

Stricken language would be deleted from and underlined language would be added to present law.  
Act 367 of the Regular Session

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H2/16/23 H2/21/23  
**A Bill**

HOUSE BILL 1434

By: Representatives Vaught, *Cavanaugh*

By: Senator B. Johnson

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW REGARDING AGRICULTURE; TO  
PLACE THE BURDEN OF PROOF ON THE PARTY BRINGING AN  
ACTION AGAINST AN AGRICULTURAL OPERATION AS A  
NUISANCE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW REGARDING AGRICULTURE;  
AND TO PLACE THE BURDEN OF PROOF ON THE  
PARTY BRINGING AN ACTION AGAINST AN  
AGRICULTURAL OPERATION AS A NUISANCE.

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

SECTION 1. Arkansas Code § 2-4-107, concerning agricultural operations as a public or private nuisance, is amended to add an additional subsection to read as follows:

(e) The burden of proof in actions brought under this chapter is on the party who brings an action against an agricultural operation.

*/s/Vaught*

**APPROVED: 3/21/23**

