

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/9/21 S2/23/21

A Bill

HOUSE BILL 1118

5 By: Representative Dotson
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROVISIONS APPLICABLE TO SALES BY
10 A COTTAGE FOOD PRODUCTION OPERATION; TO PROVIDE THAT
11 SALES BY A COTTAGE FOOD PRODUCTION OPERATION THROUGH
12 THE INTERNET ARE EXEMPT FROM THE DEFINITION OF "FOOD
13 SERVICE ESTABLISHMENT"; TO DECLARE AN EMERGENCY; AND
14 FOR OTHER PURPOSES.

Subtitle

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18 TO PROVIDE THAT SALES BY A COTTAGE FOOD
19 PRODUCTION OPERATION THROUGH THE INTERNET
20 ARE EXEMPT FROM THE DEFINITION OF "FOOD
21 SERVICE ESTABLISHMENT"; AND TO DECLARE AN
22 EMERGENCY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning the
28 exemptions from the definition of "food service establishment" for purposes
29 of the Department of Health, is amended to read as follows:

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

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

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



1 (3) At a county fair;
2 (4) At a special event; ~~or~~
3 (5)(A) At a pop-up shop within another
4 established business.

5 (B) As used in this subdivision
6 (2)(B)(vi)(a), "pop-up shop" means a cottage food production operation
7 selling items in an unaffiliated established business for a limited time
8 period with the consent of the owner of the unaffiliated established business
9 and the owner or employee of the cottage food production operation being
10 present at the point of sale; or

11 (6) Through the internet if the sale
12 from the cottage food production operation is directly to an end consumer
13 located in:

14 (A) This state; or

15 (B) Another state if the cottage
16 food production operation complies with all federal regulations regarding
17 food safety.

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19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that cottage food producers
21 typically sell year-round from their homes, physical farmers' markets, and
22 online farmers' markets; that with growing season quickly approaching, a crop
23 or cottage food could be lost or destroyed if the effective date of this act
24 is delayed; that a delay in the effective date of this act could cause
25 significant economic hardship for cottage food producers; and that this act
26 is immediately necessary to ensure the maximum positive effect in the
27 community. Therefore, an emergency is declared to exist, and this act being
28 immediately necessary for the preservation of the public peace, health, and
29 safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/Dotson

APPROVED: 3/9/21