

INTERIM STUDY PROPOSAL 2019-005

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

JMB/JMB
HOUSE BILL

4 By: Representative Lundstrum

5
6
7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

19
20
21 **Subtitle**

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

25
26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi), concerning the
30 exemptions from the definition of "food service establishments", is amended
31 to read as follows:

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

35 (1) From the site where the products are
36 produced;

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

3 (3) At a county fair; or

4 (4) At a special event.

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

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

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

12 (A) The name and address of the
13 business;

14 (B) The name of the product;

15 (C) The ingredients in the
16 product; and

17 (D) The following statement in 10-
18 point type: "This Product is Home-Produced";

19
20 SECTION 2. Arkansas Code Title 20, Chapter 57, Subchapter 2, is
21 amended to add an additional section to read as follows:

22 20-57-209. Sale of food from mobile units.

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

27 (2) "Mobile unit" includes food trucks.

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

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

32
33

34 Referred by Representative Lundstrum

35 Prepared by: JMB/JMB

36