

State of Arkansas

93rd General Assembly

Regular Session, 2021

A Bill

HOUSE BILL 1315

By: Representatives Vaught, Barker, Beaty Jr., Beck, Bentley, M. Berry, Boyd, Bragg, Breaux, Brooks, Brown, Cavanaugh, Bryant, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby, M. Davis, Deffenbaugh, Dotson, Eaves, Ennett, Eubanks, Evans, K. Ferguson, C. Fite, L. Fite, Fortner, Furman, D. Garner, Gazaway, Gonzales, M. Gray, Haak, Hillman, Holcomb, Hollowell, Hudson, Jean, Jett, L. Johnson, Lundstrum, Lynch, Maddox, McClure, McCullough, McGrew, McNair, Miller, Milligan, Payton, Perry, Richmond, Rye, B. Smith, S. Smith, Speaks, Tollett, Wardlaw, Warren, Watson, Wing, Womack, Wooten

By: Senators Hill, G. Stubblefield, A. Clark, B. Ballinger, B. Davis, J. Dismang, J. English, Flippo, T. Garner, K. Hammer, J. Hendren, Hester, Rapert, Rice, J. Sturch, D. Sullivan, Teague

For An Act To Be Entitled

AN ACT TO CREATE A STATE MEAT INSPECTION PROGRAM; TO AMEND THE ARKANSAS MEAT AND MEAT PRODUCTS INSPECTION ACT; TO AMEND THE MEAT AND MEAT PRODUCTS CERTIFICATION ACT; TO CREATE THE STATE MEAT INSPECTION PROGRAM FUND; TO TRANSFER AUTHORITY OVER MEAT INSPECTION TO THE DEPARTMENT OF AGRICULTURE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A STATE MEAT INSPECTION PROGRAM; TO AMEND THE ARKANSAS MEAT AND MEAT PRODUCTS INSPECTION ACT; TO TRANSFER AUTHORITY OVER MEAT INSPECTION TO THE DEPARTMENT OF AGRICULTURE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 12, is



1 amended to add an additional section to read as follows:

2 19-5-1269. State Meat Inspection Program Fund.

3 (a) There is created on the books of the Treasurer of State, the
 4 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
 5 fund to be known as the "State Meat Inspection Program Fund".

6 (b) The fund shall consist of:

7 (1) Fees collected under § 20-60-212;

8 (2) Moneys obtained from federal grants or other sources that
 9 are designated to be credited to the fund;

10 (3) Gifts, grants, and other moneys both public and private; and

11 (4) Other revenues as may be authorized by law.

12 (c) The fund shall be used by the Department of Agriculture for
 13 expenses of the State Meat Inspection Program.

14
 15 SECTION 2. Arkansas Code Title 20, Chapter 60, Subchapter 2, is
 16 amended to read as follows:

17 Subchapter 2 – Arkansas Meat and Meat Products Inspection Act

18
 19 20-60-201. Title.

20 This subchapter shall be known and may be cited as the "Arkansas Meat
 21 and Meat Products Inspection Act".

22
 23 20-60-202. Policy – Legislative findings.

24 (a) The General Assembly finds that:

25 (1) Meat and meat food products are an important source of the
 26 supply of human food in this state;

27 (2) ~~Legislation, and legislation~~ to assure that the food
 28 supplies are wholesome, unadulterated, and otherwise fit for human
 29 consumption and properly labeled is in the public interest;

30 (3) The lack of a state meat inspection program causes a
 31 significant loss of revenue generated from meat processing for this state and
 32 stifles opportunities for farmers in this state to expand their meat
 33 processing capacity;

34 (4) A state meat inspection program would ensure the
 35 preservation of family farms and local businesses and enhance rural economic
 36 development as well as the environmental and social wealth of rural

1 communities;

2 (5) Without a state meat inspection program, it is currently
 3 prohibitively expensive for food banks to receive and distribute meat, which
 4 limits the ability of food banks to provide senior citizens with meals
 5 containing high amounts of protein and other important nutrients;

6 (6) A state meat inspection program would decrease the cost of
 7 receiving and distributing meat for food banks and allow food banks to
 8 provide meals containing high amounts of protein and other important
 9 nutrients to senior citizens who are often underserved by food assistance
 10 programs; and

11 (7) A state meat inspection program that is locally controlled
 12 would preserve the ability of communities to produce, process, sell,
 13 purchase, and consume locally produced foods.

14 ~~(b) Therefore, it is declared to be the~~ The policy of this state is to
 15 provide for the inspection of livestock slaughtered, ~~and the~~ livestock
 16 carcasses, parts ~~thereof~~ of livestock carcasses, and meat food products
 17 processed ~~therefrom~~, from livestock slaughtered for human food, at certain
 18 establishments to prevent the distribution in intrastate commerce, ~~for human~~
 19 ~~consumption~~, of livestock carcasses, ~~and parts thereof~~ of livestock
 20 carcasses, and meat food products ~~which that~~ are unwholesome, adulterated, or
 21 otherwise ~~unfit for human food~~ inedible by humans, or are improperly labeled
 22 or falsely advertised.

23 24 20-60-203. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 ~~(1) "Adulterated" shall apply to any livestock carcass, part~~
 27 ~~thereof, or meat food product under one (1) or more of the following~~
 28 ~~circumstances~~ means that a livestock carcass, part of a livestock carcass, or
 29 meat food product meets one (1) or more of the following criteria:

30 (A) If it The livestock carcass, part of a livestock
 31 carcass, or meat food product bears or contains any poisonous or deleterious
 32 substance ~~which that~~ may render it the livestock carcass, part of a livestock
 33 carcass, or meat food product injurious to health. ~~However, if the substance~~
 34 ~~is not an added substance, the article shall not be considered adulterated~~
 35 ~~under this subdivision (1)(A) if the quantity of the substance does not~~
 36 ~~ordinarily render it injurious to health;~~

1 (B)(i) ~~If it~~ The livestock carcass, part of a livestock
 2 carcass, or meat food product bears or contains any added poisonous or added
 3 deleterious substance, unless the substance is permitted in ~~its~~ the
 4 production of livestock carcasses, parts of a livestock carcass, or meat food
 5 products or is unavoidable under good manufacturing practices as may be
 6 determined by rules prescribed by the Secretary of the ~~Department of Health~~
 7 Department of Agriculture.

8 (ii) However, any quantity of added substances
 9 exceeding the ~~limit so fixed~~ fixed limit ~~shall also be deemed to constitute~~
 10 constitutes adulteration;

11 (C) ~~If any~~ A substance has been substituted, wholly or in
 12 part, ~~therefor~~ for the livestock carcass, part of a livestock carcass, or
 13 meat food product;

14 (D) ~~If damage or inferiority~~ Damage to or inferiority of
 15 the livestock carcass, part of a livestock carcass, or meat food product has
 16 been concealed in any manner;

17 (E) ~~If any~~ A valuable constituent has been in whole or in
 18 part omitted or abstracted ~~therefrom~~ from the livestock carcass, part of a
 19 livestock carcass, or meat food product; or

20 (F) ~~If any substance has been added thereto or mixed or~~
 21 ~~packed therewith so as to increase its bulk or weight, or reduce its quality~~
 22 ~~or strength, or make it appear better or of greater value than it is~~ A
 23 substance has been added to the livestock carcass, part of a livestock
 24 carcass, or meat food product for the purpose of:

25 (i) Increasing the bulk or weight of the livestock
 26 carcass, part of a livestock carcass, or meat food product;

27 (ii) Reducing the quality or strength of the
 28 livestock carcass, part of a livestock carcass, or meat food product; or

29 (iii) Making the livestock carcass, part of a
 30 livestock carcass, or meat food product appear to be better or of greater
 31 value than the livestock carcass, part of a livestock carcass, or meat food
 32 product is;

33 (2) "Advertisement" means ~~all representations~~ a representation
 34 disseminated in any manner or by any means other than by labeling for the
 35 purpose of inducing, or ~~which are~~ that is likely to induce, directly or
 36 indirectly, the purchase of meat or meat food products;

~~(3) "Board" means the State Board of Health;~~

~~(4)(3) "Container" and "package" include~~ means any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover;

~~(5) "Director" means the Director of the Department of Health of this state, or any person authorized to act in his or her stead;~~

~~(6) "Federal Meat Inspection Act" means the Act of Congress approved March 4, 1907, as amended and extended, and the imported meat provisions of subsections 306(b) and (c) of the Tariff Act of 1930, as amended;~~

(4) "Direct producer-to-consumer transaction" means a face-to-face transaction involving meat or meat food products at the site of production of the meat or meat food products;

~~(7)(5) "Immediate container" means any consumer~~ package container or any other container in which ~~an article~~ meat or a meat food product, not consumer packaged, is packed;

~~(8) "Inspection service" means the official governmental service within the Department of Health of this state designated by the director as having the responsibility for carrying out the provisions of this subchapter;~~

~~(9)(6) "Inspector" means an employee or official of this state authorized by the~~ director or secretary to inspect livestock, ~~or~~ livestock carcasses, or parts thereof of livestock carcasses, or meat food products under ~~the authority of~~ this subchapter;

~~(10)(7) "Intrastate commerce" means~~ commerce the buying, selling, or exchanging of meat or meat food products within this state;

~~(11)(8) "Label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container~~ of meat or meat food product, including, but not limited to, without limitation any individual consumer package of an article or accompanying the article container of meat or a meat food product or accompanying the meat or meat food product;

~~(12)(9) "Livestock" means cattle, sheep, swine, goats, or horses;~~

~~(13)(10) "Meat" means any edible part of the carcass of any livestock;~~

~~(14)(11)(A) "Meat food product" means any article of food, or any article~~ food or food product intended for ~~or capable of~~ use as human

1 food, ~~which~~ that is derived or prepared, in whole or in part, from any
2 portion of any livestock.

3 (B) "Meat food product" does not include a food or food
4 product that is, unless exempted by the ~~director~~ secretary upon ~~his or her~~
5 the determination of the secretary that the ~~article~~ food or food product:

6 (A)(i) Contains only a minimal amount of meat and is not
7 represented as a meat food product; or

8 (B)(ii) Is for medicinal purposes and is advertised only
9 to the medical profession;

10 (15)(12)(A) "Official establishment" means any establishment in
11 this state as determined by the ~~director~~ secretary at which inspection of the
12 slaughter of livestock or the processing of livestock, ~~or livestock~~
13 carcasses, ~~or parts thereof~~ of livestock carcasses, or meat food products is
14 maintained under ~~the authority of~~ this subchapter.

15 (B) ~~However, the term "official establishment" as used in~~
16 ~~this subchapter shall not be construed to mean livestock or meat sold by the~~
17 ~~producer thereof on his, her, or its own farm or ranch on an occasional basis~~
18 ~~directly to the consumer and user thereof~~ "Official establishment" does not
19 include the farm or ranch of the producer of livestock or meat where the
20 livestock or meat is sold on an occasional basis directly to the consumer and
21 user of the livestock or meat;

22 (16)(13) "Official inspection mark" means any symbol, formulated
23 ~~pursuant to~~ under rules prescribed by the secretary, stating that ~~an article~~
24 ~~was meat or a meat food product has been~~ inspected and passed;

25 (17)(14) "Person" means any individual, partnership,
26 corporation, association, or any other business entity;

27 (18)(15) "Shipping container" means any container used or
28 intended for use in packaging the ~~article~~ meat or meat food product packed in
29 an immediate container;

30 (19)(16) "Unwholesome" means:

31 (A) Unsound, injurious to health, containing any
32 biological residue not permitted by rules prescribed by the secretary, or
33 otherwise rendered unfit for human food;

34 (B) Consisting in whole or in part of any filthy, putrid,
35 or decomposed substance;

36 (C) Processed, prepared, packed, or held under unsanitary

conditions whereby any livestock carcass, ~~or part thereof~~ of a livestock carcass, or ~~any~~ meat food product may have become contaminated with filth or may have been rendered injurious to health;

(D) Produced in whole or in part from livestock ~~which~~ that has died otherwise than by slaughter; or

(E) Packaged in a container composed of any poisonous or deleterious substance ~~which~~ that may render the contents injurious to health; and

~~(20)~~(17) "Wholesome" means sound, healthful, clean, and otherwise ~~fit for human food~~ edible by humans.

20-60-204. Exceptions.

(a)(1) The Secretary of the ~~Department of Health~~ Department of Agriculture shall, by rule and under ~~such conditions as to~~ conditions regarding labeling, sanitary standards, practices, and procedures ~~as~~ he or she may prescribe, exempt from specific provisions of this subchapter:

(A) ~~Livestock producers~~ A livestock producer with respect to livestock carcasses, ~~and parts thereof~~ of livestock carcasses, and meat food products, processed by ~~them~~ the livestock producer from livestock of ~~their~~ the livestock producer's own raising on ~~their own farms~~ the producer's own farm and used by ~~them~~ the livestock producer for personal or private consumption, but in no instance ~~where~~ in which the meat or meat food product is to be offered or used for public consumption;

~~(B) Any person engaged in slaughtering livestock or processing livestock carcasses or parts thereof or meat food products for intrastate commerce and the articles so processed by the person, whenever the secretary determines that it would be impracticable to provide inspection and that the exemption will aid in the effective administration of this subchapter;~~

~~(C)~~(B) ~~Persons~~ A person slaughtering livestock or otherwise processing or handling livestock carcasses, ~~or parts thereof~~ of livestock carcasses, or meat food products, ~~which~~ that have been or are to be processed as required by recognized religious dietary laws, to the extent that the secretary determines is necessary to avoid conflict with the requirements while still effectuating the purposes of this subchapter; and

~~(D)~~(C) Any establishment engaged in slaughtering livestock

1 or processing livestock carcasses, ~~or parts thereof~~ of livestock carcasses,
 2 or meat food products for intrastate commerce, and the ~~articles so~~ livestock
 3 carcass, part of a livestock carcass, or meat food product processed by the
 4 establishment when the establishment is subject to inspection under a city
 5 ordinance ~~which~~ that sets standards in conformity with the minimum standards
 6 determined by the secretary.

7 (2) The secretary may, by order, suspend or terminate any
 8 exemption under this section with respect to any person whenever ~~he or she~~
 9 the secretary finds that the action will aid in effectuating the purposes of
 10 this subchapter.

11 (b) This subchapter ~~shall~~ does not apply to:

12 (1) Any ~~any~~ act or transaction subject to regulation under the
 13 Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., as in effect on January
 14 1, 2021, where if the standards required under the ~~federal act~~ Federal Meat
 15 Inspection Act, 21 U.S.C. § 601 et seq., as in effect on January 1, 2021, are
 16 in conformity with the minimum standards determined by the secretary;

17 (2) The custom slaughtering by any person of livestock for
 18 direct producer-to-consumer transactions in compliance with all applicable
 19 state laws and rules and federal laws and regulations; or

20 ~~(c)(1)(3)(A) This subchapter shall not apply to the~~ The custom
 21 slaughtering by any person, firm, or corporation of cattle, sheep, swine, or
 22 goats of livestock delivered by the owner thereof of the livestock for the
 23 slaughter and the preparation by the slaughterer and transportation in
 24 commerce of the livestock carcass, parts thereof of the livestock carcass,
 25 meat, and meat food products of the animals, exclusively for use in the
 26 household of the owner by him or her and members of his or her household and
 27 his or her nonpaying guests and employees the owner, members of the owner's
 28 household, and the owner's nonpaying guests and employees.

29 ~~(2) However, the custom slaughterer or processor must not engage~~
 30 ~~in the business of buying or selling any carcass, parts thereof, meat, or~~
 31 ~~food products of any cattle, sheep, swine, goats, or equines capable of use~~
 32 ~~as human food except those products which have been inspected and passed for~~
 33 ~~wholesomeness under continuous state or federal board of agriculture~~
 34 ~~inspection and are properly marked or labeled with the official inspection~~
 35 ~~legends of the appropriate agency.~~

36 ~~(3)(B) To maintain entitlement for the exemption under this~~

1 subsection:

2 ~~(A)~~(i) The custom establishment ~~must~~ shall comply with the
3 rules ~~which the secretary is authorized to promulgate~~ promulgated by the
4 secretary to ~~assure~~ insure that any livestock carcasses, parts ~~thereof~~ of
5 livestock carcasses, meat, or meat food products prepared, or any containers
6 ~~or packages~~ containing uninspected, exempted custom meat and meat food
7 products, are separated at all times from inspected livestock carcasses,
8 parts ~~thereof~~ of livestock carcasses, ~~or~~ meat, or meat food products prepared
9 for sale;

10 ~~(B)~~(ii) All Unless processed for a direct producer-to-
11 consumer transaction, all uninspected meat and meat food products prepared on
12 an exempted custom basis ~~must~~ shall be plainly marked "Not For Sale"
13 immediately after being prepared and ~~kept so identified~~ remain marked "Not
14 For Sale" until delivered to the owner;

15 ~~(C)~~(iii) The official establishment conducting the
16 exempted custom operation ~~must~~ shall be maintained and operated in a sanitary
17 manner; and

18 ~~(D)~~(iv) The meat and meat food products ~~so~~ prepared ~~must~~
19 shall not be adulterated, mislabeled, or misbranded according to ~~the~~
20 ~~provisions of~~ this subchapter.

21 ~~(d)~~(c) This subchapter ~~shall~~ does not affect any existing right of
22 cities or towns to levy occupation taxes or license fees against official
23 establishments covered in this subchapter.

24
25 20-60-205. Penalties.

26 (a)(1) For a first offense, a ~~Any~~ person who violates the provisions
27 of this subchapter ~~shall upon conviction be~~ upon conviction is subject to
28 imprisonment for not more than six (6) months or a fine of not less than one
29 hundred dollars (\$100) nor more than three thousand dollars (\$3,000), or both
30 imprisonment and fine+.

31 ~~(1)~~(2) If the violation is committed after one (1) conviction of
32 the person under this section, the person shall be subject to imprisonment
33 for not more than one (1) year or a fine of not less than one thousand
34 dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both
35 imprisonment and fine+ ~~or~~.

36 ~~(2)~~(3) If the violation is committed after two (2) or more

convictions of the person under this section have become final, the person shall be subject to imprisonment for not more than two (2) years or a fine of not less than three thousand dollars (\$3,000) nor more than ten thousand dollars (\$10,000), or both imprisonment and fine.

(b) When construing or enforcing ~~the provisions of~~ this subchapter, the act, omission, or failure of any person acting for or employed by ~~an individual, partnership, corporation, association, or other business unit~~ another person within the scope of his or her employment or office shall in every case be deemed the act, omission, or failure of the ~~individual, partnership, corporation, association, or other business unit~~ other person, as well as of the person acting for or employed by the other person.

(c) ~~No~~ A carrier or warehouseman ~~shall be~~ is not subject to the penalties of this subchapter other than the penalties for violation of § 20-60-215 by reason of his or her receipt, carriage, holding, or delivery in the usual course of business as a carrier or warehouseman of livestock carcasses, parts ~~thereof~~ of livestock carcasses, or meat food products owned by another person unless the carrier or warehouseman has knowledge or is in possession of facts ~~which~~ that would cause a reasonable person to believe that the ~~articles~~ livestock, parts of livestock carcasses, or meat food products were not inspected or marked in accordance with ~~the provisions of~~ this subchapter or were not otherwise in compliance with this subchapter.

(d) ~~Nothing in this subchapter shall be construed as requiring~~ This subchapter does not require the Secretary of the ~~Department of Health~~ Department of Agriculture to report violations of this subchapter for criminal prosecution ~~whenever~~ if the secretary believes that the public interest will be adequately served and compliance with this subchapter obtained by a suitable written notice of warning.

20-60-206. Secretary of the ~~Department of Health~~ Department of Agriculture – Powers and duties – State Meat Inspection Program.

(a)(1)(A) The Secretary of the ~~Department of Health~~ Department of Agriculture shall promulgate ~~such~~ rules and appoint ~~such veterinarians and other~~ qualified personnel as ~~are~~ necessary to carry out the purposes or provisions of this subchapter.

(B) The rules shall be in conformity with the rules and regulations under the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq.

as in effect on January 1, 2021, ~~as now in effect~~ and with subsequent amendments ~~thereof~~ of the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., unless ~~they~~ the rules and regulations under the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., are considered by the secretary as not to be in accord with the objectives of this subchapter.

(2)(A) Notice of proposed rules shall be given to all establishments licensed under this subchapter.

(B) A hearing shall be called by the secretary at which proponents and opponents of the proposed rules shall be given the opportunity to present arguments supporting their positions.

(C) The time, place, and procedure for the hearing shall be determined by the secretary.

~~(D) No proposed rules shall~~ A proposed rule shall not become effective until after the hearing.

(b) The secretary may cooperate with the United States Government in carrying out the provisions of this subchapter and the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., as in effect on January 1, 2021.

(c) The secretary shall:

(1) Create a program to be known as the "State Meat Inspection Program" within the Department of Agriculture to perform inspections required by this subchapter;

(2) Consult with the meat and meat food products industry, including the Arkansas Livestock and Poultry Commission, as well as the Department of Health, when developing the procedures, rules, and policies regarding the program;

(3) Hire inspectors to inspect:

(A) Livestock that are subject to inspection under this subchapter;

(B) Livestock carcasses, parts of livestock carcasses, meat, and meat food products; and

(C) Sanitary conditions of official establishments in which meat and meat food products are prepared; and

(4) Designate at least eight (8) inspectors.

20-60-207. Compliance with subchapter required.

~~No~~ An official establishment in this state shall not slaughter any

1 livestock or process any livestock carcasses, ~~or parts thereof~~ of livestock
 2 carcasses, or meat food products for human consumption except in compliance
 3 with the requirements of this subchapter.

4
 5 20-60-208. Application for license or exemption.

6 (a)(1) Applications for inspection or licensure exemption shall be
 7 made on forms ~~furnished~~ provided by the Secretary of the ~~Department of Health~~
 8 Department of Agriculture.

9 (2) An application fee shall be submitted with the application.

10 (b) A license shall be good for one (1) year, or any quarter ~~thereof~~
 11 of a year, expiring on December 31 of the year ~~it~~ the license is issued.

12 ~~Applicants for licenses shall be required to obtain~~ An applicant
 13 for a license under this subchapter shall submit an application for a license
 14 for each official establishment owned by ~~them~~ the applicant.

15 (d) Before any license is issued, an inspection shall be made by the
 16 secretary to determine the acceptability of the official establishment to do
 17 business as desired by the applicant in ~~his or her~~ the applicant's
 18 application for license or exemption.

19
 20 20-60-209. Inspection and sanitary practices required.

21 (a) Each official establishment at which livestock are slaughtered or
 22 livestock carcasses, ~~or parts thereof~~ of livestock carcasses, or meat food
 23 products are processed for intrastate commerce shall have the premises,
 24 facilities, and equipment inspected and shall be operated in accordance with
 25 ~~such~~ sanitary practices as ~~are~~ required by rules prescribed by the Secretary
 26 of the ~~Department of Health~~ Department of Agriculture for the purpose of
 27 preventing the entry into and movement in intrastate commerce of livestock
 28 carcasses, parts thereof of livestock carcasses, and meat food products ~~which~~
 29 that are unwholesome or adulterated.

30 ~~No livestock carcasses or parts thereof~~ A livestock carcass, part
 31 of a livestock carcass, or meat food product, shall not be admitted into any
 32 official establishment unless ~~they have~~ ;

33 (1) The livestock carcass, part of a livestock carcass, or meat
 34 food product has been prepared only under inspection pursuant to under this
 35 subchapter or the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., as in
 36 effect on January 1, 2021; or their admission

1 (2) The admission of the livestock carcass, part of a livestock
 2 carcass, or meat food product is permitted by rules prescribed by the
 3 secretary under this subchapter.

4 (c) The secretary shall refuse to render inspection to any official
 5 establishment whose premises, facilities, or equipment, or the operation
 6 ~~thereof~~ of the premises, facilities, or equipment of the official
 7 establishment, ~~fail~~ fails to meet the requirements of this section.

8
 9 20-60-210. Inspection procedures.

10 (a) For the purpose of preventing the entry into or movement in
 11 intrastate commerce of any livestock carcass, part ~~thereof~~ of a livestock
 12 carcass, or meat food product which that is unwholesome or adulterated and is
 13 intended for ~~or capable of~~ use as human food, the Secretary of the ~~Department~~
 14 ~~of Health~~ Department of Agriculture shall, ~~where~~ if and to the extent
 15 considered by him or her necessary, cause to be made by inspectors antemortem
 16 inspection of livestock in any official establishment where livestock are
 17 slaughtered for ~~such~~ intrastate commerce.

18 (b)(1) For the purpose stated in subsection (a) of this section, the
 19 secretary, whenever slaughtering or other processing operations are being
 20 conducted, shall cause to be made by inspectors postmortem inspection of the
 21 ~~carcasses and parts thereof~~ livestock carcass or part of the livestock
 22 carcass of each animal slaughtered in any official establishment.

23 (2) The secretary ~~He or she~~ shall cause to be made by inspectors
 24 an inspection of all meat food products processed in any official
 25 establishment in which meat food products are processed for intrastate
 26 commerce.

27 (c) The secretary shall also cause, at any time, such quarantine,
 28 segregation, and reinspection of livestock, livestock carcasses, ~~and~~ parts
 29 ~~thereof~~ of livestock carcasses, and meat food products in official
 30 establishments as he or she deems necessary to effectuate the purposes of
 31 this subchapter.

32 (d)(1) All livestock carcasses, ~~and parts thereof~~ of livestock
 33 carcasses, and meat food products, found by an inspector to be unwholesome or
 34 adulterated in any official establishment shall:

35 (A) Be ~~be~~ condemned; and

36 (B) If ~~shall, if~~ no appeal is taken from the determination

1 of condemnation, be destroyed for human food purposes under the supervision
2 of an inspector.

3 (2) However, ~~articles, which~~ meat or meat food products that may
4 be made wholesome and unadulterated by reprocessing need not be condemned and
5 destroyed if reprocessed under the supervision of an inspector and are
6 thereafter found by an inspector to be wholesome and unadulterated.

7 (3)(A) If any appeal is taken from the determination of
8 condemnation under subdivision (d)(1) of this section, the ~~articles~~ meat or
9 meat food products shall be appropriately marked and segregated pending
10 completion of an appeal inspection.

11 (B) If the determination of condemnation is sustained
12 under subdivision (d)(1) of this section, the ~~articles~~ meat or meat food
13 products shall be destroyed for human food purposes under the supervision of
14 an inspector.

15
16 20-60-211. Withdrawal and denial of inspection.

17 (a) The Secretary of the ~~Department of Health~~ Department of
18 Agriculture may withdraw or otherwise deny inspection under this subchapter
19 with respect to any official establishment for ~~such a period as he or she~~ the
20 secretary deems necessary to effectuate the purposes of this subchapter for
21 any violation of ~~the~~ this subchapter or any requirements ~~thereunder~~ of this
22 subchapter by the operation of the official establishment.

23 (b)(1) However, before a withdrawal or denial of inspection is
24 ordered, the secretary shall give the affected official establishment an
25 opportunity for a hearing at which the official establishment may present
26 evidence that ~~it~~ the official establishment has not violated ~~the~~ this
27 subchapter or any requirements ~~thereunder~~ of this subchapter.

28 (2) The hearing shall be held after notice to the official
29 establishment in ~~such the~~ manner as the secretary ~~shall determine by his or~~
30 ~~her rules~~ determines by rule.

31
32 20-60-212. Cost.

33 (a)(1) The cost of inspection rendered under this subchapter shall be
34 borne by this state.

35 (2)(A) The cost of overtime and holiday work performed in
36 official establishments subject to ~~the provisions of~~ this subchapter ~~at such~~

1 ~~rates as the Secretary of the Department of Health may determine~~ shall be
2 borne and paid by the official establishments.

3 (B) The rates for the cost of overtime and holiday work
4 shall be billed at a minimum of two (2) hours at the appropriate hourly rate.

5 (C) The hourly rates for the cost of overtime and holiday
6 work performed in official establishments shall be set as follows:

7 (i) Twenty-five dollars (\$25.00) per hour for
8 inspections provided for more than forty (40) hours in any workweek Monday
9 through Friday;

10 (ii) Thirty dollars (\$30.00) per hour for
11 inspections provided on a Saturday or Sunday that is not otherwise a legal
12 holiday; and

13 (iii) Thirty-five dollars (\$35.00) per hour for
14 inspections provided on days of public rest and legal holidays, other than
15 Saturdays and Sundays, observed by the Department of Agriculture.

16 (3) An inspector performing overtime and holiday work shall be
17 treated as though he or she were on compensatory leave and be compensated at
18 such compensation as shall equal the rates a compensatory rate equal to the
19 rate set by the secretary this section.

20 ~~(b) There is authorized to be appropriated such~~ The sums as are
21 necessary to carry out the provisions of this subchapter may be appropriated.

22 (c)(1) The department may collect fees for services required to be
23 performed under this subchapter relating to the inspection of animals, birds,
24 or products that are not regulated under the Federal Meat Inspection Act, 21
25 U.S.C. § 601 et seq., as in effect on January 1, 2021.

26 (2) The Secretary of the Department of Agriculture shall set, by
27 rule, the inspection fee in an amount sufficient to recover the department's
28 costs of providing services as described in subdivision (c)(1) of this
29 section.

30
31 20-60-213. Labeling and marking.

32 (a)(1) Each shipping container of any meat or meat food product,
33 inspected under the authority of this subchapter and found to be wholesome
34 and not adulterated, shall at the time the meat or meat food product leaves
35 the official establishment bear, in distinctly legible form, the official
36 inspection mark and the approved plant number of the official establishment

1 in which the contents were processed.

2 (2)(A) Each immediate container of any meat or meat food
3 product, inspected under ~~the authority of~~ this subchapter and found to be
4 wholesome and not adulterated, shall at the time the meat or meat food
5 product leaves the official establishment bear, in addition to the official
6 inspection mark, in distinctly legible form, i

7 (i) The ~~the~~ name of the meat or meat food product, i

8 (ii) A ~~a~~ statement of ingredients if fabricated from
9 two (2) or more ingredients, including a declaration as to artificial
10 flavors, colors, or preservatives, if any, i

11 (iii) The ~~the~~ net weight or other appropriate
12 measure of the contents, i

13 (iv) The ~~the~~ name and address of the processor, i and

14 (v) The ~~the~~ approved plant number of the official
15 establishment in which the contents were processed.

16 (B) The name and address of the distributor may be used in
17 lieu of the name and address of the processor if the approved plant number is
18 used to identify the official establishment in which the ~~article~~ meat or meat
19 food product was prepared and packed.

20 (3) Each livestock carcass and each ~~primal~~ part of a livestock
21 carcass shall bear the official inspection mark and approved plant number of
22 the establishment when ~~it~~ the livestock carcass or part of a livestock
23 carcass leaves the official establishment.

24 (4)(A) The Secretary of the ~~Department of Health~~ Department of
25 Agriculture may by rule require additional marks or ~~label~~ labeling
26 information to appear on livestock carcasses, ~~or parts thereof~~ of livestock
27 carcasses, or meat food products when ~~they~~ the livestock carcasses, parts of
28 livestock carcasses, or meat food products leave the official establishments
29 or at the time of ~~their~~ the transportation or sale of the livestock
30 carcasses, parts of livestock carcasses, or meat food products in this state.

31 (B) ~~He or she~~ The secretary may permit reasonable
32 variations and grant exemptions from the marking and labeling requirements of
33 this section in any number not in conflict with the purposes of this
34 subchapter.

35 (5) Marks and labels required under this section shall be
36 applied only by or under the supervision of an inspector.

(b) The use of any ~~advertising~~ advertisement or ~~any~~ written, printed, or graphic matter that is false or misleading is prohibited upon or accompanying:

(1) ~~Any~~ any livestock carcass, ~~or part thereof of a livestock carcass,~~ or meat food product inspected or required to be inspected ~~pursuant to the provisions of under~~ this subchapter; or

(2) ~~The~~ the container ~~thereof which of a livestock carcass, part of a livestock carcass, or meat food product is false or misleading in any particular, is prohibited.~~

(c)(1)(A) ~~No livestock carcasses or parts thereof~~ A livestock carcass, part of a livestock carcass, or meat food ~~products~~ product inspected or required to be inspected ~~pursuant to the provisions of under~~ this subchapter shall not be sold or offered for sale by any person, ~~firm, or corporation~~ under any false or deceptive name;.

(B) ~~Established but established~~ trade names ~~which that~~ that are usual to the ~~articles~~ meat or meat food products and ~~which that~~ that are not false or deceptive and ~~which that~~ that are approved by the secretary are permitted.

(2) If the secretary has reason to believe that any ~~advertising~~ advertisement or any label in use or prepared for use is false or misleading in any particular, ~~he or she~~ the secretary may direct that the use of the ~~advertising advertisement~~ or label be withheld unless ~~it the advertisement or label~~ is modified in such manner as he or she may prescribe a manner that the secretary prescribes so that ~~it the advertisement or label~~ will not be false or misleading.

(3) If the person using or proposing to use ~~any advertising~~ the advertisement or the label does not accept the determination of the secretary, ~~he or she~~ the person may request a hearing, but the use of the ~~advertising advertisement~~ or the label shall, if the secretary so directs, be withheld pending hearing and final determination by the secretary.

(4) Any determination by the secretary shall be conclusive unless within thirty (30) days after the receipt of notice of the final determination, the person adversely affected thereby appeals to the Pulaski County Circuit Court.

20-60-214. Prohibited acts.

The following acts or the causing ~~thereof~~ of the following acts within

1 this state ~~are~~ is prohibited:

2 (1) The processing ~~for, or~~ the sale or offering for sale,
3 transportation, or delivery or receiving for transportation, in intrastate
4 commerce, of any livestock carcass, ~~or part thereof~~ of a livestock carcass,
5 or meat food product unless:

6 (A) The livestock carcass, part of a livestock carcass, or
7 meat food product ~~the article~~ has been inspected for wholesomeness; and

8 (B) The livestock carcass, part of a livestock carcass, or
9 meat food product and the ~~unless the article and its shipping container of~~
10 the livestock carcass, part of a livestock carcass, or meat food product and
11 immediate container, if any, are marked in accordance with the requirements
12 ~~under of~~ this subchapter or the Federal Meat Inspection Act, 21 U.S.C. § 601
13 et seq., as in effect on January 1, 2021;

14 (2) The sale or other disposition for human food of any
15 livestock carcass, ~~or part thereof~~ of a livestock carcass, or meat food
16 product ~~which~~ that has been inspected and declared to be unwholesome or
17 adulterated under this subchapter;

18 (3) Doing any of the following:

19 (A) Falsely making or issuing, altering, forging,
20 simulating, counterfeiting, or using without proper authority any official
21 inspection certificate, memorandum, mark, or other identification, or device
22 for making a mark or identification, used in connection with inspection under
23 this subchapter;

24 (B) Causing, or causing, procuring, aiding, assisting in,
25 or being a party to false making, issuing, altering, forging, simulating,
26 counterfeiting, or unauthorized use;

27 (C) Knowingly or knowingly possessing, without promptly
28 notifying the Secretary of the ~~Department of Health~~ Department of Agriculture
29 or his or her representative, uttering, publishing, or using as true, or
30 causing to be uttered, published, or used as true, any falsely made or
31 issued, altered, forged, simulated, or counterfeited official inspection
32 certificate, memorandum, mark, or other identification, or device for making
33 a mark or identification;

34 (D) Representing or representing that any ~~article~~ meat or
35 meat food product has been officially inspected under the authority of this
36 subchapter when the ~~article~~ meat or meat food product has in fact not been ~~so~~

1 inspected under the authority of this subchapter; or

2 (E) Knowingly ~~or knowingly~~ making any false representation
3 in any certificate prescribed by the secretary in rules under this subchapter
4 or any form resembling the certificate;

5 (4) Using in intrastate commerce any false or misleading
6 ~~advertising~~ advertisement with respect to meat or meat food products;

7 (5) Using in intrastate commerce any false or misleading label
8 on any livestock carcass, ~~or part thereof~~ of a livestock carcass, or meat
9 food product;

10 (6) ~~The use of~~ Using any container bearing an official
11 inspection mark except for the ~~article~~ meat or meat food product in the
12 original form in which ~~it~~ the meat or meat food product was inspected and
13 covered by the official inspection mark unless the official inspection mark
14 is removed, obliterated, or otherwise destroyed;

15 (7) ~~The refusal~~ Refusing to permit access by any authorized
16 representative of the secretary at all reasonable times to the premises of an
17 official establishment in this state at which livestock are slaughtered or
18 the livestock carcasses, ~~or parts thereof~~ of livestock carcasses, or meat
19 food products are processed for intrastate commerce upon presentation of
20 appropriate credentials;

21 (8) ~~The refusal~~ Refusing to permit access to and the copying of
22 any record as authorized by § 20-60-215;

23 (9) ~~The using~~ Using by any person to his or her own advantage,
24 or revealing, other than to the authorized representatives of any government
25 agency in their official capacity, or to the courts when relevant in any
26 judicial proceeding, any information acquired under the authority of this
27 subchapter, concerning any matter ~~which~~ that as a trade secret is entitled to
28 protection;

29 (10) Delivering, receiving, transporting, selling, or offering
30 for sale or transportation in intrastate commerce for human consumption any
31 livestock carcass, ~~or part thereof~~ of a livestock carcass, or meat food
32 product ~~which~~ that has been processed in violation of any requirements under
33 this subchapter except as may be authorized by and ~~pursuant to~~ under rules
34 prescribed by the secretary;

35 (11) Delivering, receiving, transporting, selling, or offering
36 for sale or transportation in intrastate commerce any livestock carcass, ~~or~~

1 part ~~thereof~~ of a livestock carcass, or meat food product ~~which that~~ is
 2 exempted under § 20-60-204, is unwholesome or adulterated, and is intended
 3 for human consumption; and

4 (12) Applying to any livestock carcass, ~~or part thereof of a~~
 5 livestock carcass, or meat food product, or any container ~~thereof of any~~
 6 livestock carcass, part of a livestock carcass, or meat food product, any
 7 official inspection mark or label required under this subchapter except by or
 8 under the supervision of an inspector.

9
 10 20-60-215. Records.

11 (a)(1) For the purpose of enforcing ~~the provisions of~~ this subchapter,
 12 persons engaged in this state in the business of processing for intrastate
 13 commerce or transporting, shipping, or receiving in intrastate commerce
 14 livestock slaughtered for human consumption or meat or meat food products, or
 15 holding ~~articles so received~~ livestock slaughtered for human consumption or
 16 meat or meat food products, shall maintain ~~the~~ records as the Secretary of
 17 the ~~Department of Health~~ Department of Agriculture by rule may require.

18 (2) The records required under subdivision (a)(1) of this
 19 section shall show any, showing, to the extent that they are concerned
 20 therewith, the receipt, delivery, sale, movement, or disposition of the
 21 articles livestock slaughtered for human consumption or meat or meat food
 22 products.

23 (3) A person engaged as described in subdivision (a)(1) of this
 24 section and shall, upon the request of an authorized representative of the
 25 secretary, permit him or her the authorized representative of the secretary
 26 at reasonable times to have access to and to copy all the records at
 27 reasonable times.

28 (b) Any record required to be maintained by this section shall be
 29 maintained for a period of two (2) years after the transaction ~~which that~~ is
 30 subject to the record has taken place.

31
 32 20-60-216. Federal or other approved inspection – Basis for exemption.

33 A commercial plant at which livestock or poultry are slaughtered or
 34 meat or meat food products are processed for human consumption shall be
 35 exempted by the Secretary of the Department of Agriculture from the
 36 inspection provisions of this subchapter if the secretary finds that the

1 commercial plant is subject to federal inspection or other approved
2 inspection.

3
4 20-60-217. Reporting.

5 Annually, the Secretary of the Department of Agriculture shall submit a
6 report on the operations, implementation, and administration of the State
7 Meat Inspection Program to the:

8 (1) Governor;

9 (2) Chair of the House Committee on Agriculture, Forestry, and
10 Economic Development; and

11 (3) Chair of the Senate Committee on Agriculture, Forestry, and
12 Economic Development.

13
14 SECTION 3. Arkansas Code Title 20, Chapter 60, Subchapter 3, is
15 amended to read as follows:

16 Subchapter 3 – Meat and Meat Products Certification Act

17
18 20-60-301. Title.

19 This subchapter shall be known and may be cited as the "Meat and Meat
20 Products Certification Act".

21
22 20-60-302. Policy – Definitions.

23 (a)(1) Meat and meat food products are purchased by numerous agencies
24 administered and operated by the State of Arkansas.

25 (2) These Meat and meat food products are procured by
26 competitive bidding methods and in accordance with official published
27 specifications.

28 (b) It is declared to be the policy of this state to grant authority
29 to the ~~Department of Health~~ Department of Agriculture to provide an
30 acceptance service designed to assure state institutional users of meat and
31 meat food products that the meats and meat food products they purchase comply
32 with the provisions and detailed specifications approved by the Office of
33 State Procurement.

34 (c) As used in this subchapter:

35 (1) "Livestock" means cattle, sheep, swine, goats, or horses;

36 (2) "Meat" means any edible part of the carcass of any

1 livestock; and

2 (3) "Meat food product" means any food or food product intended
 3 for use as human food that is derived or prepared, in whole or in part, from
 4 any portion of any livestock, unless exempted by the Secretary of the
 5 Department of Agriculture upon the determination of the secretary that the
 6 food or food product:

7 (A) Contains only a minimal amount of meat and is not
 8 represented as a meat food product; or

9 (B) Is for medicinal purposes and is advertised only to
 10 the medical profession.

11
 12 20-60-303. Regulatory authority of ~~the Secretary of the Department of~~
 13 ~~Health~~ Department of Agriculture.

14 The Secretary of the ~~Department of Health~~ Department of Agriculture
 15 shall promulgate ~~such~~ rules ~~as~~ that are necessary to carry out the purposes
 16 and provisions of this subchapter.

17
 18 20-60-304. Acceptance service – Authority of meat inspectors.

19 (a) The acceptance service to be provided by the ~~Department of Health~~
 20 Department of Agriculture is to be accomplished by employees of the state who
 21 are authorized to inspect livestock, livestock carcasses, ~~or parts thereof of~~
 22 livestock carcasses, or meat food products under the provisions of the
 23 Arkansas Meat and Meat Products Inspection Act, § 20-60-201 et seq.

24 (b) Department meat inspectors are designated and authorized to
 25 certify as to whether or not meat and meat food products conform with
 26 specification requirements cited in official purchase agreements regarding
 27 requirements such as type, class, style, weight range, state of
 28 refrigeration, required packaging, and other suitability factors.

29
 30 20-60-305. Acceptance service – Availability.

31 The acceptance service shall be made available to all official
 32 establishments operating under the direct supervision of the ~~Division of~~
 33 ~~Environmental Health Protection of the Department of Health~~ Department of
 34 Agriculture under the provisions of the Arkansas Meat and Meat Products
 35 Inspection Act, § 20-60-201 et seq.

1 20-60-306. Acceptance service – Cost.

2 The cost of providing the acceptance service and ensuing certification
3 shall be borne and paid by the seller, slaughterer or processor, or vendor or
4 merchant requesting the acceptance service at ~~such rate as~~ the rate that the
5 Secretary of the ~~Department of Health may determine as being necessary~~
6 Department of Agriculture determines to be necessary to defer the cost of
7 ~~this~~ the acceptance service.

8
9 20-60-307. Appropriations.

10 ~~There is authorized to be appropriated such~~ The sums ~~as are~~ necessary
11 to carry out the provisions of this subchapter may be appropriated.

12
13 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that farmers and ranchers in this
15 state are experiencing undue hardship in getting meat and meat food product
16 inspections performed by the United States Government; that the public health
17 emergency involving the coronavirus 2019 (COVID-19) has caused further
18 difficulties and undue hardships in obtaining meat and meat food product
19 inspections and has made it difficult for consumers in this state to access
20 and obtain meat and meat food products; that this act requires a State Meat
21 Inspection Program to be established to ease the difficulties and undue
22 hardships that have arisen; and that this act is immediately necessary
23 because the Department of Agriculture needs to be able to develop the program
24 at the earliest possible date to ensure that citizens of this state have
25 access to properly inspected meat and meat food products and that farmers and
26 ranchers in this state are able to obtain meat and meat food product
27 inspections. Therefore, an emergency is declared to exist, and this act being
28 immediately necessary for the preservation of the public peace, health, and
29 safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.
36