

SENATE FLOOR VERSION

February 16, 2015

SENATE BILL NO. 696

By: Shaw of the Senate

and

Faught of the House

An Act relating to home food manufacturing; amending Sections 1, 2, 4, 5, and 6, Chapter 40, O.S.L. 2013 (63 O.S. Supp. 2014, Sections 1-1440, 1-1440.1, 1-1440.3, 1-1440.4 and 1-1440.5), which relate to the Home Bakery Act of 2013; modifying title of act; modifying definitions; adding definition; modifying labeling and documentation requirements; and declaring an emergency.

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

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

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

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

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 farmers' markets, on site, cooperatives or at
4 membership-based buying clubs, for consumption off the premises, if
5 the business has ~~gross annual sales~~ an annual net income of prepared
6 food of less than ~~Twenty Thousand Dollars (\$20,000.00)~~ Fifty
7 Thousand Dollars (\$50,000.00). Gross annual sales includes all
8 sales of prepared 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;~~

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 United States, with
17 batch code documentation on the label; and

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

22 SECTION 3. AMENDATORY Section 4, Chapter 40, O.S.L. 2013
23 (63 O.S. Supp. 2014, Section 1-1440.3), is amended to read as
24 follows:

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

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

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

7 3. Batch code documentation with matching records maintained on
8 file at the home food establishment; and

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

13 B. The home food establishment shall submit and the State
14 Department of Health shall maintain a record of the following:

15 1. A record of annual food safety training by the home food
16 establishment;

17 2. A copy of the prepared food's label in a format approved by
18 the Food and Drug Administration;

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

21 4. A list of ingredients;

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

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

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

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

6 Section 1-1440.4. Violation of Section 4 of the Safe Home
7 ~~Bakery Food Manufacturing Act of 2013~~ shall be a misdemeanor and
8 shall be punishable by a fine not exceeding One Hundred Dollars
9 (\$100.00).

10 SECTION 5. AMENDATORY Section 6, Chapter 40, O.S.L. 2013
11 (63 O.S. Supp. 2014, Section 1-1440.5), is amended to read as
12 follows:

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

20 B. Nothing in the Safe Home ~~Bakery Food Manufacturing Act of~~
21 ~~2013~~ shall be construed to prevent counties from enacting ordinances
22 regulating the operation of home food establishments, provided such
23 ordinances do not conflict with the provisions of the Safe Home
24 ~~Bakery Food Manufacturing Act of 2013~~.

SECTION 6. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
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