

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1448

By: Dahm of the Senate

and

6 Roberts (Sean) of the House

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9 COMMITTEE SUBSTITUTE

10 [home and farm food production - Right to Commerce Act
11 - definitions - effective date]

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

15 SECTION 1. AMENDATORY Section 1, Chapter 40, O.S.L. 2013
16 (63 O.S. Supp. 2015, Section 1-1440), is amended to read as follows:

17 Section 1-1440. This act shall be known and may be cited as the
18 ~~"Home Bakery Act of 2013"~~ "Right to Commerce Act".

19 SECTION 2. AMENDATORY Section 2, Chapter 40, O.S.L. 2013
20 (63 O.S. Supp. 2015, Section 1-1440.1), is amended to read as
21 follows:

22 Section 1-1440.1. As used in the ~~Home Bakery Act of 2013~~ Right
23 to Commerce Act:

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 farmers markets, on site, cooperatives, membership-
4 based buying clubs or for delivery, for consumption off the
5 ~~premises~~, if the business has ~~gross annual sales of prepared food an~~
6 annual net income of less than Twenty Thousand Dollars (\$20,000.00).
7 Gross annual sales includes all sales of prepared food produced by
8 the business at any location; ~~and~~

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

11 3. "Net income" shall mean the net gain from the operation of
12 the home food establishment after provision for all costs and
13 expenses incurred in the conduct thereof on the same basis as
14 provided for in the federal Internal Revenue Code.

15 SECTION 3. AMENDATORY Section 5, Chapter 40, O.S.L. 2013
16 (63 O.S. Supp. 2015, Section 1-1440.4), is amended to read as
17 follows:

18 Section 1-1440.4. Violation of Section 4 1-1440.3 of the ~~Home~~
19 ~~Bakery Act of 2013~~ Right to Commerce Act shall be a misdemeanor and
20 shall be punishable by a fine not exceeding One Hundred Dollars
21 (\$100.00).

22 SECTION 4. AMENDATORY Section 6, Chapter 40, O.S.L. 2013
23 (63 O.S. Supp. 2015, Section 1-1440.5), is amended to read as
24 follows:

1 Section 1-1440.5. Nothing in the ~~Home Bakery Act of 2013~~ Right
2 to Commerce Act shall be construed to prevent counties from enacting
3 ordinances regulating the operation of home food establishments,
4 provided such ordinances do not conflict with the provisions of the
5 ~~Home Bakery Act of 2013~~ Right to Commerce Act.

6 SECTION 5. This act shall become effective November 1, 2016.

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