

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1865

By: Garrison

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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; creating definitions;
13 modifying labeling and documentation requirements;
14 providing an effective date; and declaring an
15 emergency.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 40, O.S.L. 2013
18 (63 O.S. Supp. 2013, Section 1-1440), is amended to read as follows:

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

21 SECTION 2. AMENDATORY Section 2, Chapter 40, O.S.L. 2013
22 (63 O.S. Supp. 2013, Section 1-1440.1), is amended to read as
23 follows:

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

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)~~ Fifty Thousand Dollars
7 (\$50,000.00). Gross annual sales includes all sales of prepared
8 food produced by the business at any location; ~~and~~

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

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

18 SECTION 3. AMENDATORY Section 4, Chapter 40, O.S.L. 2013
19 (63 O.S. Supp. 2013, Section 1-1440.3), is amended to read as
20 follows:

21 Section 1-1440.3. A. A home food establishment that sells
22 prepared food shall affix a label that contains the following
23 information:

24 1. The name and address of the home food establishment;

1 2. The name of the prepared food; ~~and~~

2 3. Batch code documentation with matching records held on file
3 at the home food establishment; and

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

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

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

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

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

15 4. A list of ingredients; and

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

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

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

22 Section 1-1440.4. Violation of Section 4 1-1440.3 of ~~the Home~~
23 ~~Bakery Act of 2013~~ this title shall be a misdemeanor and shall be
24 punishable by a fine not exceeding One Hundred Dollars (\$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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