

1 ENGROSSED SENATE
2 BILL NO. 696

By: Shaw of the Senate

3 and

4 Faught of the House

5
6 [home food manufacturing - Home Bakery Act of 2013 -
7 title of act - definitions - labeling and
documentation requirements -

8 ~~emergency~~]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY Section 1, Chapter 40, O.S.L. 2013
12 (63 O.S. Supp. 2014, Section 1-1440), is amended to read as follows:

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

15 SECTION 2. AMENDATORY Section 2, Chapter 40, O.S.L. 2013
16 (63 O.S. Supp. 2014, Section 1-1440.1), is amended to read as
17 follows:

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

20 1. "Home food establishment" shall mean a business on the
21 premises of a residence in which prepared food is created for sale
22 or resale at farmers' markets, on site, cooperatives or at
23 membership-based buying clubs, for consumption off the premises, if
24 the business has ~~gross annual sales~~ an annual net income of prepared

1 food of less than ~~Twenty Thousand Dollars (\$20,000.00)~~ Fifty
2 Thousand Dollars (\$50,000.00). Gross annual sales includes all
3 sales of prepared food produced by the business at any location; ~~and~~

4 2. "Prepared food" shall mean any baked goods or low pH food
5 products ~~except for products that contain meat products or fresh~~
6 ~~fruit;~~

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

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

17 SECTION 3. AMENDATORY Section 4, Chapter 40, O.S.L. 2013
18 (63 O.S. Supp. 2014, Section 1-1440.3), is amended to read as
19 follows:

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

23 1. The name ~~and~~, address, and telephone number or web address
24 of the home food establishment;

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

2 3. Batch code documentation with matching records maintained on
3 file 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 a format approved by
13 the Food and Drug Administration;

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

16 4. A list of ingredients;

17 5. A list of sales outlets for the prepared food; and

18 6. A certificate of successful completion of the canning course
19 from a county cooperative extension agent.

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

22 SECTION 4. AMENDATORY Section 5, Chapter 40, O.S.L. 2013
23 (63 O.S. Supp. 2014, Section 1-1440.4), is amended to read as
24 follows:

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

5 SECTION 5. AMENDATORY Section 6, Chapter 40, O.S.L. 2013
6 (63 O.S. Supp. 2014, Section 1-1440.5), is amended to read as
7 follows:

8 Section 1-1440.5. A. The Department of Health is authorized to
9 inspect home food establishment operations in response to complaints
10 and may order and enforce remedial action including cessation of
11 operations as necessary to protect the public against health
12 hazards. The cessation of operations shall continue until the
13 operator of the home food establishment provides documentation of
14 successful completion of additional food safety training.

15 B. Nothing in the Safe Home Bakery Food Manufacturing Act of
16 ~~2013~~ shall be construed to prevent counties from enacting ordinances
17 regulating the operation of home food establishments, provided such
18 ordinances do not conflict with the provisions of the Safe Home
19 ~~Bakery Food Manufacturing Act of 2013~~.

20 ~~SECTION 6. It being immediately necessary for the preservation~~
21 ~~of the public peace, health and safety, an emergency is hereby~~
22 ~~declared to exist, by reason whereof this act shall take effect and~~
23 ~~be in full force from and after its passage and approval.~~
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1 Passed the Senate the 5th day of March, 2015.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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8 _____
9 Presiding Officer of the House
of Representatives