A Bill

By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO AMEND LAWS CONCERNING FOOD SERVICE
ESTABLISHMENTS AND COTTAGE FOOD PRODUCTION
OPERATIONS; TO PROVIDE THAT A COTTAGE FOOD PRODUCTION
OPERATION SELLING TO A FOOD TRUCK, MOBILE UNIT, OR
FOOD SERVICE ESTABLISHMENT IS EXEMPT FROM THE
DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; TO
CLARIFY THAT MOBILE UNITS MAY SELL FOOD TO OTHER
MOBILE UNITS OR OTHER FOOD SERVICE ESTABLISHMENTS;
AND FOR OTHER PURPOSE.

Subtitle

TO AMEND LAWS CONCERNING FOOD SERVICE
ESTABLISHMENTS AND COTTAGE FOOD
PRODUCTION OPERATIONS.

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

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

(vi)(a) A cottage food production operation, on the
condition that the operation offers its products directly to the consumer or
to a mobile unit or food service establishment:

(1) From the site where the products are
produced;
(2) At a physical or online farmers’ market; (3) At a county fair; or (4) At a special event.

(b)(1) Upon request, each product offered under subdivision (2)(B)(vi)(a) of this section shall be made available to the department for sampling.

(2) Each product shall be clearly labeled and shall make no nutritional claims.

(3) The label required under subdivision (2)(B)(vi)(b)(2) of this section shall include the following:

(A) The name and address of the business;

(B) The name of the product;

(C) The ingredients in the product; and

(D) The following statement in 10-point type: “This Product is Home-Produced”;

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

20-57-209. Sale of food from mobile units.

(a)(1) As used in this section, "mobile unit" means a vehicle mounted food service establishment designed to be readily movable and approved to travel highways and waterways that is a self-contained retail food establishment with permanently mounted freshwater and waste tanks.

(2) "Mobile unit" includes food trucks.

(3) "Mobile unit" does not include cottage food production operations.

(b) A mobile unit may sell food to another mobile unit or other food service establishment.

Referred by Representative Lundstrum
Prepared by: JMB/JMB