

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

HOUSE BILL 1744

By: Representative Wooldridge

By: Senator D. Wallace

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGRICULTURE; TO  
AMEND THE LAW RELATED TO FERTILIZER; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW RELATED TO FERTILIZER.

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

SECTION 1. Arkansas Code § 2-19-202(a)(1), concerning the registration of fertilizer and fertilizer materials, is amended to read as follows:

(a)(1)(A) All manufacturers, jobbers, and manipulators of commercial fertilizers and of fertilizer materials to be used in the manufacture of fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer and fertilizer materials, shall first file for registration with the ~~State Plant Board~~ Department of Agriculture, upon forms furnished by the ~~Department of Agriculture~~ department.

(B) The forms shall include the name of the brand of each fertilizer, fertilizer materials, or chemicals which they may desire to sell in the state, either by themselves or their agents, together with the names and addresses of the manufacturers or manipulators, and such other information as may be required by the ~~board~~ State Plant Board in its rules.

SECTION 2. Arkansas Code § 2-19-202(d)(1)(B)(i), concerning the registration of special agricultural crop-use fertilizer, is amended to read as follows:

(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~~ department.

SECTION 3. Arkansas Code § 2-19-203(a), concerning the sale of unregistered fertilizers, is amended to read as follows:

(a) It shall be unlawful for any manufacturer, individual, corporation, or company, either by themselves or agents, to sell or offer for sale in this state any fertilizer brand or fertilizer materials that have not been registered with and the registration approved by the ~~State Plant Board~~ Department of Agriculture or its authorized representative, as required by this subchapter.

SECTION 4. Arkansas Code § 2-19-206(c)(1), concerning the determination of the market value of the materials used in the manufacture of fertilizer and fertilizer material, is amended to read as follows:

(c)(1) The ~~department~~ board shall ascertain the market value of the materials from the manufacturers of fertilizer and fertilizer materials specified in this subchapter to be used in the manufacture of fertilizer and fertilizer materials and from other reliable sources. This determination shall be done to fix units of value on them to be used in determining the amount of damages due when the official analysis shows a deficiency from the guaranteed analysis as specified in this subchapter.

SECTION 5. Arkansas Code § 2-19-207 is amended to read as follows:  
2-19-207. Sampling fertilizers.

The inspectors for the Department of Agriculture shall obtain samples of fertilizer or fertilizer materials in the following manner:

(1) They shall draw samples with a core instrument that shall not be less than twelve inches (12") in length in a manner that will procure a representative sample from such shipments of fertilizer or fertilizer materials as they may be directed by the ~~State Plant Board~~ department or that they may find uninspected;

(2) Where there are ten (10) packages or less, they shall take samples from every package; where there are ten (10) or more packages, they shall take samples from ten (10) packages, plus a sample for each additional ton. In no case do more than twenty (20) packages need to be sampled;

(3) After thoroughly mixing the samples so drawn, they shall fill a container to be approved by the ~~board~~ department with a portion of the mixed sample for chemical analysis or inspection; and

(4) Accompanying these samples, a report shall be made giving the name of the commodity inspected, number of packages represented by sample, the name of the manufacturer, the guaranteed analysis, the place where inspected, the date of inspection, and the name of the inspector.

SECTION 6. Arkansas Code § 2-19-208(a)(1), concerning the delivery of samples of fertilizer for analysis, is amended to read as follows:

(a)(1) Samples of fertilizer or fertilizer materials obtained by the inspectors shall be delivered to the Department of Agriculture ~~which shall deliver the samples to the chief department chemist~~ who shall make or cause to be made a complete analysis thereof.

SECTION 7. Arkansas Code § 2-19-209(a)(2), concerning the amount required to be paid per ton or fractional ton accompanying a tonnage report, is amended to read as follows:

(2)(A)(i) ~~The report shall be accompanied with the sum~~ Upon receipt of the report, the department shall invoice the responsible party for payment of the sum of two dollars and forty cents (\$2.40) per ton or fractional ton.

(ii) ~~A fee~~ The sum of two dollars and forty cents (\$2.40) ~~will accompany~~ shall be paid for each monthly report of tonnage which amounts to less than one (1) ton.

(B) The department shall issue receipt for the amount received and shall deposit the sums received as follows:

(i) Sixty-two cents (62¢) of the two-dollar-and-forty-cent ~~fee~~ sum per ton or fractional ton inspected shall be deposited with the Treasurer of State as special revenues and shall be credited to the Plant Board Fund to be used for the maintenance, operation, support, and improvement of the State Plant Board programs; and

(ii)(a)(1) One dollar and seventy-eight cents (\$1.78) of the two-dollar-and-forty-cent ~~fee~~ sum per ton or fractional ton inspected shall be:

(A) Remitted to the Board of

Trustees of the University of Arkansas; and

(B) Credited to a fund to be known as the "University of Arkansas, Division of Agriculture, Soil Testing and Research Fund" to be maintained in accounts in one (1) or more financial institutions in the State of Arkansas.

(2) Funds shall be expended:

(A) Exclusively for soil testing service and soil fertility research by the Board of Trustees of the University of Arkansas under appropriations made by the General Assembly; and

(B) In support of one (1) or more soil testing laboratories at the Division of Agriculture of the University of Arkansas's research and extension centers and research stations as determined and designated by the Vice President for Agriculture of the University of Arkansas, and soil fertility activities within the State of Arkansas.

(b)(1) The Board of Trustees of the University of Arkansas shall provide for the investment of any funds in the University of Arkansas, Division of Agriculture, Soil Testing and Research Fund that are not needed for current operations of the soil testing laboratories and soil fertility service and research activities and shall credit the interest earned on that investment to the credit of the University of Arkansas, Division of Agriculture, Soil Testing and Research Fund.

(2) The investment shall be of the type and nature authorized for the investment of average daily State Treasury balances by the State Board of Finance.

SECTION 8. Arkansas Code § 2-19-209(b)(3), concerning the penalty for a late report or failure to report the entire amount of fertilizer sold, is amended to read as follows:

(3) For a late report or for failure to report the entire amount sold, the sum owed for tonnage ~~fee~~ on the late reported or unreported amount shall be enhanced by ten percent (10%) if less than fifteen (15) days late, twenty percent (20%) if less than thirty-one (31) days late, and doubled if more than thirty (30) days late. Penalties shall be deposited into the Plant Board Fund; otherwise, registrations may be cancelled by the State Plant Board.

SECTION 9. Arkansas Code § 2-19-211 is amended to read as follows:

2-19-211. Use of penalties from sums owed for fertilizer tonnage ~~fees~~.

All penalties received by the Department of Agriculture for failure to pay or report sums owed for fertilizer tonnage ~~fees~~ shall be remitted to the Board of Trustees of the University of Arkansas, to be credited to the University of Arkansas, Division of Agriculture, Soil Testing and Research Fund in the same manner as prescribed by § 2-19-209 and to be used for the same purposes as described in § 2-19-209.