

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1791

By: Boren

6 AS INTRODUCED

7 An Act relating to the sale of food products;
8 creating the Farmers Market and Cooperative Act;
9 defining terms; authorizing the sale of certain foods
10 at farmers markets and cooperatives; authorizing
11 selling of certain foods with third-party agents;
12 requiring certain foods comply with the Home Bakery
13 Act of 2013; amending Section 2, Chapter 40, O.S.L.
2013, as amended by Section 1, Chapter 85, O.S.L.
2017, and as renumbered by Section 4, Chapter 85,
O.S.L. 2017 (2 O.S. Supp. 2019, Section 5-4.2), which
relates to the Home Bakery Act of 2013; adding and
modifying definitions; providing for codification;
and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-2.5 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Farmers Market
21 and Cooperative Act".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5-2.6 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in the Farmers Market and Cooperative Act:

2 1. "Farmers market" shall mean a designated area in which
3 farmers, growers or producers from a defined region gather on a
4 consistently scheduled basis to sell at retail non-potentially
5 hazardous farm and food products, products produced according to the
6 provisions of the Home Bakery Act of 2013 and whole shell eggs to
7 the public;

8 2. "Farmers cooperative" shall mean a retail space in which
9 farmers, growers or producers sell at retail non-potentially
10 hazardous farm and food products, products produced according to the
11 provisions of the Home Bakery Act of 2013 and whole shell eggs to
12 the public through a trained farmer food cooperative manager;

13 3. "Non-potentially hazardous food" shall mean food that does
14 not require time/temperature control for safety to limit pathogenic
15 microorganism growth or toxin formation; and

16 4. "Trained farmer food cooperative manager" shall mean a
17 person possessing a food safety certificate recognized by this
18 state, who, as a third-party agent, sells nonpotentially hazardous
19 farm and food products, products produced according to the
20 provisions of the Home Bakery Act of 2013 and whole shell eggs to
21 the public that are produced by farmers, producers and home food
22 establishments.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5-2.7 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Farmers, growers, producers and home food establishments may
5 sell farm and food products to customers at farmers markets and
6 farmers cooperatives either directly or through a trained farmer
7 cooperative manager.

8 B. All farm and food products, except whole, uncut and
9 unprocessed fresh fruits, melons, vegetables and legumes and whole
10 uncracked and unprocessed nuts, shall be produce in compliance with
11 the provisions of the Home Bakery Act of 2013.

12 SECTION 4. AMENDATORY Section 2, Chapter 40, O.S.L.
13 2013, as amended by Section 1, Chapter 85, O.S.L. 2017, and as
14 renumbered by Section 4, Chapter 85, O.S.L. 2017 (2 O.S. Supp. 2019,
15 Section 5-4.2), is amended to read as follows:

16 Section 5-4.2. As used in the Home Bakery Act of 2013:

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

1 2. "Non-potentially hazardous food" shall mean food that does
2 not require time/temperature control for safety to limit pathogenic
3 microorganism growth or toxin formation including, but not limited
4 to, pickled and fermented fruits and vegetables, candy, canned jam
5 or jelly and nut butters; and

6 3. "Prepared food" shall mean any baked goods except for
7 products that contain meat products or fresh fruit and all other
8 nonpotentially hazardous food.

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

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