

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Senator G. Leding  
6 By: Representative Boyd  
7

As Engrossed: S3/25/19

# A Bill

SENATE BILL 590

## For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT A COTTAGE FOOD PRODUCTION  
10 OPERATION IN CERTAIN SITUATIONS IS EXEMPT FROM THE  
11 DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; AND FOR  
12 OTHER PURPOSES.

## Subtitle

16 TO PROVIDE THAT A COTTAGE FOOD PRODUCTION  
17 OPERATION IN CERTAIN SITUATIONS IS EXEMPT  
18 FROM THE DEFINITION OF "FOOD SERVICE  
19 ESTABLISHMENT".

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

24 SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning the  
25 exemptions from the definition of "food service establishment", is amended to  
26 read as follows:

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

29 (1) From the site where the products are  
30 produced;

31 (2) At a physical or online farmers'  
32 market;

33 (3) At a county fair; ~~or~~

34 (4) At a special event; or

35 (5)(A) At a pop-up shop within another  
36 established business.



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

SECTION 2. Arkansas Code Title 20, Chapter 57, Subchapter 2, is amended to add an additional section to read as follows:

20-57-209. Pop-up shop inspections and restrictions.

(a) The Department of Health may inspect a cottage food production operation that operates as a pop-up shop as defined in § 20-57-201(2)(B)(vi)(a)(5) within another established business.

(b) A cottage food production operation that operates as a pop-up shop shall not sell or offer for sale foods at wholesale distribution.

/s/G. Leding