggs that meet the minimum
15 requirements of Grade A or higher according to the standards set forth by the
16 ~~commission~~ board.
17

18 SECTION 77. Arkansas Code § 20-58-209(d), concerning egg handler
19 permits under the Arkansas Egg Marketing Act of 1969, is amended to read as
20 follows:

21 (d) No person shall operate a shell egg processing plant and egg
22 candling room or an egg breaking plant before the plant or room has been
23 approved by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
24 Health or its authorized agent and a permit issued.
25

26 SECTION 78. Arkansas Code § 20-58-214 is amended to read as follows:
27 20-58-214. Enforcement.

28 (a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
29 Health shall enforce the provisions of this subchapter and is authorized to
30 make and promulgate such rules as may be necessary thereto.

31 (b)(1)(A) The ~~commission~~ Department of Agriculture and its authorized
32 employees or agents may enter any store, vehicle, market, or any other
33 business or place where eggs are bought, stored, sold, offered for sale, or
34 processed.

35 (B) The ~~commission~~ department is authorized to make such
36 inspections as needed of eggs to determine if the grades of the eggs conform

1 to grades as labeled on the exterior of the container.

2 (2) If the inspection determines that the eggs in the container
3 do not conform to the grade as labeled on the exterior of the container, the
4 ~~commission~~ department or its employees or agents are authorized to examine
5 the invoices and such other records as are needed to determine the cause and
6 place of the violation of the rule of this subchapter.

7 (c) The ~~commission~~ department and its authorized employees shall have
8 the power to stop sale and impound, retain, or destroy any containers of eggs
9 offered for sale which are in conflict with any provisions of this
10 subchapter.

11
12 SECTION 79. Arkansas Code § 20-58-215(b), concerning the setting of
13 the inspection and annual permit fees under the Arkansas Egg Marketing Act of
14 1969, is amended to read as follows:

15 (b) The inspection fee and annual permit fee will be set by the
16 Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health ~~after review~~
17 ~~and consultation with the Poultry Federation for all shell eggs and egg~~
18 ~~products processed or sold in the State of Arkansas.~~

19
20 SECTION 80. Arkansas Code § 20-58-216 is amended to read as follows:
21 20-58-216. Audits.

22 (a) Annual audits of all permit holders, including out-of-state permit
23 holders, will be performed by the ~~Arkansas Livestock and Poultry Commission~~
24 Department of Agriculture to ensure proper reporting of egg inspection fees.

25 (b)(1) Travel expenses incurred in conducting out-of-state audits are
26 to be reimbursed to the ~~commission~~ department by out-of-state permit holders.

27 (2) The State of Arkansas's out-of-state daily allowance for
28 meals and lodging will be the maximum amount reimbursable, plus travel
29 expenses to and from locations of permit holders.

30
31 SECTION 81. Arkansas Code § 20-60-206(c)(2), concerning consultation
32 with meat and meat food products industry under the State Meat Inspection
33 Program, is amended to read as follows:

34 (2) Consult with the meat and meat food products industry,
35 including the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
36 Health, as well as the Department of Health, when developing the procedures,

1 rules, and policies regarding the program;

2

3 SECTION 82. Arkansas Code § 24-4-804(c)(2), concerning those members
4 who are exempt from the provisions of the deferred retirement option plan
5 requiring separation from service, is amended to read as follows:

6 (2)(A)(i) This section does not apply to a member who:

7 (a) Was an employee of the Arkansas Forestry
8 Commission, the Arkansas Livestock and Poultry Commission, the Arkansas Board
9 of Animal Health, or the State Plant Board;

10 (b) Is a participant in the plan; and

11 (c) Is an essential seasonal staff member with
12 the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry~~
13 ~~Commission~~ Board of Animal Health, or the State Plant Board.

14 (ii) This section does not apply to a member who:

15 (a) Was an employee of the Department of
16 Agriculture;

17 (b) Is a participant in the plan; and

18 (c) Is an essential seasonal staff member with
19 the department.

20 (B) As used in subdivision (c)(2)(A) of this section,
21 “essential seasonal staff member” means an employee of the department, the
22 Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~
23 Board of Animal Health, or the State Plant Board who:

24 (i) Has specialized knowledge, skill, or training
25 pertaining to necessary duties or tasks to be completed by the department,
26 the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry~~
27 ~~Commission~~ Board of Animal Health, or the State Plant Board in times of
28 emergency, disaster cleanup, extreme weather, or other circumstances deemed
29 pressing by the department, the Arkansas Forestry Commission, the Arkansas
30 ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant
31 Board; and

32 (ii) Is employed by the department, the Arkansas
33 Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of
34 Animal Health, or the State Plant Board on a part-time basis:

35 (a) During times of emergency, disaster
36 cleanup, extreme weather, or other circumstances deemed pressing by the

1 department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and~~
2 ~~Poultry Commission~~ Board of Animal Health, or the State Plant Board; or

3 (b) As an instructor to train other staff for
4 times of emergency, disaster cleanup, extreme weather, or other circumstances
5 deemed pressing by the department, the Arkansas Forestry Commission, the
6 Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the
7 State Plant Board.

8
9 SECTION 83. Arkansas Code § 25-15-104(a)(1)(K), concerning the
10 subpoena powers of certain boards and commissions, is amended to read as
11 follows:

12 (K) Arkansas ~~Livestock and Poultry Commission~~ Board of
13 Animal Health, § 2-33-101 et seq.;

14
15 SECTION 84. Arkansas Code § 25-16-903(27), concerning the stipends
16 provided to members of certain state boards and commissions, is amended to
17 read as follows:

18 (27) Arkansas ~~Livestock and Poultry Commission~~ Board of Animal
19 Health;

20
21 SECTION 85. Arkansas Code § 25-38-202(b)(3)(A)(ii)(d), concerning the
22 authorization for the Secretary of the Department of Agriculture to delegate
23 authority regarding rules, orders, or directives promulgated by the Arkansas
24 Livestock and Poultry Commission, is amended to read as follows:

25 (d) Arkansas ~~Livestock and Poultry Commission~~
26 Board of Animal Health;

27
28 SECTION 86. Arkansas Code § 25-38-206(a)(2), concerning the transfer
29 of personnel, administrative functions, human resources, and accounting
30 offices of the Arkansas Livestock and Poultry Commission to the Department of
31 Agriculture, is amended to read as follows:

32 (2) The Arkansas ~~Livestock and Poultry Commission~~ Board of
33 Animal Health;

34
35 SECTION 87. Arkansas Code § 25-38-211(a)(5), concerning the transfer
36 of certain agricultural boards, commissions, committees, bureaus, programs,

1 and offices to the Department of Agriculture, is amended to read as follows:

2 (5) The Arkansas ~~Livestock and Poultry Commission~~ Board of
3 Animal Health, created under § 2-33-101;

4
5 SECTION 88. Arkansas Code § 25-43-202(a)(6), concerning state entities
6 transferred to the Department of Agriculture, is amended to read as follows:

7 (6) The Arkansas ~~Livestock and Poultry Commission~~ Board of
8 Animal Health, created under § 2-33-101;

9
10 SECTION 89. Arkansas Code § 26-52-518(a)(3)(C)(ii), concerning
11 exclusions from the definition of "special events" related to returns and
12 remittance of tax under the gross receipts tax, is amended to read as
13 follows:

14 (ii) The four states livestock show that has
15 been approved under the rules of the Arkansas ~~Livestock and Poultry~~
16 ~~Commission~~ Board of Animal Health to receive state funds; or