

**Hall of the House of Representatives**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 2224**

"TO REQUIRE THE DEPARTMENT OF HEALTH TO PERMIT AND INSPECT  
CONCESSION STANDS, BOTH STATIONARY AND MOBILE."

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**Amendment No. 1 to House Bill No. 2224.**

Amend House Bill No. 2224 as originally introduced:

Page 1, line 11, delete "MOBILE;" and substitute "MOBILE; TO CLARIFY CERTAIN EXEMPTIONS FOR PERMITS AND INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS;"

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 20-57-201 is amended to read as follows:  
20-57-201. Definitions.

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

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

(B) The following are also exempt:

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

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

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

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

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

(2) "Food service industry" means the aggregate of food service



establishments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i)~~(j) Any bottler of water that is not a resident of this state shall obtain a permit from ~~the Division of Sanitarian Services~~ of the Department of Health in order to sell its bottled water within this state. The bottler shall submit to the department annually a bacteriological analysis conducted

by a laboratory approved by the department, a certificate of operation from the bottler's resident state, and a permit fee of fifty dollars (\$50.00).”

The Amendment was read \_\_\_\_\_  
By: Representative Adcock  
JSE/JSE - 03-20-2009 14:57  
JSE294 \_\_\_\_\_ Chief Clerk