

**Title 20. Public Health and Welfare**

**Chapter I. Generally, Department of Health**

**Subchapter F. Food**

**Part 171. Rules Pertaining to Grade "A" Milk and Milk Products**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"PART I. AUTHORITY.

The following Rules for Grade "A" Milk and Milk Products are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including without limitation Act 96 of 1913 as amended. (Ark. Code Ann. § 20-7-109) and Act 114 of 1941 (Ark. Code Ann. § 20-59-204)."

"SECTION 2. SEVERABILITY.

If any provisions of these Rules or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can effect the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

SECTION 3. REPEAL.

All rules and parts of rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules Pertaining to Grade "A" Milk and Milk Products were duly adopted by the Arkansas Department of Health at a regular session of the Board of Health held in Eureka Springs, Arkansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

Fay W. Boozman, MD.  
Secretary  
Arkansas Board of Health

The foregoing Rules , copy having been filed in my office, are hereby approved on this 1st day of November, 2000.

Mike Huckabee  
Governor"

### **Subpart 1. Generally**

#### **20 CAR § 171-101. Purpose and statement of policy.**

(a) The Board of Health hereby finds and declares that a uniform rule is needed to govern the production, processing, labeling, and distribution of Grade "A" milk and milk products within the State of Arkansas.

(b)(1) This part relating to Grade "A" milk and milk products shall be applicable throughout the State of Arkansas.

(2) No sanitary requirement of standard shall be imposed by a local regulation or ordinance which prohibits the sale of Grade "A" milk or milk products in Arkansas which are:

(A) Produced, processed, or distributed in accordance with the provisions of this part; and

(B) Under routine supervision of the Department of Health.

(c) No sanitary requirements or standards contained in this part shall prohibit the sale of Grade "A" milk or milk products which are produced or processed under laws or ordinances or regulations of any government units outside the State of Arkansas which are substantially equivalent to the requirements of this part, and which are enforced with equal effectiveness in the opinion of the board, and further provided that said

governmental units accept Arkansas Grade "A" milk and milk products on a reciprocal basis.

(d) Except as otherwise provided herein or by law or rule of the board, this part shall be interpreted and enforced where applicable in accordance with the administrative procedures contained in the current Grade "A" Pasteurized Milk Ordinance recommendation of the United States Public Health Service, a copy of which shall be on file in the office of the Milk Program of the Department of Health.

**Authority.** Arkansas Code §§ 20-59-204, 20-59-403.

**20 CAR § 171-102. Definitions.**

(a)(1) The following definitions shall apply in all interpretations and the enforcement of this part.

(2) In all cases where interpretation or meaning of a definition is needed, the current Pasteurized Milk Ordinance of the United States Public Health Service shall apply unless specifically interpreted or defined by the State Board of Health.

(b) "Health officer" means the Secretary of the Department of Health or his or her authorized representative.

(c) "Regulatory agency" means the Secretary of the Arkansas Department of Health or his or her authorized representative.

**Authority.** Arkansas Code §§ 20-59-204, 20-59-403.