

**Hall of the House of Representatives**  
93rd General Assembly - Regular Session, 2021  
**Amendment Form**

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**Subtitle of Senate Bill No. 248**

TO CREATE THE FOOD FREEDOM ACT; AND TO EXEMPT CERTAIN PRODUCERS OF HOMEMADE  
FOOD OR DRINK PRODUCTS FROM LICENSURE, CERTIFICATION, AND INSPECTION.

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**Amendment No. 1 to Senate Bill 248**

Amend Senate Bill No. 248 as engrossed S4/14/21 (version: 04/14/2021 1:25:52 PM):

Page 6, line 3, delete "and"

AND

Page 6, delete line 5, and substitute the following:

"requirements, and that is non-time/temperature control for safety food;"

AND

Page 6, delete lines 17 through 29, and substitute the following:

"(5)(A) "Non-time/temperature control for safety food" means food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation and as defined in the rules of the Department of Health.

(B) "Non-time/temperature control for safety food" includes without limitation pickled cucumbers and other acidified vegetables that have an equilibrium pH of 4.6 or less if:

(i)(a) The recipe:

(1) Is from a source approved by the department; or

(2) Has been tested by an appropriately certified laboratory that confirmed the finished product has an equilibrium pH value of 4.6 or less,

(b) If a recipe is not as described in subdivision (5)(B)(i)(a), the producer shall test each batch of the recipe with a calibrated pH meter to confirm the finished product has an equilibrium pH value of 4.6 or less;

(ii) The batch is labelled with a unique number; and

(iii) The producer maintains records that include:

(a) The batch number;

(b) The recipe used by the producer;



results if applicable; and

(c) The source of the recipe or testing

(d) The date that the batch was prepared;"

AND

Page 6, line 30, delete "(7)" and substitute "(6)"

AND

Page 6, line 34, delete "(8)" and substitute "(7)"

AND

Page 6, line 35, delete "residence; and" and substitute "residence;"

AND

Page 6, delete line 36, and substitute the following:

"(8)(A) "Time/temperature control for safety food" means food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation and as defined in the rules of the department.

(B) "Time/temperature control for safety food" includes:

(i) An animal food that is raw or heat treated;

(ii) Food of plant origin that is heat treated or

consists of raw seed sprouts;

(iii) Cut leafy greens;

(iv) Cut tomatoes or mixtures of cut tomatoes; and

(v) Garlic-in-oil mixtures; and

(9) "Transaction" means the exchange of buying and selling in"

AND

Page 7, delete lines 12 through 29, and substitute the following:

"(B) The seller of a homemade food or drink product may be the producer of the homemade food or drink product, an agent of the producer, or a third-party vendor, including a retail shop or grocery store;

(2) Occur in Arkansas or in another state if the seller complies with all applicable federal laws;

(3) Not involve the sale of meat, poultry, seafood, or time/temperature control for safety food products;

(4) Be delivered by the producer, agent of the producer, third-party vendor, or third-party carrier to the informed end consumer; and

(5) Satisfy the disclosure requirements in § 20-57-505."

AND

Page 8, delete lines 16 and 17, and substitute the following:

"(B) Container and a separate written document provided to the informed end consumer upon sale if the homemade food or drink product is offered for sale from a bulk container;"

AND

Page 8, delete lines 30 and 31, and substitute the following:

"(2) At a retail location of a third-party vendor of the homemade food or drink product."

AND

Page 9, line 11, delete "§ 20-59-48;" and substitute "§ 20-59-248;"

AND

Page 9, line 13, delete "sold; or" and substitute "sold;"

AND

Page 9, delete line 20, and substitute the following:

"(D) Another state's laws; or  
(7) Conflict with the authority of the department to ensure food is not adulterated or misbranded under the Food, Drug, and Cosmetic Act, § 20-56-201 et seq."

The Amendment was read \_\_\_\_\_

By: Representative Payton  
JMB/JMB - 04-20-2021 18:18:07  
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Chief Clerk