

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4   ENGROSSED SENATE  
5   BILL NO. 508

By: Dahm of the Senate

and

Coody of the House

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

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

24       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 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,  
23 dated 03/28/2017 - DO PASS.  
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