

1 **SENATE FLOOR VERSION**
February 17, 2020
2 **AS AMENDED**

3 SENATE BILL NO. 1814

By: Dahm

4
5
6
7 **[homemade food - Oklahoma Food Freedom Act -**
8 **codification - effective date]**
9

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5-5.1 of Title 2, unless there
13 is created a duplication in numbering, reads as follows:

14 This act shall be known and may be cited as the "Oklahoma Food
15 Freedom Act".

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5-5.2 of Title 2, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in the Oklahoma Food Freedom Act:

20 1. "Delivery" shall mean the transfer of a product resulting
21 from a transaction between a producer and an informed end consumer.
22 The delivery may occur by the producer's designated agent at a farm,
23 ranch, farmers market, home, office or any location agreed to
24 between the producer and the informed end consumer;

1 2. "Home Consumption" shall mean food products consumed within
2 a private home, or food from a private home that is only consumed by
3 family members, employees or nonpaying guests;

4 3. "Homemade" shall mean food that is prepared or processed in
5 a private home kitchen, that is not licensed, inspected or
6 regulated;

7 4. "Informed end consumer" shall mean a person who is the last
8 person to purchase any product, who does not resell the product and
9 who has been informed that the product is not licensed, regulated or
10 inspected;

11 5. "Process" shall mean operations a producer performs in the
12 making or treatment of the producer's food or drink products;

13 6. "Producer" shall mean any person who grows, harvests,
14 prepares or processes any food or drink products on the person's
15 owned or leased property; and

16 7. "Transaction" shall mean the exchange of buying and selling.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-5.3 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 A Homemade food products produced, sold and consumed in
21 compliance with the Oklahoma Food Freedom Act shall be exempt from
22 state licensure, permitting, inspection, packaging and labeling
23 requirements.

24 B. Transactions under this act shall:

- 1 1. Be directly between the producer and the informed end
- 2 consumer;
- 3 2. Only be for home consumption;
- 4 3. Occur only in Oklahoma;
- 5 4. Not involve interstate commerce;
- 6 5. Not involve the sale of meat products, except:
- 7 a. the sale of poultry products, provided:
- 8 (1) the producer slaughters no more than one thousand
- 9 (1,000) poultry of their own raising during any
- 10 one (1) calendar year,
- 11 (2) the producer does not engage in buying or selling
- 12 poultry products other than those produced from
- 13 poultry of their own raising; and
- 14 (3) the poultry product is not adulterated or
- 15 misbranded,
- 16 b. the sale of live animals,
- 17 c. the sale of portions of live animals before slaughter
- 18 for future delivery,
- 19 d. the sale of domestic rabbit meat, and
- 20 e. the sale of farm-raised fish, provided the fish is
- 21 raised in compliance with Section 6-311 et seq. of
- 22 Title 2 of the Oklahoma Statutes; and
- 23
- 24

1 6. Only occur at farmers markets, farms, ranches, producer's
2 homes or offices or any location the producer and the informed end
3 consumer agree to.

4 C. Except for raw, unprocessed fruits and vegetables, food
5 shall not be sold or used in any commercial food establishment
6 unless the food has been labeled, licensed, packaged, regulated or
7 inspected as required by law.

8 D. The provisions of the Oklahoma Food Freedom Act shall not
9 prohibit the sale of homemade food for home consumption from a
10 retail space located at the ranch, farm or home where the food is
11 produced. A retail space selling homemade food under the provisions
12 of the Oklahoma Food Freedom Act shall inform the end consumer that
13 the homemade food has not been inspected and shall display a sign
14 indicating that the homemade food has not been inspected. If the
15 retail space is in any way associated with a commercial food
16 establishment or offers for sale any inspected product, the retail
17 space selling homemade food shall comply with rules adopted by the
18 Oklahoma Department of Agriculture, Food, and Forestry which shall
19 require:

20 1. That the retail space be physically separated from the
21 commercial food establishment with a separate door and separate cash
22 register or point of sale;

23

24

1 2. That each separate space shall include signs or other
2 markings clearly indicating which spaces are offering inspected
3 items for sale and which spaces are uninspected;

4 3. Coolers, freezers and warehouse or other storage areas shall
5 be separated to prohibit the intermingling of inspected and
6 uninspected products; and

7 4. Any other requirements specified by the Department to ensure
8 the sale of homemade foods is made to an informed end consumer.

9 E. The producer shall inform the end consumer that any food
10 product or food sold at a farmers market or through ranch, farm or
11 home based sales pursuant to the provisions of the Oklahoma Food
12 Freedom Act is not certified, labeled, licensed, packaged, regulated
13 or inspected.

14 F. The provisions of the Oklahoma Food Freedom Act shall not be
15 construed to:

16 1. Impede the State Department of Health in any investigation
17 of food borne illness;

18 2. Change the requirements for brand inspection or animal
19 health inspections; and

20 3. Preclude an agency from providing assistance, consultation
21 or inspection, at the request of the producer.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5-5.4 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The provisions of the Oklahoma Food Freedom Act shall not be
2 construed to prevent the sale of prepared foods in compliance with
3 the Home Bakery Act of 2013.

4 B. The Oklahoma Department of Agriculture, Food, and Forestry
5 may promulgate rules to enforce the provisions of the Oklahoma Food
6 Freedom Act.

7 SECTION 5. This act shall become effective November 1, 2020.

8 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
9 February 17, 2020 - DO PASS AS AMENDED

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24