

Stricken language would be deleted from and underlined language would be added to present law.
Act 795 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1846

By: Representatives Sullivan, Hillman

By: Senators B. Johnson, D. Wallace

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS GRAIN GRADING ACT;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS GRAIN GRADING
ACT.

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

SECTION 1. Arkansas Code Title 2, Subtitle 2, is amended to add an additional chapter to read as follows:

CHAPTER 25 ARKANSAS GRAIN GRADING ACT

2-25-101. Title.

This chapter shall be known and may be cited as the "Arkansas Grain Grading Act".

2-25-102. Definitions.

As used in this chapter:

- (1) "Grain" means corn, soybeans, and wheat;
- (2) "Grain dealer" means a person or entity that receives grain from a grain producer and sells or distributes grain commercially;
- (3) "Official grading agency" means an agency or laboratory authorized by the United States Department of Agriculture Grain Inspection,



Packers, and Stockyards Administration to provide official inspection and weighing services on the behalf of the Grain Inspection, Packers, and Stockyards Administration; and

(4) "Producer" means a farmer who grows grain and delivers grain to a grain dealer.

2-25-103. Administration.

(a) The Arkansas Agriculture Department shall adopt rules governing the standards for sampling and grading grain that are consistent with the standards for sampling and grading grain developed by the United States Department of Agriculture.

(b) The Arkansas Agriculture Department shall certify:

(1) Grain dealers that employ grain samplers and graders; and

(2) Courses of instruction in the methods of sampling and grading grain.

(c) The Arkansas Agriculture Department shall issue a certificate to a grain dealer who conducts a course of instruction for sampling and grading grain that is satisfactory to the Arkansas Agriculture Department.

(d) A grain dealer who issues grades for grain shall:

(1) Sample and grade each load of grain delivered by a producer within twenty-four (24) hours of the time the grain is delivered to the grain dealer; and

(2) Retain each sample of grain received from a producer that is subject to excessive deductions for grain damage or foreign material.

(e)(1) The Arkansas Agriculture Department shall promulgate a rule regarding the level of deduction that is excessive for each type of grain.

(2) The rule shall:

(A) Include the deductions for grain damage or foreign material;

(B) Be based upon the numerical grades determined for each type of grain by the United States Department of Agriculture; and

(C) Include a provision allowing for variance in the moisture level of a sample, which shall not subject the sample to re-inspection.

(f) Samples of grain that are subject to excessive deductions shall be retained in separate containers for two (2) days from the date the sample was

graded.

2-25-104. Disputes.

(a) If a dispute arises regarding the grading of a sample that is subject to excessive deductions, the grain dealer or the producer, or both, may request that the sample be regraded by an official grading agency for an official grade that shall be deemed the official grade of the disputed sample.

(b) If a regrading is requested, the grain dealer shall provide the sample to the agency at the requester's expense.

2-25-105. Enforcement.

(a) An employee of the Arkansas Agriculture Department may inspect randomly selected grain dealers to ensure the grain dealer is certified by the department for sampling and grading grain.

(b) An employee of the grain dealer that is responsible for sampling and grading grain is required to demonstrate through skill an adequate knowledge of sampling and grading grain as determined by the department.

2-25-106. Penalties.

(a) If the Arkansas Agriculture Department conducts an inspection of a grain dealer as permitted under § 2-25-105(a) and determines that a grain dealer who issues grades does not take samples of graded grain in a manner consistent with the standards adopted by the department, the department may place the grain dealer on probation.

(b)(1) If a grain dealer who issues grades for grain is placed on probation, an employee of an official grading agency may inspect randomly selected samples of graded grain to determine whether the grain dealer is taking samples and grading grain in a manner consistent with the rules adopted by the department.

(2) The samples of graded grain shall be obtained and an inspection performed during the normal working hours of the grain dealer.

(3) The grain dealer shall pay for the samples of graded grain that are inspected.

/s/Sullivan

APPROVED: 4/8/19