

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1094

By: Roberts (Dustin)

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Home Bakery Act of 2013; requiring license to
9 operate home food establishment; providing
10 definitions; providing for number of annual licenses
11 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.

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

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

19 A. This act shall be known and may be cited as the "Home Bakery
20 Act of 2013".

21 B. A person shall not open or operate a home food establishment
22 until a license has been obtained from the State Department of
23 Health. For purposes of this section, a "home food establishment"
24 shall mean a business on the premises of a residence in which
prepared food is created for sale or resale, for consumption off the

1 premises, if the business has gross annual sales of prepared food of
2 less than Twenty Thousand Dollars (\$20,000.00). However, a home
3 food establishment does not include a residence in which food is
4 prepared to be used or sold by churches, fraternal societies,
5 charitable organizations, or civic organizations. For purposes of
6 this section, "prepared food" shall mean baked goods including but
7 not limited to breads, cakes, biscuits and pies.

8 C. The Department shall issue up to one thousand licenses each
9 year and collect a fee of Seventy-five Dollars (\$75.00) for each
10 license. A license shall expire two (2) years from date of
11 issuance. A license is renewable.

12 D. The Department shall provide for the periodic inspection of
13 a home food establishment. The inspector may enter the home food
14 establishment at any reasonable hour to make the inspection. The
15 Department shall inspect only those areas related to preparing food
16 for sale.

17 E. The Department shall promulgate rules necessary to implement
18 the provisions of the Home Bakery Act of 2013.

19 F. A violation of the provisions of the Home Bakery Act of 2013
20 shall be punishable by a fine of not more than One Thousand Dollars
21 (\$1,000.00). A second or subsequent conviction for violation of the
22 provisions of this act shall be punishable by a fine of not more
23 than Two Thousand Dollars (\$2,000.00).

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SECTION 2. This act shall become effective November 1, 2013.

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