

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 563

By: Senator Maloch

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ARKANSAS AGRICULTURE
DEPARTMENT TO PROMULGATE RULES REGARDING THE LABELING
OF AGRICULTURAL PRODUCTS THAT ARE EDIBLE BY HUMANS;
TO AUTHORIZE THE ARKANSAS AGRICULTURE DEPARTMENT TO
RECEIVE AND INVESTIGATE COMPLAINTS REGARDING
VIOLATIONS OF THE RULES REGARDING LABELING; TO
AUTHORIZE THE ARKANSAS AGRICULTURE DEPARTMENT TO
ASSESS A CIVIL PENALTY FOR VIOLATIONS OF THE RULES
REGARDING LABELING; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE ARKANSAS AGRICULTURE
DEPARTMENT TO PROMULGATE RULES REGARDING
LABELING OF AGRICULTURAL PRODUCTS AND TO
RECEIVE AND INVESTIGATE COMPLAINTS; AND
TO AUTHORIZE A CIVIL PENALTY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.
It is the intent of the General Assembly to protect consumers from misleading
and false labeling of agricultural products that are edible by humans by
initiating this act.

SECTION 2. Arkansas Code § 25-38-203 is amended to read as follows:
25-38-203. Arkansas Agriculture Department – Powers and duties.

(a) The Arkansas Agriculture Department shall:



1 (1) Administer the departments, institutions, other agencies, or
2 parts of departments, institutions, or other agencies transferred to the
3 department under §§ 25-38-204 and 25-38-205;

4 (2) Coordinate all existing programs and create any new programs
5 that will enhance the marketing of the state's agricultural products to
6 intrastate, national, and international markets;

7 (3) Establish a clearinghouse for collecting, correlating,
8 analyzing, and interpreting marketing and educational information and data
9 concerning needs of and resources for agriculture, aquaculture, horticulture,
10 forestry, and kindred industries;

11 (4) Develop a website devoted to marketing and education
12 concerning agriculture, aquaculture, horticulture, forestry, and kindred
13 industries, including a distinctive logo publicizing products as "Grown in
14 Arkansas";

15 (5) Encourage the organization of neighborhood and county
16 agricultural clubs and associations;

17 (6) Coordinate the various activities of the department with
18 those of the federal government and other states on matters pertaining to
19 agriculture, aquaculture, horticulture, forestry, and kindred industries and
20 enter into agreements for that purpose;

21 (7) Coordinate with existing programs concerning agriculture,
22 aquaculture, horticulture, forestry, and kindred industries with the
23 University of Arkansas Division of Agriculture;

24 (8) Make all contracts and grants and employ, to the extent
25 funds are available, such personnel as may be necessary to carry out the
26 purposes of this chapter; and

27 (9) Assist other departments, agencies, and institutions of the
28 state and federal governments, when so requested, by performing services in
29 conformity with the purposes of this chapter.

30 (b) The department may:

31 (1) Promulgate rules regarding the labeling of horticultural,
32 viticultural, livestock, and poultry products that are edible by humans,
33 including without limitation, rice;

34 (2) Receive and investigate complaints regarding alleged
35 violations of the rules promulgated under subdivision (b)(1) of this section;
36 and

1 (3)(A) Assess a civil penalty not to exceed one thousand dollars
2 (\$1,000) for each violation of the rules promulgated under subdivision (b)(1)
3 of this section.

4 (B) A civil penalty assessed and collected under
5 subdivision (b)(3)(A) of this section shall be deposited into the Plant Board
6 Fund.

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8 SECTION 3. Arkansas Code § 19-6-301, concerning the enumeration of
9 special revenues, is amended to add an additional subdivision to read as
10 follows:

11 (263) Civil penalties collected under § 25-38-203.
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