

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 3280

By: Hall

SUBCOMMITTEE RECOMMENDATION

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;

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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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