

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1814

By: Dahm

AS INTRODUCED

An Act relating to homemade food; creating the Oklahoma Food Freedom Act; providing definitions; exempting certain homemade food products from state licensure, permitting, inspection, packaging and labeling requirements; providing for transactions; prohibiting the sale of meat products with exceptions; prohibiting sale of food to commercial food establishments; authorizing the sale of products in certain retail spaces under certain conditions; requiring producer to provide information to the consumer; stating the act shall not be construed to impede certain investigations, change requirements for livestock brand or animal health inspections or preclude state agency assistance at the request of the producer; stating the act shall not be construed to prohibit other food sales in compliance with statutes; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to promulgate rules; providing for codification; and providing an effective date.

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

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

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

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

4 As used in the Oklahoma Food Freedom Act:

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

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

13 3. "Homemade" shall mean food that is prepared or processed in
14 a private home kitchen, that is not licensed, inspected or
15 regulated;

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

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

22 6. "Producer" shall mean any person who grows, harvests,
23 prepares or processes any food or drink products on the person's
24 owned or leased property; and
25

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

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

5 A Homemade food products produced, sold and consumed in
6 compliance with the Oklahoma Food Freedom Act shall be exempt from
7 state licensure, permitting, inspection, packaging and labeling
8 requirements.

9 B. Transactions under this act shall:

10 1. Be directly between the producer and the informed end
11 consumer;

12 2. Only be for home consumption;

13 3. Occur only in Oklahoma;

14 4. Not involve interstate commerce;

15 5. Not involve the sale of meat products, except:

16 a. the sale of poultry products, provided:

17 (1) the producer slaughters no more than one thousand
18 (1,000) poultry of their own raising during any
19 one (1) calendar year,

20 (2) the producer does not engage in buying or selling
21 poultry products other than those produced from
22 poultry of their own raising; and

23 (3) the poultry product is not adulterated or
24 misbranded,

- b. the sale of live animals,
- c. the sale of portions of live animals before slaughter for future delivery,
- d. the sale of domestic rabbit meat, and
- e. the sale of farm-raised fish, provided the fish is raised in compliance with Section 6-311 et seq. of Title 2 of the Oklahoma Statutes; and

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

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

D. The provisions of the Oklahoma Food Freedom Act shall not prohibit the sale of homemade food for home consumption from a retail space located at the ranch, farm or home where the food is produced. A retail space selling homemade food under the provisions of the Oklahoma Food Freedom Act shall inform the end consumer that the homemade food has not been inspected and shall display a sign indicating that the homemade food has not been inspected. If the retail space is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling homemade food shall comply with rules adopted by the

1 Oklahoma Department of Agriculture, Food, and Forestry which shall
2 require:

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

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

9 3. Coolers, freezers and warehouse or other storage areas shall
10 be separated to prohibit the intermingling of inspected and
11 uninspected products; and

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

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

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

21 1. Impede the State Department of Health in any investigation
22 of food borne illness;

23 2. Change the requirements for brand inspection or animal
24 health inspections; and
25

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

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

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

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

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

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