State of Arkansas

As Engrossed: S3/25/19

A Bill

SENATE BILL 590

Regular Session, 2019

By: Senator G. Leding

By: Representative Boyd

For An Act To Be Entitled

AN ACT TO PROVIDE THAT A COTTAGE FOOD PRODUCTION
OPERATION IN CERTAIN SITUATIONS IS EXEMPT FROM THE
DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; AND FOR
OTHER PURPOSES.

Subtitle

TO PROVIDE THAT A COTTAGE FOOD PRODUCTION
OPERATION IN CERTAIN SITUATIONS IS EXEMPT
FROM THE DEFINITION OF "FOOD SERVICE
ESTABLISHMENT".

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

SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning the
exemptions from the definition of "food service establishment", is amended to
read as follows:

(vi)(a) A cottage food production operation, on the
condition that the operation offers its products directly to the consumer:

(1) From the site where the products are
produced;

(2) At a physical or online farmers'
market;

(3) At a county fair; or

(4) At a special event; or

(5)(A) At a pop-up shop within another
established business.
(B) As used in this subdivision

(2)(B)(vi)(a), "pop-up shop" means a cottage food production operation selling items in an unaffiliated established business for a limited time period with the consent of the owner of the unaffiliated established business and the owner or employee of the cottage food production operation being present at the point of sale.

SECTION 2. Arkansas Code Title 20, Chapter 57, Subchapter 2, is amended to add an additional section to read as follows:

20-57-209. Pop-up shop inspections and restrictions.

(a) The Department of Health may inspect a cottage food production operation that operates as a pop-up shop as defined in § 20-57-201(2)(B)(vi)(a)(5) within another established business.

(b) A cottage food production operation that operates as a pop-up shop shall not sell or offer for sale foods at wholesale distribution.

/s/G. Leding

APPROVED: 4/8/19