

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1578

By: Representative S. Miller

"AN ACT TO REQUIRE ICE MANUFACTURING OPERATIONS TO BE INSPECTED BY THE STATE DEPARTMENT OF HEALTH; TO REQUIRE AN ANNUAL PERMIT FOR THOSE OPERATIONS, AND FOR OTHER PURPOSES."

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

SECTION 1. The following terms shall have the following meaning:

(a) "Wholesale ice manufacturer" means any person, partnership, firm, corporation, association or business which manufactures, processes, packages or distributes ice intended for human consumption to be sold at wholesale.

(b) "Retail ice manufacturer" means any person, partnership, firm, corporation, association or business which manufactures or processes packaged ice intended for human consumption off-premise and distributed to the consumer at the place of manufacture or processing.

SECTION 2. (a) It shall be unlawful for any wholesale ice manufacturer to offer for sale his product unless a valid annual permit has been issued by the Division of Sanitarian Services of the Arkansas Department of Health.

(b) The permit fee for wholesale ice manufacturers shall be five hundred dollars (\$500.00), renewable annually on or before July 1.

SECTION 3. (a) It shall be unlawful for any retail ice manufacturer to offer for sale his product unless a valid annual permit has been issued by the Division of Sanitarian Services of the Arkansas Department of Health.

(b) The permit fee for retail ice manufacturers shall be twenty-five dollars (\$25.00), renewable annually on or before July 1.

(c) Food service establishments which pay an annual fee to the Arkansas Department of Health under a separate act shall be exempt from the provisions of this Act.

SECTION 4. Food service establishments, hotels, motels and other establishments which manufacture ice only for on-premise consumption by their customers shall be exempt from the provisions of this Act.

SECTION 5. The Division of Sanitarian Services of the Department of Health shall be responsible for the administration of this Act. The Division is hereby authorized to promulgate such rules and regulations as necessary to assure the effectiveness and efficient administration of the provisions and purposes of this Act.

SECTION 6. (a) The Division of Sanitarian Services of the Department of Health is hereby authorized to make inspections of wholesale ice manufacturers and retail ice manufacturers to determine their compliance with this Act and regulations adopted hereunder.

(b) Any manufacturer aggrieved by the disapproval of an ice manufacturer permit shall be afforded a review of the Department of Health's action as provided in Act 434 of 1967, as amended, the Arkansas Administrative Procedure Act.

SECTION 7. Any person, partnership, firm, corporation, association or business who violates any provision of this Act or any rules and regulations promulgated under the authority provided herein, shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) if the violator is a retail ice manufacturer or a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) if the violator is a wholesale ice manufacturer, or by imprisonment not exceeding one (1) month, or both.

SECTION 8. It shall be the duty of each prosecuting attorney to whom an employee of the Division of Sanitarian Services of the Department of Health reports any violation of this Act to cause appropriate proceedings to be instituted and to prosecute such case in the manner required by law.

SECTION 9. (a) All fees and fines collected under this Act are hereby declared "special revenues" and shall be deposited in the State Treasury to

the credit of the "Ice Manufacturer Inspection Fees Fund" which is hereby established on the books of the State Treasurer, the State Auditor and the Chief Fiscal Officer of the State.

(b) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the ice manufacturer inspection services that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 11. EMERGENCY. It is hereby found and determined by the General Assembly that current laws are outdated and do not adequately address the concerns for sanitary conditions to be maintained in the processing and packaging of ice for sale to the people of this State; that immediate enactment upon passage of this Act is necessary to inhibit rampant violations of existing regulations in the ice manufacturing industry and to protect the health, welfare and safety of the people of this State. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

