



Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward  
Secretary of Agriculture

November 4, 2020

Arkansas Legislative Council  
Administrative Rules Subcommittee  
Lance Eads, Senate Chair  
Dan Sullivan, House Chair

ATTN:  
Jessica C. Sutton  
Administrator, Administrative Rules Review Section  
Bureau of Legislative Research  
One Capitol Mall  
5<sup>th</sup> Floor, Room L-513  
Little Rock, AR 72201

RE: Delinquent Rulemaking under Act 517 of 2019 – Department of Agriculture, Bureau of Standards  
(Act 501)

Dear Co-chairs:

Act 501 of 2019 (the Act) requires the Director of the Bureau of Standards to promulgate rules for the labeling of certain food products that contain synthetic products derived from a plant, insect, or other source, or products grown in a laboratory from animal cells. The Act seeks to regulate the use of terms like “meat”, “pork”, or “poultry” on the labels of such products.

On July 22, 2019, just days before the Act was to become effective, a lawsuit was filed in federal court challenging the constitutionality of the Act. Plaintiffs requested a preliminary injunction to enjoin enforcement of the Act pending litigation. The Court granted the Plaintiffs’ motion for preliminary injunction on December 11, 2019. Therefore, enforcement of this Act is enjoined pending the outcome of the lawsuit. The case has been set for trial the week of February 2021. We will remain under the injunction until at least that time.

Accordingly, no rules have been promulgated for the enforcement of this rule.

Sincerely,

Wade Hodge  
Chief Counsel  
Arkansas Department of Agriculture