

1 ENGROSSED HOUSE
2 BILL NO. 3314

By: Blancett of the House

and

Stanley of the Senate

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7 An Act relating to home food establishments; defining
8 terms; authorizing home food establishments to sell
9 prepared food; exempting home food establishments
10 from certain licensing; requiring certain labeling;
11 providing penalties for violations; recodifying
12 Section 1, Chapter 40, O.S.L. 2013, as renumbered by
13 Section 3, Chapter 85, O.S.L. 2017 and Section 6,
14 Chapter 40, O.S.L. 2013, as renumbered by Section 6,
15 Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019, Sections
16 5-4.1 and 5-4.6), which relate to the Home Bakery Act
17 of 2013; repealing Section 2, Chapter 40, O.S.L.
18 2013, as amended by Section 1, Chapter 85, O.S.L.
19 2017, and as renumbered by Section 4, Chapter 85,
20 O.S.L. 2017, Section 3, Chapter 40, O.S.L. 2013, as
21 amended by Section 2, Chapter 85, O.S.L. 2017, and as
22 renumbered by Section 5, Chapter 85, O.S.L. 2017,
23 Section 4, Chapter 40, O.S.L. 2013, as renumbered by
24 Section 6, Chapter 85, O.S.L. 2017 and Section 5,
Chapter 40, O.S.L. 2013, as renumbered by Section 6,
Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019, Sections
5-4.2, 5-4.3, 5-4.4 and 5-4.5), which relate to the
Home Bakery Act of 2013; providing for codification;
and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-1442 of Title 63, unless there
is created a duplication in numbering, reads as follows:

1 As used in the Home Bakery Act of 2013:

2 1. "Home food establishment" shall mean a business on the
3 premises of a residence in which prepared food is created for sale
4 or resale at farmers markets, on site, at cooperatives, through
5 membership-based buying clubs or for delivery, if the business has
6 gross annual sales of prepared food of less than Twenty Thousand
7 Dollars (\$20,000.00). Gross annual sales includes all sales of
8 prepared food produced by the business at any location; and

9 2. "Prepared food" shall mean foods that have been produced,
10 processed or packaged that are not potentially hazardous and do not
11 require refrigeration. These foods include pickled fruits and
12 vegetables, salsa, spices, teas, dehydrated produce, nuts, seeds,
13 jams, jellies, preserves, fruit butter, flour, candy, sauces and
14 baked goods, including tortillas. Prepared food shall not include
15 any product that contains meat.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1443 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A home food establishment may sell prepared food on site, by
20 delivery, at a farmers market, through a cooperative, or through a
21 membership-based buying club.

22 B. A home food establishment shall be exempt from the licensing
23 and other requirements of the State Department of Health.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1444 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A home food establishment that sells prepared food shall affix a
5 label that contains the following information:

- 6 1. The name and address of the home food establishment;
- 7 2. The name of the prepared food; and
- 8 3. The following statement printed in at least 10-point type in
9 a color that provides a clear contrast to the background of the
10 label: "Made in a home food establishment that is not licensed by
11 the State Department of Health."

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-1445 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 Violation of Section 3 of this act shall be a misdemeanor and
16 shall be punishable by a fine not exceeding One Hundred Dollars
17 (\$100.00).

18 SECTION 5. RECODIFICATION Section 1, Chapter 40, O.S.L.
19 2013, as renumbered by Section 3, Chapter 85, O.S.L. 2017 (2 O.S.
20 Supp. 2019, Section 5-4.1), shall be recodified as Section 1-1441 of
21 Title 63 of the Oklahoma Statutes, unless there is created a
22 duplication in numbering.

23 SECTION 6. RECODIFICATION Section 6, Chapter 40, O.S.L.
24 2013, as renumbered by Section 6, Chapter 85, O.S.L. 2017 (2 O.S.

