

Stricken language would be deleted from and underlined language would be added to present law.
Act 1209 of the Regular Session

State of Arkansas *As Engrossed: H3/4/13 H3/13/13 H4/1/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1536

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

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

For An Act To Be Entitled

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

Subtitle

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

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

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

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

(a) For purposes of this section:

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

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



has been produced on an Arkansas farm; and

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

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

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

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

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

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

(B) The following statement:

"This product, sold for personal use and not for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the State of Arkansas. The consumer assumes all liability for health issues that may result from the consumption of this product."; and

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

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

(B) The following statement:

"This product, sold for personal use and not for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the State of Arkansas. The consumer assumes all liability for health issues that may result from the consumption of this product."

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

/s/Alexander

APPROVED: 04/12/2013