

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/4/13

A Bill

HOUSE BILL 1536

5 By: Representatives Alexander, *Bell*
6

For An Act To Be Entitled

8 AN ACT TO PROMOTE THE USE OF LOCALLY PRODUCED MILK
9 PRODUCTS; TO ALLOW THE INCIDENTAL SALE OF LOCALLY
10 PRODUCED WHOLE MILK THAT IS NOT PASTEURIZED; TO ALLOW
11 THE STATE BOARD OF HEALTH TO MAKE RULES FOR THE SALE
12 OF LOCALLY PRODUCED WHOLE MILK THAT IS NOT
13 PASTEURIZED; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 TO PROMOTE LOCAL MILK PRODUCTS; TO ALLOW
18 THE INCIDENTAL SALE OF WHOLE MILK THAT IS
19 NOT PASTEURIZED; AND TO ALLOW THE STATE
20 BOARD OF HEALTH TO MAKE RULES FOR THE
21 SALES.
22
23

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

26 SECTION 1. Arkansas Code § 20-59-248 is amended to read as follows:

27 *20-59-248. Incidental sales of goat milk and whole milk that has not*
28 *been pasteurized not prohibited.*

29 (a) For purposes of this section:

30 *(1) "~~incidental~~ Incidental sales of goat milk and whole milk*
31 *that has not been pasteurized" are those sales where the average monthly*
32 *number of gallons sold does not exceed ~~one hundred (100)~~ five hundred*
33 *gallons;*

34 *(2) "Locally produced whole milk products" means whole milk that*
35 *has been produced on an Arkansas farm; and*

36 *(3)(A) "Whole milk" means the lacteal secretion obtained by the*



1 complete milking of one (1) or more healthy cows, properly fed and kept, that
2 when offered for sale contains at least three and one-fourth percent (3¼%) of
3 butterfat and eight and one-fourth percent (8¼%) solids not fat.

4 (B) "Whole milk" does not include lacteal secretion
5 obtained within fifteen (15) days before or five (5) days after calving or a
6 longer period if necessary to render the milk practically colostrum free.

7 ~~The provisions of this subchapter shall not be construed to~~ This
8 subchapter does not prohibit incidental sales of raw goat milk and whole milk
9 that has not been pasteurized directly to consumers at the farm where the
10 milk is produced or ~~to~~ preclude the advertising of incidental sales of goat
11 milk and whole milk that has not been pasteurized.

12 (c) With respect to whole milk that has not been pasteurized, the
13 State Board of Health may make rules that:

14 (1) Provide for the random inspection of a facility that
15 produces, processes, stores, or sells whole milk for human consumption that
16 has not been pasteurized;

17 (2) Require the seller to:

18 (A) Post at the point of sale a warning that the whole
19 milk has not been pasteurized; and

20 (B) Affix a label to the bottle or package warning that
21 the whole milk has not been pasteurized; and

22 (3) Recommend guidelines for the processing, packaging,
23 bottling, storing, and transporting of whole milk for human consumption that
24 has not been pasteurized.

25 (4) The board shall not adopt a rule regarding whole milk that
26 has not been pasteurized that is more stringent than rules adopted for other
27 milk products sold in Arkansas.

28
29 /s/Alexander
30
31
32
33
34
35
36