



University of Arkansas Division of Agriculture

**An Agricultural Law Research Project**

**States' Cottage Food Law Statutes**

**Arkansas**

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## States' Cottage Food Law Statutes

### STATE OF ARKANSAS

#### Ark. Code Ann. § 20-57-201 and § 20-57-209

*The constitution and statutes are current through the end of the 2019 Regular Session of the 92nd Arkansas General Assembly.*

#### § 20-57-201. Definitions

As used in §§ 20-57-203 -- 20-57-205:

- (1) "Cottage food production operation" means a person who produces food items in the person's home that are not potentially hazardous foods, including without limitation:
  - (A) Bakery products;
  - (B) Candy;
  - (C) Fruit butter;
  - (D) Jams;
  - (E) Jellies;
  - (F) Chocolate-covered fruit and berries that are not cut; and
  - (G) Similar products specified in rules adopted by the Department of Health;
- (2)(A)(i) "Food service establishment" means any place where food is prepared, processed, stored, or intended for use or consumption by the public regardless of whether there is a charge for the food.
  - (ii) "Food service establishment" includes wholesale and retail food stores, convenience stores, food markets, delicatessens, restaurants, food processing or manufacturing plants, bottling and canning plants, wholesale and retail block and prepackaged ice manufacturing plants, food caterers, and food warehouses.
  - (iii) "Food service establishment" does not include supply vehicles or locations of vending machines.
- (B) The following are also exempt:
  - (i) Group homes routinely serving ten (10) or fewer persons;
  - (ii) Daycare centers routinely serving ten (10) or fewer persons;
  - (iii) Potluck suppers, community picnics, or other group gatherings where food is served but not sold;
  - (iv) A person at a farmers' market that offers for sale only one (1) or more of the following:
    - (a) Fresh unprocessed fruits or vegetables;
    - (b) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper; or
    - (c) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet (100 cu. ft.) on the premises where the person conducts business at the farmers' market;
  - (v) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;
  - (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;
- (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.
- (b)(1) Upon request, each product offered under subdivision (2)(B)(vi)(a) of this section shall be made available to the department for sampling.
  - (2) Each product shall be clearly labeled and shall make no nutritional claims.
  - (3) The label required under subdivision (2)(B)(vi)(b)(2) of this section shall include the following:
    - (A) The name and address of the business;
    - (B) The name of the product;
    - (C) The ingredients in the product; and
    - (D) The following statement in 10-point type: "This Product is Home-Produced";
  - (vii) A maple syrup and sorghum processor and beekeeper if the processor or beekeeper offers only maple syrup, sorghum, or honey directly to the consumer from the site where those products are processed;
  - (viii) A person who offers for sale only one (1) or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven (7) consecutive days:
    - (a) Fresh unprocessed fruits or vegetables;
    - (b) Maple syrup, sorghum, or honey if produced by a maple syrup or sorghum processor or beekeeper; or
    - (c) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet (100 cu. ft.);
  - (ix) A farm market that offers for sale at the farm market only one (1) or more of the following:
    - (a) Fresh unprocessed fruits or vegetables;
    - (b) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper; or
    - (c) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet (100 cu. ft.) on the premises where the person conducts business at the farm market;
  - (x) An establishment that offers only prepackaged foods that are not potentially hazardous as defined by the State Board of Health; and
  - (xi) Ice vending machines or kiosks where ice is dispensed in the open air and that are totally self-contained; and
- (3) "Food service industry" means the aggregate of food service establishments.

### § 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.