

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

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

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

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

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

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

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

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

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

(b) The department may:

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

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

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

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

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

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

**APPROVED: 4/5/19**