

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

# A Bill

**ACT 701 OF 1993**  
**HOUSE BILL 1854**

## 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."

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

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  
36 performs tests on milk quality or butterfat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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34           SECTION 8. EMERGENCY. It is hereby found and determined by the General  
35 Assembly of the State of Arkansas that current economic conditions and

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

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APPROVED: 3/24/93

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