

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1094

6 By: Roberts (Dustin)

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; creating  
9 the Home Bakery Act of 2013; defining terms;  
10 exempting certain establishment from licensing  
11 requirements; requiring certain establishment that  
12 sells prepared food to affix certain labeling  
13 information; providing for penalty; providing for  
14 certain construction; providing for codification; and  
15 providing an 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 This act shall be known and may be cited as the "Home Bakery Act  
21 of 2013".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-1440.1 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:

As used in the Home Bakery Act of 2013:

1           1. "Home food establishment" shall mean a business on the  
2 premises of a residence in which prepared food is created for sale  
3 or resale, for consumption off the premises, if the business has  
4 gross annual sales of prepared food of less than Twenty Thousand  
5 Dollars (\$20,000.00). Gross annual sales includes all sales of  
6 prepared food produced by the business at any location; and

7           2. "Prepared food" shall mean any baked goods except for  
8 products that contain meat products or fresh fruit.

9           SECTION 3.       NEW LAW       A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-1440.2 of Title 63, unless  
11 there is created a duplication in numbering, reads as follows:

12           A person operating a home food establishment shall be exempt  
13 from the licensing requirements of the State Department of Health.  
14 The Department, however, shall be permitted to request written  
15 documentation in order to verify the gross annual sales of a home  
16 food establishment.

17           SECTION 4.       NEW LAW       A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-1440.3 of Title 63, unless  
19 there is created a duplication in numbering, reads as follows:

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

- 22           1. The name and address of the home food establishment;  
23           2. The name of the prepared food; and

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1           3. The following statement printed in at least 10-point type in  
2 a color that provides a clear contrast to the background of the  
3 label: "Made in a home food establishment that is not licensed by  
4 the State Department of Health".

5           SECTION 5.           NEW LAW           A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-1440.4 of Title 63, unless  
7 there is created a duplication in numbering, reads as follows:

8           Violation of Section 4 of the Home Bakery Act of 2013 shall be a  
9 misdemeanor and shall be punishable by a fine not exceeding One  
10 Hundred Dollars (\$100.00).

11           SECTION 6.           NEW LAW           A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-1440.5 of Title 63, unless  
13 there is created a duplication in numbering, reads as follows:

14           Nothing in the Home Bakery Act of 2013 shall be construed to  
15 prevent counties from enacting ordinances regulating the operation  
16 of home food establishments, provided such ordinances do not  
17 conflict with the provisions of the Home Bakery Act of 2013.

18           SECTION 7. This act shall become effective November 1, 2013.

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