

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 508, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dahm

Dahm-QD-FS-Req#1580
3/8/2017 4:37 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 508

By: Dahm of the Senate

and

Coody of the House

FLOOR SUBSTITUTE

An Act relating to home food establishments; amending Sections 2 and 3, Chapter 40, O.S.L. 2013 (63 O.S. Supp. 2016, Sections 1-1440.1 and 1-1440.2), which relate to the Home Bakery Act of 2013; modifying definition; authorizing home food establishments to sell prepared food at certain locations; authorizing the Department of Agriculture, Food, and Forestry to promulgate certain rules; authorizing the Department of Agriculture, Food, and Forestry to request documentation under certain circumstance; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 40, O.S.L. 2013 (63 O.S. Supp. 2016, Section 1-1440.1), is amended to read as follows:

Section 1-1440.1. As used in the Home Bakery Act of 2013:

1. "Home food establishment" shall mean a business on the premises of a residence in which prepared food is created for sale or resale, ~~for consumption off the premises~~ at farmers markets, on

1 site, at cooperatives, through membership-based buying clubs or for
2 delivery, if the business has gross annual sales of prepared food of
3 less than Twenty Thousand Dollars (\$20,000.00). Gross annual sales
4 includes all sales of prepared food produced by the business at any
5 location; and

6 2. "Prepared food" shall mean any baked goods except for
7 products that contain meat products or fresh fruit.

8 SECTION 2. AMENDATORY Section 3, Chapter 40, O.S.L. 2013
9 (63 O.S. Supp. 2016, Section 1-1440.2), is amended to read as
10 follows:

11 Section 1-1440.2. A. A home food establishment may sell
12 prepared food on site, by delivery, at a farmers market, through a
13 cooperative, or through a membership-based buying club. The
14 Oklahoma Department of Agriculture, Food, and Forestry may
15 promulgate rules to allow sales at other locations or by other
16 means.

17 B. ~~A person operating a~~ home food establishment shall be exempt
18 from the licensing and other requirements of the State Department of
19 Health. ~~The Department, however, shall be permitted to request~~
20 ~~written documentation in order to verify the gross annual sales of a~~
21 ~~home food establishment.~~

22 C. The Oklahoma Department of Agriculture, Food, and Forestry
23 may, upon a consumer complaint, request written documentation to
24 verify the gross annual sales of a home food establishment.

1 SECTION 3. RECODIFICATION Section 1, Chapter 40, O.S.L.
2 2013 (63 O.S. Supp. 2016, Section 1-1440), shall be recodified as
3 Section 5-4.1 of Title 2 of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 4. RECODIFICATION Section 2, Chapter 40, O.S.L.
6 2013 (63 O.S. Supp. 2016, Section 1-1440.1), as amended by Section 1
7 of this act, shall be recodified as Section 5-4.2 of Title 2 of the
8 Oklahoma Statutes, unless there is created a duplication in
9 numbering.

10 SECTION 5. RECODIFICATION Section 3, Chapter 40, O.S.L.
11 2013 (63 O.S. Supp. 2016, Section 1-1440.2), as amended by Section 2
12 of this act, shall be recodified as Section 5-4.3 of Title 2 of the
13 Oklahoma Statutes, unless there is created a duplication in
14 numbering.

15 SECTION 6. RECODIFICATION Sections 4, 5 and 6 Chapter
16 40, O.S.L. 2013 (63 O.S. Supp. 2016, Sections 1-1440.3, 1440.4 and
17 1-1440.5), shall be recodified as Sections 5-4.4, 5-4.5 and 5-4.6 of
18 Title 2 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 7. This act shall become effective November 1, 2017.
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22 56-1-1580 QD 3/8/2017 4:37:17 PM
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