1	STATE OF OKLAHOMA
2	1st Session of the 54th Legislature (2013)
3	HOUSE BILL 1901 By: Armes
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6	AS INTRODUCED
7	An Act relating to agriculture; enacting the Oklahoma Cottage Food Law; defining terms; authorizing the
8	Oklahoma Department of Agriculture, Food, and Forestry to promulgate rules; authorizing the
9	Department to contract with certain entities; prohibiting persons from selling food products
10	without required authorization; establishing application fees; providing for promulgation of
11	certain emergency rules; providing for codification; providing for noncodification; and providing an
12	effective date.
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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 5-401 of Title 2, unless there
18	is created a duplication in numbering, reads as follows:
19	This act shall be known and may be cited as the "Oklahoma
20	Cottage Food Law".
21	SECTION 2. NEW LAW A new section of law to be codified
22	in the Oklahoma Statutes as Section 5-402 of Title 2, unless there
23	is created a duplication in numbering, reads as follows:
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For the purposes of the Oklahoma Cottage Food Law, unless the context indicates otherwise:

3 1. "Cottage food production operation" means an individual, 4 operating out of the individual's home, who:

a. produces a non-time/temperature-control-for-safety
food product for sale at the individual's home, and
b. sells the food products produced only directly to
consumers, regardless of income generated;

9 2. "Department" means the Oklahoma Department of Agriculture,10 Food, and Forestry;

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

16 4. "Home" means a primary residence that contains kitchen 17 appliances designed for common residential use;

18 5. "Non-time/temperature-control-for-safety food" means a food 19 product that is not time/temperature-control-for-safety food, 20 including but not limited to baked goods, jams and jellies, candies, 21 dried mixes, spices, some sauces and liquids, and pickles and 22 acidified foods, and:

a. is prepared in the kitchen of a private home for
commercial purposes,

1 is packaged with a label that clearly states the b. 2 address and contact information for the maker, 3 lists all of the ingredients in the product, and с. 4 discloses that the product was prepared in a home; d. 5 6. "Time/temperature-control-for-safety food" means a food that requires time/temperature control for safety (TCS) to limit 6 7 pathogenic microorganism growth or toxin formation, including but not limited to refrigerated or frozen products, low-acid canned 8 9 foods, dairy products, seafood products, and bottled water, and: 10 a. time/temperature-control-for-safety food includes an 11 animal food, meaning a food of animal origin, that is 12 raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut 13 14 melons, cut leafy greens, cut tomatoes or mixtures of 15 cut tomatoes that are not modified in a way so that 16 they are unable to support pathogenic microorganism 17 growth or toxin formation, or garlic-in-oil mixtures 18 that are not modified in a way that results in 19 mixtures that do not support growth or toxin 20 formation, and 21 b. time/temperature-control-for-safety food does not 22 include an air-cooled hard-boiled egg with shell 23 intact, or a shell egg that is not hard-boiled, but 24 has been treated to destroy all viable Salmonellae; a

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1 food with an aw value of 0.85 or less; a food with a 2 pH level of 4.6 or below when measured at $24^{\circ}C$ (75°F); 3 a food, in an unopened hermetically sealed container, 4 that is commercially processed to achieve and maintain 5 commercial sterility under conditions of nonrefrigerated storage and distribution; a food for 6 7 which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic 8 9 microorganisms or the growth of S. Enteritidis in eggs or C. botulinum cannot occur, such as a food that has 10 11 an a_w and a pH that are above the levels identified in 12 this definition and that may contain a preservative, 13 other barrier to the growth of microorganisms, or a 14 combination of barriers that inhibit the growth of 15 microorganisms; or a food that does not support the 16 growth of microorganisms, even though the food may 17 contain an infectious or toxigenic microorganism or 18 chemical or physical contaminant at a level sufficient 19 to cause illness.

20 SECTION 3. NEW LAW A new section of law to be codified 21 in the Oklahoma Statutes as Section 5-403 of Title 2, unless there 22 is created a duplication in numbering, reads as follows:

The Oklahoma Department of Agriculture, Food, and Forestry is authorized to promulgate rules specifying requirements for permits 1 for a cottage food production operation. The rules shall provide 2 for frequency of inspections, permit application requirements, 3 standards for cleanliness, and label requirements.

4 SECTION 4. NEW LAW A new section of law to be codified 5 in the Oklahoma Statutes as Section 5-404 of Title 2, unless there 6 is created a duplication in numbering, reads as follows:

7 The Oklahoma Department of Agriculture, Food, and Forestry may
8 contract with any state or private entity for the administration of
9 the Oklahoma Cottage Food Law.

10 SECTION 5. NEW LAW A new section of law to be codified 11 in the Oklahoma Statutes as Section 5-405 of Title 2, unless there 12 is created a duplication in numbering, reads as follows:

It shall be unlawful for any person to sell any food product without obtaining the appropriate permit, license or registration from the Oklahoma Department of Agriculture, Food, and Forestry, the State Department of Health, any other state entity, or any municipality or county entity.

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

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

1	SECTION 7. NEW LAW A new section of law not to be
2	codified in the Oklahoma Statutes reads as follows:
3	The State Board of Agriculture may promulgate emergency rules to
4	implement the provisions of the Oklahoma Cottage Food Law.
5	SECTION 8. This act shall become effective November 1, 2013.
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