

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Arkansas Department of Agriculture
BOARD/COMMISSION Arkansas Livestock and Poultry Commission
BOARD/COMMISSION DIRECTOR Patrick Fisk
CONTACT PERSON Cynthia Edwards
ADDRESS 1 Natural Resources Drive, Little Rock, AR 72205
PHONE NO. (501) 831-2163 EMAIL cynthia.edwards@agriculture.arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Patrick Fisk
PRESENTER EMAIL(S) patrick.fisk@agriculture.arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Arkansas Egg Marketing Rule
2. What is the subject of the proposed rule? Enforcement of the Arkansas Egg Marketing Act
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☐

If yes, please provide the state statute and/or rule citation.

A.C.A. 20-58-214

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

Neither the Department nor the Livestock and Poultry Commission has two rules to repeal.

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

[A.C.A. 20-58-214](#)

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☒ No ☐

If yes, please provide the year of the act(s) and act number(s).

[Act 598 of 2023](#)

11. What is the reason for this proposed rule? Why is it necessary?

[The amendment is needed to comply with Act 598 of 2023 that added a provision to the Arkansas Egg Marketing Act regarding the direct delivery of eggs to consumers to address food safety in home grocery delivery which will allow delivery of eggs as long as they are maintained at a temperature of 45 degrees or less. The amendment addresses the method of maintaining the temperature of egg during direct delivery to consumers.](#)

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

agriculture.arkansas.gov

13. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: 3/15/2024

Time: 9:00 am

Place: Arkansas Department of Agriculture, 1 Natural Resources Dr., Little Rock

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. 3/18/2024

15. What is the proposed effective date for this rule? After ALC approval

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Arkansas Department of Agriculture

BOARD/COMMISSION Arkansas Livestock and Poultry Commission

PERSON COMPLETING THIS STATEMENT Cynthia Edwards

TELEPHONE NO. (501) 831-2163 **EMAIL** cynthia.edwards@agriculture.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Arkansas Egg Marketing Act Rule

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

The proposed rule could result in a cost savings for some private individuals, entities, or businesses because it eliminates previously required methods of maintaining eggs at 45 degrees Fahrenheit or below that could be expensive.

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Arkansas Livestock & Poultry Commission

Effective Date: August 1, 2003

FINAL RULE

Phil Wyrick, Executive Director

Act 220 of 1969, Act 301 of 1985, Act 115 of 1993, and Act 700 of 1997

REGULATIONS FOR THE ENFORCEMENT OF THE ARKANSAS
EGG MARKETING ACT 220 OF 1969-Rule
AND AS AMENDED BY ACT 301 OF 1985
ACT 115 OF 1993 AND ACT 700 OF 1997

Refer to the following sections of the Arkansas Egg Marketing Act:

~~20-58-202. Definitions. "Consumer" This shall also include places not specifically named, such as bakeries and rest homes.~~

~~20-58-203. Applicability.~~

ARKANSAS EGG MARKETING ~~ACT~~ RULE**Retail Sale of Eggs:**

(A). Retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than seven hundred (700) hens, provided that the following requirements are met:

1. The eggs are washed and clean;
2. The eggs are prepackaged and identified as ungraded with the name and address of the producer;
3. Cartons cannot be reused unless all brand markings and other identification are obliterated;
4. The eggs are refrigerated and maintained at a temperature of 4 forty-five degrees Fahrenheit (45° F) or below; and
5. Retailers shall be required to produce an invoice showing origin of eggs. All other sections of this Act and Regulation are to be met by all retailers of eggs.

(B). Retail sales. Each container individual carton or individual loose pack case of eggs offered for sale at retail shall bear on the exterior of the container any one or combination of the following acceptable methods markings:

1. United States Department of Agriculture (USDA) plant number assigned by USDA, AMS USDA/AMS-USDA Agricultural Marketing Service (AMS) while the plant is under contract for official grading service.
2. Arkansas State permit number as assigned by the Arkansas Livestock and Poultry Commission Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.
3. Packer name with complete address of the location where eggs were packed.
3. USDA shell egg surveillance registrant number including state code and handler code. Example: 05-0267 NOTE: The shell egg surveillance registrant number contains a state code, county code and handler code. Do not include the county code, only state and handler number.
4. Any one method from those listed above may be used. The identification must be applied to each individual carton and if loose pack, each individual case must be identified.

(C). All other sections of this Rule are to be met by all retailers of eggs.

20-58-208. ~~Display of grade and size required~~ Display Requirements of Eggs:

- (A). Grade and size of eggs must be identified in ads, papers, circulars and point-of sale materials.
- (B). ~~Packers, jobbers and dealer-wholesalers~~ Processors, packers, or wholesalers shall have the responsibility of clearly informing restaurants, hotels and other eating establishments of this the grade and size of the eggs on the packaging.
- (C). ~~Packers, jobbers and dealer-wholesalers~~ Processors, packers, or wholesalers shall be in violation if they sell to restaurants, hotels and other eating establishments who are not complying with this requirement if eggs sold by the packers, jobbers and dealer-wholesalers are below "A" quality. if they sell eggs in packaging not displaying the grade and size of the eggs to a retail vendor, restaurant, or other eating establishment.
- (D). Establishments selling eggs below "A" quality shall be required to display the quality and weight of the eggs in a location where it can easily be seen by the customers on a placard of heavy sturdy-quality cardboard of not less than eight inches by eleven inches (8" x 11"), or on the menu.

20-58-210 Refrigeration of eggs - Temperature and labeling requirements:

- (A) Shell eggs packed into containers for the purpose of resale to the consumer must be stored immediately following packing at an ambient temperature of ~~no more than forty-five (45) degrees Fahrenheit~~ forty-five degrees Fahrenheit (45° F) or below (7.2-degrees-Celsius) or below and maintain this temperature until such eggs reach the consumer. This provision includes any person, firm or corporation transporting or selling eggs to the consumer.
- (B) All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the following statement: "Keep refrigerated at or below 45 degrees Fahrenheit". ~~This should be done~~ at time of grading.
- (C) Eggs in retail shall not be removed from the immediate container in which the eggs were received and placed into a different container by the retailer.
- (D) Eggs sold for the purpose of direct delivery to the consumer shall, during delivery, maintain eggs at an ambient temperature no greater than forty-five degrees Fahrenheit (45°F) of forty-five degrees Fahrenheit (45° F) or below. Eggs shall be delivered to the consumer dry and not saturated in melted ice water.
- (C) ~~Refrigeration is defined as an operable refrigeration unit which will maintain 45°F or below@. Containers for storage of eggs refrigerated by means of ice, dry ice, or other non-powered refrigerated container will not be acceptable.~~

20-58-212. Retail sales. Each container of eggs offered for sale at retail shall bear on the exterior of the container one of the following acceptable methods:

1. ~~USDA plant number assigned by USDA, AMS~~ USDA/AMS while plant is under contract for official grading service.
2. ~~Arkansas State permit number as assigned by the Arkansas Livestock and Poultry Commission~~ Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.
3. ~~Packer name with complete address of the location where eggs were packed.~~
4. ~~USDA shell egg surveillance registrant number including state code and handler code. Example: 05-0267~~ NOTE: The shell egg surveillance registrant number contains a state code, county code and handler code. Do not include the county code, only state and handler number.
5. ~~Any one method from those listed above may be used or a combination of more than one. The identification must be applied to each individual carton and if loose pack each individual case must be identified.~~

~~6. Retailers shall be required to produce an invoice showing origin of eggs. All other sections of this Act and Regulation rule are to be met by all retailers of eggs.~~

20-58-215. Fees.

(A). Packers shall be required to report and pay inspection fees on reported volume on a monthly basis. This fee shall be paid not later than the 15th of the following month. If a report is not received by the due date, ~~a letter notice will be sent to the packer reminding them~~ of the past due report will be sent in writing. If the packer does not report within 10 days from date of the past due notice, the packer's permit will be canceled suspended and ~~all eggs found will be put off sale~~ a stop sale notice shall be issued to the packer.

(B). Report forms shall be ~~supplied~~ made available by the Arkansas Department of Agriculture ~~Arkansas Livestock and Poultry Commission~~. ~~It shall be the responsibility of the packer to request these forms as they are needed. Jobbers and dealer-wholesalers.~~ Packers or wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.

(C). For the purpose of financing the administration and enforcement of this ~~Act~~ rule, the state of Arkansas, through the ~~Arkansas Livestock and Poultry Commission~~ Arkansas Department of Agriculture, shall collect ~~an inspection fee~~ the following fees from the ~~processor, packer, and/or dealer-wholesaler~~ processor, packer, or wholesaler ~~to include an annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year:~~

1. An annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year.

~~(A)2.~~ A fee of six cents (6¢) per case for all graded or processed shell eggs and/or egg products sold in the state of Arkansas, if the sale is to the consumer, and/or if the purchase by the buyer ~~is for the purpose of resale at retail and/or if by dealer-wholesaler~~ is for the purpose of resale.

~~(B) 3.~~ Breaker plants: A fee of one-half cent (1/2¢) per case on eggs graded and/or processed in Arkansas. An additional five and one-half cents (5 1/2¢) ~~(for a total of six cents (6¢) per case)~~ on graded and/or processed eggs sold in the state of Arkansas directly to the consumer and if the purchase by the buyer is for the purpose of resale at retail or to be used in food items sold at retail in Arkansas ~~and/or~~ under an Arkansas permit.

(D). For purposes of fee calculations for egg products:

1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.

2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.

3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.

~~(E).~~ All egg product plants from outside the state of Arkansas will be responsible for the fees due on all egg products entering the state of Arkansas. Additionally, at the discretion of the ~~Commission~~ Arkansas Department of Agriculture, ~~a dealer-wholesaler~~ selling egg products in the state of Arkansas could be held liable for fees due in lieu of the egg products plants.

~~1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.~~

~~3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~4. Fifty (50) pounds of cooked (diced) eggs shall represent a thirty (30) dozen case of shell eggs.~~

~~20-58-16. Audits.~~

Underpayments or overpayments found during audits are to be reported on the next monthly egg inspection report to the ~~Commission~~ Department.

Enforcement

The Arkansas Department of Agriculture is authorized and may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

- (A) The Arkansas Department of Agriculture is authorized to make such inspections as needed, to determine if the grades of the eggs conform to grades as labeled on the exterior of the container. 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 Department is authorized to examine the invoices to determine the cause and place of the violation.
- (B) The Department and its authorized employees shall have the power to issue a stop sale and impound for evidence, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this rule.

~~Issued in Little Rock, Arkansas on June 5, 2003~~

Phil Wyrick, Executive Director
Arkansas Livestock & Poultry Comm.

ARKANSAS EGG MARKETING RULE

Retail Sale of Eggs:

(A). Retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than seven hundred (700) hens, provided that the following requirements are met:

1. The eggs are washed and clean;
2. The eggs are prepackaged and identified as ungraded with the name and address of the producer;
3. Cartons cannot be reused unless all brand markings and other identification are obliterated;
4. The eggs are refrigerated and maintained at a temperature of forty-five degrees Fahrenheit (45° F) or below; and
5. Retailers shall be required to produce an invoice showing origin of eggs.

(B). Each individual carton or individual loose pack case of eggs offered for sale at retail shall bear on the exterior of the container any one or combination of the following acceptable markings:

1. United States Department of Agriculture (USDA) plant number assigned by the USDA Agricultural Marketing Service (AMS) while the plant is under contract for official grading service.
2. Arkansas State permit number as assigned by the Arkansas Department of Agriculture with "ARK" preceding number. Example: ARK100.
3. Packer name with complete address of the location where eggs were packed.
4. Any one method or a combination from those listed above may be used. The identification must be applied to each individual carton and if loose pack, each individual case must be identified.

(C). All other sections of this Rule are to be met by all retailers of eggs.

Display Requirements of Eggs:

(A). Grade and size of eggs must be identified in ads, papers, circulars and point-of sale materials.

(B). Processors, packers, or wholesalers shall have the responsibility of clearly informing restaurants, hotels and other eating establishments of the grade and size of the eggs on the packaging.

(C). Processors, packers, or wholesalers shall be in violation if they sell eggs in packaging not displaying the grade and size of the eggs to a retail vendor, restaurant, or other eating establishment.

(D). Establishments selling eggs below "A" quality shall be required to display the quality and weight of the eggs in a location where it can easily be seen by the customers on a placard of heavy sturdy-quality cardboard of not less than eight inches by eleven inches (8" x 11"), or on the menu.

Refrigeration of eggs - Temperature and labeling requirements:

(A) Shell eggs packed into containers for the purpose of resale to the consumer must be stored immediately following packing at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below and maintain this temperature until such eggs reach the consumer. This provision includes any person, firm or corporation transporting or selling eggs to the consumer.

(B) All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the statement "Keep refrigerated at or below 45 degrees Fahrenheit" at time of grading.

(C) Eggs in retail shall not be removed from the immediate container in which the eggs were received and placed into a different container by the retailer.

(D) Eggs sold for the purpose of direct delivery to the consumer shall, during delivery, maintain eggs at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below. Eggs shall be delivered to the consumer dry and not saturated in melted ice water.

Fees.

(A). Packers shall be required to report and pay inspection fees on reported volume on a monthly basis. This fee shall be paid not later than the 15th of the following month. If a report is not received by the due date, notice of the past due report will be sent in writing. If the packer does not report within 10 days from date of the past due notice, the packer's permit will be suspended and a stop sale notice shall be issued to the packer.

(B). Report forms shall be made available by the Arkansas Department of Agriculture. Packers or wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.

(C). For the purpose of financing the administration and enforcement of this rule, the state of Arkansas, through the Arkansas Department of Agriculture, shall collect the following fees from the processor, packer, or wholesaler:

1. An annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year.
2. A fee of six cents (6¢) per case for all graded or processed shell eggs and/or egg products sold in the state of Arkansas, if the sale is to the consumer, and/or if the purchase by the buyer or wholesaler is for the purpose of resale.
3. Breaker plants: A fee of one-half cent (1/2¢) per case on eggs graded and/or processed in Arkansas. An additional five and one-half cents (5 1/2¢) (for a total of six cents (6¢) per case) on graded and/or processed eggs sold in the state of Arkansas directly to the consumer and if the purchase by the buyer is for the purpose of resale at retail or to be used in food items sold at retail in Arkansas or under an Arkansas permit.

(D). For purposes of fee calculations for egg products:

1. Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.
2. Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.
3. Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.

(E). All egg product plants from outside the state of Arkansas will be responsible for the fees due on all egg products entering the state of Arkansas. Additionally, at the discretion of the Arkansas Department of Agriculture, a wholesaler selling egg products in the state of Arkansas could be held liable for fees due in lieu of the egg plants.

Audits.

Underpayment or overpayment found during audits are to be reported on the next monthly egg inspection report to the Department.

Enforcement

(A). The Arkansas Department of Agriculture is authorized and may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

1. The Arkansas Department of Agriculture is authorized to make such inspections as needed, to determine if the grades of the eggs conform to grades as labeled on the exterior of the container. 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 Department is authorized to examine the invoices to determine the cause and place of the violation.
2. The Department and its authorized employees shall have the power to issue a stop sale and impound for evidence, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this rule.

Legal Notice

Arkansas Livestock and Poultry Commission

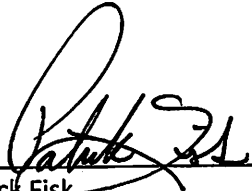
The Arkansas Livestock and Poultry Commission is proposing amendments to a rule under Act 598 of 2023, Egg Marketing Act.

The purpose of the proposed rule amendment is to comply with Act 598 of 2023, which added a provision to the Arkansas Egg Marketing Act regarding the direct delivery of eggs to consumers to address food safety in home grocery delivery. The proposed amendments will allow delivery of eggs as long as they are maintained at a temperature of 45 degrees or less.

Comments can be mailed to: Arkansas Department of Agriculture – Attn: Patrick Fisk, 1 Natural Resources Drive, Little Rock, AR 72205, or emailed to patrick.fisk@agriculture.arkansas.gov.

Written comments will be accepted beginning February 18, 2024 until March 18, 2024. Oral comments may be made in person at the Arkansas Department of Agriculture, 1 Natural Resources Drive, Little Rock, AR 72205 on March 15, 2024 at 9 am.

The proposed rules changes can be viewed on the website at www.arkansas.agriculture.gov



Patrick Fisk
Director, Arkansas Livestock and Poultry Division
Arkansas Department of Agriculture

Linda Luebke

From: Legal Ads <legalads@arkansasonline.com>
Sent: Thursday, February 15, 2024 8:12 AM
To: Linda Luebke
Subject: Re: Legal Notice - Arkansas Egg Marketing Rule

Thanks, Linda. As per your request, this will run in the non-statewide edition on Sun 2/18 (will run in print in 63 counties, excluding NW Arkansas), and Mon 2/19 and Tues 2/20 (running in print in Pulaski County only).

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Linda Luebke" <linda.luebke@agriculture.arkansas.gov>
To: "legalads@arkansasonline.com" <legalads@arkansasonline.com>
Cc: "Corey Seats" <corey.seats@agriculture.arkansas.gov>, "Patrick Fisk" <Patrick.Fisk@agriculture.arkansas.gov>, "Wes Ward" <wes.ward@agriculture.arkansas.gov>, "Cynthia Edwards" <cynthia.edwards@agriculture.arkansas.gov>, "Autumn Causey" <Autumn.causey@agriculture.arkansas.gov>
Sent: Wednesday, February 14, 2024 9:04:36 AM
Subject: Legal Notice - Arkansas Egg Marketing Rule

Please run the attached legal notice February 18 – 20, 2024.

Sunday, February 18, 2024, statewide. Monday (2/19/24) and Tuesday (2/20/24) in all counties that still receive daily (Mon. – Sat.) delivery of the printed edition.

Thank you!

Linda Luebke

Administrative Analyst

Arkansas Department of Agriculture
1 Natural Resources Drive, Little Rock, AR 72205
(501) 225-1598
linda.luebke@agriculture.arkansas.gov
agriculture.arkansas.gov





Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

February 20, 2024

MEMORANDUM REGARDING THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION RULE OF THE ARKANSAS EGG MARKETING ACT

Purpose

This memorandum analyses the Arkansas Livestock and Poultry Commission's proposed rule amendment in accordance with Act 598 of 2023, the Egg Marketing Act.

Background

Act 598 of 2023 amended the Arkansas Egg Marketing Act by adding a provision regarding the direct delivery of eggs to consumers to address food safety in home grocery delivery. This amendment will allow delivery of eggs as long as they are maintained at a temperature of 45 degrees or less.

Discussion

Most provisions of Act 598 are self-implementing and require no rulemaking. However, an amendment to Commission rules implementing the Egg Marketing Act regarding the method of maintaining the temperature of eggs during direct delivery to consumers was necessary.

Conclusion: The amendment will allow the rule to reflect the changes made to the Arkansas Egg Marketing Act by the 2023 General Assembly