

## Arkansas State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Code Ark. R. 007.04.8-3-2
    - ii. Date Packaged, Produced, or Harvested
      - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
      - 2. Code Ark. R. 007.04.8-3-2
  - b. Milk
    - i. Grade “A” Milk
      - 1. The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.
      - 2. Ark. Admin. Code 007.10.3-II
  - c. Shellfish
    - i. Date Labels
      - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
      - 2. Code Ark. R. 007.04.8-3-2
    - ii. Sourcing Requirements
      - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
      - 2. Ark. Admin. Code 007.04.8-3-2
  - d. Mushrooms
    - i. Wild Mushroom Processing and Licensing
      - 1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.



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1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
      2. Ark. Admin. Code 209.02.1-VIII
- VI. Home Goods and Products
  - a. Furniture and Bedding
    - i. Label Laws
      1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
      2. Ark. Code Ann. § 20-27-2702
      3. Ark. Code Ann. § 20-27-2703
      4. Ark. Code Ann. § 20-27-205
      5. Ark. Code Ann. § 20-27-206
    - ii. Sterilization and Sanitation Requirements
      1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
      2. Ark. Code Ann. § 20-27-2703
      3. Ark. Code Ann. § 20-27-209
    - iii. Prohibited Products
      1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.
      2. Ark. Code Ann. § 20-27-207
- VII. Live Animal Imports
  - a. Aquaculture
    - i. Viral Hemorrhagic Septicemia
      1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing

state-level regulation was effective and sufficient to limit spread of the disease.

2. Ark. Admin. Code 002.00.1-11.01

b. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. Ark. Admin. Code 125.00.11

3. Ark. Admin. Code 125.00.15 et seq.

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. Ark. Admin. Code 125.00.12

3. Ark. Admin. Code 125.00.11

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. Ark. Admin. Code 125.00.17

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in

conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. Ark. Admin. Code 125.00.12 et seq.

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. Ark. Admin. Code 125.00.11

3. Ark. Admin. Code 125.00.12

d. Cervids

i. Chronic Wasting Disease (“CWD”): Embargo

1. Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to curb the spread of chronic wasting disease and protect local deer populations.

2. Ark. Admin. Code 002.00.1-09.11

3. Ark. Admin. Code 125.00.12

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. Ark. Code R. § 209.02.9-3

ii. Destruction or Treatment of Colonies with American Foulbrood

1. These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.

2. Ark. Admin. Code 209.02.9-2

f. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
2. Ark. Admin. Code 125.00.12
3. Ark. Admin. Code 209.01.5-I
4. AR ST § 2-40-801 et seq

g. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
2. Ark. Admin. Code 125.00.12

ii. Scabies

1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
2. Ark. Admin. Code 125.00.12

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
2. Ark. Admin. Code 209.01.4-2

ii. Swine Vesicular Disease

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1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
  2. Ark. Admin. Code 125.00.12
  3. Ark. Admin. Code 125.00.11
- i. Pig Semen and Ova
    - i. Gamete Importation
      1. These laws impose regulations and restrictions on the importation of semen and ova from swine to be used for breeding purposes. They are intended to prevent the transmission of disease and ensure that animals produced from imported stock are healthy.
      2. A.A.C. R3-2-404
  - j. Exotic Meats
    - i. Snake
      1. These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.
      2. Ark. Admin. Code 002.00.1-09.11
    - ii. Turtle
      1. These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.
      2. Ark. Admin. Code 002.00.1-34.11
      3. Ark. Admin. Code 002.00.1-09.11
    - iii. Ostrich and Other Ratites
      1. These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
      2. Ark. Admin. Code 125.00.12
    - iv. Emu
      1. These state regulations require health certification for emus imported into the state. They are intended to protect local emu farmers and ensure that incoming birds are healthy and free of disease.
      2. Ark. Admin. Code 125.00.12
    - v. Camelids: Camel, Alpaca, and Llama
      1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
      2. Ark. Admin. Code 125.00.12
      3. Ark. Admin. Code 125.00.14

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- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Veterinary Inspection Requirements
      - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      - 2. AR ST § 20-19-405
- IX. Products for Animals
  - a. Pet Food
    - i. Requirements of Manufacturers
      - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      - 2. Ark. Code Ann. § 2-37-104
    - b. Commercial Feed
      - i. Labeling of Commercial Feed
        - 1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
        - 2. A.R.S. § 3-2610
- X. Dead Animals and Animal Parts
  - a. None
- XI. Invasive Pests, Plants, and Disease
  - a. None
- XII. Procurement
  - a. Agricultural Goods
    - 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
    - 2. Ark.Code, § 19-11-260
    - 3. Ark.Code, § 19-11-304
- XIII. General Prohibitions
  - a. None
- XIV. Miscellaneous
  - a. None