

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/3/09
A Bill

HOUSE BILL 1046

5 By: Representatives Ragland, King, J. Burris, M. Burris, Dale, Glidewell, M. Martin, Rice
6 By: Senator Whitaker
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO PROTECT THE RIGHTS OF ANIMAL PRODUCERS;
11 AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 THE FREEDOM TO FARM ACT.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 2-1-301. Title.

22 This subchapter shall be known and may be cited as the "Freedom to Farm
23 Act of 2009".
24

25 2-1-302. Findings.

26 The General Assembly finds that:

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

29 (2) Animal ownership rights should be protected;

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

33 (4) Protecting the right of ownership, production, exhibition,
34 and sale of animals is integral to ensuring the economic growth and general
35 welfare of this state; and

36 (5) Economic concerns and excessive regulation have caused many



1 Arkansas families to abandon the ownership and production of animals.

2 2-1-303. Purpose.

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

7
8 2-1-304. Definitions.

9 (1)(A) "Animal" means any living creature except a human being
10 or an insect;

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

13 (3) "Electronic identification" means any method of
14 identification utilizing:

15 (A) A radio frequency tag;

16 (B) Biometrics, including deoxyribonucleic acid and
17 retinal imaging;

18 (C) An injectable transponder or microchip;

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

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

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

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

27
28 2-1-305. Registration and permitting prohibited.

29 Unless otherwise required by a law or rule that was in effect before
30 January 1, 2009, no state, county, city, or private agency shall require an
31 animal owner or real estate owner to:

32 (1) Register or enroll in the National Animal Identification
33 System;

34 (2) Register the animal owner's premises or property;

35 (3) Have a premises identification; or

36 (4) Use an electronic identification device on or in an animal.

