



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

December 9, 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
5th 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 8, 2021.

The parties have recently requested that the Court issue a decision based upon the evidence presented at the hearing for preliminary injunction. This will allow the Court to issue a decision prior to the February court date. We will remain under the injunction until the Court issues its decision.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Wade Hodge".

Wade Hodge
Chief Counsel

Arkansas Department of Agriculture