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States' Animal Identification Statutes:

*Arkansas*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## States' Animal Identification Statutes: Arkansas

### Ark. Code § 2-32-301 Ark. Code Tit. 2, Sub-Tit. 3, Ch. 34

*The constitution and statutes are current through acts effective July 1, 2024, of the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly.*

#### **Ark. Code § 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.

**Ark. Code § 2-34-101 through 105. [Repealed].**



**Ark. Code § 2-34-106. Disputes about earmarks or brands – Impounding of funds.**

(a) If a dispute arises about an earmark or brand, it shall be decided by reference to the book of marks and brands kept by the clerk of the county court.

(b)

(1) A state-certified law enforcement officer or a livestock association in the state that is authorized to perform brand inspection services under 9 C.F.R. 201.86, as it existed on January 1, 2015, may order funds from the sale of an animal of questionable ownership held until ownership is established.

(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.

**Ark. Code § 2-34-107. [Repealed].**

**Ark. Code § 2-34-201. Definitions.**

As used in this subchapter:

(1) "Brand" means for purposes of ownership identification a permanent identification burned or frozen into the hide of a live animal with a hot iron or hot or frozen chemical in letters, numbers, or figures, each of which is at least three inches (3") in overall length or diameter and is to be considered in relation to its location on the animal; and

(2) "Livestock" and "animal" mean any bovine, horse, or mule.

**Ark. Code § 2-34-202. [Repealed].**

**Ark. Code § 2-34-203. Conflicts of brands.**

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



**Ark. Code § 2-34-204. [Repealed].**

**Ark. Code § 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.

**Ark. Code § 2-34-206. State Brand Book.**

- (a) The Arkansas Livestock and Poultry Commission shall publish the State Brand Book, which shall contain a facsimile of each brand and mark that is registered with the commission 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.

**Ark. Code § 2-34-207. Notification to registrants.**

Before publication of a revised State Brand Book, each registered brand owner or assignee in the previous book or supplements shall be notified in writing that his or her brand has terminated and that the brand must be renewed if the person desires to keep the brand.

**Ark. Code § 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 for the registration of the brand in the manner prescribed in this section.
- (b) The commission 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 to offset the costs of administering this section.

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

#### **Ark. Code § 2-34-209. Brands reserved to state.**

(a) There is reserved to the state the brands of "B", "S", and "T" on the left jaw of any cattle, and it is unlawful for a person to use the brands of "B", "S", and "T".

(b) Cattle carrying these brands shall be:

(1) Claimed as reactors to:

(A) Brucellosis abortus, known as Bang's disease; or

(B) Tuberculosis, known as T.B.; or

(2) Designated for slaughter.

#### **Ark. Code § 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.

**Ark. Code § 2-34-211. Book as evidence of ownership.**

(a) Brands appearing in the current edition of the State Brand Book or supplements to the current edition of the State Brand Book shall be prima facie evidence of ownership and shall take precedence over brands of like kind should the question of ownership arise.

(b) The owner whose brand does not appear in the State Brand Book or supplement to the State Brand Book shall produce evidence to establish his or her title to the property in the event of controversy.

**Ark. Code § 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 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.

(B) The fee for recording a transfer of title shall be determined by the commission 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 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.

**Ark. Code § 2-34-213. [Repealed].**

**Ark. Code § 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.

**Ark. Code § 2-34-301 to 304. [Repealed].**

