

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2487

By: Casey

4
5
6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Farmers Market Homemade Foods Act; requiring
9 license to operate homemade food establishment;
10 defining terms; providing for number of annual
11 licenses and term; providing for inspection by State
12 Department of Health; providing for promulgation of
13 rules; providing for penalties; providing for
14 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-1250 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. This section shall be known and may be cited as the "Farmers
19 Market Homemade Foods Act".

20 B. A person shall not open or operate a homemade food
21 establishment until a homemade food establishment license has been
22 obtained from the State Department of Health.

23 C. For purposes of this section:
24

1 1. "Homemade food establishment" shall mean a business on the
2 premises of a residence in which food items are created for sale or
3 resale solely at a registered farmers market, if the business has
4 gross annual sales of prepared food of less than Twenty Thousand
5 Dollars (\$20,000.00). However, a homemade food establishment does
6 not include a residence in which food is prepared to be used or sold
7 by churches, fraternal societies, charitable organizations, or civic
8 organizations;

9 2. "Homemade food" shall mean baked goods including but not
10 limited to breads, cakes, cookies, cupcakes, muffins, biscuits,
11 casseroles and pies, canned items including but not limited to
12 fruits, jams, jellies, preserves and salsa, and any other homemade
13 food item that is clearly marked with a label stating it was
14 produced in a homemade food establishment pursuant to the Farmers
15 Market Homemade Foods Act; and

16 3. "Registered farmers market" shall mean a designated area in
17 which farmers, growers or producers from a defined region gather on
18 a regularly scheduled basis to sell at retail nonpotentially
19 hazardous farm food products and whole shell eggs to the public.

20 D. The Department shall issue up to one thousand homemade food
21 establishment licenses each year and collect a fee of Seventy-five
22 Dollars (\$75.00) for each license. A homemade food establishment
23 license shall expire two (2) years from date of issuance. A
24 homemade food establishment license is renewable.

1 E. The Department shall provide for the periodic inspection of
2 a homemade food establishment. The inspector may enter the homemade
3 food establishment at any reasonable hour to make the inspection.
4 The Department shall inspect only those areas related to food
5 preparation.

6 F. The Department shall promulgate rules necessary to implement
7 the provisions of the Farmers Market Homemade Foods Act.

8 G. A violation of the provisions of the Farmers Market Homemade
9 Foods Act shall be punishable by a fine of not more than One
10 Thousand Dollars (\$1,000.00). A second or subsequent conviction for
11 violation of the provisions of this section shall be punishable by a
12 fine of not more than Two Thousand Dollars (\$2,000.00).

13 SECTION 2. This act shall become effective November 1, 2012.

14

15 53-2-8904 EK 01/17/12

16

17

18

19

20

21

22

23

24