

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1915

By: Justice

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; creating the Home  
8 Food to Consumer Act; providing short title; defining  
9 terms; authorizing the Oklahoma Department of  
10 Agriculture, Food, and Forestry to promulgate rules  
11 and requirements for permits; authorizing  
12 inspections; allowing the Department to contract with  
13 other entities; prohibiting certain acts without a  
14 license; providing for fee; providing for  
15 codification; providing for noncodification; and  
16 providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 5-401 of Title 2, unless there  
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Home Food to  
22 Consumer Act".

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 5-402 of Title 2, unless there  
is created a duplication in numbering, reads as follows:

For purposes of the Home Food to Consumer Act:

1        1. "Home food production operation" means an individual,  
2 operating out of the individual's home, who produces a non-  
3 time/temperature control for safety food product for direct-to-  
4 consumer sales, regardless of income generated;

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

10       3. "Home" means a primary residence that contains kitchen  
11 appliances designed for common residential use;

12       4. "Non-time/temperature control for safety food" means a food  
13 product that is not time/temperature control for safety food,  
14 including but not limited to baked goods, jams and jellies, candies,  
15 dried mixes, spices, some sauces and liquids, pickles and acidified  
16 foods, and:

- 17           a. is prepared in the kitchen of a private home for  
18                commercial purposes,
- 19           b. is packaged with a label that clearly states the  
20                address and contact information of the maker,
- 21           c. lists all of the ingredients in the product, and
- 22           d. discloses that the product was prepared in a home; and

23       5. "Time/temperature control for safety food" means a food that  
24 requires time/temperature control for safety to limit pathogenic

1 microorganism growth or toxin formation, including but not limited  
2 to refrigerated or frozen products, low-acid canned foods, dairy  
3 products, seafood products, and bottled water, and:

4 a. time/temperature control for safety food includes an  
5 animal food, meaning a food of animal origin, that is  
6 raw or heat-treated; a food of plant origin that is  
7 heat-treated or consists of raw seed sprouts, cut  
8 melons, cut leafy greens, cut tomatoes or mixtures of  
9 cut tomatoes that are not modified in a way so that  
10 they are unable to support pathogenic microorganism  
11 growth or toxic formation, or garlic-in-oil mixtures  
12 that are not modified in a way that results in  
13 mixtures that do not support growth or toxin  
14 formulation, and

15 b. time/temperature control for safety food does not  
16 include an air-cooled hard-boiled egg with shell  
17 intact, or a shell egg that is not hard-boiled, but  
18 has been treated to destroy all viable Salmonellae; a  
19 food with an aw value of 0.85 or less; a food with a  
20 pH level of 4.6 or below when measured at twenty-four  
21 degrees Celsius (24° C) or seventy-five degrees  
22 Fahrenheit (75° F); a food in an unopened hermetically  
23 sealed container that is commercially processed to  
24 achieve and maintain commercial sterility under

1 conditions of non-refrigerated storage and  
2 distribution; a food for which laboratory evidence  
3 demonstrates that the rapid and progressive growth of  
4 infectious or toxigenic microorganisms or the growth  
5 of S. Enteritidis in eggs or C. botulinum cannot  
6 occur, such as a food that has an aw and a pH that are  
7 above the levels identified in this definition and  
8 that may contain a preservative, other barrier to the  
9 growth of microorganisms, or a combination of barriers  
10 that inhibit the growth of microorganisms; or a food  
11 that does not support the growth of microorganisms,  
12 even though the food may contain an infectious or  
13 toxigenic microorganism or chemical or physical  
14 contaminant at a level sufficient to cause illness.

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

18 The Oklahoma Department of Agriculture, Food, and Forestry is  
19 authorized to promulgate rules specifying requirements for permits  
20 for a home food production operation. The rules shall provide for  
21 frequency of inspections, permit application requirements, standards  
22 for cleanliness, and label requirements.

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

4 The Oklahoma Department of Agriculture, Food, and Forestry may  
5 contract with any state or private entity for the administration of  
6 the Home Food to Consumer Act.

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

10 It shall be unlawful for any person to sell any food product  
11 without obtaining the appropriate permit, license, or registration  
12 from the Oklahoma Department of Agriculture, Food, and Forestry, the  
13 State Department of Health, any other state entity, or any  
14 municipality or county entity. The provisions of this act shall not  
15 apply to any home food establishment as defined by Section 1-1440.1  
16 of Title 63 of the Oklahoma Statutes.

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

20 The application fee for a permit to become a home food  
21 production operation shall be One Hundred Seventy-five Dollars  
22 (\$175.00). The renewal fee for a home food production operation  
23 shall be One Hundred Twenty-five Dollars (\$125.00).

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1 SECTION 7. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 The Oklahoma Department of Agriculture, Food, and Forestry shall  
4 develop emergency rules to implement the provisions of this act.

5 SECTION 8. This act shall become effective November 1, 2014.

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