

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 2975

By: West (Rick)

AS INTRODUCED

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

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

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

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

1. Non-time- or -temperature-controlled-for-safety homemade 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;

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, 7;  
22 provided, 1 that each item sold over the Internet shall be properly  
23 labeled or shall have a label included in the shipping container.

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

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

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10        59-2-8664            JL            12/07/23