

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3314

By: Blancett

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to home food establishments; defining
10 terms; authorizing home food establishments to sell
11 prepared food; exempting home food establishments
12 from certain licensing; requiring certain labeling;
13 providing penalties for violations; recodifying
14 Section 1, Chapter 40, O.S.L. 2013, as renumbered by
15 Section 3, Chapter 85, O.S.L. 2017 and Section 6,
16 Chapter 40, O.S.L. 2013, as renumbered by Section 6,
17 Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019, Sections
18 5-4.1 and 5-4.6), which relate to the Home Bakery Act
19 of 2013; repealing Section 2, Chapter 40, O.S.L.
20 2013, as amended by Section 1, Chapter 85, O.S.L.
21 2017, and as renumbered by Section 4, Chapter 85,
22 O.S.L. 2017, Section 3, Chapter 40, O.S.L. 2013, as
23 amended by Section 2, Chapter 85, O.S.L. 2017, and as
24 renumbered by Section 5, Chapter 85, O.S.L. 2017,
 Section 4, Chapter 40, O.S.L. 2013, as renumbered by
 Section 6, Chapter 85, O.S.L. 2017 and Section 5,
 Chapter 40, O.S.L. 2013, as renumbered by Section 6,
 Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019, Sections
 5-4.2, 5-4.3, 5-4.4 and 5-4.5), which relate to the
 Home Bakery Act of 2013; providing for codification;
 and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1442 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Home Bakery Act of 2013:

5 1. "Home food establishment" shall mean a business on the
6 premises of a residence in which prepared food is created for sale
7 or resale at farmers markets, on site, at cooperatives, through
8 membership-based buying clubs or for delivery, if the business has
9 gross annual sales of prepared food of less than Twenty Thousand
10 Dollars (\$20,000.00). Gross annual sales includes all sales of
11 prepared food produced by the business at any location; and

12 2. "Prepared food" shall mean foods that have been produced,
13 processed or packaged that are not potentially hazardous and do not
14 require refrigeration. These foods include pickled fruits and
15 vegetables, salsa, spices, teas, dehydrated produce, nuts, seeds,
16 jams, jellies, preserves, fruit butter, flour, candy, sauces and
17 baked goods, including tortillas. Prepared food shall not include
18 any product that contains meat.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-1443 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A home food establishment may sell prepared food on site, by
23 delivery, at a farmers market, through a cooperative, or through a
24 membership-based buying club.

1 B. A home food establishment shall be exempt from the licensing
2 and other requirements of the State Department of Health.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1444 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A home food establishment that sells prepared food shall affix a
7 label that contains the following information:

8 1. The name and address of the home food establishment;

9 2. The name of the prepared food; and

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

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-1445 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 Violation of Section 3 of this act shall be a misdemeanor and
18 shall be punishable by a fine not exceeding One Hundred Dollars
19 (\$100.00).

20 SECTION 5. RECODIFICATION Section 1, Chapter 40, O.S.L.
21 2013, as renumbered by Section 3, Chapter 85, O.S.L. 2017 (2 O.S.
22 Supp. 2019, Section 5-4.1), shall be recodified as Section 1-1441 of
23 Title 63 of the Oklahoma Statutes, unless there is created a
24 duplication in numbering.

1 SECTION 6. RECODIFICATION Section 6, Chapter 40, O.S.L.

2 2013, as renumbered by Section 6, Chapter 85, O.S.L. 2017 (2 O.S.
3 Supp. 2019, Section 5-4.6), shall be recodified as Section 1-1446 of
4 Title 63 of the Oklahoma Statutes, unless there is created a
5 duplication in numbering.

6 SECTION 7. REPEALER Section 2, Chapter 40, O.S.L. 2013,

7 as amended by Section 1, Chapter 85, O.S.L. 2017, and as renumbered
8 by Section 4, Chapter 85, O.S.L. 2017, Section 3, Chapter 40, O.S.L.
9 2013, as amended by Section 2, Chapter 85, O.S.L. 2017, and as
10 renumbered by Section 5, Chapter 85, O.S.L. 2017, Section 4, Chapter
11 40, O.S.L. 2013, as renumbered by Section 6, Chapter 85, O.S.L. 2017
12 and Section 5, Chapter 40, O.S.L. 2013, as renumbered by Section 6,
13 Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019, Sections 5-4.2, 5-4.3,
14 5-4.4 and 5-4.5), are hereby repealed.

15 SECTION 8. This act shall become effective November 1, 2020.

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17 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
18 dated 02/26/2020 - DO PASS, As Amended.