

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, at farmer's markets, on site, cooperatives or at
4 membership-based buying clubs for consumption off the premises, ~~if~~
5 ~~the business has gross annual sales of prepared food of less than~~
6 ~~Twenty Thousand Dollars (\$20,000.00). Gross annual sales includes~~
7 ~~all sales of prepared food produced by the business at any location;~~
8 and

9 2. "Prepared food" shall mean any baked goods or low risk food
10 products except for products that contain meat ~~products or fresh~~
11 ~~fruit;~~

12 3. "Low risk food products" shall mean food produced in such a
13 manner to limit pathogenic microorganism growth or toxin formation
14 and food with a pH of less than 4.5, such as jams, jellies, pickles
15 and salsa, from ingredients approved by the Food and Agricultural
16 Products Center at Oklahoma State University, bottled in new,
17 single-use jars with tamper-proof lids, composed of ingredients
18 produced in the USA, with batch-code documentation on the label; and

19 4. "Basic food handler training" shall mean any of the
20 following:

21 a. completion of the ServSafe Food Handler Online Course
22 and Assessment offered through the National Restaurant
23 Association;

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- 1 b. completion of the Learn 2 Serve Oklahoma Food Handler
2 Training Course; or
3 c. completion of a food handler class provided by a
4 county health department.

5 SECTION 3. AMENDATORY Section 4, Chapter 40, O.S.L. 2013
6 (63 O.S. Supp. 2013, Section 1-1440.3), is amended to read as
7 follows:

8 Section 1-1440.3. A. A home food establishment that sells
9 prepared food shall affix a label, in an FDA-approved format, that
10 contains the following information:

- 11 1. The name and address of the home food establishment;
12 2. The name of the prepared food; ~~and~~

13 3. Batch-code documentation with matching records held on file
14 at the home food establishment for a period of two (2) years; and

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

19 B. The home food establishment shall maintain a file on
20 premises containing a record of the following:

21 1. A record of certification in basic food handler training by
22 the home food establishment;

- 23 2. A copy of the prepared food's label in FDA-approved format;
24

1 3. A letter of approval for all low risk food products by the
2 Food and Agricultural Products Center at Oklahoma State University;

3 4. A list of ingredients; and

4 5. A list of sales outlets for the prepared food.

5 C. A certificate of basic food handler training for the home
6 food establishment must be on display at the point of sale.

7 SECTION 4. AMENDATORY Section 5, Chapter 40, O.S.L. 2013
8 (63 O.S. Supp. 2013, Section 1-1440.4), is amended to read as
9 follows:

10 Section 1-1440.4. Violation of Section 4 1-1440.3 of the Safe
11 Home Bakery Food Manufacturing Act of 2013 shall be a misdemeanor
12 and shall be punishable by a fine not exceeding One Hundred Dollars
13 (\$100.00).

14 SECTION 5. AMENDATORY Section 6, Chapter 40, O.S.L. 2013
15 (63 O.S. Supp. 2013, Section 1-1440.5), is amended to read as
16 follows:

17 Section 1-1440.5. Nothing in the Safe Home Bakery Food
18 Manufacturing Act of 2013 shall be construed to prevent counties
19 from enacting ordinances regulating the operation of home food
20 establishments, provided such ordinances do not conflict with the
21 provisions of the Safe Home Bakery Food Manufacturing Act of 2013.

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23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE, dated
24 03/26/2014 - DO PASS, As Amended.