

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 355

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 2 OF
10 THE ARKANSAS CODE CONCERNING AGRICULTURE; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 2
15 OF THE ARKANSAS CODE CONCERNING
16 AGRICULTURE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 2-15-410(b), concerning the transportation
23 of industrial hemp, is amended to read as follows to make grammatical
24 corrections:

25 (b) Industrial hemp that is found in this state at any location off
26 the premises of an industrial hemp grower licensee is contraband and subject
27 to seizure by any law enforcement officer, unless the person in possession of
28 the industrial hemp has in his or her possession either:

29 (1) The proper licensing documents under this subchapter; or

30 (2) A bill of lading, or other proper documentation,
31 demonstrating that the industrial hemp was legally imported or is otherwise
32 legally present in this state under applicable state and federal laws
33 relating to industrial hemp.
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35 SECTION 2. Arkansas Code § 2-16-403(10) and (11), concerning the
36 definitions to be used under the Arkansas Pesticide Control Act, are repealed



1 to remove definitions that that are not used in the subchapter.

2 ~~(10) "EPA" means the United States Environmental Protection~~
3 ~~Agency;~~

4 ~~(11) "FIFRA" means the Federal Insecticide, Fungicide, and~~
5 ~~Rodenticide Act, 7 U.S.C. § 136 et seq., as amended;~~

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7 SECTION 3. Arkansas Code § 2-19-202(d), concerning the registration of
8 fertilizer brands and materials, is amended to read as follows to further
9 subdivide the language for clarification:

10 (d) Any commercial fertilizer sold must contain a minimum of twenty
11 (20) units of primary plant food, except for the following exemptions for
12 special agricultural crop fertilizer formulations and for specialty
13 fertilizers:

14 (1)(A) Commercial fertilizers which are needed in special cases
15 for special agricultural crop uses shall be permitted to be sold in less than
16 the combined twenty-unit minimum of primary plant food elements.

17 (B)(i) The special agricultural crop-use fertilizers with
18 less than the twenty-unit minimum shall be permitted for sale only after the
19 fertilizer grade is registered with the board.

20 (ii) In order to register the fertilizer grade, the
21 applicant shall submit a written justification which shall show the need for
22 such special fertilizer grade and shall include the fertilizer materials to
23 be used in the special agricultural crop fertilizer formulation.

24 (iii) The board or its designee shall evaluate the
25 formulation based on criteria established by rules of the board; and

26 (2)(A) A "specialty fertilizer" is any fertilizer distributed
27 primarily for nonfarm use, such as for home gardens, lawns, shrubs, flowers,
28 golf courses, municipal parks, cemeteries, greenhouses, and nurseries. ~~It may~~
29 ~~include fertilizers~~

30 (B) "Specialty fertilizer" includes a fertilizer used for
31 research or experimental purposes.

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33 SECTION 4. Arkansas Code § 2-19-501 is amended to read as follows to
34 further subdivide the language for clarification:

35 2-19-501. Definition.

36 "One hundred percent (100%) natural organic fertilizer" shall be

1 defined as and include the following:

2 (1)~~(A)~~ (B) One hundred percent (100%) organic fertilizer – Materials
3 derived from either plant or animal products containing one (1) or more
4 elements other than carbon, hydrogen, and oxygen which are essential for
5 plant growth~~+~~.

6 ~~(A)~~ (B) These materials may be subjected to biological
7 degradation processes under conditions of drying, composting, enzymatic or
8 anaerobic/aerobic bacterial action or any combination of these~~+~~.

9 ~~(B)~~ (C) These materials shall not be mixed with synthetic
10 materials;

11 (2) One hundred percent (100%) natural organic fertilizer shall
12 be processed from only one hundred percent (100%) animal substrate. No other
13 organic or inorganic, natural or synthetic, additives shall be used during
14 processing and no fortification may be used;

15 (3) One hundred percent (100%) natural organic fertilizers shall
16 contain as a guaranteed analysis not less than: nitrogen (N), four percent
17 (4.0%); phosphoric acid (P2O5), two percent (2.0%); and potash (K2O), four
18 percent (4.0%);

19 (4) Determination of the guaranteed analysis will be according
20 to methods adopted by the AOAC International. (Fertilizers and Materials
21 Containing Large Quantities of Organic Matter; 12th edition, With Following
22 Improvements.).

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24 SECTION 5. Arkansas Code § 2-34-201(2), concerning the definitions to
25 be used in relation to the brand registry for livestock, is amended to read
26 as follows to make a grammatical correction:

27 (2) “Livestock” and “animal” mean any ~~cattle~~ bovine, horse, or
28 mule.

29
30 SECTION 6. Arkansas Code § 2-34-210(c), concerning the sale of the
31 State Brand Book, is amended to read as follows for clarification:

32 (c) The county clerk and the sheriff of each county shall receive
33 copies of all State Brand Books and supplements without cost to their
34 respective county.

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36 SECTION 7. Arkansas Code § 2-38-101 is amended to read as follows to

1 make grammatical corrections:

2 2-38-101. Taking up animals.

3 Every citizen, a resident householder in any county in this state, on
4 finding any horse, mare, mule, jack, or jenny or any domesticated ~~cattle~~
5 bovine, ~~hogs~~ hog, or sheep, of any age running at large, the owner of which
6 is not known, may take the animal into his or her custody.

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8 SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

9 It is the intent of the General Assembly that:

10 (1) The enactment and adoption of this act shall not expressly
11 or impliedly repeal an act passed during the regular session of the Ninety-
12 Second General Assembly;

13 (2) To the extent that a conflict exists between an act of the
14 regular session of the Ninety-Second General Assembly and this act:

15 (A) The act of the regular session of the Ninety-Second
16 General Assembly shall be treated as a subsequent act passed by the General
17 Assembly for the purposes of:

18 (i) Giving the act of the regular session of the
19 Ninety-Second General Assembly its full force and effect; and

20 (ii) Amending or repealing the appropriate parts of
21 the Arkansas Code of 1987; and

22 (B) Section 1-2-107 shall not apply; and

23 (3) This act shall make only technical, not substantive, changes
24 to the Arkansas Code of 1987.

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