

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

# A Bill

HOUSE BILL 1046

4  
5 By: Representative Ragland  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO PROTECT THE RIGHTS OF ANIMAL PRODUCERS;  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 THE FREEDOM TO FARM ACT.  
14  
15

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

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

20 2-1-301. Title.

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

24 2-1-302. Findings.

25 The General Assembly finds that:

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

28 (2) Animal ownership rights should be protected;

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

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

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



1           2-1-303. Purpose.

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

6  
 7           2-1-304. Definitions.

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

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

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

14                           (A) A radio frequency tag;

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

17                           (C) An injectable transponder or microchip;

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

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

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

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

26  
 27           2-1-305. Registration and permitting prohibited.

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

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

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

34                   (3) Have a premises identification;

35                   (4) Use an electronic identification device on or in an animal;

36                   (5) Secure a permit or a license for ownership or production of

1 an animal; or

2 (6) Report the movement, sale, or purchase of an animal.

3  
4 2-1-306. Voluntary participation.

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

8 (b)(1) An animal owner or real estate owner may terminate his or her  
9 voluntary participation in a premises registration or animal identification  
10 program by written notice to the head of the program.

11 (2) Upon receipt of the animal owner's or real estate owner's  
12 notice under subdivision (b)(1) of this section and unless otherwise  
13 instructed in that notice, the premises registration program or animal  
14 electronic identification program shall immediately delete:

15 (A) The name of the animal owner or real estate owner and  
16 the premises identification; and

17 (B) Any other information concerning that animal owner or  
18 real estate owner from any of the program's databases in which information  
19 has been recorded.

20 (3) The head of the premises registration program or animal  
21 electronic identification program shall verify in writing to the animal owner  
22 or real estate owner terminating his or her participation in the program that  
23 the requirements of subdivision (b)(2) of this section have been satisfied.

24 (c) If an animal owner or real estate owner has been assigned a  
25 premises identification without his or her written consent, the head of the  
26 premises registration program or animal electronic identification program  
27 shall delete:

28 (1)(A) The name of the animal owner or real estate owner and the  
29 premises identification; and

30 (B) Any other information concerning that animal owner or  
31 real estate owner from any of the program's databases in which information  
32 has been recorded; and

33 (2) Within thirty (30) days of satisfying the requirements of  
34 subdivision (c)(1) of this section, provide the animal owner or real estate  
35 owner written notice that the requirements of subdivision (c)(1) of this  
36 section have been satisfied.