

1 ENGROSSED SENATE
2 BILL NO. 920

By: Justice and Shortey of the
Senate

3 and

4 Casey of the House

5
6
7 [agriculture - Oklahoma Cottage Food Law - rules and
8 requirements - codification - noncodification -
effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 This act shall be known and may be cited as the "Oklahoma
16 Cottage Food Law".

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

20 For purposes of the Oklahoma Cottage Food Law:

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

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

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

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

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

15 b. is packaged with a label that clearly states the
16 address and contact information of the maker,

17 c. lists all of the ingredients in the product, and

18 d. discloses that the product was prepared in a home;

19 5. "Time/temperature control for safety food" means a food that
20 requires time/temperature control for safety to limit pathogenic
21 microorganism growth or toxin formation, including but not limited
22 to refrigerated or frozen products, low-acid canned foods, dairy
23 products, seafood products, and bottled water, and:
24

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

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

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

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

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

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

1 The Oklahoma Department of Agriculture, Food, and Forestry may
2 contract with any state or private entity for the administration of
3 the Oklahoma Cottage Food Law.

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

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

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

15 The application fee for a permit to become a cottage food
16 production operation shall be One Hundred Seventy-five Dollars
17 (\$175.00). The renewal fee for a cottage food production operation
18 shall be One Hundred Twenty-five Dollars (\$125.00).

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

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

23 SECTION 8. This act shall become effective November 1, 2013.
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1 Passed the Senate the 28th day of February, 2013.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2013.

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8 _____
9 Presiding Officer of the House
10 of Representatives