

As Engrossed: 2/8/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dawson**

A BILL ACT 378 OF 1991
HOUSE BILL 1517

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §20-57-102(b) TO PROVIDE
9 THAT FOOD SALVAGERS PERMITS EXPIRE ANNUALLY; TO AMEND ARK.
10 CODE ANN. §20-57-201 TO INCLUDE FOOD CATERERS WITHIN THE
11 DEFINITION OF FOOD SERVICE ESTABLISHMENT; TO AMEND ARK.
12 CODE ANN. §20-57-204 PERTAINING TO PERMITS FOR FOOD
13 SERVICE ESTABLISHMENTS; AND FOR OTHER PURPOSES."

14
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16
17 SECTION 1. Ark. Code Ann. §20-57-102(b) is hereby amended to read as
18 follows:

19 "(b)(1) Food salvagers and food salvage distributors located in or
20 operating in Arkansas shall obtain a permit from the Department of Health upon
21 payment of a fee of one hundred fifty dollars (\$150) as a condition of the
22 right to carry on the business.

23 (2) Permits issued under this section shall not be transferable
24 and shall be renewed annually.

25 (3) The Department of Health may issue permits for less than one
26 (1) year. The cost of such permits shall be based upon the number of months
27 the permit is valid divided by twelve (12) months multiplied by the annual
28 permit fee."

29
30 SECTION 2. Ark. Code Ann. §20-57-201(1)(A) is hereby amended to read as
31 follows:

32 "20-57-201. Definitions.

33 As used in §§20-57-202 - 20-57-205, unless the context otherwise
34 requires:

35 (1)(A) 'Food service establishment' means any place where food is
36 prepared, processed, stored, or intended for use or consumption by the public

1 regardless of whether there is a charge for the food. The term includes
2 wholesale and retail food stores, convenience stores, food markets,
3 delicatessens, restaurants, food processing or manufacturing plants, bottling
4 and canning plants, wholesale and retail block and prepackaged ice
5 manufacturing plants, food caterers and food warehouses. The term does not
6 include supply vehicles or location of vending machines."

7

8 SECTION 3. Ark. Code Ann. §20-57-204 is hereby amended to read as
9 follows:

10 "20-57-204. Permit required.

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

14 (b)(1) Permits issued under §§20-57-201 - 20-57-205 shall be
15 nontransferable, shall be renewed annually, and shall expire one (1) year
16 after issuance or at a time specified by the Department of Health.

17 (2) A late fee equal to one-half (1/2) of the renewal fee for any type
18 of establishment shall be charged to renew a permit sixty (60) days after the
19 expiration date.

20 (c) Any food service establishment may obtain a food service permit by
21 paying an annual permit fee of twenty-five dollars (\$25.00) to the Department
22 of Health and by meeting the minimum requirements established by the
23 applicable rules and regulations.

24 (d) Each distinctively separate food establishment type and class as
25 defined in §§20-57-201 - 20-57-205 shall be required to procure a permit for
26 that type or class per each location not to exceed a total of seventy-five
27 dollars (\$75.00). On and after July 1, 1993, the fee provisions as set forth
28 in this subsection shall be null and void and any food service establishment
29 may obtain a food service permit by meeting the minimum requirements
30 established by the applicable rules and regulations.

31 (e) A temporary food establishment permit shall be procured from the
32 Division of Sanitarian Services of the Department of Health by any temporary
33 facility operating at a fixed location for a period of not more than fourteen
34 (14) consecutive days in conjunction with a single event or celebration. The
35 fee of twenty-five dollars (\$25.00) shall be charged for each temporary food

1 establishment permit. The permit shall be nonrenewable.

2 (f) Public school cafeterias shall be exempt from payment of the
3 permit fee, but shall submit to inspection pursuant to the rules and
4 regulations of the State Board of Health.

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

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

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

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

15 (i) Any bottler of water that is not a resident of this state shall
16 obtain a permit from the Division of Sanitarian Services of the Department of
17 Health in order to sell its bottled water within this state. The bottler
18 shall submit to the department annually a bacteriological analysis conducted
19 by a laboratory approved by the department, a certificate of operation from
20 the bottler's resident state and a permit fee of fifty dollars (\$50.00)."

21

22 SECTION 4. Ark. Code Ann. §20-57-205 is hereby amended to read as
23 follows:

24 "20-57-205. Disposition of funds.

25 (a) All fees levied and collected under the provisions of §§20-57-102
26 and 20-57-201 - 20-57-204 are declared to be special revenues and shall be
27 deposited in the State Treasury, there to be credited to the Public Health
28 Fund to be used exclusively by the Division of Sanitarian Services for
29 personnel, equipment, and training of sanitarians and food service industry
30 personnel, equipment and training of sanitarians and industry personnel.

31 (b) Subject to such rules and regulations as may be implemented by the
32 Chief Fiscal Officer of the State, the disbursing officer for the Department
33 of Health is authorized to transfer all unexpended funds relative to the food
34 service program that pertain to fees collected, as certified by the Chief
35 Fiscal Officer of the State, to be carried forward and made available for

1 expenditures for the same purpose for any following fiscal year."

2

3 SECTION 5. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

6

7 SECTION 6. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

12

13 SECTION 7. All laws and parts of laws in conflict with this act are
14 hereby repealed.

15

16 SECTION 8. Emergency. It is hereby found and determined by the
17 General Assembly that due to current revenue shortfalls the services offered
18 by the Department of Health to the citizens of the State are threatened; that
19 due to recent developments in the food service industry it is necessary to
20 expand coverage of regulations to protect the health and safety of the public
21 of this State, that the immediate enactment of this bill upon passage is
22 necessary to assure the safety and well-being of the public. Therefore, an
23 emergency is hereby declared to exist and this Act being necessary for the
24 immediate preservation of the public peace, health and safety shall be in full
25 force and effect from and after its passage and approval.

26

27 /s/ John Dawson

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29 APPROVED: 3-6-91