

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 355

By: Senator Rapert  
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 2 OF  
THE ARKANSAS CODE CONCERNING AGRICULTURE; AND FOR  
OTHER PURPOSES.

### Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 2  
OF THE ARKANSAS CODE CONCERNING  
AGRICULTURE.

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

SECTION 1. Arkansas Code § 2-15-410(b), concerning the transportation of industrial hemp, is amended to read as follows to make grammatical corrections:

(b) Industrial hemp that is found in this state at any location off the premises of an industrial hemp grower licensee is contraband and subject to seizure by any law enforcement officer, unless the person in possession of the industrial hemp has in his or her possession either:

- (1) The proper licensing documents under this subchapter; or
- (2) A bill of lading, or other proper documentation, demonstrating that the industrial hemp was legally imported or is otherwise legally present in this state under applicable state and federal laws relating to industrial hemp.

SECTION 2. Arkansas Code § 2-16-403(10) and (11), concerning the definitions to be used under the Arkansas Pesticide Control Act, are repealed



to remove definitions that that are not used in the subchapter.

~~(10) "EPA" means the United States Environmental Protection Agency;~~

~~(11) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq., as amended;~~

SECTION 3. Arkansas Code § 2-19-202(d), concerning the registration of fertilizer brands and materials, is amended to read as follows to further subdivide the language for clarification:

(d) Any commercial fertilizer sold must contain a minimum of twenty (20) units of primary plant food, except for the following exemptions for special agricultural crop fertilizer formulations and for specialty fertilizers:

(1)(A) Commercial fertilizers which are needed in special cases for special agricultural crop uses shall be permitted to be sold in less than the combined twenty-unit minimum of primary plant food elements.

(B)(i) The special agricultural crop-use fertilizers with less than the twenty-unit minimum shall be permitted for sale only after the fertilizer grade is registered with the board.

(ii) In order to register the fertilizer grade, the applicant shall submit a written justification which shall show the need for such special fertilizer grade and shall include the fertilizer materials to be used in the special agricultural crop fertilizer formulation.

(iii) The board or its designee shall evaluate the formulation based on criteria established by rules of the board; and

(2)(A) A "specialty fertilizer" is any fertilizer distributed primarily for nonfarm use, such as for home gardens, lawns, shrubs, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries. ~~It may include fertilizers~~

(B) "Specialty fertilizer" includes a fertilizer used for research or experimental purposes.

SECTION 4. Arkansas Code § 2-19-501 is amended to read as follows to further subdivide the language for clarification:

2-19-501. Definition.

"One hundred percent (100%) natural organic fertilizer" shall be

defined as and include the following:

(1) ~~(A)~~ (B) One hundred percent (100%) organic fertilizer – Materials derived from either plant or animal products containing one (1) or more elements other than carbon, hydrogen, and oxygen which are essential for plant growth~~±~~.

~~(A)~~ (B) These materials may be subjected to biological degradation processes under conditions of drying, composting, enzymatic or anaerobic/aerobic bacterial action or any combination of these~~±~~.

~~(B)~~ (C) These materials shall not be mixed with synthetic materials;

(2) One hundred percent (100%) natural organic fertilizer shall be processed from only one hundred percent (100%) animal substrate. No other organic or inorganic, natural or synthetic, additives shall be used during processing and no fortification may be used;

(3) One hundred percent (100%) natural organic fertilizers shall contain as a guaranteed analysis not less than: nitrogen (N), four percent (4.0%); phosphoric acid (P2O5), two percent (2.0%); and potash (K2O), four percent (4.0%);

(4) Determination of the guaranteed analysis will be according to methods adopted by the AOAC International. (Fertilizers and Materials Containing Large Quantities of Organic Matter; 12th edition, With Following Improvements.).

SECTION 5. Arkansas Code § 2-34-201(2), concerning the definitions to be used in relation to the brand registry for livestock, is amended to read as follows to make a grammatical correction:

(2) “Livestock” and “animal” mean any ~~cattle~~ bovine, horse, or mule.

SECTION 6. Arkansas Code § 2-34-210(c), concerning the sale of the State Brand Book, is amended to read as follows for clarification:

(c) The county clerk and the sheriff of each county shall receive copies of all State Brand Books and supplements without cost to their respective county.

SECTION 7. Arkansas Code § 2-38-101 is amended to read as follows to

make grammatical corrections:

2-38-101. Taking up animals.

Every citizen, a resident householder in any county in this state, on finding any horse, mare, mule, jack, or jenny or any domesticated ~~cattle~~ bovine, ~~hogs~~ hog, or sheep, of any age running at large, the owner of which is not known, may take the animal into his or her custody.

SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 3/8/19