

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 2975

By: West (Rick) and **Hefner** of
the House

5
6 and

7 **Hamilton** of the Senate

8
9 AS INTRODUCED

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

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

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

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

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

- a. by the producer directly to the consumer, either in person or by remote means, including, but not limited 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;

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

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

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

- 16 a. the name and phone number of the producer,
- 17 b. the physical address where the product was produced,
- 18 c. a description of the homemade food product,
- 19 d. the ingredients of the homemade food product in
20 descending order of proportion,
- 21 e. a statement indicating the presence of any of the
22 eight most common allergens, including milk, eggs,
23 peanuts, tree nuts, soy and wheat, and

1 f. legible print stating, "This product was produced in a
2 private residence that is exempt from government
3 licensing and inspection.";

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

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

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

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

17 2. On a label affixed to a container, if the homemade food
18 product is offered for sale from a bulk container directly to the
19 consumer;

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

23 4. Displayed on the webpage from which the homemade food
24 product is offered for sale if it is sold on the Internet;7;

1 provided, that each item sold over the Internet shall be properly
2 labeled or shall have a label included in the shipping container.

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 02/06/2024 - DO
13 PASS, As Coauthored.
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