

INTERIM STUDY PROPOSAL 2023-119

State of Arkansas
94th General Assembly
Third Extraordinary Session, 2024

A Bill

JMB/JMB
HOUSE BILL

By: Representative Pilkington
By: Senator B. Davis

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS PROCESSED FOOD SAFETY
ACT; TO ENHANCE FOOD SAFETY AND CONSUMER PROTECTION
BY RESTRICTING THE USE OF CERTAIN ADDITIVES AND
PRESERVATIVES IN PROCESSED FOODS SOLD IN ARKANSAS;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS PROCESSED FOOD
SAFETY ACT; AND TO ENHANCE FOOD SAFETY
AND CONSUMER PROTECTION BY RESTRICTING
THE USE OF CERTAIN ADDITIVES AND
PRESERVATIVES IN PROCESSED FOODS SOLD IN
ARKANSAS.

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

SECTION 1. Arkansas Code Title 20, Chapter 57, is amended to add an
additional subchapter to read as follows:

Subchapter 6 - Arkansas Processed Food Safety Act

20-57-601. Title.

This subchapter shall be known and may be cited as the "Arkansas
Processed Food Safety Act."

1 20-57-602. Purpose.

2 The purpose of this subchapter is to:

3 (1) Enhance food safety and consumer protection by restricting
4 the use of certain food additives, colorings, and preservatives in processed
5 foods sold within the State of Arkansas;

6 (2) Create a precautionary approach to food safety practiced as
7 in the European Union; and

8 (3) Reduce the exposure of Arkansas consumers to potentially
9 harmful substances.

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11 20-57-603. Definitions.

12 As used in this subchapter:

13 (1) "Additive" means a substance that is added to food to
14 preserve flavor or enhance its taste, appearance, or other qualities;

15 (2) "Azodicarbonamide" means a dough conditioner used in bread
16 products;

17 (3) "Brominated vegetable oil" means an emulsifier and flavor
18 enhancer commonly used in citrus-flavored soft drinks;

19 (4) "Coloring" means a dye, pigment, or other substance used to
20 impart color when added to food;

21 (5) "Potassium bromate" means a flour improver used in bread and
22 other baked goods;

23 (6) "Preservative" means a substance used to prevent food from
24 spoiling; and

25 (7) "Processed food" means a food other than a raw agricultural
26 commodity and includes any food that has been subjected to processing such as
27 canning, smoking, cooking, freezing, dehydration, or milling.

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29 20-57-604. Restricted additives and preservatives.

30 (a) The following substances are prohibited in any processed food
31 product sold within the State of Arkansas:

32 (1) Brominated vegetable oil, also known as BVO;

33 (2) Potassium bromate;

34 (3) Azodicarbonamide, also known as ADA; and

35 (4) Artificial colorings, including without limitation FD&C
36 Yellow 5, also known as tartrazine, and FD&C Red 40, also known as Allura Red

1 AC, unless accompanied by a label indicating possible adverse effects on
2 activity and attention in children.

3 (b)(1) The Department of Health shall maintain and update a list of
4 prohibited additives and preservatives, which shall be publicly available.

5 (2) The department may add substances to the list under
6 subdivision (b)(1) of this section if new scientific evidence indicates
7 potential harm to consumers.

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9 20-57-605. Labeling requirements.

10 (a) A processed food product containing artificial colorings not
11 included in the prohibited list under § 20-57-604 shall include a warning
12 label stating:

13 “This product contains artificial colorings that may cause adverse
14 effects on activity and attention in children.”

15 (b) All processed foods sold within this state shall clearly label any
16 food additives or preservatives included in the product in accordance with
17 this subchapter.

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19 20-57-606. Enforcement and penalties.

20 (a) The Department of Health shall enforce this subchapter and conduct
21 regular inspections of food products sold within this state to ensure
22 compliance with this subchapter.

23 (b)(1) A person or entity found to be in violation of this subchapter
24 shall be subject to a fine of not less than five hundred dollars (\$500) and
25 not more than five thousand dollars (\$5,000) per violation.

26 (2) A repeat offender under subdivision (b)(1) of this section
27 may face additional penalties, including the suspension of his, her, or its
28 business license or permit.

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30 SECTION 2. EFFECTIVE DATE.

31 This act shall become effective on and after January 1, 2026, to give
32 manufacturers, distributors, and retailers sufficient time to comply with
33 this act.

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36 Referred by Representative Pilkington

1 Prepared by: JMB/JMB

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