

1 State of Arkansas *As Engrossed: H3/4/13 H3/13/13 H4/1/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 1536

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5 By: Representatives Alexander, C. Armstrong, Ballinger, Barnett, Bell, Copenhaver, Fielding, Fite,  
6 Harris, Hickerson, Lenderman, Lowery, Scott, D. Whitaker

7 By: Senators G. Stubblefield, B. King, B. Pierce, J. Woods

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## For An Act To Be Entitled

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

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## Subtitle

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

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

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

29 *20-59-248. Incidental sales of goat milk and whole milk that has not*  
30 *been pasteurized* not prohibited.

31 (a) For purposes of this section:

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

36 *(2) "Locally produced whole milk products" means whole milk that*



1 has been produced on an Arkansas farm; and

2 (3)(A) "Whole milk" means the lacteal secretion obtained by the  
3 complete milking of one (1) or more healthy cows, properly fed and kept, that  
4 when offered for sale contains at least three and one-fourth percent (3¼%) of  
5 butterfat and eight and one-fourth percent (8¼%) solids not fat.

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

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

14 (c) With respect to whole milk that has not been pasteurized, the  
15 seller shall:

16 (1) Post at the point of sale a sign that is no smaller than two  
17 feet (2') by four feet (4') that includes the following information in large,  
18 clear text:

19 (A) The name and address of the farm with seller's contact  
20 information; and

21 (B) The following statement:  
22 "This product, sold for personal use and not for resale, is fresh whole  
23 milk that has NOT been pasteurized. Neither this farm nor the milk  
24 sold by this farm has been inspected by the State of Arkansas. The  
25 consumer assumes all liability for health issues that may result from  
26 the consumption of this product."; and

27 (2) Affix a label to the bottle or package that includes:

28 (A) The name and address of the farm; and

29 (B) The following statement:  
30 "This product, sold for personal use and not for resale, is fresh whole  
31 milk that has NOT been pasteurized. Neither this farm nor the milk  
32 sold by this farm has been inspected by the State of Arkansas. The  
33 consumer assumes all liability for health issues that may result from  
34 the consumption of this product."

35 (d) A farmer who sells fresh whole unpasteurized milk shall permit  
36 inspection of his or her cows and barns by his or her customers upon request.

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*/s/Alexander*