

Stricken language would be deleted from and underlined language would be added to present law.
Act 698 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/31/25

A Bill

SENATE BILL 464

By: Senators A. Clark, B. Davis
By: Representatives C. Cooper, Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING SALES OF RAW MILK; TO ALLOW SALES OF RAW MILK AND RAW MILK PRODUCTS AT LOCATIONS OTHER THAN THE FARM WHERE THE RAW MILK OR RAW MILK PRODUCT IS *PRODUCED*; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING SALES OF RAW MILK; TO ALLOW SALES OF RAW MILK AND RAW MILK PRODUCTS AT LOCATIONS OTHER THAN THE FARM WHERE THE RAW MILK OR RAW MILK PRODUCT WAS PRODUCED; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 20-59-248, as amended by Acts 2025, No. 125, is amended to read as follows:

20-59-248. ~~Incidental sales of goat milk, sheep milk, and whole milk that has not been pasteurized~~ Sale of raw milk and raw milk products not prohibited – Definitions.

(a) ~~For purposes of~~ As used in this section:

(1) ~~“Incidental sales of goat milk, sheep milk, and whole milk that has not been pasteurized”~~ are those sales where the average monthly number of gallons sold does not exceed five hundred gallons (500 gals.);

(2) ~~“Locally produced whole milk products”~~ means whole milk that has been produced on an Arkansas farm;



(2) "Raw milk" means goat milk, sheep milk, and whole milk that has not been pasteurized;

(3) "Raw milk product" means a consumer product that is the result of processes that include raw milk or raw cream as an ingredient including without limitation butter, buttermilk, cheese, cottage cheese, kefir, yogurt, colostrum, and other derivative products that use raw milk as an ingredient; and

~~(3)(A)~~(4)(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 (3.25%) of butterfat and eight and one-fourth percent (8.25%) 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) This subchapter does not:

(1) Prohibit ~~incidental~~ sales of ~~raw goat milk, raw sheep milk, raw milk, raw milk products,~~ and whole milk that has not been pasteurized directly to consumers:

(A) At the farm where the milk is produced;

(B) At a farmer's market; ~~or~~

(C) At a natural food store; or

(D) Via delivery from the farm where the milk is produced;

or

(2) Preclude the advertising of ~~incidental sales of goat milk, sheep milk, raw milk, raw milk products,~~ and whole milk that has not been pasteurized.

(c) With respect to raw milk and 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 by four feet (2' x 4')~~ eighteen inches by twenty-four inches (18" x 24") 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.

(e) Raw milk products produced in this state may be sold at a location that is not the farm where the raw milk product is produced if:

(1) The raw milk product is clearly labeled with the following statement:

"WARNING: This product, sold for personal use and not for resale, is a product that has NOT been pasteurized and may contain harmful bacteria that can cause serious illness. The consumer assumes all liability for health issues that may result from the consumption of this product.";

(2) The raw milk product is always refrigerated or on ice and kept at a temperature at or below forty degrees Fahrenheit (40° F) before the sale to the consumer; and

(3) The consumer signs an acknowledgment of risk that the consumer assumes all liability for health issues that may result from the consumption of the raw milk product.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that under present state law, raw milk products are not allowed to be sold in farmers' markets; that legalizing the sale of raw milk products, especially unpasteurized cheese, increases the potential for farmers to produce more products for sale; that farmers need immediate certainty on the law to be able to produce raw milk products, especially as the biggest goat cheese production month is April; and that

this act is immediately necessary to provide certainty on the law concerning the sale of raw milk products. 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/A. Clark

APPROVED: 4/16/25