

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1403 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/23/09

A Bill

HOUSE BILL 2224

5 By: Representative Adcock
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH TO
10 PERMIT AND INSPECT CONCESSION STANDS, BOTH
11 STATIONARY AND *MOBILE; TO CLARIFY CERTAIN*
12 *EXEMPTIONS FOR PERMITS AND INSPECTIONS OF FOOD*
13 *SERVICE ESTABLISHMENTS; TO ENSURE THE HEALTH AND*
14 *SAFETY OF THE PUBLIC; AND FOR OTHER PURPOSES.*

Subtitle

16 TO REQUIRE THE DEPARTMENT OF HEALTH TO
17 PERMIT AND INSPECT CONCESSION STANDS,
18 BOTH STATIONARY AND MOBILE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code § 20-57-201 is amended to read as follows:*
25 *20-57-201. Definitions.*

26 *As used in §§ 20-57-202 – 20-57-205, unless the context otherwise*
27 *requires:*

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



1 (B) The following are also exempt:

2 (i) Group homes routinely serving ten (10) or fewer
3 persons;

4 (ii) Day-care centers routinely serving ten (10) or
5 fewer persons;

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

8 (iv) ~~Nonprofit organizations that sell food, on a~~
9 ~~temporary basis for fund-raising events~~ An establishment that offers only
10 prepackaged foods that are not potentially hazardous as defined by the State
11 Board of Health; and

12 (v) Ice vending machines or kiosks where ice is
13 dispensed in the open air and are totally self-contained; and

14 (2) "Food service industry" means the aggregate of food service
15 establishments.

16
17 SECTION 2. Arkansas Code § 20-57-204 is amended to read as follows:
18 20-57-204. Permit required.

19 (a) No food service establishment shall be allowed to operate unless
20 it has procured a food establishment permit from the Division of
21 Environmental Health Protection of the Department of Health.

22 (b)(1) Permits issued under §§ 20-57-201 – 20-57-205 ~~shall be~~
23 ~~nontransferable~~ are not transferable, shall be renewed annually, and shall
24 expire one (1) year after issuance or at a time specified by the Department
25 of Health.

26 (2) A late fee equal to one-half ($\frac{1}{2}$) of the renewal fee for any
27 type of establishment shall be charged to renew a permit sixty (60) days
28 after the expiration date.

29 (c) Any food service establishment may obtain a food service permit by
30 paying an annual permit fee of thirty-five dollars (\$35.00) to the department
31 and by meeting the minimum requirements established by the applicable rules
32 and regulations.

33 (d)(1) Each distinctively separate food establishment type and class
34 as defined in §§ 20-57-201 – 20-57-205 shall be required to procure a permit
35 for that type or class per each location not to exceed a total of one hundred
36 five dollars (\$105.00).

1 (2) On and after ~~July 1, 2009~~, July 1, 2013, the fee provisions
2 as set forth in this subsection shall be null and void, and any food service
3 establishment may obtain a food service permit by meeting the minimum
4 requirements established by the applicable rules ~~and regulations~~.

5 (e)(1) A temporary food establishment permit shall be procured from
6 the Division of Environmental Health Protection by any temporary facility
7 operating at a fixed location for a period of not more than fourteen (14)
8 consecutive days in conjunction with a single event or celebration.

9 (2) A fee of five dollars (\$5.00) shall be charged per day for
10 each temporary food establishment permit.

11 (f) Public school cafeterias shall be exempt from payment of the
12 permit fee but shall submit to inspection pursuant to the rules and
13 regulations of the State Board of Health.

14 (g) Nonprofit organizations that sell food on a temporary basis for
15 fund-raising events shall be exempt from payment of the permit fee but shall
16 submit to inspection pursuant to the rules of the State Board of Health.

17 ~~(g)(h)~~ (h) The following shall not be required to obtain permits, pay
18 fees, or submit to inspections by the department but may seek the advice and
19 assistance of the department:

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

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

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

27 ~~(i)(j)~~ (j) Any bottler of water that is not a resident of this state shall
28 obtain a permit from ~~the Division of Sanitarian Services~~ of the Department of
29 Health in order to sell its bottled water within this state. The bottler
30 shall submit to the department annually a bacteriological analysis conducted
31 by a laboratory approved by the department, a certificate of operation from
32 the bottler's resident state, and a permit fee of fifty dollars (\$50.00).

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36 /s/ Adcock

APPROVED: 4/9/2009