

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

SENATE BILL 550

By: Senator Hill
By: Representative Painter

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CERTAIN DUTIES OF THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION; TO CHANGE THE NAME OF THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION TO THE ARKANSAS BOARD OF ANIMAL HEALTH; AND FOR OTHER PURPOSES.

Subtitle

TO CHANGE THE NAME OF THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION TO THE ARKANSAS BOARD OF ANIMAL HEALTH.

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

SECTION 1. Arkansas Code § 2-5-204(a)(1), concerning the powers and duties of the Department of Agriculture to administer the Livestock and Poultry Special Revenue Fund, is amended to read as follows:

(1) Administer this subchapter and the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund;

SECTION 2. Arkansas Code § 2-5-206(b), concerning fees collected under the Commercial Bait and Ornamental Fish Act, is amended to read as follows:

(b) All fees collected under this subchapter shall be deposited into the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund to be used by the department to administer this subchapter.

SECTION 3. Arkansas Code § 2-6-106(e), concerning the collection of civil penalties under the Arkansas Catfish Processor Fair Practices Act of



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1987, is amended to read as follows:

(e) Civil penalties collected under this chapter shall be deposited into the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund.

SECTION 4. Arkansas Code § 2-10-104 is amended to read as follows:

2-10-104. Powers and duties of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health – Definitions.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall:

(A) Have jurisdiction over milk and milk products marketed in the State of Arkansas, including without limitation the base milk price paid to an Arkansas milk producer; and

(B)(i) Require that an Arkansas milk producer receive Class 1 prices for milk utilized or sold as fluid milk in this state.

(ii) Subdivision (a)(1)(B)(i) of this section applies only to milk that is both produced in and sold as fluid milk within this state.

(2) The ~~commission~~ board may:

(A) Revise the payment of Class 1 prices required under subdivision (a)(1)(B)(i) of this section if Arkansas is no longer considered a milk-deficit state; and

(B) Make, modify, and enforce rules that the ~~commission~~ board deems necessary to effectively carry out this subsection.

(b) As used in this section:

(1) “Base milk price” means the top line of a milk producer’s milk check before deductions for quality premiums or discounts, transportation costs, and cooperative administrative fees;

(2) “Class 1 price” means the price declared by the Federal Milk Marketing Order No. 7; and

(3) “Fluid milk” means milk used for buttermilk, eggnog, flavored, low-fat, skimmed, or whole milk.

SECTION 5. Arkansas Code § 2-32-301 is repealed.

~~2-32-301. Equine monitoring by identification chips.~~

~~(a)(1) It is found and determined by the General Assembly that:~~

~~(A) The Arkansas Livestock and Poultry Commission has been~~

~~authorized by the United States Department of Agriculture to develop and administer a voluntary equine identification system; and~~

~~(B) Embedding a chip for the purpose of identifying an animal can endanger the animal if not properly injected and placed.~~

~~(2) Therefore, it is the purpose of this section to establish criteria for persons engaged in the voluntary embedding of chips for equine identification.~~

~~(b) The commission shall promulgate rules setting forth training requirements for the voluntary embedding or injecting a chip for purpose of animal identification.~~

~~(c) The commission shall administer training and provide certification upon satisfactory completion.~~

~~(d) The commission shall establish a fine for failure to obtain proper certification before embedding or injecting a chip for the purpose of equine animal identification.~~

SECTION 6. Arkansas Code §§ 2-32-501 through 2-32-505 are amended to read as follows:

2-32-501. Administrative penalties.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may impose administrative penalties not to exceed five thousand dollars (\$5,000) per violation against a person who violates any provision of this subtitle or any rule adopted by the ~~commission~~ board under this subtitle.

(b) The imposition of administrative penalties shall be conducted under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) The ~~commission~~ board or the ~~commission's~~ board's designee may issue subpoenas.

(d) If a person against whom an administrative penalty has been imposed by the ~~commission~~ board as authorized under this section fails to pay the penalty to the ~~commission~~ board, the ~~commission~~ board may file an action to collect the administrative penalty in the circuit court of the county in which the person resides.

2-32-502. Subpoenas – Refusal to testify.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal

Health or a member of the ~~commission~~ board may issue a subpoena for a witness to require his or her attendance and testimony before the ~~commission~~ board, and to require the production of books, papers, and records in any proceeding before the ~~commission~~ board that may be material to questions before the ~~commission~~ board.

(b) The subpoena under subsection (a) of this section shall be served by:

- (1) The county sheriff of the county in which the person resides;
- (2) The deputy of the county sheriff; or
- (3) Any other officer authorized by law to serve process in this state.

(c) If a person fails or refuses to comply with a subpoena issued by the ~~commission~~ board or a member of the ~~commission~~ board, or refuses to testify or answer to a matter in which he or she may lawfully be interrogated, the circuit court of the county in which the person is domiciled, on application of the ~~commission~~ board may:

- (1) In term time or vacation, issue an attachment for the person;
- (2) Compel the person to:
 - (A) Comply with the subpoena;
 - (B) Appear before the ~~commission~~ board;
 - (C) Produce the relevant documents; and
 - (D) Give his or her testimony upon matters as may be lawfully required; and
- (3) Punish for contempt a person who fails to obey an order under this section, if the person disobeys a subpoena.

(d) If a person is not domiciled in this state, the circuit court of the county in which the hearing is held or is to be held shall have jurisdiction.

2-32-503. Administration of oath to witnesses.

A member of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health or his or her attorney may administer an oath to any witness in any hearing, investigation, or proceeding under this subtitle.

2-32-504. Appellate review.

A person affected by a rule, action, or order made by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may obtain review of the rule, action, or order under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

2-32-505. Disposition of fees and penalties.

(a) Fees paid and penalties collected under this subtitle shall be deposited into the State Treasury as special revenues credited to the ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

(b) Fees or penalties collected under this subtitle shall be cash funds when received by the Treasurer of State and shall not be deposited into or deemed a part of the State Treasury for the purpose of:

- (1) Arkansas Constitution, Article 5, § 29;
- (2) Arkansas Constitution, Article 16, § 12;
- (3) Arkansas Constitution, Amendment 20; or
- (4) Any other constitutional or statutory provision.

SECTION 7. Arkansas Code §§ 2-33-101 through 2-33-105 are amended to read as follows:

2-33-101. Creation of ~~commission~~ Arkansas Board of Animal Health.

There is created within the Department of Agriculture the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

2-33-102. Members.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall consist of nine (9) members who are residents and electors of this state to be appointed by the Governor by and with the advice and consent of the Senate for terms of five (5) years.

(2) ~~At least two (2)~~ No more than three (3) members of the ~~commission board~~ shall be veterinarians, ~~at least one (1) of whom shall be engaged primarily in large animal or food supply veterinary medicine consisting of one (1) veterinarian from each of the following practice areas:~~

- (A) Poultry;
- (B) Large animal; and
- (C) General practice.

(3) The remaining members shall be actively engaged in the Arkansas livestock, dairy, or poultry industries.

(b) Each congressional district shall be represented by membership on the ~~commission~~ board.

(c) The term of office shall commence on January 15 following the expiration date of the preceding term and shall end on January 14 of the fifth year following the year in which the term commenced.

(d) Any vacancies arising in the membership of the ~~commission~~ board for any reason other than expiration of the terms for which the members were appointed shall be filled by appointment by the Governor and be effective until the expiration of the terms, subject to the confirmation of the Senate.

(e) Before entering upon his or her duties, each member of the ~~commission~~ board shall take, subscribe, and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter.

(f)(1) Members of the ~~commission~~ board shall receive no pay for their services.

(2) Members of the ~~commission~~ board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(g)(1) The ~~commission~~ board shall create a committee to make recommendations to the ~~commission~~ board, including without limitation recommendations regarding:

- (A) Rulemaking;
- (B) Disciplinary issues;
- (C) Ethical complaints; and
- (D) Evaluation of applications under the Arkansas

Veterinary Medical Practice Act, § 17-101-101 et seq.

(2) The veterinary members of the ~~commission~~ board under subdivision (a)(2) of this section shall be members of the committee.

(3) The Chair of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall also designate an additional two (2) Arkansas licensed veterinarians who are engaged primarily in small animal veterinary medicine to serve on the committee.

2-33-103. Organization and meetings.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall from time to time select from its membership a ~~chair~~ Chair of the Board of Animal Health and a vice chair.

(b)(1) The ~~commission~~ board shall adopt and may modify rules for the conduct of its business and shall keep a record of its transactions, findings, and determinations, which shall be public.

(2) Meetings of the ~~commission~~ board shall be called by the ~~Chair of the Arkansas Livestock and Poultry Commission~~ chair or by four (4) members of the ~~commission~~ board.

(c)(1) A majority of the membership of the ~~commission~~ board shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the ~~commission~~ board.

(d) The Governor may remove a member of the ~~commission~~ board before the expiration of his or her term for cause only, after notice and a hearing in accordance with §§ 25-17-210 and 25-17-211.

(e) All meetings shall be open to the public.

2-33-104. Director.

(a)(1) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(2) The director shall report to the Secretary of the Department of Agriculture.

(b)(1) The secretary may delegate to the director any of the powers or duties required to administer the:

(A) Statutory duties of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health; and

(B) Rules, orders, or directives promulgated or issued by the ~~commission~~ board.

(2) The director may exercise the powers and duties delegated to him or her under subdivision (b)(1) of this section in the name of the ~~commission~~ board and of the Department of Agriculture.

2-33-105. State Veterinarian.

(a) The Secretary of the Department of Agriculture shall employ a

State Veterinarian.

(b) The State Veterinarian shall be a person who has been granted the degree of Doctor of Veterinary Medicine and holds a current license issued by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

SECTION 8. Arkansas Code § 2-33-107 is amended to read as follows:

2-33-107. Powers and duties generally.

(a) Authority for the control, suppression, and eradication of livestock and poultry diseases and pests, and supervision of livestock and poultry work in this state, including authority to promulgate rules governing the handling, sale, and use of vaccines, antigens, and other biological products used for reportable diseases and emergencies affecting livestock and poultry, is vested in the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

(b) The ~~commission~~ Department of Agriculture shall have the authority to:

(1) Enter into cooperative work agreements with any or all federal agencies in matters relating to the functions performable by the ~~commission~~ department including, but not limited to, general livestock and poultry disease control programs;

(2) Receive and expend any moneys arising from federal means, grants, contributions, gratuities, or reimbursements for or on account of any of the functions at any time performable by the ~~commission~~ department;

(3) Cooperate with similar agencies existing in other states and with the appropriate federal agencies and appropriate other agencies of this state for the purpose of coordinating laws and rules governing the interstate movement of livestock and poultry and the products producible therefrom, with the view of safeguarding against animal diseases, insects, and pests and at the same time endeavoring to eliminate interstate trade barriers;

(4) Cooperate with, and receive the cooperation of, all state-supported institutions of higher education in matters of mutual interest relating to the development of the livestock and poultry interests of this state;

(5) Cooperate with the state, district, and county livestock show associations in the promotion and development of the livestock and poultry industry of this state;

- (6) Contract and be contracted with;
- (7) Take other action, not inconsistent with law, as it shall deem necessary or desirable to effectively carry out its duties;
- (8) Make modifications or adjustments in disease and pest control and eradication activities and programs as it deems necessary or appropriate to enable it to carry out its responsibilities with respect to such activities and programs;
- (9) Obtain, upon majority vote of the ~~commission~~ board, health records of livestock and poultry, including records of livestock and poultry produced, sold, processed, or otherwise handled, to enable it to effectively administer and enforce its rules and laws relating to disease or pest control and eradication programs; and
- (10) Prescribe, by administrative rule, the method and manner for testing and vaccination of livestock or poultry located within the state but such authority shall not interfere with farmer vaccination of his or her own product.

(c) The ~~commission~~ board shall have the authority to make, modify, and enforce such rules and orders, not inconsistent with law, as it shall from time to time deem necessary to effectively carry out the functions performable by it.

SECTION 9. Arkansas Code § 2-33-111(a) and (b), concerning the promulgation of rules and fees collected by the Arkansas Livestock and Poultry Commission related to livestock and poultry diagnostic services, are amended to read as follows:

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may promulgate rules concerning services performed by the Arkansas Veterinary Diagnostic Laboratory.

(b)(1) A fee structure may be designed and maintained by the ~~commission~~ Department of Agriculture for the purpose of defraying the cost of diagnostic services.

(2)(A) The fees collected shall be deposited into the State Treasury as special revenues and shall be credited to the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund.

(B) Before the close of each fiscal year, the Chief Fiscal Officer of the State shall determine the amount of moneys which will remain

at the end of the fiscal year into the account from fees collected under this section and shall allow the moneys to be carried forward and made available for the same purposes in the next succeeding fiscal year.

SECTION 10. Arkansas Code §§ 2-33-113 and 2-33-114 are amended to read as follows:

2-33-113. Disposition of fees and revenues.

All fees and revenues collected by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture shall be deposited into the State Treasury as special revenues to be credited to the ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

2-33-114. Federal ~~Arkansas Livestock and Poultry Commission~~ Animal Health Fund.

(a) There is created in the State Treasury a fund to be known as the “Federal ~~Arkansas Livestock and Poultry Commission~~ Animal Health Fund”.

(b) Federal funds as may be allotted to the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture for maintenance and operation of its cooperative programs with the United States Department of Agriculture shall be deposited into the fund created in this section.

SECTION 11. Arkansas Code § 2-33-301 is repealed.

~~2-33-301. Division of Markets and Grading.~~

~~There is established a Division of Markets and Grading of the Arkansas Livestock and Poultry Commission which shall have the responsibility of administering, under the direction of the commission, the provisions of the Arkansas Egg Marketing Act of 1969, § 20-58-201 et seq., as amended, and the Poultry and Egg Grading Program authorized by this subchapter.~~

SECTION 12. Arkansas Code §§ 2-33-303 through 2-33-308 are amended to read as follows:

2-33-303. Poultry and ~~egg grading program~~ Egg Grading Program.

The ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture is authorized to establish a Poultry and Egg Grading Program in this state which shall be established in cooperation with the United States Department of Agriculture and shall be in compliance with the applicable standards and

requirements as prescribed by the United States Department of Agriculture for federal poultry and egg grading purposes.

2-33-304. Providing of poultry and egg grading services.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall promulgate such reasonable rules ~~and regulations~~ for poultry and egg grading in this state as may be necessary for the establishment and enforcement thereof.

(2) The rules ~~and regulations~~ shall be in compliance with the standards and requirements established by the United States Department of Agriculture for poultry and egg grading purposes.

(b) The ~~commission board~~ may establish a formula or method of prorating the cost of providing the poultry grading services among the various processors or processing plants using the services.

(c)(1) Poultry and egg grading services shall be provided for only those processors or processing plants who make application, who shall comply with the rules ~~and regulations~~ promulgated by the ~~commission board~~, and who shall pay the cost of the services in accordance with ~~regulations~~ rules of the ~~commission board~~.

(2)(A) Any poultry or egg processor or egg processing plant failing to pay the cost of the services in accordance with the ~~regulations~~ rules promulgated by the ~~commission board~~ shall forfeit the right to have poultry graded until the costs are paid.

(B) All unpaid costs shall be collectible by the ~~commission~~ Department of Agriculture in the same manner provided by law for collection of delinquent gross receipts taxes.

2-33-305. Intergovernmental cooperation.

The Arkansas ~~Livestock and Poultry Commission~~ Secretary of the Department of Agriculture is authorized to cooperate with the appropriate federal agencies and the appropriate agencies of this state and other states for the purpose of coordinating laws and rules governing the interstate movement of eggs and graded poultry with a view of safeguarding the public health and quality of these products and at the same time endeavoring to eliminate interstate trade barriers.

2-33-306. Agreement with federal department.

The ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture is authorized to enter into a cooperative agreement with the United States Department of Agriculture whereby the ~~commission~~ Department of Agriculture will bill poultry and egg processors in Arkansas for poultry and egg grading and egg products inspection services performed by state and federal personnel and will collect charges for these services and remit a portion thereof to the United States Department of Agriculture for the services performed by personnel of the United States Department of Agriculture in accordance with the provisions of §§ ~~2-33-301~~ 2-33-303 - 2-33-305, 2-33-307, and laws amendatory thereto.

2-33-307. Poultry and Egg Grading Fund.

(a) All funds received by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture for providing poultry and egg grading services shall be deposited into the State Treasury. Upon receipt of the funds, the Treasurer of State shall monthly credit them as special revenues to an account to be known as the "Poultry and Egg Grading Fund", to be used for salaries, expenses, equipment, maintenance, operation, and administrative expenses of the Poultry and Egg Grading Program ~~of the commission~~ as provided by law.

(b) All funds collected by the ~~commission~~ Department of Agriculture from poultry and egg processors for poultry and egg grading and egg products inspection services shall be deposited into the State Treasury as special revenues and shall be credited to the Poultry and Egg Grading Fund to be used for funding the poultry and egg grading and egg products inspection program and to make payments to the United States Department of Agriculture for poultry and egg grading and poultry products inspection services performed by employees of the United States Department of Agriculture.

2-33-308. Overtime compensation.

The Department of Agriculture is hereby authorized to pay ordinary, customary, and necessary overtime compensation in accordance with rules promulgated by the Chief Fiscal Officer of the State to those employees, including egg and poultry grader supervisors, engaged in the inspection and grading of eggs and poultry products under the ~~Arkansas Livestock and Poultry~~

~~Commission's~~ Poultry and Egg Grading Program.

SECTION 13. Arkansas Code § 2-34-106(b)(2), concerning the holding of funds following a sale of livestock under questionable ownership, is repealed.

~~(2)(A) If ownership of the animal is not established within thirty (30) days, the funds shall be sent to the Arkansas Livestock and Poultry Commission to be held for one (1) year from the date of receipt by the commission.~~

~~(B) If ownership of the animal cannot be ascertained during the one-year period stated in subdivision (b)(2)(A) of this section, then after the expiration of the one-year period, the funds shall be deposited into the Livestock and Poultry Fund Account.~~

SECTION 14. Arkansas Code § 2-34-203 is amended to read as follows:
2-34-203. Conflicts of brands.

The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall serve as an adjusting committee in the matter of determining conflicts of brands, and the decision of the ~~committee~~ board shall be final.

SECTION 15. Arkansas Code §§ 2-34-205 and 2-34-206 are amended to read as follows:

~~2-34-205. Custody of county brand records.~~

~~(a) All county brand records of the various counties of the state shall be property of the Arkansas Livestock and Poultry Commission, and it shall be unlawful for a county clerk to accept a brand for registry.~~

~~(b) The Department of Agriculture shall collect all county brand record books and place them in its office and preserve them as public records on behalf of the commission.~~

~~(c) The department shall furnish a record of any brand record in the county record books to any person for a reasonable fee determined by the department to offset the costs of furnishing the record.~~

2-34-206. State Brand Book.

~~(a) The Arkansas Livestock and Poultry Commission~~ Department of Agriculture shall publish the State Brand Book on its website, which shall

contain ~~a facsimile of~~ each brand and mark that is registered with the ~~commission~~ department showing the name and address of the owner, together with the pertinent laws and rules pertaining to registration and reregistration of brands and marks.

~~(b) The commission, on or before January 1, 1960, and every five (5) years thereafter, shall publish the State Brand Book showing all the brands recorded with the commission before December 1, 1959, and every five (5) years thereafter.~~

~~(c) Supplements to the State Brand Book shall be published annually.~~

SECTION 16. Arkansas Code § 2-34-208 is amended to read as follows:
2-34-208. Registration of brands.

(a) A person desiring to adopt a brand or to continue to use a brand shall apply to the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture for the registration of the brand in the manner prescribed in this section.

(b) The ~~commission~~ department shall prepare a standard form, which shall be made available to those persons who desire to apply for a brand.

(c) An applicant shall show a front, rear, left, and right side view of the animals upon which the brand will be eligible for registry.

(d) The brand location shall be designated in the following body regions: head, right jaw, neck, shoulder, rib and right and left jaw, neck, shoulder, rib and neck, right and left hip, thigh, and breeching.

(e) The applicant shall select at least three (3):

- (1) Distinct brands and list them in the preferred order; and
- (2) Locations on the animal and list them in preferred order.

(f) Applications for registration or reregistration shall be properly signed and notarized and accompanied by a reasonable fee to be determined by the ~~commission~~ department to offset the costs of administering this section.

(g) A brand, if approved and accepted by the ~~commission~~ department for registry, shall be of good standing during the five-year period in which it is recorded.

SECTION 17. Arkansas Code § 2-34-210 is repealed.

~~2-34-210. Sale of book.~~

~~(a) The State Brand Book and all supplements to the State Brand Book,~~

~~for a five year period, shall be sold to the public for a reasonable fee to be determined by the Arkansas Livestock and Poultry Commission to offset the costs of producing the State Brand Book.~~

~~(b) A supplement to the State Brand Book shall be sold to the public for a reasonable fee determined by the Department of Agriculture to offset the costs of producing the supplement.~~

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

SECTION 18. Arkansas Code § 2-34-212 is amended to read as follows:
2-34-212. Transfers of registered brands.

(a)(1) Only brands appearing ~~in the current edition of the State Brand Book and the supplements to the current edition of the State Brand Book~~ on the website of the Department of Agriculture shall be subject to sale, assignment, transfer, devise, or bequest, the same as other personal property.

(2)(A) The transfer of title shall be recorded with the ~~Arkansas Livestock and Poultry Commission~~ department.

(B) The fee for recording a transfer of title shall be determined by the ~~commission~~ department based on the costs of administering this section.

(b)(1) All persons selling livestock branded with their brand recorded ~~in a current edition of the State Brand Book or supplements to the current edition of the State Brand Book~~ on the department's website shall execute a written transfer of ownership to the purchaser.

(2) If the purchaser suffers damages due to seller's failure to execute a written transfer of ownership, then the seller is liable for the damages decided upon by a court of competent jurisdiction.

SECTION 19. Arkansas Code § 2-34-214 is repealed.
~~2-34-214. Contracts for administration.~~

~~(a)(1) The Arkansas Livestock and Poultry Commission shall enter into a contract with a private entity that operates primarily as a livestock association to administer the registration and recording of marks and brands under this subchapter.~~

~~(2) When the commission enters into a contract under this subsection, the commission shall:~~

~~(A) Compensate the private entity for its services;~~
~~(B) Appoint the private entity as an agent of the commission for purposes of receiving fees allowed under this subchapter; and~~
~~(C) Except as provided in subsection (b) of this section, direct the private entity to perform duties assigned to the commission or the Deputy Director of the Arkansas Livestock and Poultry Commission under this subchapter.~~

~~(b) The commission shall not contract with a private entity to promulgate rules or set fees under this subchapter.~~

~~(c) Records concerning the administration of this subchapter are subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., regardless of whether the records are in the custody or control of the commission or a private entity acting as an agent of the commission under this section.~~

~~(d) A private entity entering into a contract with the commission under this section shall:~~

~~(1) Make a monthly accounting to the commission of all funds received by the private entity as an agency of the commission under this section; and~~

~~(2) File with the commission a surety bond of a corporate surety authorized to do business in this state in an amount determined by the commission, conditioned on the faithful performance of the private entity's duties and obligations as an agent of the commission under this subchapter.~~

SECTION 20. Arkansas Code § 2-38-302(a)(2)(A)(ii), concerning the imposition of a civil penalty by the Arkansas Livestock and Poultry Commission for failing to retrieve trespassing livestock, is amended to read as follows:

(ii) The ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health may impose a civil penalty not to exceed five thousand dollars (\$5,000) per violation of this chapter or violation of any rules promulgated under this chapter.

SECTION 21. Arkansas Code § 2-38-502(a)(3), concerning verification by

the Arkansas Livestock and Poultry Commission of a valid permit related to feral hogs, is amended to read as follows:

(3) After providing verification that he or she has a valid permit issued under rules established by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health in accordance with 16 U.S.C. § 742j-1, as it existed on January 1, 2019, upon determining that the permit applicant has a bona fide need to kill feral hogs for protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, and not for a recreational hunting purpose.

SECTION 22. Arkansas Code § 2-38-503 is amended to read as follows:
2-38-503. Animal health requirements.

A feral hog shall be subject to animal health requirements established by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

SECTION 23. Arkansas Code § 2-38-505 is amended to read as follows:

2-38-505. Powers and duties of Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may:

(1) Make, modify, and enforce the rules and orders the ~~commission~~ board deems necessary to effectively carry out this subchapter;

(2) Establish and collect reasonable fees to administer and enforce § 2-38-502(a)(3); and

(3)(A) Impose administrative penalties not to exceed one thousand dollars (\$1,000) per feral hog against a person who violates this subchapter or a rule adopted by the ~~commission~~ board under this subchapter.

(B) The imposition of administrative penalties shall be conducted under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 24. Arkansas Code § 2-40-103 is amended to read as follows:

2-40-103. Duties and enforcement.

(a) It is the duty of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health to:

(1) Inquire into and investigate all outbreaks of contagious or

infectious disease of animals;

(2) Establish and promulgate rules in regard to isolation or quarantine of infected animals, disinfection of animals and premises, destruction of incurably diseased animals, and disposal of carcasses as it may deem necessary to prevent the spread of disease;

(3) Promulgate rules for the protection of areas from which animal diseases may be eradicated; and

(4) Draft rules for compensation for owners of exposed or diseased animals and contaminated equipment or other material unsuitable for proper disinfection or destroyed, or for others for any other necessary expenses or for any other purpose, indemnity being subject to available funds.

(b) Any federal veterinary inspector working in Arkansas cooperating with the ~~commission~~ Department of Agriculture shall have the power of enforcing the rules of the ~~commission~~ board.

SECTION 25. Arkansas Code § 2-40-106 is amended to read as follows:
2-40-106. Examinations and findings.

(a)(1) Any veterinary inspector or other employee duly authorized by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture shall have the privilege of entering upon any property or premises in this state for the purpose of examining or testing animals which he or she has reason to believe are affected with a contagious or infectious disease so as to constitute a menace to the livestock and poultry of the community.

(2) He or she may call on one (1) or more peace officers. It shall be their duty to give him or her all assistance in their power.

(b)(1) When ordered by the State Veterinarian, owners or persons in charge of animals shall assemble them at a designated time and place for the purpose of examining, testing, treating, necropsy, disinfecting, or for any other purpose.

(2)(A) If after examination of suspected animals the veterinary inspector shall find them to be affected with any reportable disease, he or she shall furnish the owner or person in charge of the animals with a report of his or her findings and with a copy of the existing law and rules of the ~~commission~~ Arkansas Board of Animal Health in regard to the disease.

(B) Any person who, after notification, shall fail to

comply with the rules shall be guilty of an administrative penalty. He or she shall also be liable for damages to others due to infection from his or her stock.

SECTION 26. Arkansas Code § 2-40-109 is amended to read as follows:

2-40-109. Destruction of diseased poultry flocks.

(a) When the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture determines that any flock of chickens, turkeys, ducks, geese, or other poultry is infected with a reportable disease, the flock may be depopulated or condemned and properly disposed of to prevent the spread of the disease.

(b) The ~~commission~~ Arkansas Board of Animal Health is authorized to adopt rules to prescribe the procedures for condemning a diseased poultry flock as authorized in this section.

SECTION 27. Arkansas Code §§ 2-40-206 through 2-40-210 are amended to read as follows:

2-40-206. Funding of bovine disease program.

(a)(1)(A) In order to fund or partially fund the bovine disease control and eradication program, there is levied a fee of one dollar (\$1.00) per head on all cattle sold in this state to be used for the bovine disease control and eradication program.

(B)(i) However, if the Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health determines there is an emergency, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may promulgate a rule to temporarily raise the fee set in subdivision (a)(1)(A) of this section after receiving approval of the rule from the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(ii) A rule adopted to raise the fee under this subdivision (a)(1)(B) shall be effective only during the period of time the emergency persists or for one (1) year, whichever is shorter.

(iii) If an emergency persists after one (1) year, the ~~commission board~~ board may promulgate a rule to extend the increased fee for additional one-year periods by following the procedures stated in subdivision (a)(1)(B)(i) of this section each year the rule increasing the fee is to be

effective.

(iv) The ~~commission~~ board shall not adopt an emergency rule to raise the fee under this subdivision (a)(1)(B).

(2) The fee shall not be assessed on the resale of any cattle within ten (10) calendar days after the prior sale if the fee was paid on the prior sale.

(b)(1) The fee shall be collected by the purchaser and remitted monthly to the Secretary of the Department of Finance and Administration, except that if the sale occurs through a livestock auction market or any other agent of the seller, the livestock auction market or other agent shall collect and remit the fee. The Secretary of the Department of Finance and Administration may promulgate such rules as he or she deems necessary to implement the collection of the fee.

(2)(A) After deducting three percent (3%) for credit to the Constitutional Officers Fund and the State Central Services Fund, the remainder of funds so remitted to the Secretary of the Department of Finance and Administration shall be deposited into the State Treasury as special revenues and credited to the ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

(B) Before the close of each fiscal year, the Chief Fiscal Officer of the State shall determine the amount of funds which will remain at the end of the fiscal year in the ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund from fees collected under the provisions of this section. He or she shall allow such funds to be carried forward and made available for the same purposes in the next-succeeding fiscal year.

(C) The Secretary of the Department of Finance and Administration shall release all information related to the fee levied per head on all cattle sold in the state to be used for the bovine disease control and eradication fund when requested by the Secretary of the Department of Agriculture.

2-40-207. Costs of on-the-farm calfhooD vaccinations.

The costs of on-the-farm calfhooD vaccination performed by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture shall be paid from state or federal funds. Nothing herein shall be construed to prohibit a livestock owner from contracting with and compensating a veterinarian for

vaccinating his or her livestock. Veterinarians shall not charge both the livestock owner and the state or federal government for the same calfhood vaccination.

2-40-208. Inspection of livestock markets.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall prescribe minimum sanitary and health standards for livestock markets in the state to promote and protect the health of livestock handled at these markets and the health of personnel working in the markets.

(2) The ~~commission~~ Department of Agriculture or its agents shall periodically inspect the markets for compliance with the sanitary and health standards.

(b)(1) If the ~~commission~~ department or its agents find that any market is not in compliance with such standards, it shall notify the operator of the market, in writing, of areas in which the market is out of compliance.

(2) The market operator shall, within fifteen (15) days after receipt of the notice, certify to the ~~commission~~ department the steps it has taken to comply with the standards.

(c)(1)(A) If the operator fails to respond or if the ~~commission~~ department or its agents determine that the market has not complied with the health, safety, and sanitation standards, the board may order the market shall be inspected by a committee consisting of:

- ~~(i) One (1) livestock market representative;~~
- ~~(ii) Two (2) livestock producers; and~~
- ~~(iii) The State Veterinarian.~~

~~(B) Members of the committee shall be appointed by the chair of the commission, and these members shall be from outside the livestock market's trade area.~~

~~(2) If the committee finds that the market does not meet the prescribed sanitary standards, the commission shall order the market closed immediately until the market is found to be in compliance with the health and sanitation standards.~~

~~(3) Members of the commission may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq~~ closed until the market is found to be in compliance with the health, safety, and sanitation standards.

2-40-209. Quarantine – Violations.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health is authorized to adopt appropriate rules regarding the isolation or quarantine of infected, exposed, or suspected infected livestock or poultry.

(b) Any person or entity who violates the quarantine rules lawfully promulgated by the ~~commission~~ board shall be subject to an administrative penalty.

2-40-210. Control and eradication of brucellosis.

(a)(1) Any bovine herd infected with or directly exposed to brucellosis shall be depopulated at the discretion of and subject to the rules of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

(2) The herd or herds shall be identified and destroyed within thirty (30) days of written order to the owner or owners.

(3)(A) The owners will be notified by delivery of the order or by certified mail.

(B) One (1) extension of thirty (30) days, if presented in writing to the ~~commission~~ Department of Agriculture, will be considered in extenuating circumstances.

(b) The ~~commission~~ board shall adopt appropriate rules concerning depopulation, negotiation, and hearing procedures.

(c)(1) The State Veterinarian or his or her designated representative will negotiate with the owner through the use of available federal and state funds to depopulate brucellosis-infected or exposed bovine herds.

(2) If the State Veterinarian and the herd owner are unable to arrive at an agreement to depopulate infected or exposed bovine herds, the ~~commission~~ board, on advice of the State Veterinarian and in public meeting, is authorized to issue a written order to depopulate a herd and to provide indemnification to the herd owner at the current established per-head rate, with such indemnification to be paid from federal and state funds available therefor.

(3)(A) Should the herd owner desire, the ~~commission~~ board will hear testimony by the owner and any witnesses he or she desires to present arguments as to why the herd or herds should not be depopulated.

(B) Following the hearing, the ~~commission~~ board shall

determine whether to affirm or repeal its order to depopulate.

(d) Any person or entity who violates the provisions of this section shall be subject to an administrative penalty.

SECTION 28. Arkansas Code § 2-40-401 is amended to read as follows:
2-40-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Approved incineration" means a method of incineration approved by the ~~commission~~ Arkansas Board of Animal Health;

(2) "~~Commission~~" means the ~~Arkansas Livestock and Poultry Commission created by § 2-33-101~~;

~~(3)~~ "Fowl" shall include all domesticated avian species;

~~(4)~~(3) "Fowl carcasses" means carcasses of fowl which died as the result of sickness, suffocation, accident, or from any cause other than intentional slaughter; and

~~(5)~~(4) "Responsible person" means the person who has the direct responsibility for the day-to-day care of the fowl involved.

SECTION 29. Arkansas Code §§ 2-40-403 and 2-40-404 are amended to read as follows:

2-40-403. Requirements.

The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall, by rule, specify acceptable methods for the disposal of fowl carcasses, including, but not limited to:

- (1) Composting of carcasses;
- (2) Cremation or incineration;
- (3) On-farm freezing; and
- (4) Rendering.

2-40-404. Specifications.

The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall, by rule, specify acceptable methods of the disposal of fowl carcasses in the event of a major die-off.

SECTION 30. Arkansas Code § 2-40-508 is amended to read as follows:
2-40-508. Legislative intent.

It is the intent of the General Assembly that the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture will continue to vaccinate heifers on the farm and at the sale barns for brucellosis and will carry out all the practices ~~of the commission~~ which have brought the state to its current ~~near~~ brucellosis-free status.

SECTION 31. Arkansas Code § 2-40-801(1), concerning the definition of "accredited veterinarian" under the equine infectious anemia law, is amended to read as follows:

(1) "Accredited veterinarian" means a veterinarian licensed by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health and approved by the United States Animal and Plant Health Inspection Service to perform functions required for state or cooperative state and federal animal disease control and eradication programs;

SECTION 32. Arkansas Code § 2-40-801(6), concerning the definition of "authorized agent" under the equine infectious anemia law, is amended to read as follows:

(6) "Authorized agent" means a person who has been authorized by the Arkansas ~~Livestock and Poultry Commission~~ Department of Agriculture to act on its behalf in making investigations and inspections and performing other services or acts which have been defined by this subchapter;

SECTION 33. Arkansas Code § 2-40-801(8), concerning the definition of "certified equine infectious anemia verifier" or "certified EIA verifier" under the equine infectious anemia law, is amended to read as follows:

(8) "Certified equine infectious anemia verifier" or "certified EIA verifier" means any certificate holder having completed the prescribed training course ~~co-sponsored by the Arkansas Livestock and Poultry Commission, the University of Arkansas Cooperative Extension Service, and the Arkansas Horse Council, Inc.;~~

SECTION 34. Arkansas Code § 2-40-801(9), concerning the definition of "commission" under the equine infectious anemia law, is repealed.

~~(9) "Commission" means the Arkansas Livestock and Poultry Commission;~~

SECTION 35. Arkansas Code § 2-40-801(21), concerning the definition of "official equine infectious anemia test" or "official EIA test" under the equine infectious anemia law, is amended to read as follows:

(21) "Official equine infectious anemia test" or "official EIA test" means the agar gel immunodiffusion (AGID) test, also known as the "Coggins" test, the competitive enzyme-linked immunosorbent assay (CELISA) test, the synthetic antigen enzyme linked immunosorbent assay (SA-ELISA) test and any other United States Department of Agriculture licensed tests approved by the ~~commission~~ Department of Agriculture;

SECTION 36. Arkansas Code § 2-40-801(23)(A), concerning the definition of "permit" or "permit for movement" under the equine infectious anemia law, is amended to read as follows:

(23)(A) "Permit" or "permit for movement" means an official document issued by the ~~commission~~ Department of Agriculture, a representative of a Veterinary Services Endorsement Office, or an accredited veterinarian authorizing the movement of a reactor or exposed equidae to a quarantined holding facility, an approved slaughter facility, or approved quarantined premise.

SECTION 37. Arkansas Code § 2-40-801(24), concerning the definition of "quarantine" under the equine infectious anemia law, is amended to read as follows:

(24) "Quarantine" means a written notice or order issued by the ~~commission~~ Department of Agriculture showing the boundaries of the area or premise affected, the equidae restricted, and the restrictions, if any;

SECTION 38. Arkansas Code § 2-40-801(25), concerning the definition of "quarantined holding facility" under the equine infectious anemia law, is amended to read as follows:

(25) "Quarantined holding facility" means a quarantined premise approved by the ~~commission~~ Department of Agriculture to handle reactors or exposed equidae;

SECTION 39. Arkansas Code § 2-40-801(27), concerning the definition of

"regulatory veterinarian" under the equine infectious anemia law, is amended to read as follows:

(27) "Regulatory veterinarian" means a veterinarian employed by or acting as an agent for the ~~commission~~ Department of Agriculture; ~~and.~~

SECTION 40. Arkansas Code § 2-40-801(28), concerning the definition of "research facility" under the equine infectious anemia law, is repealed.

~~(28) "Research facility" means any facility that meets or exceeds the standards and requirements set forth by United States Animal and Plant Health Inspection Services and the commission for equine infectious anemia research.~~

SECTION 41. Arkansas Code § 2-40-804(a)(3), concerning the written proof of a negative current official equine infectious anemia test, is amended to read as follows:

(3) Written proof of a negative current official equine infectious anemia test shall be made available in the form of negative results from an approved laboratory upon request made by an authorized representative of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture or the owner, lessee, or caretaker of a neighboring herd.

SECTION 42. Arkansas Code § 2-40-804(b)(2), concerning the failure to furnish proof of negative current official equine infectious anemia test, is amended to read as follows:

(2) After January 1, 1998, failure to furnish proof of negative current official equine infectious anemia test to an authorized agent of the ~~commission~~ department may result in quarantine and penalties prescribed by § 2-40-826 and § 2-40-827 [repealed].

SECTION 43. Arkansas Code §§ 2-40-805 through 2-40-809 are amended to read as follows:

2-40-805. Equidae identification requirements.

All equidae domiciled within Arkansas and over the age of six (6) months or weaned from a mare shall be positively identified on the official equine infectious anemia test form by an accredited veterinarian or an agent of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture by

means of distinctive markings, color patterns, previous brand, previous tattoo, previously implanted electronic transponder number, permanent scars, other blemishes, cowlicks, whorls, lip tattoo, hot brand or freeze brand before an equine infectious anemia test.

2-40-806. Authority to require test.

Any equidae which have been within four hundred forty yards (440 yds.) of a reactor shall be subject to testing by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture, the State Veterinarian, or their agents if the exposure to the reactor occurred no more than thirty (30) days before the testing of the reactor.

2-40-807. Personnel authorized to collect blood samples.

All samples collected from equidae for equine infectious anemia testing shall be collected by an accredited veterinarian, the State Veterinarian, or other ~~Arkansas Livestock and Poultry Commission~~ authorized personnel authorized by the Department of Agriculture.

2-40-808. Submission of sample and test charts.

(a) All blood samples submitted for official equine infectious anemia tests must be accompanied by a properly completed VS Form 10-11 (Equine Infectious Anemia Laboratory Test Form) or other form prescribed by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

(b) Proof of a negative equine infectious anemia test may be demonstrated through presentation of:

- (1) The original test record document;
- (2) An official electronic copy, as defined by the ~~commission~~ Arkansas Board of Animal Health; and
- (3) Other forms as may be prescribed by the ~~commission~~ board.

2-40-809. Requirements for Arkansas-approved equine infectious anemia testing laboratories.

No person, firm, or corporation shall initiate operation of an equine infectious anemia testing laboratory without first obtaining approval from the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

SECTION 44. Arkansas Code § 2-40-812(a), concerning the quarantine of reactors under the equine infectious anemia law, is amended to read as follows:

(a)(1) All reactors shall be quarantined by an authorized agent of the ~~commission~~ Department of Agriculture to the premises of origin or other premises designated by the owner and approved by the ~~Arkansas Livestock and Poultry Commission~~ department.

(2) The quarantine shall restrict the reactors, all other equidae on the premises, and all equidae epidemiologically determined by the ~~commission~~ department to have been exposed to a reactor.

(3) All equidae on affected premises shall be isolated at least four hundred forty yards (440 yds.) away from all equidae on adjacent premises and at least four hundred forty yards (440 yds.) from any public road.

(4) It is the responsibility of the owner of reactors to maintain those animals in isolation at least four hundred forty yards (440 yds.) away from any public road and all other equidae.

(5) The quarantine may be released by an authorized agent of the ~~commission~~ department after all quarantined equidae in the affected herd test negative to an official equine infectious anemia test not less than sixty (60) days nor more than eighty (80) days following the identification and removal of the last reactor, or as determined by the designated epidemiologist.

SECTION 45. Arkansas Code § 2-40-815(a), concerning the testing requirements for affected herds under the equine infectious anemia law, is amended to read as follows:

(a) All equidae determined to have been on the same premises as a reactor at the time the reactor was bled shall be tested by an accredited veterinarian or an authorized agent of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture at the owner's expense sixty to eighty (60-80) days after the reactor's last positive test result.

SECTION 46. Arkansas Code § 2-40-816(d) and (e), concerning the movement of reactors and exposed animals under the equine infectious anemia law, are amended to read as follows:

(d)(1) Any other move such as a change in location of a reactor or exposed equidae to an alternate quarantined premise must be approved in advance following an epidemiological investigation by the State Veterinarian or other designated ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture personnel.

(2) The movement must also be accompanied by a permit for movement.

(e) If a change in destination becomes necessary, a new permit must be issued by ~~commission authorized~~ department personnel or the regulatory veterinarian.

SECTION 47. Arkansas Code § 2-40-817 is amended to read as follows:
2-40-817. Requirements for quarantined holding facilities.

(a)(1) A person desiring to operate a quarantined holding facility must file an application for approval of the facility on forms provided by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture.

(2) The facility must have an area where equidae testing positive to an official equine infectious anemia test and exposed equidae are kept, and where the equidae are isolated and confined at least four hundred forty yards (440 yds.) from all other equidae at all times.

(3) The facility must be approved by the ~~commission~~ department under an inspection of the premises before the issuance of the license.

(b) Failure to maintain the reactors and exposed equidae in confinement and isolation at least four hundred forty yards (440 yds.) from all other equidae at all times is a violation of this subchapter.

(c)(1) All equidae held in a quarantined holding facility must be shipped directly to an approved slaughter facility without diversion.

(2) An animal moved from a quarantined holding facility may not go through any livestock auction facility before shipment to slaughter.

(3) All movements from a quarantined holding facility must be accompanied by a permit for movement.

(d) All equidae entering or within an approved quarantine holding facility shall be branded or show evidence of an "S" brand on the top of the left hip or a "71A" brand or other brand prescribed by the ~~commission~~ department on the left shoulder or neck, not less than two inches (2") in height.

(e) No equidae may be held over twenty (20) days.

(f) A quarantine pen must be clearly identified by a sign or paint using the word "Quarantined" on all sides. Letters of the sign must be a minimum of one foot (1') in height.

(g) Failure to comply with this subchapter shall be cause for cancellation of approval by the ~~commission~~ department.

SECTION 48. Arkansas Code §§ 2-40-819 through 2-40-821 are amended to read as follows:

2-40-819. Testing requirements for change of ownership.

(a)(1)(A) All equidae which are sold, bartered, traded, given free of charge, or offered for sale, or any horses otherwise exchanged for any reason within Arkansas except at approved markets must be accompanied by a record of a negative equine infectious anemia test conducted at an approved laboratory within the previous six (6) months.

(B) Proof of a negative equine infectious anemia test may be demonstrated through presentation of:

- (i) The original test record document;
- (ii) An official electronic copy, as defined by the ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health; and
- (iii) Other forms as may be prescribed by the ~~Arkansas Livestock and Poultry Commission~~ board.

(C) A foal less than six (6) months of age is exempt from the testing requirements if the foal is accompanied by, nursing, and included in change of ownership with a negative tested mare.

(D) A foal sold separately is required to have a negative current official equine infectious anemia test.

(2) On all private sales, trades, or barter, that is, any sale other than through an approved market, both the buyer and seller are equally and individually responsible for meeting the equine infectious anemia testing requirements before the sale or change of ownership.

(b) Notwithstanding the provisions of subsection (a) of this section, with respect to a horse claimed in a claiming race run at a licensed racetrack regulated by the Arkansas Racing Commission, the ~~Arkansas Livestock and Poultry Commission~~ board may require:

- (1) The negative equine infectious anemia test to have been

conducted at an approved laboratory within the previous twelve (12) months, rather than the previous six (6) months;

(2) Any negative equine infectious anemia test required to be conducted within the last six (6) months to be conducted after the race and after title and risk of loss have passed to the buyer; or

(3) That the requirements of both subdivisions (b)(1) and (2) of this section be met.

2-40-820. Movement of equidae through approved market.

(a) All equidae offered for sale or sold at approved markets must:

(1) Be accompanied by written proof of a negative equine infectious anemia test conducted within the last six (6) months;

(2) Have a blood sample collected by an accredited veterinarian and test negative to an official equine infectious anemia test performed by an approved laboratory before the animal leaves the market;

(3) Have a blood sample collected by an accredited veterinarian or an authorized agent of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture at the market and be quarantined to the market until negative results are received from an approved laboratory;

(4) Be "S" branded and consigned to slaughter before receiving test results; or

(5) Be allowed to return to their premises of origin before unloading and before consignment and be quarantined to the premises of origin until tested negative. The equidae must be tested within thirty (30) days.

(b) Proof of a negative equine infectious anemia test may be demonstrated through presentation of:

(1) The original test record document;

(2) An official electronic copy, as defined by the ~~commission~~ Arkansas Board of Animal Health; and

(3) Other forms as may be prescribed by the ~~commission~~ board.

(c) A foal less than six (6) months of age sold with and nursing a negative-tested mare is exempt from the testing requirements of this subchapter.

(d)(1) A known reactor or known exposed equidae shall not be consigned for sale at an approved market unless permitted by authorized ~~commission~~ department personnel.

(2) An animal which is found to be a reactor or exposed through testing conducted at an approved market must be maintained in a quarantine pen and isolated from all other equidae in the sale facility.

(3)(A) The quarantine pen must be clearly identified by sign or paint using the word "Quarantined" on all sides.

(B) Letters must be one foot (1') high.

(e) It is the market owner's responsibility to make sure that all equines sold meet these requirements.

2-40-821. Requirements of equidae participating in equine activities.

(a) All equidae moving within the state to equidae exhibitions, including, but not limited to, fairs, livestock shows, breed association shows, rodeos, trail rides, parades, team pennings, team ropings, racetracks, or other equidae concentration points shall be accompanied by a record of a negative current official equine infectious anemia test within the past twelve (12) months.

(b) Proof of a negative equine infectious anemia test may be demonstrated through presentation of:

(1) The original test record document;

(2) An official electronic copy, as defined by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health; and

(3) Other forms as may be prescribed by the ~~commission~~ board.

(c) Any individual, club, organization, or association conducting an equine activity shall arrange for a certified equine infectious anemia verifier to be present at the event to verify that each of the equidae is accompanied by a record of a negative current official equine infectious anemia test if:

(1) The event charges a fee of any kind, including an entry fee, a gate fee, a membership fee, a registration fee, a user fee, a camping fee, or a grounds fee;

(2) The event provides prize money, trophies, plaques, ribbons, points, or awards of any kind, including jackpot and benefits; or

(3) The event causes a concentration of more than fifty (50) equidae.

(d) Any show or event within the state may require any additional tests or additional requirements deemed necessary.

SECTION 49. Arkansas Code § 2-40-826 is amended to read as follows:
2-40-826. Equine infectious anemia services.

(a) In order to fund or partially fund the Equine Infectious Anemia Control and Eradication Program, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may, by appropriately adopted administrative rules, design and maintain a fee structure for the purpose of defraying the cost of services performed.

(b) The fees collected shall be deposited into the State Treasury as special revenues and shall be credited to the ~~Livestock and Poultry~~ Animal Health Equine Infectious Anemia Control Fund created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

SECTION 50. Arkansas Code § 2-40-829 is repealed.

~~2-40-829. Research facility certification required.~~

~~Any research facility in this state which contains equidae infected with equine infectious anemia or any reactor equidae shall be certified by the Arkansas Livestock and Poultry Commission and shall be so maintained as to prevent the infection of any other equidae, whether at or outside the research facility.~~

SECTION 51. Arkansas Code § 2-40-1201(c), concerning the disposition of funds into the Livestock and Poultry Commission Swine Testing Fund, is amended to read as follows:

(c) After deducting three percent (3%) for credit to the Constitutional Officers Fund and the State Central Services Fund, the remainder of funds so remitted to the secretary shall be deposited into the State Treasury as special revenues and credited to the ~~Livestock and Poultry Commission~~ Animal Health Swine Testing Fund.

SECTION 52. Arkansas Code §§ 2-40-1301 and 2-40-1302 are amended to read as follows:

2-40-1301. Definitions.

As used in this subchapter, unless the context otherwise requires:

- (1) ~~“Commission” means the Arkansas Livestock and Poultry~~

~~Commission created by § 2-33-101;~~

(2) "Large animal" means cattle, horses, hogs, sheep, goats, cervidae, bison, llamas, alpacas, ostriches, emus, rheas, and other native or nonnative animals, excluding dogs and cats; and

(3)(2) "Large animal carcasses" means carcasses of large animals which died as the result of sickness, suffocation, accident, or from any cause other than intentional slaughter.

2-40-1302. Disposal.

(a)(1) All large animal carcasses and all parts of large animal carcasses shall be disposed of in a manner prescribed by rules of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

(2) However, no large animal carcass shall be buried or otherwise disposed of in any landfill operated under a permit issued by the Division of Environmental Quality.

(b) If a person or entity conducts a farming activity at more than one (1) location, it shall not be necessary for such person or entity to have a disposal ditch or facility at each location unless specified by the State Veterinarian.

SECTION 53. Arkansas Code § 17-80-106(a), concerning investigations and inspections of alleged wrongdoing related to medical professions, is amended to read as follows:

(a) The Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy are authorized to utilize as their employees, as the investigators for the purposes described in this section, the investigators and inspectors of the Division of Pharmacy Services and Drug Control of the Department of Health.

SECTION 54. Arkansas Code § 17-101-102(9), concerning the definition of "licensed veterinarian" under the law concerning veterinarians and veterinary technicians, is amended to read as follows:

(9) "Licensed veterinarian" means a person who is validly and

currently licensed to practice veterinary medicine in this state as a general practitioner or in a specialty area as the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may by rule provide;

SECTION 55. Arkansas Code § 17-101-102(11)(D)(i), concerning the exclusion of certain personnel related to the collection of blood or other samples under the definition of "practice of veterinary medicine" under the law concerning veterinarians and veterinary technicians, is amended to read as follows:

(i) Unlicensed personnel employed by the United States Department of Agriculture or the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture in disease control programs carried out under the authority of the United States Department of Agriculture or the State of Arkansas; and

SECTION 56. Arkansas Code § 17-101-102(20)(B), concerning the exclusion of certain practices under the definition of "veterinary technology" under the law concerning veterinarians and veterinary technicians, is amended to read as follows:

(B) "Veterinary technology" does not include diagnosis, prognosis, surgery, or the prescription of appliances, drugs, medications, or treatment unless otherwise determined by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

SECTION 57. Arkansas Code § 17-101-203 is amended to read as follows:
17-101-203. Powers and duties.

The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice general veterinary medicine or any specialty area thereof, and the certification of veterinary technicians in Arkansas, and issue, renew, deny, suspend, or revoke licenses or certificates, or otherwise discipline veterinarians or veterinary technicians;

(2) Subpoena witnesses and take testimony bearing on the records of applicants for permits or for licenses to practice veterinary medicine in

the State of Arkansas;

(3) Establish annually a schedule of license and permit fees based on the ~~commission's~~ board's financial requirements for the ensuing year;

(4) Conduct investigations into matters brought before the ~~commission~~ board and proceed on the ~~commission's~~ board's own motion to a hearing or other disciplinary action;

~~(5) Purchase or rent necessary office space, equipment, and supplies;~~

~~(6)~~(5)(A) Promulgate and enforce rules necessary to establish recognized standards for the practice of veterinary medicine and to carry out the provisions of this chapter.

(B) The ~~commission~~ board shall make available to interested members of the public copies of this chapter and all rules promulgated by the ~~commission~~ board;

~~(7)~~(6) Examine and evaluate qualifications of education, skill, and experience for certification of a person as a veterinary technician and for annual registration of employment;

~~(8)~~(7) Regulate all veterinarians in a corporate practice and prevent corporate or noncorporate holdings from being sold to, directed by, or controlled by a nonveterinarian;

~~(9)~~(A)(8)(A) Hold hearings on all matters properly brought before the ~~commission~~ board and, in connection thereto, administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings.

(B) The ~~commission~~ board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and ~~commission~~ board depositions;

~~(10)~~(9) Bring proceedings in the courts for the enforcement of this chapter or any rules made under this chapter; and

~~(11)~~(10) Promulgate rules:

(A) Limiting the amount of Schedule II narcotics that may be prescribed and dispensed by licensees of the ~~commission~~ board; and

(B) Outlining the use of telehealth and telemedicine in the practice of veterinary medicine.

SECTION 58. Arkansas Code § 17-101-205(d)(4)(A), concerning the contents of agreements under the Rural Veterinary Student Scholarship Program related to the full-time practice of veterinary medicine, is amended to read as follows:

(4)(A) Upon failure to satisfy the obligation to engage in the full-time practice of veterinary medicine as required by subdivision (d)(2) of this section, repay to the ~~Arkansas Livestock and Poultry Commission~~ department, within ninety (90) days of the failure to satisfy the obligation to engage in the full-time practice of veterinary medicine, the amount equal to the amount awarded to the person, less a prorated amount based on any periods of practice of veterinary medicine that meet the requirements of this section, plus interest calculated at the prime rate of interest plus two percent (2%) from the date the award was received.

SECTION 59. Arkansas Code §§ 17-101-301 through 17-101-312, as amended by Acts 2025, No. 19, are amended to read as follows:

17-101-301. Veterinarians – Application – Qualifications.

(a) Any veterinarian or licensed veterinarian desiring a license to practice veterinary medicine in this state may make written application to the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture showing that he or she is:

- (1) At least twenty-one (21) years of age; and
- (2) A person of moral integrity and acceptable ethical

standards.

(b) The application for licensure to practice veterinary medicine in the State of Arkansas shall:

- (1) Be written;
- (2) Be signed by the applicant;
- (3) Be submitted to the ~~Arkansas Livestock and Poultry Commission~~ department at least thirty (30) days before the exam;
- (4) Be accompanied by a nonrefundable application fee established by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health; and
- (5) Include, but not be limited to, the information set forth below:

- (A) A current photograph of the applicant;

(B) A certified transcript of the applicant's veterinary school records;

(C) A copy of the applicant's diploma from an accredited veterinary school or an affidavit from the dean of an accredited veterinary school certifying the applicant's ability to graduate if he or she has not graduated at the time of application. However, a copy of the diploma must be submitted upon availability and before the exam date;

(D) An Educational Commission for Foreign Veterinary Graduates Certificate or an equivalent program approved by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, if applicable; and

(E)(i) A National Board Exam score and Clinical Competency Test score or the North American Veterinary Licensing Examination score, or its future equivalent, reported through the Veterinary Information Verification Agency, or its future equivalent.

(ii) The Clinical Competency Test is not required for a poultry specialty license.

(c)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health by rule may require that all applicants for licensure by examination complete a preceptorship program during their senior year under the supervision of a veterinarian licensed and in good standing in any state, territory, or district of the United States.

(2) The supervising veterinarian shall submit an affidavit to the ~~Arkansas Livestock and Poultry Commission~~ department stating that the applicant has satisfactorily completed the preceptorship.

(d)(1) If the ~~Arkansas Livestock and Poultry Commission~~ department finds that the applicant possesses the proper qualifications, the ~~Arkansas Livestock and Poultry Commission~~ department shall admit him or her to the next examination.

(2) If an applicant is found unqualified to take the examination or to receive a license without examination, the ~~Arkansas Livestock and Poultry Commission~~ department shall immediately notify the applicant in writing of its findings and the grounds for same.

17-101-302. Veterinarians – Examinations.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, at such times as it may designate, shall conduct an examination of

applicants for license to practice veterinary medicine in the State of Arkansas.

(2) All examinations shall be:

(A) In writing, supplemented by oral interviews and practical examinations as the ~~commission~~ Arkansas Board of Animal Health may deem necessary; and

(B) So conducted as to ensure absolute impartiality in grading.

(b) The ~~commission~~ Arkansas Board of Animal Health hereby adopts the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, as a basis for licensure in the State of Arkansas, along with a written examination conducted by the ~~commission~~ Department of Agriculture.

(c) The ~~commission~~ Arkansas Board of Animal Health requires that all applicants for licensure to practice veterinary medicine in the State of Arkansas shall pass the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, in addition to any and all state examinations, written examinations, oral interviews, and practical demonstrations as the ~~commission~~ Arkansas Board of Animal Health may request or require.

(d) All applicants are required to complete a written examination conducted by the ~~commission~~ Department of Agriculture composed of, but not limited to:

(1) The Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

(2) State and federal statutes relating to prescription and controlled drugs;

(3) Ethics of veterinary medicine; and

(4) Rules and regulations of the ~~commission~~ Arkansas Board of Animal Health, the United States Department of Agriculture, the United States Animal and Plant Health Inspection Service, and rabies control.

(e)(1) Poultry specialty applicants shall sit for a written examination conducted by the ~~commission~~ Department of Agriculture on poultry veterinary medicine.

(2) A license will be issued to poultry specialty applicants with a seventy percent (70%) or better score on the ~~commission~~ Department of

Agriculture examination and a passing score on the National Board Examination, the North American Veterinary Licensing Examination, or its equivalent.

17-101-303. License without examination or license by endorsement.

(a) The ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture, at its discretion, may issue a license without written examination to any qualified applicant who furnishes satisfactory evidence that he or she is a veterinarian and has:

(1) For the five (5) years before filing his or her application, been a practicing veterinarian and licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which are substantially equivalent to the requirements of this chapter;

(2) Qualified as a diplomate of a specialty board approved by the American Veterinary Medical Association;

(3) Been awarded a postgraduate degree in veterinary medicine;
or

(4) Been recognized as an expert in the veterinary profession.

(b) At its discretion, the ~~commission~~ department may examine, orally or practically, any person applying for a license under this section, provided that the applicant has had no disciplinary proceedings pending or completed in another jurisdiction.

17-101-304. Veterinarians – Temporary permit.

(a) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health or his or her designee may issue without examination a temporary permit to practice veterinary medicine in this state to a qualified applicant for a license pending examination and provided that the temporary permit shall expire the day after the notice or results of the first examination given after the permit is issued.

(b) A temporary permit may be ~~issued or~~ revoked by majority vote of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

17-101-305. Veterinarians – Denial, suspension, or revocation of license.

(a) Upon written complaint by any person or on the Arkansas ~~Livestock and Poultry Commission's~~ Board of Animal Health's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the ~~commission~~ board may deny, suspend for a definite period, revoke the license of any veterinarian, or impose a civil penalty for:

- (1) Fraud, misrepresentation, or deception in obtaining a license or permit;
- (2) Adjudication of insanity;
- (3) Use of advertising or solicitation which is false, misleading, or otherwise deemed unprofessional under rules promulgated by the ~~commission~~ board;
- (4)(A) Conviction of a felony listed under § 17-3-102.
(B) A copy of the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence;
- (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;
- (6) Having professional association with or employing any person practicing veterinary medicine unlawfully;
- (7) Fraud or dishonesty in the application or reporting of any test for disease in animals;
- (8) Failure to maintain professional premises and equipment in a clean and sanitary condition in compliance with rules promulgated by the ~~commission~~ board;
- (9) Dishonesty or gross negligence in the inspection of foodstuffs or in the issuance of health or inspection certificates;
- (10) Cruelty to animals;
- (11) Unprofessional conduct by violation of a rule promulgated by the ~~commission~~ board under this chapter;
- (12) Being unable to practice as a veterinarian with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;
- (13) Revocation, suspension, surrender, or other disciplinary sanction of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of a registration fee or suspension of privileges by any other regulatory agency including the failure to report any such adverse action to the

~~commission~~ board within sixty (60) days of the final action;

(14) The use, prescription, or sale of any veterinary prescription drug or the prescription of an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship;

(15) Overtreating patients or charging for services which did not occur unless the services were contracted for in advance or for services which were not rendered or documented in the patient's records or charging for services which were not consented to by the owner of the patient or the owner's agent;

(16)(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

(17) Failure of any applicant or licensee to cooperate with the ~~commission~~ board during any investigation, if the investigation does not concern the applicant or licensee;

(18) Failure to comply with any subpoena or subpoena duces tecum from the ~~commission~~ board, or an order of the ~~commission~~ board;

(19) Failure to timely pay license or registration renewal fees as specified in § 17-101-309;

(20) Violating a probation agreement with the ~~commission~~ board or any other licensing authority of this state, another state or territory of the United States, or a federal agency; or

(21) Violating any informal consent agreement for discipline entered into by an applicant or licensee with the ~~commission~~ board or any other licensing authority of this state, another state or territory of the United States, or a federal agency.

(b) At the discretion of the ~~commission~~ board, any person whose license is suspended or revoked by the ~~commission~~ board under this section may be relicensed or reinstated by the ~~commission~~ board at any time upon written application to the ~~commission~~ board showing cause to justify relicensing or reinstatement.

(c)(1) Upon suspension or revocation of a license, the actual license certificate must be surrendered to the ~~commission~~ board within thirty (30) days of the ~~commission's board's~~ order unless the action is appealed and a stay is issued.

(2) If the ~~commission~~ board prevails upon appeal or the stay is lifted, the license certificate shall be surrendered within ten (10) days of the final order of the court.

17-101-306. Veterinary technician, veterinary technologist, and veterinary technician specialist – Certification.

(a) A person shall not assist in the practice of veterinary medicine as a veterinary technician or veterinary technologist without first applying for and obtaining a certification from the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health and having his or her employment with a licensed veterinarian registered with the ~~commission~~ Arkansas Board of Animal Health.

(b)(1) An applicant for certification as a veterinary technician or veterinary technologist in this state may make written application to the ~~commission~~ Department of Agriculture showing that he or she is:

(A) A citizen of the United States or an applicant for citizenship; and

(B) A person of moral integrity and acceptable ethical standards.

(2) The application for certification as a veterinary technician or veterinary technologist in the State of Arkansas shall be written, signed by the applicant, and submitted to the ~~commission~~ department at least thirty (30) days before the examination, including without limitation the information set forth in this subdivision (b)(2), and the application shall be accompanied by a nonrefundable application fee established by the ~~commission~~ Arkansas Board of Animal Health:

(A) A current photograph of the applicant;

(B)(i) A copy of the applicant's diploma or its equivalent from a college-level program accredited by the American Veterinary Medical Association.

(ii) If the applicant has not graduated at the time of application, an affidavit from the program certifying the applicant's

ability to graduate may be accepted with a copy of the diploma or its equivalent submitted upon availability;

(C) A certified copy of college transcripts;

(D) A passing score on the National Board Examination or Veterinary Technician National Examination, or future equivalent, reported through the American Association of Veterinary State Boards or its successor; and

(E) A letter of recommendation signed by a veterinarian who is licensed in this state or another state, territory, or district of the United States and notarized.

(3) This section does not prevent the ~~commission~~ department from issuing a certification by endorsement to an applicant who:

(A) Holds a certification, or its equivalent, as a veterinary technician or veterinary technologist in another state, territory, or district of the United States;

(B) Is not a respondent in any pending or unresolved board action in any state, territory, or district of the United States;

(C) Has a passing score on the National Board Examination or Veterinary Technician National Examination, or its future equivalent, reported through the American Association of Veterinary State Boards or its successor;

(D) Submits a completed application, including without limitation a letter of recommendation that is:

(i) Signed by a veterinarian;

(ii) Notarized by a notary public; and

(iii) Accompanied by a nonrefundable application fee established by the ~~commission~~ Arkansas Board of Animal Health; and

(E) Signs a statement attesting that he or she has read and understands this chapter and the rules adopted by the ~~commission~~ Arkansas Board of Animal Health governing the practice of veterinary medicine in Arkansas.

(c)(1) A veterinary technician or veterinary technologist shall annually register his or her employment with the ~~commission~~ department, stating:

(A) His or her name and current address;

(B) The name and office address of both his or her

employer and the supervising licensed veterinarian; and

(C) Any additional information required by the ~~commission~~ department.

(2) Upon any change of employment as a veterinary technician or veterinary technologist, the certification is inactive until:

(A) New employment as a veterinary technician or veterinary technologist has been obtained; and

(B) The ~~commission~~ department has been notified in writing of the new employment.

(d)(1) A veterinary technician or veterinary technologist shall perform veterinary technology under the direction, supervision, and responsibility of the licensed veterinarian with whom he or she is employed.

(2) Supervision of a veterinary technician or veterinary technologist may be direct supervision, indirect supervision, or immediate supervision.

(3)(A) A veterinarian who utilizes indirect supervision of a veterinary technician or veterinary technologist shall:

(i) Retain control of and authority over the care of the animal; and

(ii) Review all recordkeeping and notes documented by the veterinary technician or veterinary technologist on the charts regarding the care of the animal.

(B) When utilizing indirect supervision, a supervising veterinarian may authorize a veterinary technician or veterinary technologist to go to a location other than the location of the supervising veterinarian to provide services based on an emergency call for an animal patient.

(e) The ~~commission~~ Arkansas Board of Animal Health shall promulgate rules to establish the appropriate level of supervision under which a veterinary technician or veterinary technologist can perform veterinary technology.

(f)(1) A licensed veterinarian using, supervising, or employing a veterinary technician or veterinary technologist is individually responsible and liable for the performance of the acts and omissions delegated to the veterinary technician or veterinary technologist.

(2) This subsection does not relieve a veterinary technician or veterinary technologist of any responsibility and liability for any of his or

her own acts and omissions.

(g) A licensed veterinarian shall not establish a separate office or clinic in a location other than his or her regular office and place the separate office or clinic under the control or supervision of a veterinary technician or veterinary technologist.

(h)(1) This section does not prevent a licensed veterinarian from utilizing the services of an employee to perform services not requiring the skill and judgment of a veterinary technician, veterinary technologist, or veterinary technician specialist, if the services performed by the employee are under the direct personal supervision of a licensed veterinarian.

(2) An employee described under subdivision (h)(1) of this section shall not be identified as a "veterinary technician", "animal technician", "technician", "veterinary technologist", "animal technologist", "technologist", or "veterinary technician specialist".

(i) A veterinary technician, veterinary technologist, or veterinary technician specialist shall not receive a fee or other compensation for veterinary services or veterinary technology services other than the salary or other compensation paid to the veterinary technician, veterinary technologist, or veterinary technician specialist by the veterinary clinic, veterinary practice, or veterinarian by which he or she is employed.

17-101-307. License required – Exemptions.

(a) No person may practice veterinary medicine in this state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

(b) This chapter shall not be construed to prohibit:

(1) Employees of the United States Government or state government or employees of local government who are certified by an agency approved by the ~~commission~~ board to perform euthanasia from performing their official duties;

(2) Regular students in a veterinary school or college from performing duties or actions assigned by the school or college or working under the direct personal supervision of a veterinarian licensed in the State of Arkansas;

(3) Reciprocal aid of neighbors in performing routine accepted livestock management practices without compensation;

(4) Any veterinarian licensed in any foreign jurisdiction from consulting with a licensed veterinarian;

(5) The owner of an animal, his or her consignees, and their employees from performing routine accepted livestock management practices in the care of animals belonging to the owner;

(6) A member of the faculty of a veterinary school from performing his or her regular functions or a person from lecturing or giving instruction or demonstration at a veterinary school or in connection with a continuing education course or seminar for licensed veterinarians, veterinary technicians, or veterinary technologists;

(7) A person from engaging in bona fide scientific research that reasonably requires experimentation involving animals;

(8) Any person:

(A) Engaging in the art or profession of horseshoeing;

(B) Training, except that the training shall not include diagnosing, prescribing, or dispensing of any therapeutic agent;

(C) Selling medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law, by any pharmacist, merchant, or manufacturer at his or her regular place of business;

(D) Collecting, preparing, or freezing semen; and

(E) Performing nonsurgical artificial insemination;

(9)(A) Any act, task, or function performed by a veterinary technician or veterinary technologist at the direction of and under the supervision of a licensed veterinarian, when:

(i) The veterinary technician or veterinary technologist is certified by the ~~commission~~ board as being qualified by training or experience to function as an assistant to a veterinarian;

(ii) The act, task, or function is performed at the direction of and under the supervision of a licensed veterinarian in accordance with rules promulgated by the ~~commission~~ board; and

(iii) The services of the veterinary technician or veterinary technologist are limited to assisting the veterinarian in the particular fields for which he or she has been trained and certified.

(B) Subdivision (b)(9)(A) of this section shall not limit or prevent any veterinarian from delegating to a qualified person any acts,

tasks, or functions which are otherwise permitted by law but which do not include diagnosis, prescribing medication, or surgery;

(10) A chiropractor licensed in this state and certified by the American Veterinary Chiropractic Association or the equivalent thereof from performing chiropractic upon animals;

(11) The practice of veterinary medicine through a program in partnership with federal Innovative Readiness Training if the veterinarian or veterinary technician has obtained a license to practice from another state, commonwealth, territory, or the District of Columbia;

(12) A person from practicing or performing equine massage therapy or animal massage therapy; or

(13) An emergency medical services personnel or an emergency medical services provider from transporting an injured police dog as authorized under § 20-13-217.

17-101-308. Veterinary technicians – Denial, suspension, or revocation of certificate.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may deny or suspend any registration or deny or revoke any certificate of qualification upon the grounds that the applicant or veterinary technician is guilty of:

(1) Soliciting patients for any practitioner of the veterinary healing arts;

(2) Soliciting or receiving any form of compensation from any person other than his or her registered employer for performing as a veterinary technician;

(3) Willfully or negligently divulging a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Being unable to practice as a veterinary technician with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical

condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technician in Arkansas; or

(B) An annual registration;

(7) Impersonating another person registered as a veterinary technician or allowing any person to use his or her certificate of qualification or registration;

(8) Aiding or abetting the practice of veterinary medicine by a person not licensed by the ~~commission~~ board;

(9) Gross negligence in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Manifesting incapacity or incompetence to perform as a veterinary technician; or

(11) Conduct unbecoming a person registered as a veterinary technician or detrimental to the best interests of the public.

(b) At the discretion of the ~~commission~~ board, any person whose certificate of qualification is suspended or revoked by the ~~commission~~ board under this section may be recertified or reinstated by the ~~commission~~ board at any time upon written application to the ~~commission~~ board showing cause to justify recertification or reinstatement.

17-101-309. License, certificate, and registration renewal – Reinstatement.

(a)(1) All licenses, certificates, and registrations expire on March 31 each year and may be renewed by payment of the annual renewal fee established by rule of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health.

(2) Not later than March 1 each year, the ~~commission~~ Department of Agriculture shall provide a ~~written~~ notice to each licensed veterinarian, veterinary technician, and veterinary technologist that his or her license or certificate will expire on March 31 and shall provide a renewal application form.

(b)(1) Any person may reinstate an expired license or certificate within five (5) years of its expiration by making application to the ~~commission~~ department for renewal and paying the current renewal fee along

with all delinquent renewal fees.

(2) After five (5) years have elapsed since the date of expiration, a license or certificate may not be renewed, and the holder must apply for a new license or certificate and take the required examinations.

(c) The ~~commission~~ board may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian, veterinary technician, or veterinary technologist during any period when he or she is on active duty with any branch of the United States Armed Forces for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

(d) The ~~commission~~ board may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian or veterinary technician during any period when he or she is a member of the Arkansas National Guard called into state active duty.

17-101-310. Continuing education required – Exemptions.

(a)(1) A veterinarian, veterinary technician, or veterinary technologist under this chapter is required to attend an educational program in the twelve (12) months preceding each renewal date.

(2) The postgraduate study or attendance at an institution or at an educational session approved by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall be considered equivalent to continuing education requirements.

(3) The ~~commission~~ board shall have the right, for good cause shown, to prescribe the type and character of postgraduate study to be done by any licensed veterinarian in order to comply with the requirements of this chapter.

(b) The ~~commission~~ board shall excuse licentiates or certificate holders, as a group or as individuals, from the annual educational requirements in any of the following instances:

(1) When no educational program meeting the requirements approved by the ~~commission~~ board is conducted within the state;

(2) When an affidavit is submitted to the ~~commission~~ board evidencing that the licensee, for good cause assigned, was prevented from attending an educational program at the proper time;

(3) In the event of an unusual emergency; or

(4) If that person holds an inactive license or certificate.

(c)(1) A veterinarian, veterinary technician, or veterinary technologist shall fulfill his or her annual education requirements at his or her own expense.

(2) The fee for his or her annual education requirements is not included in the license fee.

(d)(1) A veterinary technician specialist shall complete an additional eight (8) hours of advanced continuing education in his or her area of specialty each year before veterinary technician specialist certification renewal.

(2) A veterinary technician specialist shall maintain an active veterinary technician certification in this state and fulfill all continuing education hours required for the veterinary technician certification.

17-101-311. Civil penalty – Appeals and disposition of funds.

(a)(1) Whenever the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health determines that any provision of this chapter or any rule promulgated by the ~~commission~~ board under this chapter has been violated, the ~~commission~~ board may impose a civil penalty not to exceed five thousand dollars (\$5,000) per violation.

(2) The ~~commission~~ board may file an action in the Pulaski County Circuit Court to collect any civil penalty not paid within thirty (30) days of service of the order assessing the penalty, unless the circuit court enters a stay of the ~~commission's~~ board's order.

(3) If the ~~commission~~ board prevails in the action, the defendant shall be directed to pay reasonable attorney's fees and costs incurred by the ~~commission~~ board in prosecuting the action in addition to the civil penalty.

(b) Any person aggrieved by the action of the ~~commission~~ board imposing civil penalties may appeal the decision in the manner and under the procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for appeals from administrative decisions.

(c)(1) All funds derived from civil penalties imposed by the ~~commission~~ board shall be deposited into one (1) or more depositories qualifying for the deposit of public funds.

(2) The funds shall be used by the ~~commission~~ board for administering the provisions of this chapter.

17-101-312. Unlawful practice – Penalties – Injunctions.

(a) Any person who shall practice or attempt to practice veterinary medicine in this state without having been duly licensed in accordance with the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon conviction, the person shall be fined in any sum of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250) for each and every offense or imprisoned for a term of not less than six (6) months nor more than one (1) year, or shall be both fined and imprisoned in the discretion of the court.

(b) Each day of the unlawful practice shall constitute a separate offense.

(c) One-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter shall be paid into the general fund of the county wherein the fine is assessed, and one-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter shall be deposited ~~with the Director of the Arkansas Livestock and Poultry Commission and credited to the account of the Arkansas Livestock and Poultry Commission~~ into the Animal Health Special Revenue Fund.

(d) The unlawful practice of veterinary medicine is declared to be a public nuisance.

(e) In addition to the penalties provided in this section, the ~~commission~~ Arkansas Board of Animal Health may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the ~~commission~~ board in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

SECTION 60. Arkansas Code §§ 17-101-314 through 17-101-320, as amended by Acts 2025, No. 19, are amended to read as follows:

17-101-314. Practicing without license – ~~Commission penalties~~ Penalties.

(a)(1)(A) If upon ~~completion~~ review of an ~~investigation~~ a complaint the ~~Director of the Arkansas Livestock and Poultry Commission~~ Board of Animal Health has probable cause to believe that a veterinarian or an unlicensed person acting as a veterinarian has violated the provisions of this chapter, he or she may issue a citation to the veterinarian or unlicensed person, as provided in this section.

(B) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter alleged to have been violated.

(C) Each citation may also contain an order of abatement fixing a reasonable time for abatement of the violation and may contain an assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

(2) The citation shall be served upon the veterinarian or unlicensed individual personally or by any type of mailing requiring a return receipt.

(b)(1) If a veterinarian or unlicensed person desires to administratively contest a civil citation or the proposed assessment of a civil penalty, he or she shall notify within ten (10) business days after service of the citation the executive officer in writing of his or her request.

(2) Upon receipt of the request, a hearing on the matter shall be scheduled before the ~~commission~~ board.

(c) Any administrative hearing shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) In addition to the penalties provided in this section, the ~~commission~~ board may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the ~~commission~~ board in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

17-101-315. Equine teeth floating.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health ~~is prohibited from enforcing commission~~ may enforce board policy regarding equine teeth floating by either investigating or prosecuting an individual practitioner engaged in equine teeth floating ~~until July 1, 2013~~.

(b)(1) Before engaging in the practice of equine teeth floating in the state, an individual practitioner shall present to the ~~commission~~ board signed letters of recommendation from two (2) clients who have previously employed the individual practitioner and who bear witness to the individual practitioner's ability to perform equine teeth floating.

(2) The letters of recommendation shall be presented to the ~~commission~~ board before providing service to a client or performing any

procedure on any animal.

17-101-316. Livestock embryo transfer or transplant and livestock pregnancy determination.

(a) ~~Until July 1, 2019, the Arkansas Livestock and Poultry Commission is prohibited from investigating or prosecuting~~ The Arkansas Board of Animal Health under a ~~commission~~ board rule or policy may investigate an individual technician who engages in both:

- (1) Livestock embryo transfer or transplant; and
- (2) Livestock pregnancy determination.

(b) Before engaging in livestock embryo transfer or transplant and livestock pregnancy determination in the state, an individual technician shall obtain a certification from the ~~commission~~ board.

(c)(1) An applicant for certification shall submit the following information to the ~~commission~~ Department of Agriculture with an application and application fee of one thousand dollars (\$1,000):

(A)(i) One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months.

(ii) The letter described in subdivision (c)(1)(A)(i) of this section shall include the dates that the veterinarian spent with the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(a) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(b) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60) days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

(B) A record of successfully completing a qualified course taught by a livestock reproduction specialist on both livestock embryo transfer and livestock pregnancy determination;

(C) Proof that the applicant has at least fifty percent (50%) financial interest in livestock management equipment, including without

limitation ultrasound equipment, microscope, embryo freezer, and other required transfer tools; and

(D) Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

(2) The ~~commission~~ department shall approve or deny certification within thirty (30) days of receiving an application.

(d)(1) A certification under this section expires after two (2) years.

(2) An individual technician shall submit a renewal application and renewal application fee of two hundred fifty dollars (\$250) to the ~~commission~~ board along with a record of completion of a continuing education course on bovine reproduction within the United States or Canada.

(3) The ~~commission~~ department shall approve or deny recertification within thirty (30) days of receiving a renewal application.

(e) An embryo transfer technician may only administer to livestock prescription drugs that have been prescribed by a licensed veterinarian who has a valid veterinarian-client-patient relationship.

17-101-317. Veterinary technologist and veterinary technician specialist – Grounds for denial, suspension, or revocation.

(a) Upon written complaint by any person or on the Arkansas ~~Livestock and Poultry Commission's~~ Board of Animal Health's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the ~~commission~~ board may ~~deny or~~ suspend any certification or ~~deny or~~ revoke any certificate of qualification of the applicant, veterinary technologist, or veterinary technician specialist for the following conduct:

(1) Solicitation of patients on behalf of a veterinarian or veterinary technician;

(2) Solicitation or receiving any form of compensation from any person other than his or her registered employer for his or her employment;

(3) Willful or negligent disclosure of a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be evidence;

(5) Inability to practice as a veterinary technologist or a veterinary technician specialist with reasonable skill and safety to patients due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technologist or veterinary technician specialist in Arkansas; or

(B) An annual employment registration;

(7) Impersonation of another person registered as a veterinary technologist or veterinary technician specialist or authorization of any person to use his or her certificate of qualification or registration;

(8) Aids or abets the practice of veterinary medicine by a person not licensed by the ~~commission~~ board;

(9) Incompetence, gross negligence, or other malpractice in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Incapacity or incompetence to perform as a veterinary technologist or veterinary technician specialist;

(11) Cruelty to animals;

(12) Failure:

(A) Of any applicant or licensee to cooperate with the ~~commission~~ Department of Agriculture during any investigation, if the investigation does not concern the applicant or licensee;

(B) To comply with any subpoena or subpoena duces tecum from the ~~commission~~ board or an order of the ~~commission~~ board; or

(C) To timely pay certification or renewal fees; or

(13) Unprofessional conduct or conduct that is detrimental to the best interests of the public.

(b) At the discretion of the ~~commission~~ board, a person whose certificate of qualification is suspended or revoked by the ~~commission~~ board under this section may be:

(1) Recertified or reinstated by the ~~commission~~ board at any time upon written application to the ~~commission~~ board showing cause to justify recertification or reinstatement; and

(2) Subject to civil penalties under § 17-101-311 as determined by the ~~commission~~ board.

17-101-318. Veterinarians – Restricted license.

(a) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health or his or her designee may issue a restricted license to a person who has graduated from an accredited or approved college of veterinary medicine but has not passed the North American Veterinary Licensing Examination, or its future equivalent, to engage in the practice of veterinary medicine under the direct supervision of a licensed veterinarian.

(b) A restricted license shall be issued by the ~~commission~~ board upon the receipt of the following:

(1) A completed application as described in § 17-101-301 and the application fee established by the ~~commission~~ board, if not previously submitted during the applicant's final year of veterinary school;

(2) A restricted license fee established by the ~~commission~~ board;

(3) A letter of recommendation from the supervising licensed veterinarian; and

(4) Written confirmation that the applicant is scheduled to take the next available North American Veterinary Licensing Examination, or its future equivalent.

(c) If the applicant fails to pass the North American Veterinary Licensing Examination, or its future equivalent, after receiving a restricted license, the applicant may be issued another restricted license by submitting the following:

(1) The restricted license fee established by the ~~commission~~ board;

(2) A letter of recommendation from the supervising licensed veterinarian; and

(3) Written confirmation that the applicant is scheduled to take the next available North American Veterinary Licensing Examination, or its future equivalent.

(d)(1) A restricted license shall expire the day after the results of the North American Veterinary Licensing Examination, or its future equivalent, are made known to the applicant.

(2) An applicant shall not be issued more than three (3) restricted licenses.

(e) The applicant is eligible for an unrestricted license to practice veterinary medicine upon receiving a passing score on the North American Veterinary Licensing Examination, or its future equivalent, if all other requirements are met for the unrestricted license.

(f) A restricted licensee shall not apply:

(1) For a United States Drug Enforcement Administration registration; or

(2) To become an accredited veterinarian through the United States Animal and Plant Health Inspection Service.

17-101-319. Veterinary technician specialist – Certification.

(a)(1) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall issue additional certifications for a veterinary technician specialist.

(2) For an applicant seeking certification as a veterinary technician specialist, the ~~commission~~ board may require:

(A) An initial application and an initial application fee as determined by the ~~commission~~ board;

(B) A renewal application and a renewal application fee as determined by the ~~commission~~ board; and

(C) Any other relevant information determined by the ~~commission~~ board.

(b)(1) A veterinary technician specialist shall perform specialized veterinary technology under the direction, supervision, and responsibility of the:

(A) Licensed veterinarian with whom he or she is employed;

or

(B) Collaborating veterinarian under a collaborative practice agreement.

(2) Supervision of a veterinary technician specialist may be direct supervision, indirect supervision, or immediate supervision.

(3)(A) A veterinarian who utilizes indirect supervision of a veterinary technician specialist shall:

(i) Retain control of and authority over the care of the animal patient; and

(ii) Review all record keeping and notes documented

by the veterinary technician specialist on the charts regarding the care of the animal patient.

(B) When utilizing indirect supervision, a supervising veterinarian may authorize a veterinary technician specialist to go to a location other than the location of the supervising veterinarian to provide services based on an emergency call for an animal patient.

(c)(1) A licensed veterinarian using, supervising, or employing a veterinary technician specialist is individually responsible and liable for the performance of the acts and omissions delegated to the veterinary technician specialist.

(2) This subsection does not relieve a veterinary technician specialist of any responsibility or liability for any of his or her own acts and omissions.

(3) A licensed veterinarian shall not establish a separate office or clinic in a location other than his or her regular office and place the separate office or clinic under the control or supervision of a veterinary technician specialist.

(d) A veterinary technician specialist shall not receive compensation for performing the practice of specialized veterinary technology other than the salary or compensation paid to the veterinary technician specialist by the veterinary clinic, veterinary practice, or veterinarian by which he or she is employed.

(e) A person shall not use or assume the title "certified veterinary technician specialist", "veterinary technician specialist", "VTS", or "CVTS" or use any words, letters, abbreviations, or insignia indicating or implying that the person holds a veterinary technician specialist certification unless the person is certified by the ~~commission~~ board.

17-101-320. Collaborative practice agreement.

(a)(1)(A) A veterinary technician specialist and a veterinarian may enter into a collaborative practice agreement.

(B) A veterinarian shall not enter into a collaborative practice agreement with more than three (3) veterinary technician specialists at one (1) time.

(2) A collaborative practice agreement shall include without limitation provisions addressing:

(A) The location and license details of both the veterinary technician specialist and collaborating veterinarian as well as the availability of the collaborating veterinarian for consultation or referral, or both;

(B) Methods of management of the collaborative practice, which shall include protocols for technical duties;

(C) Coverage of the veterinary needs of an animal patient in the emergency absence of the veterinary technician specialist or collaborating veterinarian; and

(D) Quality assurance with monthly reviews of the veterinary technician specialist's animal patients' medical records or case discussions with the collaborating veterinarian.

(3) If a collaborative practice results in complaints of violations of this chapter, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may review the role of the collaborating veterinarian or the veterinary technician specialist in the collaborative practice to determine if the collaborating veterinarian or the veterinary technician specialist is unable to manage his or her responsibilities under the collaborative practice agreement without an adverse effect on the quality of care of the animal patient.

(4) A veterinary technician specialist shall notify the ~~commission~~ Department of Agriculture in writing within seven (7) days following the termination of a collaborative practice agreement.

(b)(1) A veterinary technician specialist may receive drugs, medicines, or therapeutic devices appropriate to the veterinary technician specialist's area of practice.

(2) If the collaborative practice agreement between a veterinary technician specialist and a collaborating veterinarian is terminated, a new collaborative practice agreement shall be required.

(3) Under the supervision of a collaborating veterinarian, a veterinary technician specialist may:

(A)(i) Establish care for new animal patients by forming a preliminary veterinarian-client-patient relationship on behalf of the collaborating veterinarian with the animal patient or client, order diagnostics, provide a diagnosis or a prognosis, and develop treatment plans with a collaborating veterinarian.

(ii) The collaborating veterinarian shall complete the veterinarian-client-patient relationship by personally seeing the animal patient within fifteen (15) days;

(B) Perform the induction, maintenance, and monitoring of anesthesia for an animal patient except when in conflict with state or federal law;

(C) Perform minor dental and surgical procedures on animal patients, excluding abdominal, thoracic, or orthopedic surgery and neurosurgery;

(D) Administer a drug or controlled substance to prevent suffering of animal patients, including without limitation euthanasia, under direct communication with a collaborating veterinarian;

(E) Initiate and perform cardiopulmonary resuscitation on animal patients, including administration of medication and defibrillation, and provide immediate post-resuscitation care according to established protocols except when in conflict with state or federal law; and

(F) Dispense and administer medicines or therapeutic devices for animal patients except when in conflict with state or federal law.

(c) The veterinary technician specialist shall keep accurate records in accordance with the rules of the ~~commission~~ Arkansas Board of Animal Health, including without limitation the medical history, physical examination, other evaluations and consultations, treatment plan objective, informed consent noted in the animal patient's record, treatment, prescriptions, and medications given, agreements regarding the animal patient, and periodic reviews.

SECTION 61. Arkansas Code § 18-15-1703(e)(2), concerning exemptions from application of the Private Property Protection Act, is amended to read as follows:

(2) Laws or rules within the jurisdiction of the State Health Officer or regulatory activities of the Arkansas Pollution Control and Ecology Commission, the Division of Environmental Quality, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, the Arkansas Public Service Commission, or the State Plant Board under delegated or authorized programs or approved plans under federal law;

SECTION 62. Arkansas Code § 19-4-906(a)(022), concerning motor vehicle restrictions and authorizations related to state agencies, authorities, boards, commissions, departments, and institutions of higher education, is amended to read as follows:

(022) ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health 81

SECTION 63. Arkansas Code § 19-5-302(8), concerning the Livestock and Poultry Fund Account, is amended to read as follows:

(8) ~~Livestock and Poultry~~ Animal Health Fund Account.

(A) The ~~Livestock and Poultry~~ Animal Health Fund Account shall be used ~~for the maintenance, operation, and improvement of the Arkansas Livestock and Poultry Commission, which was separated from the Department of Commerce [abolished] by Acts 1981, No. 867, § 1,~~ in carrying out the functions, powers, and duties as set out in § 2-33-101 et seq., or other duties imposed by law upon the ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health.

(B) The ~~Livestock and Poultry~~ Animal Health Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds provided by law;

SECTION 64. Arkansas Code § 19-6-301(33) and (34), concerning the enumeration of special revenues, are amended to read as follows:

(33) Brand registration, sales of state brand books, and fees for transfer of brand titles, as enacted by Acts 1959, No. 179, § 2-34-201, § 2-34-202 [repealed], § 2-34-203, § 2-34-204 [repealed], and §§ 2-34-205 2-34-206 – 2-34-212;

(34) ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health fees and revenues as enacted by Acts 1981, No. 867, and all laws amendatory thereto, § 2-33-113(a), consisting of:

(A) Income from the livestock spraying program, as enacted by Acts 1969, No. 360, and all laws amendatory thereto, § 2-33-207 [repealed] and § 2-33-208 [repealed];

(B) Poultry and egg grading fees as enacted by Acts 1969, No. 220, known as the “Arkansas Egg Marketing Act of 1969”, and all laws amendatory thereto, § 20-58-201 et seq.;

(C) Acts 1965, No. 49, and all laws amendatory thereto, §§ ~~2-33-301~~ 2-33-303 – 2-33-305, and 2-33-307;

(D) Acts 1975 (Extended Sess., 1976), No. 1216, and all laws amendatory thereto, §§ 2-33-306 and 2-33-307;

(E) Carcass data information and feeder pig and feeder calf grading fees, as enacted by Acts 1973, No. 454, and all laws amendatory thereto, §§ 2-33-201 – 2-33-206 [repealed];

(F) Livestock and poultry diagnostic service fees, § 2-33-111;

(G) State, county, and district paid admission surcharges, § 2-33-115(a)(3) [repealed];

(H) Small animal testing fees, as enacted by Acts 1981, No. 770, and all laws amendatory thereto, § 2-33-112 [repealed];

(I) Commercial bait and ornamental fish fees collected under the Commercial Bait and Ornamental Fish Act, § 2-5-201 et seq.; and

(J) Catfish processor civil penalties collected under the Arkansas Catfish Processor Fair Practices Act of 1987, § 2-6-101 et seq.;

SECTION 65. Arkansas Code § 19-6-301(95), concerning the enumeration of special revenues, is amended to read as follows:

(95) Fees charged by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health for the various examinations, permits, licenses, and certificates issued by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture, as enacted by Acts 1975, No. 650, as amended, the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

SECTION 66. Arkansas Code § 19-6-301(126), concerning the enumeration of special revenues, is repealed.

~~(126) Those portions of vaccination fees imposed at livestock markets, as enacted by Acts 1985, No. 150, and Acts 1985, No. 151, § 2-40-206, and that portion of all fines and penalties resulting from arrests made or citations issued by Arkansas Livestock and Poultry Commission enforcement officers, § 2-33-113(b) [repealed];~~

SECTION 67. Arkansas Code § 19-6-409 is amended to read as follows:

19-6-409. Poultry and Egg Grading Fund.

The Poultry and Egg Grading Fund shall consist of that portion of those special revenues derived from the poultry and egg industry as specified in § 19-6-301(34), there to be used for the maintenance, operation, and improvement required by the ~~Arkansas Livestock and Poultry Commission~~ poultry and egg grading programs, in carrying out the functions, powers, and duties as set out in § 2-33-101 et seq., or other duties imposed by law upon the ~~commission~~ Department of Agriculture.

SECTION 68. Arkansas Code § 19-6-429 is amended to read as follows:

19-6-429. Veterinary Examiners ~~Board~~ Fund.

(a) The Veterinary Examiners ~~Board~~ Fund shall consist of those special revenues as specified in § 19-6-301(95).

(b) The fund shall be used:

(1) For the operation, maintenance, and improvement of the ~~Arkansas Livestock and Poultry Commission~~ Board of Animal Health in exercising the powers, functions, and duties as set out in the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.; and

(2) To fund:

(A) The Agri Scholarship Program created under § 25-38-212 and administered by the Department of Agriculture, with deposits to the Agri Scholarship Program Fund in the amount of up to thirty thousand dollars (\$30,000) per year; and

(B) The Rural Veterinary Student Scholarship Program, § 17-101-205.

SECTION 69. Arkansas Code § 19-6-433 is amended to read as follows:

19-6-433. ~~Livestock and Poultry~~ Animal Health Equine Infectious Anemia Control Fund.

The ~~Livestock and Poultry~~ Animal Health Equine Infectious Anemia Control Fund shall consist of those special revenues as specified in § 19-6-301(195), there to be used for the purpose of defraying the costs of services performed in the Equine Infectious Anemia Control and Eradication Program as set out in § 2-40-801 et seq.

SECTION 70. Arkansas Code § 19-6-448 is amended to read as follows:

19-6-448. ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund.

The ~~Livestock and Poultry Commission~~ Animal Health Disease and Pest Control Fund shall consist of any funds authorized by law and those special revenues as specified in § 19-6-301(126), there to be used in order to fund or partially fund the bovine disease control and eradication program as provided in § 2-40-206.

SECTION 71. Arkansas Code § 19-6-466 is amended to read as follows:

19-6-466. ~~Livestock and Poultry Commission~~ Animal Health Swine Testing Fund.

The ~~Livestock and Poultry Commission~~ Animal Health Swine Testing Fund shall consist of those special revenues as specified in § 19-6-301(159), there to be used for the Pseudorabies Control and Eradication Program as set out in § 2-40-1201.

SECTION 72. Arkansas Code § 19-6-480 is amended to read as follows:

19-6-480. ~~Livestock and Poultry~~ Animal Health Special Revenue Fund.

(a) The ~~Livestock and Poultry~~ Animal Health Special Revenue Fund shall consist of those special revenues as specified in § 19-6-301(33) and (34) and §§ 2-5-204, 2-5-206, and 2-6-106 that are not required for support of the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture Poultry and Egg Grading Program, there to be used for those purposes as set out by law.

(b) The Director of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, with the approval of the Chief Fiscal Officer of the State, shall have the authority to transfer funds from the ~~Livestock and Poultry~~ Animal Health Special Revenue Fund to the ~~Livestock and Poultry~~ Animal Health Fund Account.

SECTION 73. Arkansas Code § 20-19-312 is amended to read as follows:

20-19-312. State Board of Health's authority to regulate.

(a) The State Board of Health shall adopt rules necessary to carry out this subchapter, with subsequent amendments as needed.

(b) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health may adopt rules as are necessary pertaining to dogs and cats transported or moved into Arkansas for any purpose.

SECTION 74. Arkansas Code § 20-58-204(a), concerning penalties under the Arkansas Egg Marketing Act of 1969, is amended to read as follows:

(a) Any person, firm, or corporation violating any of the provisions of this subchapter or rules of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall be guilty of a violation and shall upon conviction:

(1) For the first offense, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100);

(2) For the second offense, be fined not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250); and

(3) For the third offense, be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

SECTION 75. Arkansas Code §§ 20-58-205 and 20-58-206 are amended to read as follows:

20-58-205. Employees of Department of Agriculture – Powers and duties.

All duties and functions required to be performed by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health under the provisions of this subchapter shall be performed by the Department of Agriculture or its authorized employees.

20-58-206. Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health – Establishment of standards.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall establish standards for the grading, classification, and marking of shell eggs bought and sold by any person, firm, or corporation in the State of Arkansas.

(b) The standards shall, on the date of the sale to the consumer, conform to the minimum standards promulgated by the United States Department of Agriculture as defined in the “United States Standards, Grades and Weight Classes for Shell Eggs”, authorized under 7 U.S.C. § 1624, effective July 11, 1952, and amendments thereto.

(c) The standards of quality of the United States Department of Agriculture are adopted as the standards of quality for the enforcement of this subchapter. Any egg described by the United States Department of Agriculture as being inedible shall be deemed inedible under the provisions of this subchapter.

SECTION 76. Arkansas Code § 20-58-207(b)(2) and (3), concerning prohibited acts under the Arkansas Egg Marketing Act of 1969, are amended to read as follows:

(2) Use descriptive terminology as to eggs that have not been graded and sized according to the standards set forth by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health; or

(3) Use descriptive terminology such as “fresh” to represent the same to be “fresh” any eggs excepting those eggs that meet the minimum requirements of Grade A or higher according to the standards set forth by the ~~commission board~~.

SECTION 77. Arkansas Code § 20-58-209(d), concerning egg handler permits under the Arkansas Egg Marketing Act of 1969, is amended to read as follows:

(d) No person shall operate a shell egg processing plant and egg candling room or an egg breaking plant before the plant or room has been approved by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health or its authorized agent and a permit issued.

SECTION 78. Arkansas Code § 20-58-214 is amended to read as follows:
20-58-214. Enforcement.

(a) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health shall enforce the provisions of this subchapter and is authorized to make and promulgate such rules as may be necessary thereto.

(b)(1)(A) The ~~commission~~ Department of Agriculture and its authorized employees or agents may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

(B) The ~~commission~~ department is authorized to make such inspections as needed of eggs to determine if the grades of the eggs conform

to grades as labeled on the exterior of the container.

(2) If the inspection determines that the eggs in the container do not conform to the grade as labeled on the exterior of the container, the ~~commission~~ department or its employees or agents are authorized to examine the invoices and such other records as are needed to determine the cause and place of the violation of the rule of this subchapter.

(c) The ~~commission~~ department and its authorized employees shall have the power to stop sale and impound, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this subchapter.

SECTION 79. Arkansas Code § 20-58-215(b), concerning the setting of the inspection and annual permit fees under the Arkansas Egg Marketing Act of 1969, is amended to read as follows:

(b) The inspection fee and annual permit fee will be set by the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health ~~after review and consultation with the Poultry Federation for all shell eggs and egg products processed or sold in the State of Arkansas.~~

SECTION 80. Arkansas Code § 20-58-216 is amended to read as follows:
20-58-216. Audits.

(a) Annual audits of all permit holders, including out-of-state permit holders, will be performed by the ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture to ensure proper reporting of egg inspection fees.

(b)(1) Travel expenses incurred in conducting out-of-state audits are to be reimbursed to the ~~commission~~ department by out-of-state permit holders.

(2) The State of Arkansas's out-of-state daily allowance for meals and lodging will be the maximum amount reimbursable, plus travel expenses to and from locations of permit holders.

SECTION 81. Arkansas Code § 20-60-206(c)(2), concerning consultation with meat and meat food products industry under the State Meat Inspection Program, is amended to read as follows:

(2) Consult with the meat and meat food products industry, including the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, as well as the Department of Health, when developing the procedures,

rules, and policies regarding the program;

SECTION 82. Arkansas Code § 24-4-804(c)(2), concerning those members who are exempt from the provisions of the deferred retirement option plan requiring separation from service, is amended to read as follows:

(2)(A)(i) This section does not apply to a member who:

(a) Was an employee of the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the Arkansas Board of Animal Health, or the State Plant Board;

(b) Is a participant in the plan; and

(c) Is an essential seasonal staff member with the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board.

(ii) This section does not apply to a member who:

(a) Was an employee of the Department of Agriculture;

(b) Is a participant in the plan; and

(c) Is an essential seasonal staff member with the department.

(B) As used in subdivision (c)(2)(A) of this section, "essential seasonal staff member" means an employee of the department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board who:

(i) Has specialized knowledge, skill, or training pertaining to necessary duties or tasks to be completed by the department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board in times of emergency, disaster cleanup, extreme weather, or other circumstances deemed pressing by the department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board; and

(ii) Is employed by the department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board on a part-time basis:

(a) During times of emergency, disaster cleanup, extreme weather, or other circumstances deemed pressing by the

department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board; or

(b) As an instructor to train other staff for times of emergency, disaster cleanup, extreme weather, or other circumstances deemed pressing by the department, the Arkansas Forestry Commission, the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, or the State Plant Board.

SECTION 83. Arkansas Code § 25-15-104(a)(1)(K), concerning the subpoena powers of certain boards and commissions, is amended to read as follows:

(K) Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, § 2-33-101 et seq.;

SECTION 84. Arkansas Code § 25-16-903(27), concerning the stipends provided to members of certain state boards and commissions, is amended to read as follows:

(27) Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health;

SECTION 85. Arkansas Code § 25-38-202(b)(3)(A)(ii)(d), concerning the authorization for the Secretary of the Department of Agriculture to delegate authority regarding rules, orders, or directives promulgated by the Arkansas Livestock and Poultry Commission, is amended to read as follows:

(d) Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health;

SECTION 86. Arkansas Code § 25-38-206(a)(2), concerning the transfer of personnel, administrative functions, human resources, and accounting offices of the Arkansas Livestock and Poultry Commission to the Department of Agriculture, is amended to read as follows:

(2) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health;

SECTION 87. Arkansas Code § 25-38-211(a)(5), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs,

and offices to the Department of Agriculture, is amended to read as follows:

(5) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, created under § 2-33-101;

SECTION 88. Arkansas Code § 25-43-202(a)(6), concerning state entities transferred to the Department of Agriculture, is amended to read as follows:

(6) The Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health, created under § 2-33-101;

SECTION 89. Arkansas Code § 26-52-518(a)(3)(C)(ii), concerning exclusions from the definition of "special events" related to returns and remittance of tax under the gross receipts tax, is amended to read as follows:

(ii) The four states livestock show that has been approved under the rules of the Arkansas ~~Livestock and Poultry Commission~~ Board of Animal Health to receive state funds; or