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ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

November 3, 2021

Arkansas Legislative Council
Administrative Rules Subcommittee
Kim Hammer, Senate Chair
Les Eaves, House Chair

ATTN:
Jessica C. Whittaker
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 matter was set for trial the week of February 8, 2021, however, the parties 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 without the necessity of a trial. As of this date the Court has not ruled, and we will remain under the injunction until the Court issues its decision.

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

Sincerely,

Wade Hodge
Chief Counsel
Arkansas Department of Agriculture