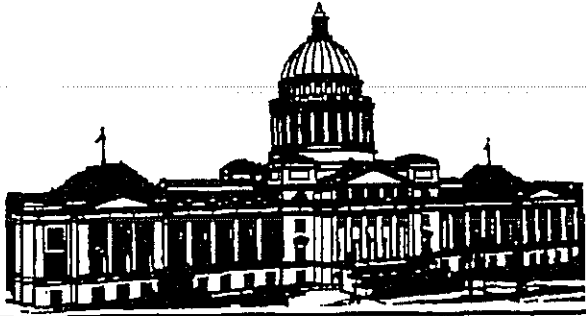


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 026
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date _____ Code Number 007.04.00-003

Name of Agency Environmental Health Protection

Department Arkansas Department Of Health

Contact Person Sandra Lancaster

Statutory Authority for Promulgating Rules Act 96 Of 1913, as Amended & Act 114 Of 1941

	Date
<input type="checkbox"/> Intended Effective Date Emergency	Legal Notice Published <u>7-27-2000</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment <u>9-1-2000</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council <u>9-14-2000</u>
	Adopted by State Agency <u>10-26-2000</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended

FILED
AR. REGISTER DIV.
00 NOV -3 PM 1:50

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY *Thomas*
Signature

(501) 661-2574
Phone Number

Associate Bureau Director
Title

November 13, 2000
Date

~~FILED
AR. REGISTER DIV.
00 OCT 31 PM 1:51~~

ARKANSAS STATE BOARD OF HEALTH

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL HEALTH PROTECTION

RULES AND REGULATIONS
PERTAINING TO
GRADE "A" MILK and MILK PRODUCTS

Promulgated Under the Authority of
(Act 96 of 1913 as amended and Act 114 of 1941)

FILED
ARK. REGISTER DIV.
00 NOV -3 PM 1:58
STATE DEPT. OF HEALTH
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

Arkansas Department of Health
Little Rock, Arkansas
Fay W. Boozman, M.D., Director

FILED
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STATE DEPT. OF HEALTH
SECRETARY OF STATE
STATE OF ARKANSAS
BY Tha

RULES AND REGULATIONS PERTAINING TO GRADE "A" MILK AND MILK PRODUCTS

PART I. AUTHORITY.

The following Rules and Regulations for Grade "A" Milk and Milk Products are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including without limitation Act 96 of 1913 as amended. (Ark. Code Ann. § 20-7-109) and Act 114 of 1941 (Ark. Code Ann. § 20-59-204).

PART II. PURPOSE AND STATEMENT OF POLICY.

The State Board of Health hereby finds and declares that uniform regulation is needed to govern the production, processing, labeling, and distribution of Grade "A" milk and milk products within the State of Arkansas. This regulation relating to Grade "A" milk and milk products shall be applicable throughout the State of Arkansas. No sanitary requirement of standard shall be imposed by a local regulation or ordinance which prohibits the sale of Grade "A" milk or milk products in Arkansas which are produced, processed, or distributed in accordance with the provisions of this regulation and which are under routine supervision of the Arkansas Department of Health.

No sanitary requirements or standards contained in this regulation shall prohibit the sale of Grade "A" milk or milk products which are produced or processed under laws or ordinances or regulations of any government units outside the State of Arkansas which are substantially equivalent to the requirements of this regulation, and which are enforced with equal effectiveness in the opinion of the Arkansas State Board of Health, and further provided that said governmental units accepts Arkansas Grade "A" milk and milk products on a reciprocal basis.

Except as otherwise provided herein or by law or regulation of the State Board of Health, this regulation shall be interpreted and enforced where applicable in accordance with the administrative procedures contained in the current Grade "A" Pasteurized Milk Ordinance recommendation of the U.S. Public Health Service, a copy of which shall be on file in the office of the Arkansas Milk Program of the Arkansas Department of Health.

PART III. RULES AND REGULATIONS

SECTION 1. DEFINITIONS

The following definitions shall apply in all interpretations and the enforcement of these regulations. In all cases where interpretation or meaning of definition is needed, the current Pasteurized Milk Ordinance of the U.S. Public Health Service shall apply unless specifically interpreted or defined by the Arkansas State Board of Health.

- A. Health Officer: The Health Officer shall mean the Director of the Arkansas Department of Health or his/her authorized representative.
- B. Regulatory Agency: The regulatory agency shall mean the Director of the Arkansas Department of Health or his/her authorized representative.

SECTION 2. SEVERABILITY.

If any provisions of these Rules and Regulations or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can effect the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

SECTION 3. REPEAL.

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Grade "A" Milk and Milk Products were duly adopted by the Arkansas Department of Health at a regular session of the Board of Health held in Eureka Springs, Arkansas on the _____ day of _____, 2000.



Fay W. Boozman, M.D.

**Secretary
Arkansas Board of Health**

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved on this 19th day of November, 2000.



Mike Huckabee
Governor

FINANCIAL IMPACT STATEMENT

DEPARTMENT ARKANSAS DEPARTMENT OF HEALTH

DIVISION ENVIRONMENTAL HEALTH PROTECTION

PERSON COMPLETING THIS STATEMENT SANDRA LANCASTER

PHONE NUMBER (501)661-2171 FAX# (501)661-2572

SHORT TITLE OF THIS RULE: Rules and Regulations Pertaining to Grade "A" Milk and Milk Products

1. Does this proposed, amended, or repealed Rules or Regulation have a financial impact?

Yes X No _____

2. Please estimate the cost of compliance to regulated entities and others outside the department. Identify impact on municipalities or counties.

There is no impact on municipalities or counties. Regulated industries, such as milk producers, will experience a positive financial impact in that wholesome milk products will not be destroyed as a result of current permit degrade procedures.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.

As stated above, this would be a financial benefit to milk producers. Approximately 200 producers were removed from the market in FY2000 due to the presence of antibiotics in their product. 90% of those producers had a safe milk product within 24 hours but according to current regulations their product had to be withheld from the market for at least 48 hours. This delay costs producers approximately \$25,000. The proposed regulation changes would eliminate these losses.

If the purpose of this Rule or Regulation is to implement a federal Rule or Regulation, please give the incremental cost for implementing the Regulation.

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2001 Fiscal Year		2002 Fiscal Year	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other	_____	Other	_____
Total	_____	Total	_____

5. What is the total estimated cost by fiscal year to any entity or individual subject to the proposed, amended, or repealed Rule or Regulation?

2001 Fiscal Year	2002 Fiscal Year

6. What is the total estimated cost by year to the agency to implement this Regulation?

2001 Fiscal Year	2002 Fiscal Year
0	0

7. Does the Proposed Rule impose a cost on state or local school districts?

Yes _____ No X

If yes, then file a fiscal impact statement.

References: Act 884 of 1995, Ark. Code Ann. § 10-3-309
Act 1104 of 1995, Ark. Code Ann. § 25-15-204
Act 22 of 1977, Ark. Code Ann. § 19-1-302