

Stricken language would be deleted from and underlined language would be added to present law.
Act 306 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/9/21 S2/23/21
A Bill

HOUSE BILL 1118

By: Representative Dotson
By: Senator B. Davis

For An Act To Be Entitled

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

Subtitle

TO PROVIDE THAT SALES BY A COTTAGE FOOD PRODUCTION OPERATION THROUGH THE INTERNET ARE EXEMPT FROM THE DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; AND TO DECLARE AN EMERGENCY.

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" for purposes of the Department of Health, is amended to read as follows:

(vi)(a) A cottage food production operation, on the condition that the cottage food production 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;
- (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; or

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

(A) This state; or

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

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that cottage food producers typically sell year-round from their homes, physical farmers’ markets, and online farmers’ markets; that with growing season quickly approaching, a crop or cottage food could be lost or destroyed if the effective date of this act is delayed; that a delay in the effective date of this act could cause significant economic hardship for cottage food producers; and that this act is immediately necessary to ensure the maximum positive effect in the community. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Dotson

APPROVED: 3/9/21