

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1685

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 Sections 1, 2, 4, 5 and 6, Chapter 40, O.S.L. 2013
9 (63 O.S. Supp. 2013, Sections 1-1440, 1-1440.1, 1-
10 1440.3, 1-1440.4 and 1-1440.5), which relate to the
11 Home Bakery Act of 2013; modifying title of the act;
12 modifying definitions; adding definition; modifying
labeling and documentation requirements; providing an
effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 40, O.S.L. 2013
15 (63 O.S. Supp. 2013, Section 1-1440), is amended to read as follows:

16 Section 1-1440. This act shall be known and may be cited as the
17 "Safe Home Bakery Food Manufacturing Act of 2013".

18 SECTION 2. AMENDATORY Section 2, Chapter 40, O.S.L. 2013
19 (63 O.S. Supp. 2013, Section 1-1440.1), is amended to read as
20 follows:

21 Section 1-1440.1. As used in the Safe Home Bakery Food
22 Manufacturing Act of 2013:

23 1. "Home food establishment" shall mean a business on the
24 premises of a residence in which prepared food is created for sale

1 or resale at farmer's markets, on site, cooperatives or at
2 membership based buying clubs, for consumption off the premises, if
3 the business has gross annual sales of prepared food of less than
4 ~~Twenty Thousand Dollars (\$20,000.00)~~ Fifty Thousand Dollars
5 (\$50,000.00). Gross annual sales includes all sales of prepared
6 food produced by the business at any location; ~~and~~

7 2. "Prepared food" shall mean any baked goods or low pH food
8 products except for products that contain meat ~~products or fresh~~
9 ~~fruit;~~ and

10 3. "Low pH food products" shall mean food, with a pH of less
11 than 4.5, such as jams, jellies, pickles and salsa from recipes
12 approved by the Food and Agricultural Products Center at Oklahoma
13 State University, bottled in new, single-use jars with tamper proof
14 lids, composed of ingredients produced in the USA, with batch code
15 documentation on the label.

16 SECTION 3. AMENDATORY Section 4, Chapter 40, O.S.L. 2013
17 (63 O.S. Supp. 2013, Section 1-1440.3), is amended to read as
18 follows:

19 Section 1-1440.3. A. A home food establishment that sells
20 prepared food shall affix a label that contains the following
21 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. Batch code documentation with matching records held on file
2 at the home food establishment; and

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

7 B. The home food establishment shall submit and the State
8 Department of Health shall maintain a record of the following:

9 1. A record of annual food safety training by the home food
10 establishment;

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

12 3. A letter of approval for all low pH food products by the
13 Food and Agricultural Products Center at Oklahoma State University;

14 4. A list of ingredients; and

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

16 C. An annual certificate of food safety training for the home
17 food establishment must be on display at the point of sale.

18 SECTION 4. AMENDATORY Section 5, Chapter 40, O.S.L. 2013
19 (63 O.S. Supp. 2013, Section 1-1440.4), is amended to read as
20 follows:

21 Section 1-1440.4. Violation of Section 4 of the Safe Home
22 ~~Bakery~~ Food Manufacturing Act of 2013 shall be a misdemeanor and
23 shall be punishable by a fine not exceeding One Hundred Dollars
24 (\$100.00).

1 SECTION 5. AMENDATORY Section 6, Chapter 40, O.S.L. 2013
2 (63 O.S. Supp. 2013, Section 1-1440.5), is amended to read as
3 follows:

4 Section 1-1440.5. Nothing in the Safe Home Bakery Food
5 Manufacturing Act of 2013 shall be construed to prevent counties
6 from enacting ordinances regulating the operation of home food
7 establishments, provided such ordinances do not conflict with the
8 provisions of the Safe Home Bakery Food Manufacturing Act of 2013.

9 SECTION 6. This act shall become effective July 1, 2014.

10 SECTION 7. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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