

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

POLICY COMMITTEE
RECOMMENDATION

FOR

HOUSE BILL NO. 3720

By: Hall

POLICY COMMITTEE RECOMMENDATION

An Act relating to agriculture; amending 2 O.S. 2021, Sections 5-4.1, 5-4.2, 5-4.3, as amended by Section 1, Chapter 16, O.S.L. 2024, 5-4.4, 5-4.5, and 5-4.6 (2 O.S. Supp. 2025, Section 5-4.3), which relate to the Homemade Food Freedom Act; renaming the Homemade Food Freedom Act to the Local Food Freedom Act; modifying definitions; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 5-4.1, is amended to read as follows:

Section 5-4.1. This act shall be known and may be cited as the "~~Homemade~~ Local Food Freedom Act".

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

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

1 1. "~~Home~~ Local food establishment" shall mean a business at any
2 location, including on the premises of a residence but excluding
3 restaurants, in which ~~homemade~~ local food products are created for
4 sale or resale if the business has gross annual sales of prepared
5 food of less than ~~Seventy-five Thousand Dollars (\$75,000.00)~~ One
6 Million Five Hundred Thousand Dollars (\$1,500,000.00). Gross annual
7 sales includes all sales of prepared food produced by the business
8 at any location;

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

11 3. "~~Homemade~~ Local food product" shall mean food, including a
12 beverage, which is produced and, if packaged, packaged at a
13 ~~residence~~ local food establishment; provided, however, ~~homemade~~
14 local food product shall not mean alcoholic beverages or
15 unpasteurized milk or cannabis or marijuana products;

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

22 5. "Time- or temperature-controlled for safety" shall mean a
23 food that requires time or temperature control for safety to limit
24 infectious or toxigenic microorganisms and is in a form capable of

1 supporting rapid and progressive growth of infectious or toxigenic
2 microorganisms; provided, however, time- or temperature-controlled
3 for safety shall not include foods that have a pH level of four and
4 six-tenths (4.6) or below or a water activity (aw) value of eighty-
5 five one-hundredths (0.85) or less;

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

9 7. "Producer" shall mean the person or business entity who
10 produces a ~~homemade~~ local food product in a ~~home~~ local food
11 establishment.

12 SECTION 3. AMENDATORY 2 O.S. 2021, Section 5-4.3, as
13 amended by Section 1, Chapter 16, O.S.L. 2024 (2 O.S. Supp. 2025,
14 Section 5-4.3), is amended to read as follows:

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

20 1. Non-time- or -temperature-controlled-for-safety ~~homemade~~
21 local 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

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

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

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

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

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

1 5. Before a producer produces and sells time- or temperature-
2 controlled-for-safety ~~homemade~~ local food products, ~~the producer~~ any
3 person producing the local food shall complete and pass food safety
4 training from a list of providers, including the ServSafe Food
5 Handler Training, approved by the Oklahoma Department of
6 Agriculture, Food, and Forestry. The food safety training shall be
7 available to complete online and shall not exceed eight (8) hours in
8 length. The Oklahoma Department of Agriculture, Food, and Forestry
9 shall make the list of approved training available on its website by
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~~ local food product,
- 16 d. the ingredients of the ~~homemade~~ local 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~~ facility that is exempt from
23 government licensing and inspection.";

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

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

9 9. The producer complies with all local zoning and building
10 code laws.

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

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

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

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

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

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

11 SECTION 4. AMENDATORY 2 O.S. 2021, Section 5-4.4, is
12 amended to read as follows:

13 Section 5-4.4. Nothing in the ~~Homemade~~ Local Food Freedom Act
14 shall be construed to impede the State Department of Health in any
15 investigation of a reported foodborne illness. Upon receipt of a
16 consumer complaint, the Oklahoma Department of Agriculture, Food,
17 and Forestry shall have the authority to request proof of completion
18 of the food safety training, verify a producer's gross sales, and
19 ensure a producer has complied with the act's labeling and delivery
20 requirements. The Oklahoma Department of Agriculture, Food, and
21 Forestry may fine a producer who violates this act in accordance
22 with Section 5-4.5 of this title.

23 SECTION 5. AMENDATORY 2 O.S. 2021, Section 5-4.5, is
24 amended to read as follows:

1 Section 5-4.5. Violation of the ~~Homemade~~ Local Food Freedom Act
2 shall be punishable by a fine not exceeding Three Hundred Dollars
3 (\$300.00).

4 SECTION 6. AMENDATORY 2 O.S. 2021, Section 5-4.6, is
5 amended to read as follows:

6 Section 5-4.6. Nothing in the ~~Homemade~~ Local Food Freedom Act
7 shall be construed to prevent counties from enacting ordinances
8 regulating the operation of ~~home~~ local food establishments, provided
9 such ordinances do not conflict with the provisions of the ~~Homemade~~
10 Local Food Freedom Act or impede or restrict the sale of ~~homemade~~
11 local food products in compliance with the law.

12 SECTION 7. This act shall become effective November 1, 2026.

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