

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/25/19

A Bill

SENATE BILL 590

By: Senator G. Leding
By: Representative Boyd

For An Act To Be Entitled

AN ACT TO PROVIDE THAT A COTTAGE FOOD PRODUCTION OPERATION IN CERTAIN SITUATIONS IS EXEMPT FROM THE DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE THAT A COTTAGE FOOD PRODUCTION OPERATION IN CERTAIN SITUATIONS IS EXEMPT FROM THE DEFINITION OF "FOOD SERVICE ESTABLISHMENT".

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

SECTION 1. Arkansas Code § 20-57-201(2)(B)(vi)(a), concerning the exemptions from the definition of "food service establishment", is amended to read as follows:

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

- (1) From the site where the products are produced;
- (2) At a physical or online farmers' market;
- (3) At a county fair; ~~or~~
- (4) At a special event; or
- (5)(A) At a pop-up shop within another established business.



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

SECTION 2. Arkansas Code Title 20, Chapter 57, Subchapter 2, is amended to add an additional section to read as follows:

20-57-209. Pop-up shop inspections and restrictions.

(a) The Department of Health may inspect a cottage food production operation that operates as a pop-up shop as defined in § 20-57-201(2)(B)(vi)(a)(5) within another established business.

(b) A cottage food production operation that operates as a pop-up shop shall not sell or offer for sale foods at wholesale distribution.

/s/G. Leding

APPROVED: 4/8/19