

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2771

By: Proctor

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; creating
9 the Home Bakery Act of 2010; requiring license to
10 operate home food establishment; providing
11 definitions; providing for number of annual licenses
12 and term; providing for inspection by State
13 Department of Health; providing for promulgation of
14 rules; providing for penalties; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-1440 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall be known and may be cited as the "Home Bakery
21 Act of 2010".

22 B. A person shall not open or operate a home food establishment
23 until a license has been obtained from the State Department of
24 Health. For purposes of this section, a "home food establishment"
shall mean a business on the premises of a residence in which

1 prepared food is created for sale or resale, for consumption off the
2 premises, if the business has gross annual sales of prepared food of
3 less than Twenty Thousand Dollars (\$20,000.00). However, a home
4 food establishment does not include a residence in which food is
5 prepared to be used or sold by churches, fraternal societies,
6 charitable organizations, or civic organizations. For purposes of
7 this section, "prepared food" shall mean baked goods including but
8 not limited to breads, cakes, biscuits and pies.

9 C. The Department shall issue up to one thousand (1,000)
10 licenses each year and collect a fee of Seventy-five Dollars
11 (\$75.00) for each license. A license shall expire two (2) years
12 from date of issuance. A license is renewable.

13 D. The Department shall provide for the periodic inspection of
14 a home food establishment. The inspector may enter the home food
15 establishment at any reasonable hour to make the inspection. The
16 Department shall inspect only those areas related to preparing food
17 for sale.

18 E. The Department shall promulgate rules necessary to implement
19 the provisions of the Home Bakery Act of 2010.

20 F. A violation of the provisions of the Home Bakery Act of 2010
21 shall be punishable by a fine of not more than One Thousand Dollars
22 (\$1,000.00). A second or subsequent conviction for violation of the
23 provisions of this act shall be punishable by a fine of not more
24 than Two Thousand Dollars (\$2,000.000).

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SECTION 2. This act shall become effective November 1, 2010.

52-2-10109 EK 02/24/10