

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-157

State of Arkansas

As Engrossed: H2/3/09 S2/23/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1046

By: Representatives Ragland, King, J. Burris, M. Burris, Dale, Glidewell, M. Martin, Rice

By: Senator Whitaker

Filed with: House Interim Committee on Agriculture, Forestry and Economic Development
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PROTECT THE RIGHTS OF ANIMAL PRODUCERS;
AND FOR OTHER PURPOSES.

Subtitle

THE FREEDOM TO FARM ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 2, Chapter 1 is amended to add an additional subchapter to read as follows:

2-1-301. Title.

This subchapter shall be known and may be cited as the "Freedom to Farm Act of 2009".

2-1-302. Findings.

The General Assembly finds that:

(1) Animal ownership by hobbyists, commercial producers, and home food providers make valuable contributions to this state

(2) Animal ownership rights should be protected;

(3) Animal ownership and animal production should be encouraged because they are a major part of the culture, customs, and economy of this state;

(4) Protecting the right of ownership, production, exhibition,



1 and sale of animals is integral to ensuring the economic growth and general
2 welfare of this state; and

3 (5) Economic concerns and excessive regulation have caused many
4 Arkansas families to abandon the ownership and production of animals.

5 2-1-303. Purpose.

6 The purpose of the Freedom to Farm Act is to encourage and protect
7 animal ownership, animals, home food production, direct farm-to-consumer
8 sales, hobby production, off-farm commercial sales, animal exhibition, and
9 businesses that serve animal owners.

10
11 2-1-304. Definitions.

12 (1) "Animal" means any living creature except a human being, a
13 cat, a dog, or an insect.

14 (2) "Animal owner" means any natural person, firm, partnership,
15 association, or corporation that owns, rents, or provides care for an animal;

16 (3) "Electronic identification" means any method of
17 identification utilizing:

18 (A) A radio frequency tag;

19 (B) Biometrics, including deoxyribonucleic acid and
20 retinal imaging;

21 (C) An injectable transponder or microchip;

22 (D) A tattoo read by a scanner; or

23 (E) Any identification method that utilizes an instrument
24 capable of reading or transmitting identification data;

25 (4) "Premises" means a location at which an animal is grown,
26 held, exhibited, or sold; and

27 (5) "Voluntary" means an informed act of free choice that is not
28 compelled by legal obligation, fraud, undue influence, compulsion, coercion,
29 or solicitation by false, misleading, or concealed information.

30
31 2-1-305. Registration and permitting prohibited.

32 Unless otherwise required by a law or rule that was in effect before
33 January 1, 2009, no state agency shall require an animal owner or real estate
34 owner to:

35 (1) Register or enroll in the National Animal Identification
36 System;

- (2) Register the animal owner's premises or property;
- (3) Have a premises identification; or
- (4) Use an electronic identification device on or in an *animal*.

2-1-306. Voluntary participation.

Nothing in this subchapter shall prohibit or restrict an animal owner or real estate owner from voluntarily participating in a premises registration program or an animal electronic identification program, or both.

2-1-307. Application.

This subchapter does not affect or limit the authority of the Arkansas State Game and Fish Commission.

/s/ Ragland