

1 State of Arkansas *As Engrossed: H3/4/13 H3/13/13 H4/1/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1536

4

5 By: Representatives Alexander, C. Armstrong, Ballinger, Barnett, Bell, Copenhaver, Fielding, Fite,
6 Harris, Hickerson, Lenderman, Lowery, Scott, D. Whitaker

7 By: Senators G. Stubblefield, B. King, B. Pierce, J. Woods

8

9

For An Act To Be Entitled

10 AN ACT TO PROMOTE THE USE OF LOCALLY PRODUCED MILK
11 PRODUCTS; TO ALLOW THE INCIDENTAL SALE OF LOCALLY
12 PRODUCED WHOLE MILK THAT IS NOT PASTEURIZED; TO ALLOW
13 THE STATE BOARD OF HEALTH TO MAKE RULES FOR THE SALE
14 OF LOCALLY PRODUCED WHOLE MILK THAT IS NOT
15 PASTEURIZED; AND FOR OTHER PURPOSES.

16

17

18

Subtitle

19 TO PROMOTE LOCAL MILK PRODUCTS; TO ALLOW
20 THE INCIDENTAL SALE OF WHOLE MILK THAT IS
21 NOT PASTEURIZED; AND TO ALLOW THE STATE
22 BOARD OF HEALTH TO MAKE RULES FOR THE
23 SALES.

24

25

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

27

28 SECTION 1. Arkansas Code § 20-59-248 is amended to read as follows:

29 *20-59-248. Incidental sales of goat milk and whole milk that has not*
30 *been pasteurized not prohibited.*

31 (a) For purposes of this section:

32 *(1) "~~incidental~~ Incidental sales of goat milk and whole milk*
33 *that has not been pasteurized" are those sales where the average monthly*
34 *number of gallons sold does not exceed ~~one hundred (100)~~ five hundred*
35 *gallons;*

36 *(2) "Locally produced whole milk products" means whole milk that*



1 has been produced on an Arkansas farm; and

2 (3)(A) "Whole milk" means the lacteal secretion obtained by the
3 complete milking of one (1) or more healthy cows, properly fed and kept, that
4 when offered for sale contains at least three and one-fourth percent (3¼%) of
5 butterfat and eight and one-fourth percent (8¼%) solids not fat.

6 (B) "Whole milk" does not include lacteal secretion
7 obtained within fifteen (15) days before or five (5) days after calving or a
8 longer period if necessary to render the milk practically colostrum free.

9 ~~The provisions of this subchapter shall not be construed to~~ This
10 subchapter does not prohibit incidental sales of raw goat milk and whole milk
11 that has not been pasteurized directly to consumers at the farm where the
12 milk is produced or to preclude the advertising of incidental sales of goat
13 milk and whole milk that has not been pasteurized.

14 (c) With respect to whole milk that has not been pasteurized, the
15 seller shall:

16 (1) Post at the point of sale a sign that is no smaller than two
17 feet (2') by four feet (4') that includes the following information in large,
18 clear text:

19 (A) The name and address of the farm with seller's contact
20 information; and

21 (B) The following statement:
22 "This product, sold for personal use and not for resale, is fresh whole
23 milk that has NOT been pasteurized. Neither this farm nor the milk
24 sold by this farm has been inspected by the State of Arkansas. The
25 consumer assumes all liability for health issues that may result from
26 the consumption of this product."; and

27 (2) Affix a label to the bottle or package that includes:

28 (A) The name and address of the farm; and

29 (B) The following statement:
30 "This product, sold for personal use and not for resale, is fresh whole
31 milk that has NOT been pasteurized. Neither this farm nor the milk
32 sold by this farm has been inspected by the State of Arkansas. The
33 consumer assumes all liability for health issues that may result from
34 the consumption of this product."

35 (d) A farmer who sells fresh whole unpasteurized milk shall permit
36 inspection of his or her cows and barns by his or her customers upon request.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Alexander

APPROVED: 04/12/2013