

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 As Engrossed: H2/23/09 S3/10/09 S3/12/09 S3/18/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1451

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5 *By: Representatives Hoyt, Reynolds, T. Baker, Breedlove, J. Brown, Cole, L. Cowling, Dismang, George,*
6 *Hall, Harrelson, Hawkins, House, Lovell, McCrary, Overbey, Perry, Pierce, Powers, Saunders, Slinkard,*
7 *Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, J. Roebuck, Pyle, M. Burris, M. Martin,*
8 *Ragland*

9 By: Senators Bryles, J. Jeffress, G. Jeffress, J. Taylor, D. Wyatt

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For An Act To Be Entitled

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AN ACT TO ENSURE AN ADEQUATE SUPPLY OF ARKANSAS

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MILK FOR ARKANSAS CONSUMERS; TO STABILIZE AND

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STIMULATE DAIRY FARMS IN ARKANSAS; TO CREATE THE

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DAIRY STABILIZATION FUND; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT TO ENSURE AN ADEQUATE SUPPLY OF

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ARKANSAS MILK FOR ARKANSAS CONSUMERS; TO

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STABILIZE AND STIMULATE DAIRY FARMS IN

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ARKANSAS; AND TO CREATE THE DAIRY

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STABILIZATION FUND.

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

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28 SECTION 1. Arkansas Code Title 2, Chapter 10, is amended to add an
29 additional subchapter to read as follows:

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2-10-201. Definitions.

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As used in this subchapter:

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(1) "Butter" means the fatty substance obtained from milk by

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churning;

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(2) "Cheese" means solid foods made from pressed curds of milk,

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including hard, American, processed, shredded, mozzarella, and cream;

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(3) "Cultured milk products" means yogurt, cottage cheese, and



1 sour cream;

2 (4)(A) "Dairy products" means refrigerated or frozen items sold
3 to consumers in Arkansas that are processed directly from raw milk.

4 (B) "Dairy products" includes without limitation:

5 (i) Butter;

6 (ii) Cheese;

7 (iii) Cultured milk products;

8 (iv) Fluid milk; and

9 (v) Ice cream.

10 (C) "Dairy products" does not include a dairy product that
11 is used as an ingredient for a nondairy finished product;"

12 (5) "Fluid milk" means whole, reduced fat, skim, flavored, and
13 buttermilk, including cream and half and half;

14 (6) "Ice cream" means flavored cream or custard made from milk,
15 sweetened and frozen, including full fat, low fat, ice milk, frozen yogurt,
16 and milk sherbet;

17 (7) "Milk producer" means any person or entity that operates a
18 bovine dairy farm that possesses a valid permit signed by the administrator
19 of the Arkansas Grade "A" Milk Program; and

20 (8) "Wholesaler" means a person or entity that is engaged as a
21 distributor or manufacturer who receives, stores, manufactures, or sells milk
22 or other dairy products to retail sellers in Arkansas.

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24 2-10-202. Dairy fee.

25 (a) A wholesaler shall pay a dairy fee of thirty cents (30¢) per
26 hundred weight on packaged milk and an equivalent amount as determined by the
27 Secretary of the Arkansas Agriculture Department on other dairy products sold
28 in Arkansas.

29 (b)(1) The dairy stabilization fee shall be assessed and collected by
30 the Director of the Department of Finance and Administration.

31 (2) The director shall deposit the dairy fee into general
32 revenues.

33 (c) A wholesaler that is subject to the dairy fee under this section
34 shall file a monthly return and remit the fee for the month to the Director
35 of the Department of Finance and Administration on or before the 15th day of
36 the month next following the month in which the sale was made.

1 (d) The secretary shall provide quarterly reports to the Arkansas Milk
2 Stabilization Board regarding the assessment, collection, and disbursement of
3 moneys collected under this section.

4 (e) If an Arkansas retailer purchases milk or dairy products from an
5 unlicensed wholesaler, distributor, or manufacturer for sale in Arkansas, the
6 retailer shall pay the fee when the property is transferred to a retail store
7 for sale to the ultimate consumers as reflected in the records of the
8 retailer.

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10 2-10-206. Rules.

11 The Director of the Department of Finance and Administration shall
12 adopt rules to implement this subchapter.

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15 /s/ Hoyt
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