

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative J. Miller**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A MILK LABORATORY ANTIBIOTIC DRUG
9 CERTIFICATION PROGRAM IN THE ARKANSAS DEPARTMENT OF
10 HEALTH; AND FOR OTHER PURPOSES."

Subtitle

13 "TO ESTABLISH A MILK LABORATORY ANTIBIOTIC DRUG
14 CERTIFICATION PROGRAM IN THE ARKANSAS DEPARTMENT OF
15 HEALTH."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. As used in this act:

20 (1) "Laboratory Certification Program" means a program administered by
21 the Department of Health to certify laboratories to test milk for the presence
22 of antibiotic drugs in a manner consistent with guidelines established by the
23 Food and Drug Administration Laboratory Quality Assurance Branch.

24 (2) "Evaluation Officer" means an individual who has been trained,
25 tested, and certified by the Department of Health in accordance with
26 guidelines established by the Food and Drug Administration Laboratory Quality
27 Assurance Branch to certify milk industry laboratories to test milk for the
28 presence of antibiotic drugs.

29 (3) "Laboratory" means a laboratory that tests raw milk received from
30 dairy producers for the presence of antibiotic drugs. A laboratory may be
31 located in a dairy plant, a dairy cooperative, receiving station, transfer
32 station or other places where milk samples from bulk trucks or dairy producers
33 are collected and/or tested. "Laboratory" shall not include a laboratory that
34 performs quality control tests developed by the Dairy Herd Improvement
35 Association (DHIA) or any cooperative field man or plant field man that

1 performs tests on milk quality or butterfat.

2 (4) "Dairy Plant" means any place, premises or establishment where milk
3 or milk products are collected, handled, processed, stored, pasteurized,
4 bottled, or prepared for distribution.

5 (5) "Dairy Cooperative" means an association of dairy producers
6 organized for the mutual benefit of the dairy producers.

7 (6) "Dairy Producer" means any person who produces bulk milk for sale
8 to a dairy cooperative, dairy plant or other processor.

9 (7) "Dairy Processor" means any place, premises or establishment that
10 receives raw milk and pasteurizes and prepares it for human consumption.

11 (8) "Department" means the Arkansas Department of Health.

12 (9) "Division" means the Division of Public Health Laboratories of the
13 department.

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15 SECTION 2. (a) The Division of Public Health Laboratories of the
16 Arkansas Department of Health may establish a program to certify laboratories
17 to test milk for the presence of antibiotic drugs and to certify evaluation
18 officers to certify such laboratories in accordance with guidelines
19 established by the Food and Drug Administration-Laboratory Quality Assurance
20 Branch. The program shall be known as the "Milk Laboratory Antibiotic Drug
21 Testing Program".

22 (b) The department shall have the authority to promulgate such rules
23 and regulations as necessary to administer this act.

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25 SECTION 3. (a) By June 1 of each year, the department shall determine
26 the cost of the laboratory certification program, which shall not exceed
27 twenty-two thousand dollars (\$22,000) for the first fiscal year and which
28 shall not exceed the actual cost of operating the program for any subsequent
29 year. Each laboratory participating in the program shall be assessed a fee to
30 be determined by dividing the total cost of operating the program by the
31 number of laboratories participating in the program.

32 (1) Beginning on August 1 of each year the program is in
33 operation, the department shall collect fees from the laboratories.

34 (2) Failure to pay the assessed fee by October 1 of each year the
35 program is in operation will result in a late penalty of five percent (5%) of

1 the assessed fee.

2 (3) Failure to pay the assessed fee and any penalty by October 31
3 shall render the laboratory certification invalid.

4 (b) Any laboratory that wishes to become certified in standard plate
5 count, cryoscope, direct microscopic somatic cell count and electronic somatic
6 cell count shall be assessed an additional fee of seven hundred and fifty
7 dollars (\$750) to be paid by August 1 of each year.

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9 SECTION 4. (a) All fees and fines collected under this act are hereby
10 declared special revenues and shall be deposited in the State Treasury to the
11 credit of the Public Health Fund. All fees and fines collected under this act
12 are to be spent solely in support of the Milk Laboratory Antibiotic Drug
13 Certification Program.

14 (b) Subject to such rules and regulations as may be implemented by the
15 Chief Fiscal Officer of the State, the Disbursing Officer for the Department
16 of Health is hereby authorized to transfer all unexpended funds relative to
17 the Milk Laboratory Antibiotic Drug Certification Program that pertain to fees
18 collected, as certified by the Chief Fiscal Officer of the State, to be
19 carried forward and made available for the expenditure for the same purpose
20 for any following fiscal year.

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22 SECTION 5. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 6. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 7. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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35 SECTION 8. EMERGENCY. It is hereby found and determined by the General

1 Assembly of the State of Arkansas that current economic conditions and
2 budgetary constraints may limit the ability of the Department of Health to
3 adequately provide necessary services in the milk industry unless this act is
4 implemented upon passage. Therefore, an emergency is hereby declared to exist
5 and this act being necessary for the immediate preservation of the public
6 peace, health, and safety, shall be in full force and effect from and after
7 its passage and approval.

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