

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

As Engrossed: H2/9/21

# A Bill

HOUSE BILL 1118

5 By: Representative Dotson  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

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

16 TO PROVIDE THAT SALES BY A COTTAGE FOOD  
17 PRODUCTION OPERATION THROUGH THE INTERNET  
18 ARE EXEMPT FROM THE DEFINITION OF  
19 "FOOD SERVICE ESTABLISHMENT".  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning the  
26 exemptions from the definition of "food service establishment" for purposes  
27 of the Department of Health, is amended to read as follows:

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

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



1 (5)(A) At a pop-up shop within another  
2 established business.

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

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

12 (A) This state; or

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

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17 /s/Dotson  
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