

**AGRICULTURAL CONSULTANTS
ACT 609 of 1987 As Amended by ACT 857 of 2005**

**“ AN ACT AUTHORIZING THE STATE PLANT BOARD TO LICENSE
AGRICULTURAL CONSULTANTS; AND FOR OTHER PURPOSES.”**

SECTION 1. (17-13-101) Title.

This chapter shall be known as the "Agricultural Consultants Licensing Act of 1987".

History. Acts 1987, No. 609, § 1.

SECTION 2. (17-13-102) Purpose

It is the intent of the General Assembly that the agricultural community continue to have a choice of seeking the advice of whomever they choose regarding the areas indicated in this chapter as the functions of licensed agricultural consultants. It is also the General Assembly's intent that by providing a mechanism whereby persons may be licensed by the State Plant Board as agricultural consultants, they may thereby hold themselves out as "licensed agricultural consultants" which will inform the public that they have met the qualifications required by this chapter.

History. Acts 1987, No. 609, § 3.

SECTION 3. (17-13-103) Functions of licensed agricultural consultant.

A licensed agricultural consultant is a person who is licensed by the State Plant Board to perform the following functions:

- (1) Provide advice or prescriptions for the control or eradication of any insect or mite pest;
- (2) Provide advice or prescriptions for the control or eradication of any plant pathogen, including nematodes;
- (3) Provide advice or prescriptions for the control or eradication of any weed;
- (4) Provide advice or prescriptions for the use of fertilizer, lime, or micronutrients based on soil classification and cropping systems and soil or plant tests; and
- (5) Provide other functions as the board may deem appropriate.

History. Acts 1987, No. 609, § 2; 2005, No. 857, § 1.

SECTION 4. (17-13-104) Inapplicable to forestry consultants.

This chapter shall in no way apply to :

- (1) Forestry consultants or in any way restrict or regulate forestry consultants; or
- (2) State, federal, or local government employees or employees of local conservation districts or in any way restrict or regulate those employees while they are working in their official capacity.

History. Acts 1987, No. 609, § 11; 2005, No. 857, § 2.

SECTION 5. (17-13-105) Penalty.

Any person who holds himself or herself out as a licensed agricultural consultant and who is not licensed as an agricultural consultant by the State Plant Board shall be subject to a fine not to exceed six hundred dollars (\$600) for the first offense and not to exceed one thousand dollars (\$1,000) for subsequent offenses.

History. Acts 1987, No. 609, § 9; 2005, No. 857, § 3.

SECTION 6. (17-13-106) Administration.

The State Plant Board shall:

- (1) Administer and enforce this chapter;
- (2) Promulgate, pursuant to the Arkansas Administrative Procedure Act, § [25-15-201](#) et seq., regulations necessary for the implementation of this chapter;
- (3) Establish annual license fees not to exceed one hundred dollars (\$100);
- (4) Formulate criteria for continuing educational training of licensed agricultural consultants in cooperation with the cooperative extension service; and
- (5) Revoke or suspend any agricultural consultant's license for cause.

History. Acts 1987, No. 609, § 4; 2005, No. 857, § 4.

SECTION 7. (17-13-107) Requirements for licensing.

(a)(1) No person may provide agricultural consulting for a fee that is directly tied to and identifiable with agricultural consulting without a license issued by the State Plant Board under this chapter.

(2) A person who provides agricultural consulting without charging a fee may be licensed under this chapter if the person meets the requirements of this chapter.

(b) Within the first year after August 12, 2005, a person may be licensed as an agricultural consultant if the person:

- (1) Is currently licensed as an agricultural consultant by the board;
- (2) Is certified under the Certified Crop Advisors Program of the American Society of Agronomy;
- (3) Is certified by the National Alliance of Independent Crop Consultants; or
- (4) Has at least five (5) years of agricultural consultant-related experience.

(c) From two (2) to five (5) years after August 12, 2005, a person may be licensed as an agricultural consultant if the person:

- (1) Has completed two (2) full years of training at a college or university acceptable to the board, with at least nine (9) semester hours of credit or their equivalent in appropriate agricultural disciplines;

- (2) Has three (3) years of experience in the field of crop management; and
- (3) Passes a written examination administered by the board or by certified crop advisors.
- (d) Beyond the fifth year after August 12, 2005, a person may be licensed as an agricultural consultant if:
 - (1) The person has:
 - (A) A minimum of a bachelor's degree in a board-approved crop related field and two (2) years of experience working in the field of crop management; or
 - (B) Seven (7) years of continuous experience working for a licensed agricultural consultant after August 12, 2005; and
 - (2) The person passes a written examination administered by the board or by certified crop advisors.

History. Acts 1987, No. 609, § 5; 2005, No. 857, § 5.

SECTION 8. (17-13-108) Issuance of license - Expiration.

If the educational qualifications are met, all required examinations are successfully passed, and all required fees paid, a license shall be issued by the State Plant Board. The licenses shall expire on December 31 of each year unless sooner revoked, cancelled, or suspended by the board for cause and shall be renewable pursuant to board rules. No license issued by the board shall be assignable or transferable.

History. Acts 1987, No. 609, § 7.

SECTION 9. (17-13-109) Promotional compensation restricted - Exception.

No licensed agricultural consultant shall accept money or any other thing of value in excess of two hundred dollars (\$200) from any person or entity for recommending or otherwise promoting a particular product by virtue of his or her position as a licensed agricultural consultant. However, this section shall not be construed or interpreted as prohibiting licensed agricultural consultants from engaging in and receiving compensation for agricultural research. The State Plant Board may suspend or revoke the license of any person which the board determines to have violated this section.

History. Acts 1987, No. 609, § 8.

Section 10. (17-13-110) Disposition of fees.

All fees collected by the State Plant Board under this chapter shall be deposited into the State Treasury as special revenues and credited to the State Plant Board Fund

History. Acts 1987, No. 609, § 10.

