

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 1938

4  
5 By: Representatives Milum, Davis, Angel, Agee, Wood, Bond, Wilkinson, Gullett, Cleveland, Broadway  
6 By: Senators Scott, K. Smith, Hunter

## For An Act To Be Entitled

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10 "AN ACT TO PROVIDE A CAUSE OF ACTION FOR DISPARAGEMENT  
11 OF PERISHABLE AGRICULTURAL FOOD PRODUCTS; AND FOR  
12 OTHER PURPOSES. "

## Subtitle

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15 "TO PROVIDE A CAUSE OF ACTION FOR  
16 DISPARAGEMENT OF PERISHABLE AGRICULTURAL  
17 FOOD PRODUCTS. "

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

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22 SECTION 1. The General Assembly finds, determines, and declares that  
23 the production of agricultural food products constitutes an important and  
24 significant portion of the state economy and that it is imperative to protect  
25 the vitality of the agricultural economy for the citizens of this state by  
26 providing a cause of action for agricultural producers to recover damages for  
27 the disparagement of any perishable agricultural product.

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29 SECTION 2. (a) "Disparagement" means the willful or negligent  
30 dissemination to the public in any manner of any false information that a  
31 perishable agricultural food product is not safe for human consumption.

32 (b) "False information" means information which is not based on  
33 reliable, scientific facts and reliable scientific data which the disseminator  
34 knows or should have known to be false.

35 (c) "Perishable agricultural food product" means any agricultural or  
36 aquacultural food product or commodity grown or produced within the State of

1 Arkansas which is sold or distributed in a form that will perish or decay  
 2 within a reasonable period of time.

3 (d) "Producer" means the person who actually grows or produces  
 4 perishable agricultural food products.

5 (e) The definitions in this section are applicable only to this act  
 6 unless otherwise provided by law.

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 8 SECTION 3. (a) Any producer or any association representing producers  
 9 of perishable agricultural food products which suffers damages as a result of  
 10 another person's disparagement of any such perishable agricultural food  
 11 product may bring an action for damages and for any other relief a court of  
 12 competent jurisdiction deems appropriate including, but not limited to,  
 13 compensatory and punitive damages plus attorney's fees and costs.

14 (b) The provisions of this act shall not apply to the dissemination of  
 15 information through radio, television or newspaper mediums.

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 17 SECTION 4. The statute of limitations for disparagement of perishable  
 18 agricultural food products is two (2) years from the date the disparagement  
 19 occurs.

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 21 SECTION 5. All provisions of this act of a general and permanent nature  
 22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 23 Revision Commission shall incorporate the same in the Code.

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 25 SECTION 6. If any provision of this act or the application thereof to  
 26 any person or circumstance is held invalid, such invalidity shall not affect  
 27 other provisions or applications of the act which can be given effect without  
 28 the invalid provision or application, and to this end the provisions of this  
 29 act are declared to be severable.

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 31 SECTION 7. All laws and parts of laws in conflict with this act are  
 32 hereby repealed.

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