

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3280 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Rob Hall

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY  
COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 3280

By: Hall

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 2021,  
Section 5-4.2, which relates to the Homemade Food  
Freedom Act; modifying definition of home food  
establishment; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 5-4.2, is  
amended to read as follows:

Section 5-4.2. As used in the Homemade Food Freedom Act:

1. "Home food establishment" shall mean a business on the  
premises of a residence in which homemade food products are created  
for sale or resale if the business has gross annual sales of time or  
temperature-controlled for safety prepared food of less than  
~~Seventy-five Thousand Dollars (\$75,000.00)~~ Three Hundred Thousand  
Dollars (\$300,000.00) or gross annual sales of non-time or  
temperature-controlled for safety prepared food of any amount.

1 Gross annual sales includes all sales of prepared food produced by  
2 the business at any location;

3 2. "Delivered" shall mean transferred to the customer, either  
4 immediately upon sale or at a time thereafter;

5 3. "Homemade food product" shall mean food, including a  
6 beverage, which is produced and, if packaged, packaged at a  
7 residence; provided, however, homemade food product shall not mean  
8 alcoholic beverages or unpasteurized milk or cannabis or marijuana  
9 products;

10 4. "Non-time- or -temperature-controlled for safety" shall mean  
11 food that does not require time or temperature control for safety to  
12 limit the rapid and progressive growth of infectious or toxigenic  
13 microorganisms, including foods that have a pH level of four and  
14 six-tenths (4.6) or below or a water activity (aw) value of eighty-  
15 five one-hundredths (0.85) or less;

16 5. "Time- or temperature-controlled for safety" shall mean a  
17 food that requires time or temperature control for safety to limit  
18 infectious or toxigenic microorganisms and is in a form capable of  
19 supporting rapid and progressive growth of infectious or toxigenic  
20 microorganisms; provided, however, time- or temperature-controlled  
21 for safety shall not include foods that have a pH level of four and  
22 six-tenths (4.6) or below or a water activity (aw) value of eighty-  
23 five one-hundredths (0.85) or less;

1       6. "Produce" shall mean to prepare a food product by cooking,  
2 baking, drying, mixing, cutting, canning, fermenting, preserving,  
3 dehydrating, growing, raising or other process; and

4       7. "Producer" shall mean the person who produces a homemade  
5 food product in a home food establishment.

6       SECTION 2. This act shall become effective November 1, 2026.

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8       60-2-16013       JL       01/29/26  
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