



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
201 EAST MARKHAM STREET
HERITAGE WEST BUILDING
LITTLE ROCK, ARKANSAS 72201

(501) 371-2007

Opinion No. 86-102

September 18, 1986

The Honorable Kim H. Smith
Prosecuting Attorney
Courthouse Annex
Fayetteville, AR 72701-6192

Dear Mr. Smith:

This Office acknowledges receipt of your question concerning the Transient Merchants Licensing Act of 1983, which is compiled at Ark. Stat. Ann. §§71-5601 through 71-5612. The act requires transient merchants to obtain a license in each county in which the merchant desires to transact business.

Ark. Stat. Ann. §71-5604 provides:

The provisions of this act (§71-5601 through §71-5612) shall not apply to: ... (h) sales of agricultural products, except nursery products and foliage plants."

You inquire whether the sale of shrimp falls within this exemption on the sale of agricultural products.

Since the act contains no definition of the terms "agricultural product" we must look to common usage in Arkansas. As commonly understood, an agricultural product is a plant or animal which is raised on a farm. In some parts of Arkansas catfish are currently raised on farms. To the best knowledge of this writer, shrimp are not raised on farms, rather, they are harvested by trapping methods from the sea. Since shrimp are captured and are not farm-raised it is the opinion of this writer that they would not fall within the exemption for "agricultural products."

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark".
STEVE CLARK
Attorney General

JSC:AMJ:jk