

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H2/6/17*

# A Bill

HOUSE BILL 1256

5 By: Representatives Sabin, *Lundstrum*  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE PROVISIONS APPLICABLE TO SALES BY  
9 A COTTAGE FOOD PRODUCTION OPERATION; TO PROVIDE THAT  
10 SALES BY A COTTAGE FOOD PRODUCTION OPERATION AT AN  
11 ONLINE FARMERS' MARKET ARE EXEMPT FROM THE DEFINITION  
12 OF "FOOD SERVICE ESTABLISHMENT"; TO AMEND THE  
13 DEFINITION OF "COTTAGE FOOD PRODUCTION OPERATION";  
14 AND FOR OTHER PURPOSES.

## Subtitle

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18 TO PROVIDE THAT SALES BY A COTTAGE FOOD  
19 PRODUCTION OPERATION AT AN ONLINE  
20 FARMERS' MARKET ARE EXEMPT FROM THE  
21 DEFINITION OF "FOOD SERVICE  
22 ESTABLISHMENT".  
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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(1), concerning the definition of*  
28 *"cottage food production operation" for the purposes of the Department of*  
29 *Health and the Public Health Advisory Board, is amended to read as follows:*

30 *(1) "Cottage food production operation" means a person who*  
31 *produces food items in the person's home that are not potentially hazardous*  
32 *foods, including without limitation:*

- 33 *(A) Bakery products;*  
34 *(B) Candy;*  
35 *(C) Fruit butter;*  
36 *(D) Jams;*



- 1                   (E) *Jellies; ~~and~~*
- 2                   (F) *Chocolate-covered fruit and berries that are not cut;*
- 3 *and*
- 4                   (G) *Similar products specified in rules adopted by the*
- 5 *Department of Health;*

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7           SECTION 2. *Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning*

8 *exemptions from the definition of "food service establishment" for purposes*

9 *of the Department of Health and the Public Health Advisory Board, is amended*

10 *to read as follows:*

- 11                               (vi)(a) *A cottage food production operation, on the*
- 12 *condition that the operation offers its products directly to the consumer:*
- 13                                       (1) *From the site where the products are*
- 14 *produced;*
- 15                                       (2) *At a physical or online farmers'*
- 16 *market;*
- 17                                       (3) *At a county fair; or*
- 18                                       (4) *At a special event.*

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20                                       /s/Sabin

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