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ARKANSAS DEPARTMENT OF AGRICULTURE

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DEPARTMENT OF AGRICULTURE'S REPORT ON RULES TO BE ADOPTED PURSUANT TO 2021 ACTS OF THE ARKANSAS GENERAL ASSEMBLY

Department Acts

Act 418

Creates a State Meat Inspection Program; amends the Arkansas Meat and Meat Products Inspection Act to transfer authority over meat inspection to the Department of Agriculture; authorizes the Department to collect application fees and fees for services relating to the inspection of animals, birds, or products that are not regulated under the Federal Meat Inspection Act; and both requires and authorizes the Secretary of Agriculture to adopt rules.

Status: New rules are required. The initial draft of those proposed rules is currently being drafted.

Act 901

Amends the Arkansas Unpaved Roads Program Act to transfer duties of that Act to the Department of Agriculture and authorizes the Department to promulgate rules and award grant funds.

Status: New rules are necessary. The initial draft of those proposed rules is currently being drafted.

Livestock & Poultry Commission Acts

Act 692

Amends the law regarding feral hogs to provide the Livestock & Poultry Commission (ALPC) authority to issue civil penalties for transporting or releasing feral hogs into the wild and establishes a permit fee for airborne eradication of feral hogs which will provide revenue to offset the cost of administering airborne eradication permits.

Status: Amendments to two separate rules are necessary. Amendments to the ALPC's Swine Rule and Feral Hog Airborne Eradication Rule have been approved by ALPC, reviewed and approved by the Governor, and are currently in the public comment period.

Act 700

Establishes a Fair-Funding Program within the Department of Agriculture and repeals existing law regarding Livestock Shows and Fairs requiring use of an outdated points system for funding of fairs and livestock shows.

Status: The repeal of the ALPC's rule based on the outdated points system has been approved by the Commission, reviewed and approved by the Governor, completed the public comment period, and is awaiting review by the ALC Administrative Rules subcommittee.

Act 716

Amends the law regarding the legal methods of fowl carcass disposal and provides that extrusion and cooking for swine food are no longer allowed.

Status: This law will require amendments to both the ALPC's Fowl Carcass Disposal Rule and its Garbage Feeding for Swine Rule. The amendment to the Garbage Feeding for Swine Rule has been approved by the ALPC, reviewed and approved by the Governor, completed the public comment period, and is awaiting review by the ALC Administrative Rules subcommittee.

As noted, an amendment to the Fowl Carcass Disposal Rule is also necessary. However, the ALPC currently has separate rules for Fowl Carcass Disposal and Large Animal Carcass Disposal. Therefore, the ALPC proposes to repeal the two existing carcass disposal rules and adopt one new rule for covering both large animal and fowl carcass disposal. The repeal of the two existing carcass disposal rules and the adoption of a new carcass disposal rule have been approved by the ALPC, reviewed and approved by the Governor, completed the public comment period, and is awaiting review by the ALC Administrative Rules subcommittee.

Milk Stabilization Board Acts

Act 521

Amends the Arkansas Milk Stabilization Board Act and provides that the Milk Stabilization Board (MSB) shall require that an Arkansas milk producer receive Class 1 prices for milk utilized or sold as fluid milk in this state. It further provides that the MSB may make and enforce rules it deems necessary to effectively carry out the provisions of the Act.

Status: New rules are necessary. The initial draft of those proposed rules is currently being drafted.

Natural Resources Commission Acts

Act 563

Amends the time period for completing projects under the Water Resource Conservation and Development Incentives Act.

Status: While the Act does not explicitly require the promulgation of rules, existing rules of the Arkansas Natural Resources Commission (ANRC) will need to be amended to reflect the project deadlines changed by the Act. Rule amendments have been drafted and are ready to be presented to the ANRC. One rule amendment will be proposed to cover both this Act and Act 875, below.

Act 875

Amends the Water Resource Conservation and Development Incentives Act by increasing the tax credit that can be issued to projects under the Act, increasing the time allowed for an entity to take a Tax Credit issued to those projects, and expanding the tax credit to include projects in counties adjacent to counties with Critical Groundwater Areas.

Status: While the Act does not explicitly require the promulgation of rules, existing rules of the ANRC will need to be amended to reflect the project amounts and deadlines changed by the Act. Rule amendments have been drafted and are ready to be presented to the ANRC. One rule amendment will be proposed to cover both this Act and Act 563, above.

Act 605

Amends the law concerning retail water providers by giving ANRC the authority to determine when a water provider is in financial distress and to determine when a new provider is required. It also requires ANRC to adopt rules regarding rate studies, training for members of the advisory board, and general rules to implement the law.

Status: New rules are required. The initial draft of the proposed rules is currently being drafted.

Plant Board Acts

Act 364

Amends the Abandoned Agricultural Pesticide Disposal Act to provide for an increase in the pesticide registration fee from \$50 to an amount not to exceed \$100 to be used for collection and disposal of abandoned pesticides across the state.

Status: A rule amendment has been drafted and is ready to be presented to the Plant Board.

Act 565

Repeals the Arkansas Industrial Hemp Act and establishes the Arkansas Industrial Hemp Production Act. This Act provides for the transition of the current hemp program from a pilot program established under the 2014 Farm Bill to an agricultural production program under the 2018 Farm Bill.

Status: Repeal of existing Plant Board rules and promulgation of new rules will be necessary. Drafting of proposed rules is currently ongoing.

Veterinary Medical Examining Board Acts

Act 130

Authorizes the Veterinary Medical Examining Board (VMEB) to promulgate rules regarding telehealth and telemedicine and to issue Restricted Licenses for veterinarians who have graduated veterinary school but have not yet passed the national and state examinations.

Status: The Act will require amendments to the VMEB's Fees rule and will require a new rule for telehealth. Amendments to the Fees Rule have been approved by Board, reviewed and approved by the Governor, and are currently in the public comment period. A proposed Telehealth Rule is currently being drafted.

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