

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1094

By: Roberts (Dustin) and Scott
of the House

and

Simpson of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to public health and safety; creating
13 the Home Bakery Act of 2013; defining terms;
14 exempting certain establishment from licensing
15 requirements; requiring certain establishment that
16 sells prepared food to affix certain labeling
17 information; providing for penalty; providing for
18 certain construction; providing for codification; and
19 providing an effective date.

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

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

1 This act shall be known and may be cited as the "Home Bakery Act
2 of 2013".

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

6 As used in the Home Bakery Act of 2013:

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

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

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

18 A person operating a home food establishment shall be exempt
19 from the licensing requirements of the State Department of Health.
20 The Department, however, shall be permitted to request written
21 documentation in order to verify the gross annual sales of a home
22 food establishment.

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

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

- 6 1. The name and address of the home food establishment;
- 7 2. The name of the prepared food; and
- 8 3. The following statement printed in at least 10-point type in
9 a color that provides a clear contrast to the background of the
10 label: "Made in a home food establishment that is not licensed by
11 the State Department of Health".

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

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

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

21 Nothing in the Home Bakery Act of 2013 shall be construed to
22 prevent counties from enacting ordinances regulating the operation
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1 of home food establishments, provided such ordinances do not
2 conflict with the provisions of the Home Bakery Act of 2013.

3 SECTION 7. This act shall become effective November 1, 2013.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/25/2013 -
6 DO PASS, As Amended and Coauthored.
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