

1 ENGROSSED HOUSE
2 BILL NO. 2771

By: Proctor, Key, Christian,
Russ, Scott and Hoskin of
the House

3
4 and

5 Eason McIntyre of the
6 Senate

7
8 (public health and safety - Home Bakery Act of 2010 -
9 license - inspection -
10 effective date)

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

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

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

19 B. A person shall not open or operate a home food establishment
20 until a license has been obtained from the State Department of
21 Health. For purposes of this section, a "home food establishment"
22 shall mean a business on the premises of a residence in which
23 prepared food is created for sale or resale, for consumption off the
24 premises, if the business has gross annual sales of prepared food of

1 less than Twenty Thousand Dollars (\$20,000.00). However, a home
2 food establishment does not include a residence in which food is
3 prepared to be used or sold by churches, fraternal societies,
4 charitable organizations, or civic organizations. For purposes of
5 this section, "prepared food" shall mean baked goods including but
6 not limited to breads, cakes, biscuits and pies.

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

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

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

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

23 SECTION 2. This act shall become effective November 1, 2010.
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1 Passed the House of Representatives the 8th day of March, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate