



ARKANSAS DEPARTMENT OF AGRICULTURE



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DEPARTMENT OF AGRICULTURE'S REPORT ON RULES TO BE ADOPTED PURSUANT TO 2023 ACTS OF THE ARKANSAS GENERAL ASSEMBLY

The Arkansas Department of Agriculture submits this rule promulgation status report in compliance with Ark. Code Ann § 25-15-216. Of the 2023 Acts requiring rules from the Department, one rule became effective in March, one rule became effective in April, six are in the process of being finalized, and one is under review. The Department determined that rules are not necessary for Act 588, Act 594, and Act 691. The Department's request to have those excluded from the reporting requirement of Ark. Code Ann § 25-15-216 was approved by the Arkansas Legislative Council on January 26, 2024. Additional information on the seven remaining rules is included below.

Act 161

Act 161 provides for the Veterinary Medical Examining Board (VMEB) to issue additional certifications for Veterinary Technician Specialists (VTS) who may enter into a collaborative practice agreement with a veterinarian. However, Act 691 abolished the VMEB and transferred its authority and rules to the Arkansas Livestock and Poultry Commission. Act 161 requires VTSs to keep records "in accordance with the rules of the board" and further provides for the establishment of initial and renewal application fees "as determined by the board." The public comment period on three rules promulgated in accordance with Acts 161 and 691 ended on March 18, 2024, and a public hearing was held on March 15, 2024. The Arkansas Livestock and Poultry Commission reviewed the comments, determined that no changes were required, and approved the final rules on April 10, 2024. The Department has requested that the rules be placed on the May ALC Administrative Rules Committee agenda.

Act 598

The Arkansas Livestock and Poultry Commission (Commission) is vested with authority to enforce the provisions of the Arkansas Egg Marketing Act and promulgate rules as may be necessary. Ark. Code Ann. § 20-58-214. Act 598 amends the Egg Marketing Act by adding a provision regarding the direct delivery of eggs to consumers to address food safety in home grocery delivery which will allow delivery of eggs as long as they are maintained at a temperature of 45 degrees or less. Most provisions of Act 598 are self-implementing and require no rulemaking. However, an amendment to Commission rules implementing the Egg Marketing Act regarding the method of maintaining the temperature of eggs during direct delivery to consumers will be necessary. The public comment period ended on March 18, 2024, and a public hearing was held on March 15, 2024. No comments were received. The Arkansas Livestock and Poultry Commission approved the final rule on April 10, 2024. The Department has requested that the rule be placed on the May ALC Administrative Rules Committee agenda.

Act 600

Act 600 transfers responsibilities for registration of poultry feeding operations from the Arkansas Natural Resources Commission to the Department. The Act repeals a subsection of the law which provided that portions of the registration program may be delegated to conservation districts and repeals a subsection providing that conservation districts may retain a portion of the annual registration fee. Rulemaking will be required to remove conservation district responsibilities from the rule and to establish the fee. The public comment period ended on March 18, 2024, and a public hearing was held on March 15, 2024. No comments

were received. The Arkansas Livestock and Poultry Commission reviewed the final rule on April 10, 2024. The Department has requested that the rule be placed on the May ALC Administrative Rules Committee agenda.

Act 690

Act 690 returns control of conservation district board member elections from the Arkansas Natural Resources Commission (ANRC) to the local districts. While the Act did not explicitly require the promulgation of rules, the provisions in the existing ANRC rule required an amendment to conform to changes in the Act. The public comment period ended on March 18, 2024, and a public hearing was held on March 15, 2024. The Natural Resources Commission reviewed the comments, determined that no changes were required, and approved the final rule on April 10, 2024. The Department has requested that the rule be placed on the May ALC Administrative Rules Committee agenda.

Act 824

Act 824 provides that the Department of Agriculture, in consultation with the Division of Environmental Quality, has authority over all liquid animal waste management systems in the state, including issuance of permits for those systems. The Act requires the Department to adopt rules but provides that the Department shall use the current Pollution Control and Ecology Commission Regulation No. 5 until the Department promulgates rules. The draft rule is in the review process.

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