

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/23/09

A Bill

HOUSE BILL 2224

5 By: Representative Adcock
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH TO
10 PERMIT AND INSPECT CONCESSION STANDS, BOTH
11 STATIONARY AND *MOBILE*; TO CLARIFY CERTAIN
12 *EXEMPTIONS FOR PERMITS AND INSPECTIONS OF FOOD*
13 *SERVICE ESTABLISHMENTS*; TO ENSURE THE HEALTH AND
14 SAFETY OF THE PUBLIC; AND FOR OTHER PURPOSES.

Subtitle

16 TO REQUIRE THE DEPARTMENT OF HEALTH TO
17 PERMIT AND INSPECT CONCESSION STANDS,
18 BOTH STATIONARY AND MOBILE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code § 20-57-201 is amended to read as follows:*
25 *20-57-201. Definitions.*

26 *As used in §§ 20-57-202 – 20-57-205, unless the context otherwise*
27 *requires:*

28 (1)(A) *“Food service establishment” means any place where food*
29 *is prepared, processed, stored, or intended for use or consumption by the*
30 *public regardless of whether there is a charge for the food. The term*
31 *includes wholesale and retail food stores, convenience stores, food markets,*
32 *delicatessens, restaurants, food processing or manufacturing plants, bottling*
33 *and canning plants, wholesale and retail block and prepackaged ice*
34 *manufacturing plants, food caterers, and food warehouses. The term does not*
35 *include supply vehicles or locations of vending machines.*

36 (B) *The following are also exempt:*



1 (i) Group homes routinely serving ten (10) or fewer
2 persons;

3 (ii) Day-care centers routinely serving ten (10) or
4 fewer persons;

5 (iii) Potluck suppers, community picnics, or other
6 group gatherings where food is served but not sold; ~~and~~

7 (iv) ~~Nonprofit organizations that sell food, on a~~
8 ~~temporary basis for fund-raising events~~ An establishment that offers only
9 prepackaged foods that are not potentially hazardous as defined by the State
10 Board of Health; and

11 (v) Ice vending machines or kiosks where ice is
12 dispensed in the open air and are totally self-contained; and

13 (2) "Food service industry" means the aggregate of food service
14 establishments.

15
16 SECTION 2. Arkansas Code § 20-57-204 is amended to read as follows:
17 20-57-204. Permit required.

18 (a) No food service establishment shall be allowed to operate unless
19 it has procured a food establishment permit from the Division of
20 Environmental Health Protection of the Department of Health.

21 (b)(1) Permits issued under §§ 20-57-201 – 20-57-205 ~~shall be~~
22 ~~nontransferable~~ are not transferable, shall be renewed annually, and shall
23 expire one (1) year after issuance or at a time specified by the Department
24 of Health.

25 (2) A late fee equal to one-half ($\frac{1}{2}$) of the renewal fee for any
26 type of establishment shall be charged to renew a permit sixty (60) days
27 after the expiration date.

28 (c) Any food service establishment may obtain a food service permit by
29 paying an annual permit fee of thirty-five dollars (\$35.00) to the department
30 and by meeting the minimum requirements established by the applicable rules
31 ~~and regulations~~.

32 (d)(1) Each distinctively separate food establishment type and class
33 as defined in §§ 20-57-201 – 20-57-205 shall be required to procure a permit
34 for that type or class per each location not to exceed a total of one hundred
35 five dollars (\$105.00).

36 (2) On and after ~~July 1, 2009~~, July 1, 2013, the fee provisions

1 as set forth in this subsection shall be null and void, and any food service
2 establishment may obtain a food service permit by meeting the minimum
3 requirements established by the applicable rules ~~and regulations~~.

4 (e)(1) A temporary food establishment permit shall be procured from
5 the Division of Environmental Health Protection by any temporary facility
6 operating at a fixed location for a period of not more than fourteen (14)
7 consecutive days in conjunction with a single event or celebration.

8 (2) A fee of five dollars (\$5.00) shall be charged per day for
9 each temporary food establishment permit.

10 (f) Public school cafeterias shall be exempt from payment of the
11 permit fee but shall submit to inspection pursuant to the rules and
12 regulations of the State Board of Health.

13 (g) Nonprofit organizations that sell food on a temporary basis for
14 fund-raising events shall be exempt from payment of the permit fee but shall
15 submit to inspection pursuant to the rules of the State Board of Health.

16 ~~(g)(h)~~ The following shall not be required to obtain permits, pay
17 fees, or submit to inspections by the department but may seek the advice and
18 assistance of the department:

19 ~~(1) Potluck potluck~~ suppers, community picnics, or other group
20 gatherings where food is served but not sold; ~~and~~

21 ~~(2) Nonprofit organizations that sell food on a temporary basis~~
22 ~~for fund raising events.~~

23 ~~(h)(i)~~ Any retail food store having gross sales of less than one
24 hundred fifty thousand dollars (\$150,000) must obtain a food service permit
25 but shall be exempt from payment of the permit fee.

26 ~~(i)(j)~~ Any bottler of water that is not a resident of this state shall
27 obtain a permit from ~~the Division of Sanitarian Services~~ of the Department of
28 Health in order to sell its bottled water within this state. The bottler
29 shall submit to the department annually a bacteriological analysis conducted
30 by a laboratory approved by the department, a certificate of operation from
31 the bottler's resident state, and a permit fee of fifty dollars (\$50.00).

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35 /s/ Adcock
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