

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB920
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dennis Casey

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 920

By: Justice and Shortey of the
Senate

7 and

Casey of the House

8
9
10 PROPOSED COMMITTEE SUBSTITUTE

11 [agriculture - Oklahoma Cottage Food Law - rules and
12 requirements - codification - noncodification -
13 effective date]

14
15
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 5-401 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Oklahoma
21 Cottage Food Law".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5-402 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 For purposes of the Oklahoma Cottage Food Law:

2 1. "Cottage food production operation" means an individual,
3 operating out of the individual's home, who produces a non-
4 time/temperature control for safety food product for direct-to-
5 consumer sales, regardless of income generated;

6 2. "Direct-to-consumer sales" means sales of food at the
7 location where the food is produced, a farmers market, roadside
8 stands, and church and community bazaars or festivals; however, the
9 term shall not include sales at retail and grocery stores,
10 restaurants, bed and breakfasts, or wholesalers;

11 3. "Home" means a primary residence that contains kitchen
12 appliances designed for common residential use;

13 4. "Non-time/temperature control for safety food" means a food
14 product that is not time/temperature control for safety food,
15 including but not limited to baked goods, jams and jellies, candies,
16 dried mixes, spices, some sauces and liquids, pickles and acidified
17 foods, and:

- 18 a. is prepared in the kitchen of a private home for
19 commercial purposes,
 - 20 b. is packaged with a label that clearly states the
21 address and contact information of the maker,
 - 22 c. lists all of the ingredients in the product, and
 - 23 d. discloses that the product was prepared in a home;
- 24

1 5. "Time/temperature control for safety food" means a food that
2 requires time/temperature control for safety to limit pathogenic
3 microorganism growth or toxin formation, including but not limited
4 to refrigerated or frozen products, low-acid canned foods, dairy
5 products, seafood products, and bottled water, and:

6 a. time/temperature control for safety food includes an
7 animal food, meaning a food of animal origin, that is
8 raw or heat-treated; a food of plant origin that is
9 heat-treated or consists of raw seed sprouts, cut
10 melons, cut leafy greens, cut tomatoes or mixtures of
11 cut tomatoes that are not modified in a way so that
12 they are unable to support pathogenic microorganism
13 growth or toxic formation, or garlic-in-oil mixtures
14 that are not modified in a way that results in
15 mixtures that do not support growth or toxin
16 formulation, and

17 b. time/temperature control for safety food does not
18 include an air-cooled hard-boiled egg with shell
19 intact, or a shell egg that is not hard-boiled, but
20 has been treated to destroy all viable Salmonellae, a
21 food with an aw value of 0.85 or less, a food with a
22 pH level of 4.6 or below when measured at twenty four
23 degrees Celsius (24°C) or seventy-five degrees
24 Fahrenheit (75°F), a food in an unopened hermetically

1 sealed container that is commercially processed to
2 achieve and maintain commercial sterility under
3 conditions of nonrefrigerated storage and
4 distribution, a food for which laboratory evidence
5 demonstrates that the rapid and progressive growth of
6 infectious or toxigenic microorganisms or the growth
7 of *S. Enteritidis* in eggs or *C. botulinum* cannot
8 occur, such as a food that has an aw and a pH that are
9 above the levels identified in this definition and
10 that may contain a preservative, other barrier to the
11 growth of microorganisms, or a combination of barriers
12 that inhibit the growth of microorganisms; or a food
13 that does not support the growth of microorganisms,
14 even though the food may contain an infectious or
15 toxigenic microorganism or chemical or physical
16 contaminant at a level sufficient to cause illness.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-403 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 The Oklahoma Department of Agriculture, Food, and Forestry is
21 authorized to promulgate rules specifying requirements for permits
22 for a cottage food production operation. The rules shall provide
23 for frequency of inspections, permit application requirements,
24 standards for cleanliness, and label requirements.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5-404 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food, and Forestry may
5 contract with any state or private entity for the administration of
6 the Oklahoma Cottage Food Law.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 5-405 of Title 2, unless there
9 is created a duplication in numbering, reads as follows:

10 It shall be unlawful for any person to sell any food product
11 without obtaining the appropriate permit, license, or registration
12 from the Oklahoma Department of Agriculture, Food, and Forestry, the
13 State Department of Health, any other state entity, or any
14 municipality or county entity, unless the sale of such food products
15 is otherwise statutorily exempt from Department of Health
16 regulation.

17 SECTION 6. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-406 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 The application fee for a permit to become a cottage food
21 production operation shall be One Hundred Seventy-five Dollars
22 (\$175.00). The renewal fee for a cottage food production operation
23 shall be One Hundred Twenty-five Dollars (\$125.00).

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1 SECTION 7. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 The Oklahoma Department of Agriculture, Food, and Forestry shall
4 develop emergency rules to implement the provisions of this act.

5 SECTION 8. This act shall become effective November 1, 2013.

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7 54-1-7706 AM 04/01/13

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