

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1118

5 By: Representative Dotson
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For An Act To Be Entitled

8 AN ACT TO AMEND THE PROVISIONS APPLICABLE TO SALES BY
9 A COTTAGE FOOD PRODUCTION OPERATION; TO PROVIDE THAT
10 SALES BY A COTTAGE FOOD PRODUCTION OPERATION THROUGH
11 THE INTERNET ARE EXEMPT FROM THE DEFINITION OF "FOOD
12 SERVICE ESTABLISHMENT"; AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROVIDE THAT SALES BY A COTTAGE FOOD
16 PRODUCTION OPERATION THROUGH THE INTERNET
17 ARE EXEMPT FROM THE DEFINITION OF
18 "FOOD SERVICE ESTABLISHMENT".
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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(2)(B)(vi)(a), concerning the
25 exemptions from the definition of "food service establishment" for purposes
26 of the Department of Health, is amended to read as follows:

27 (vi)(a) A cottage food production operation,
28 on the condition that the cottage food production operation offers its
29 products directly to the consumer:

- 30 (1) From the site where the products are
- 31 produced;
- 32 (2) At a physical or online farmers'
- 33 market;
- 34 (3) At a county fair;
- 35 (4) At a special event; ~~or~~
- 36 (5)(A) At a pop-up shop within another



1 established business.

2 (B) As used in this subdivision

3 (2)(B)(vi)(a), "pop-up shop" means a cottage food production operation
4 selling items in an unaffiliated established business for a limited time
5 period with the consent of the owner of the unaffiliated established business
6 and the owner or employee of the cottage food production operation being
7 present at the point of sale; or

8 (6) Through the internet if the sale
9 from the cottage food production operation is directly to an end consumer
10 located in:

11 (A) This state; or

12 (B) Another state if the cottage
13 food production operation complies with all federal regulations regarding
14 food safety.

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