

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/1/03
A Bill

HOUSE BILL 2573

5 By: Representatives Ledbetter, Hathorn, *Milligan, L. Prater*
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8 **For An Act To Be Entitled**

9 THE ARKANSAS LIVESTOCK AND POULTRY GROWERS
10 PROTECTION ACT.

11
12 **Subtitle**

13 THE ARKANSAS LIVESTOCK AND POULTRY
14 GROWERS PROTECTION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) As used in this section:

20 (1) "Contractor" means a person who owns poultry or livestock
21 that is raised or cared for by a livestock or poultry grower;

22 (2) "Livestock or poultry grower" means a person engaged in the
23 business of raising and caring for livestock or poultry in accordance with a
24 growout contract, marketing agreement, or other arrangement under which a
25 livestock or poultry grower raises and cares for livestock or poultry,
26 whether the livestock or poultry is owned by the person or by another person;

27 (3) "Production contract" means any written agreement that
28 provides for the raising and care of livestock or poultry by a livestock or
29 poultry producer for a contractor; and

30 (4) "Production" means to raise and care for livestock or
31 poultry under the terms of a livestock or poultry production contract.

32 (b) Livestock and poultry production contracts shall:

33 (1) Be written in a readable form and shall be accompanied by a
34 clearly written disclosure statement setting forth the nature of the material
35 risks faced by the livestock or poultry grower, if the livestock or poultry
36 grower enters into a livestock or poultry production contract;



1 (2) Be negotiated and entered into in an environment free from
2 unfair or deceptive trade practices or other violations of law;

3 (3) Not require disclosure of trade secrets;

4 (4) Not require livestock or poultry growers to reveal
5 intellectual property rights nor disclose personal financial information or
6 production practices;

7 (5) Not prohibit nor discourage livestock or poultry growers
8 from associating with other livestock or poultry growers to compare contract
9 terms or address concerns or problems;

10 (6) Not prohibit nor discourage livestock or poultry growers
11 from seeking professional, legal, financial and agricultural production
12 advice and counsel related to production contract terms, obligations and
13 responsibilities;

14 (7) Not allow a contractor to terminate any livestock or poultry
15 growers contract with a livestock or poultry producer that has complied with
16 the provisions of the livestock or poultry production contract; and

17 (8)(A) Not deny livestock or poultry growers of the ability to
18 address a dispute in the Arkansas courts.

19 (B) The livestock or poultry growers contract may contain
20 a provision to have the option of submitting any dispute arising under a
21 livestock or poultry production contract to arbitration, which shall be fully
22 explained to the grower.

23 (c)(1) Any provision of a livestock or poultry production contract
24 which violates the provisions of subsection (b) of this section is void and
25 unenforceable.

26 (2) This subsection (c) shall not affect other provisions of a
27 livestock or poultry production contract, including a contract or related
28 document, policy, or agreement which can be given effect without the voided
29 provision.

30 (d)(1) A livestock or poultry grower who suffers damages because of a
31 contractor's violation of the provisions of subsection (b) of this section
32 may obtain appropriate legal and equitable relief, including, but not limited
33 to, injunctive relief and punitive damages.

1 (2) In a civil action against the contractor, the court may
2 award the livestock or poultry producer who is the prevailing party,
3 reasonable attorney fees and other litigation expenses.

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5 */s/ Ledbetter, et al*
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