

Act 67 of the 1989 Regular Session.

Act 67

SB190

By: Senator Ingram

"AN ACT TO AMEND TITLE 20, CHAPTER 57, SUBCHAPTER 2, OF THE ARKANSAS CODE OF 1987 TO BROADEN THE DEFINITION OF FOOD SERVICE ESTABLISHMENT; TO AUTHORIZE PAYMENT OF EXPENSES FOR ADVISORY BOARD MEMBERS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 20-57-201(1)(A) is hereby amended to read as follows:

"(1) (A) "Food service establishment" means any place where food is prepared, processed, stored, or intended for use or consumption by the public regardless of whether there is a charge for the food. The term includes wholesale and retail food stores, convenience stores, food markets, delicatessens, restaurants, food processing or manufacturing plants, bottling and canning plants, wholesale and retail block and prepackaged ice manufacturing plants, and food warehouses. The term does not include supply vehicles or location of vending machines."

SECTION 2. Arkansas Code 20-57-202(d) is hereby amended to read as follows:

"(d) Advisory board members shall be entitled to receive reimbursement for actual expenses incurred while attending meetings and authorized functions in accordance with the travel policies and procedures established by the Department of Health."

SECTION 3. Arkansas Code 20-57-204 is hereby amended to read as follows:

"20-57-204. Permit required.

(a) No food service establishment shall be allowed to operate unless it has procured a food establishment permit from the Division of Sanitarian Services of the Department of Health.

(b) (1) Permits issued under 20-57-201 - 20-57-205 shall be nontransferable, shall be renewed annually, and shall expire on July 1 of each year.

(2) A late fee equal to one-half (1/2) of the renewal fee for any type of establishment shall be charged to renew a permit after the July 1 expiration date.

(c) Any food establishment may obtain a food service permit by paying an annual permit fee of fifteen dollars (\$15.00) to the Department of Health and by meeting the minimum requirements established by the applicable rules and regulations.

(d) Each distinctively separate food establishment type and class as defined in 20-57-201 - 20-57-205 shall be required to procure a permit for that type or class per each location not to exceed a total of forty-five dollars (\$45.00). On and after July 1, 1991 the fee provisions as set forth in this subsection shall be null and void and any food service establishment may obtain a food service permit by meeting the minimum requirements established by the applicable rules and regulations.

(e) A temporary food establishment permit shall be procured from the Division of Sanitarian Services of the Department of Health by any temporary

facility operating at a fixed location for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration. The fee of fifteen dollars (\$15.00) shall be charged for each temporary food establishment permit. The permit shall be nonrenewable.

(f) Public school cafeterias shall be exempt from payment of the fifteen dollars (\$15.00) permit fee, but shall submit to inspection pursuant to the rules and regulations of the State Board of Health.

(g) The following shall not be required to obtain permits, pay fees, or submit to inspections by the Department of Health, but may seek the advice and assistance of the Department of Health:

(1) Potluck suppers, community picnics, or other group gatherings where food is served, but not sold; and

(2) Nonprofit organizations that sell food on a temporary basis for fund raising events.

(h) Any retail food store having gross sales of less than one hundred fifty thousand dollars (\$150,000) must obtain a food service permit but shall be exempt from payment of the fifteen dollar (\$15.00) permit fee.

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: February 17, 1989
