

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/25/19

# A Bill

HOUSE BILL 1846

5 By: Representatives Sullivan, Hillman  
6 By: Senators B. Johnson, D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ARKANSAS GRAIN GRADING ACT;  
10 AND FOR OTHER PURPOSES.  
11  
12  
13  
14

### Subtitle

16 TO ESTABLISH THE ARKANSAS GRAIN GRADING  
17 ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code Title 2, Subtitle 2, is amended to add an  
23 additional chapter to read as follows:

#### CHAPTER 25 ARKANSAS GRAIN GRADING ACT

##### 2-25-101. Title.

27 This chapter shall be known and may be cited as the "Arkansas Grain  
28 Grading Act".  
29

##### 2-25-102. Definitions.

31 As used in this chapter:

32 (1) "Grain" means corn, soybeans, and wheat;

33 (2) "Grain dealer" means a person or entity that receives grain  
34 from a grain producer and sells or distributes grain commercially;

35 (3) "Official grading agency" means an agency or laboratory  
36 authorized by the United States Department of Agriculture Grain Inspection,



1 Packers, and Stockyards Administration to provide official inspection and  
2 weighing services on the behalf of the Grain Inspection, Packers, and  
3 Stockyards Administration; and

4 (4) "Producer" means a farmer who grows grain and delivers grain  
5 to a grain dealer.

6  
7 2-25-103. Administration.

8 (a) The Arkansas Agriculture Department shall adopt rules governing  
9 the standards for sampling and grading grain that are consistent with the  
10 standards for sampling and grading grain developed by the United States  
11 Department of Agriculture.

12 (b) The Arkansas Agriculture Department shall certify:

13 (1) Grain dealers that employ grain samplers and graders; and

14 (2) Courses of instruction in the methods of sampling and  
15 grading grain.

16 (c) The Arkansas Agriculture Department shall issue a certificate to a  
17 grain dealer who conducts a course of instruction for sampling and grading  
18 grain that is satisfactory to the Arkansas Agriculture Department.

19 (d) A grain dealer who issues grades for grain shall:

20 (1) Sample and grade each load of grain delivered by a producer  
21 within twenty-four (24) hours of the time the grain is delivered to the grain  
22 dealer; and

23 (2) Retain each sample of grain received from a producer that is  
24 subject to excessive deductions for grain damage or foreign material.

25 (e)(1) The Arkansas Agriculture Department shall promulgate a rule  
26 regarding the level of deduction that is excessive for each type of grain.

27 (2) The rule shall:

28 (A) Include the deductions for grain damage or foreign  
29 material;

30 (B) Be based upon the numerical grades determined for each  
31 type of grain by the United States Department of Agriculture; and

32 (C) Include a provision allowing for variance in the  
33 moisture level of a sample, which shall not subject the sample to re-  
34 inspection.

35 (f) Samples of grain that are subject to excessive deductions shall be  
36 retained in separate containers for two (2) days from the date the sample was

1 graded.

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3 2-25-104. Disputes.

4 (a) If a dispute arises regarding the grading of a sample that is  
5 subject to excessive deductions, the grain dealer or the producer, or both,  
6 may request that the sample be regraded by an official grading agency for an  
7 official grade that shall be deemed the official grade of the disputed  
8 sample.

9 (b) If a regrading is requested, the grain dealer shall provide the  
10 sample to the agency at the requester's expense.

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12 2-25-105. Enforcement.

13 (a) An employee of the Arkansas Agriculture Department may inspect  
14 randomly selected grain dealers to ensure the grain dealer is certified by  
15 the department for sampling and grading grain.

16 (b) An employee of the grain dealer that is responsible for sampling  
17 and grading grain is required to demonstrate through skill an adequate  
18 knowledge of sampling and grading grain as determined by the department.

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20 2-25-106. Penalties.

21 (a) If the Arkansas Agriculture Department conducts an inspection of a  
22 grain dealer as permitted under § 2-25-105(a) and determines that a grain  
23 dealer who issues grades does not take samples of graded grain in a manner  
24 consistent with the standards adopted by the department, the department may  
25 place the grain dealer on probation.

26 (b)(1) If a grain dealer who issues grades for grain is placed on  
27 probation, an employee of an official grading agency may inspect randomly  
28 selected samples of graded grain to determine whether the grain dealer is  
29 taking samples and grading grain in a manner consistent with the rules  
30 adopted by the department.

31 (2) The samples of graded grain shall be obtained and an  
32 inspection performed during the normal working hours of the grain dealer.

33 (3) The grain dealer shall pay for the samples of graded grain  
34 that are inspected.

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*/s/Sullivan*

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**APPROVED: 4/8/19**