

1 ENGROSSED HOUSE
2 BILL NO. 2975

By: West (Rick) and Hefner of
the House

3 and

4 Hamilton of the Senate
5
6

7 An Act relating to agriculture; amending 2 O.S. 2021,
8 Section 5-4.3, which relates to the Homemade Food
9 Freedom Act; providing homemade food product producer
10 registration number and fee; providing for
11 registration number to be used on labeling and
12 omitting certain information; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 2 O.S. 2021, Section 5-4.3, is
15 amended to read as follows:

16 Section 5-4.3 A. The production and sale of homemade food
17 products that meet the following conditions shall be exempt from all
18 licensing and other requirements of the State Department of Health
19 and the Oklahoma Department of Agriculture, Food, and Forestry:

20 1. Non-time- or -temperature-controlled-for-safety homemade
21 food products shall be sold:

22 a. by the producer directly to the consumer, either in
23 person or by remote means, including, but not limited
24 to, the Internet or telephone, or

b. by a producer's designated agent or a third-party vendor, such as a retail or grocery store, farm, farm stand, farmers market, membership-based buying club, craft fair or flea market, to the consumer; provided, the third-party vendor displays a placard where homemade food products are displayed for sale with the following disclosure: "This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens.";

2. Non-time- or -temperature-controlled-for-safety homemade food products shall be delivered:

- a. by the producer or producer's designated agent directly to the consumer or third-party vendor, or
- b. by a third-party vendor or a third-party carrier, such as a parcel delivery service, to the consumer or a third-party vendor;

3. Time- or temperature-controlled-for-safety homemade food products shall be sold by the producer directly to the consumer, either in person or by remote means, including, but not limited to, the Internet or telephone;

4. Time- or temperature-controlled-for-safety homemade food products shall be delivered by the producer directly to the consumer;

1 5. Before a producer produces and sells time- or temperature-
2 controlled-for-safety homemade food products, the producer shall
3 complete and pass food safety training from a list of providers,
4 including the ServSafe Food Handler Training, approved by the
5 Oklahoma Department of Agriculture, Food, and Forestry. The food
6 safety training shall be available to complete online and shall not
7 exceed eight (8) hours in length. The Oklahoma Department of
8 Agriculture, Food, and Forestry shall make the list of approved
9 training available on its website by ~~the effective date of this act~~
10 November 1, 2021;

11 6. The following information shall be provided to the consumer
12 in the format required by subsection B of this section:

- 13 a. the name and phone number of the producer,
- 14 b. the physical address where the product was produced,
- 15 c. a description of the homemade food product,
- 16 d. the ingredients of the homemade food product in
17 descending order of proportion,
- 18 e. a statement indicating the presence of any of the
19 eight most common allergens, including milk, eggs,
20 peanuts, tree nuts, soy and wheat, and
- 21 f. legible print stating, "This product was produced in a
22 private residence that is exempt from government
23 licensing and inspection.";

1 7. If the homemade food product is packaged and distributed in
2 interstate commerce, it shall also be sold and labeled in accordance
3 with federal law; and

4 8. Homemade food products shall not contain seafood or meat,
5 meat by-products or meat food products as defined by Section 301.2
6 of Title 9 of the Code of Federal Regulations or poultry, poultry
7 products or poultry food products as defined for purposes of the
8 federal Poultry Products Inspection Act.

9 B. The information required by paragraph 6 of subsection A of
10 this section shall be provided in a legible format of at least 10-
11 point font, in the following manner:

12 1. On a label affixed to the package if the homemade food
13 product is packaged;

14 2. On a label affixed to a container, if the homemade food
15 product is offered for sale from a bulk container directly to the
16 consumer;

17 3. On a placard displayed at the point of sale, and on a card
18 or other item that is made available to the consumer and is readily
19 carriable if the homemade food product is not packaged; and

20 4. Displayed on the webpage from which the homemade food
21 product is offered for sale if it is sold on the Internet, and
22 provided, that each item sold over the Internet shall be properly
23 labeled or shall have a label included in the shipping container.

C. A homemade food product producer may obtain a registration number upon the payment of an annual fee of Fifteen Dollars (\$15.00) to the Oklahoma Department of Agriculture, Food, and Forestry that is good for one (1) year from the date of its issue. The assigned registration number may be used on product labels instead of the producer's name, phone number, and the physical address of the location where the homemade food product was produced.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 13th day of February,
2024.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2024.

Presiding Officer of the Senate