

1 ENGROSSED SENATE
2 BILL NO. 508

By: Dahm of the Senate

3 and

4 Coody of the House

5 An Act relating to home food establishments; amending
6 Sections 2 and 3, Chapter 40, O.S.L. 2013 (63 O.S.
7 Supp. 2016, Sections 1-1440.1 and 1-1440.2), which
8 relate to the Home Bakery Act of 2013; modifying
9 definition; authorizing home food establishments to
10 sell prepared food at certain locations; authorizing
11 the Department of Agriculture, Food, and Forestry to
12 promulgate certain rules; authorizing the Department
13 of Agriculture, Food, and Forestry to request
14 documentation under certain circumstance; providing
15 for recodification; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 2, Chapter 40, O.S.L. 2013
18 (63 O.S. Supp. 2016, Section 1-1440.1), is amended to read as
19 follows:

20 Section 1-1440.1. As used in the Home Bakery Act of 2013:

21 1. "Home food establishment" shall mean a business on the
22 premises of a residence in which prepared food is created for sale
23 or resale, ~~for consumption off the premises~~ at farmers markets, on
24 site, at cooperatives, through membership-based buying clubs or for
delivery, if the business has gross annual sales of prepared food of
less than Twenty Thousand Dollars (\$20,000.00). Gross annual sales

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

3 2. "Prepared food" shall mean any baked goods except for
4 products that contain meat products or fresh fruit.

5 SECTION 2. AMENDATORY Section 3, Chapter 40, O.S.L. 2013
6 (63 O.S. Supp. 2016, Section 1-1440.2), is amended to read as
7 follows:

8 Section 1-1440.2. A. A home food establishment may sell
9 prepared food on site, by delivery, at a farmers market, through a
10 cooperative, or through a membership-based buying club. The
11 Oklahoma Department of Agriculture, Food, and Forestry may
12 promulgate rules to allow sales at other locations or by other
13 means.

14 B. A ~~person operating a~~ home food establishment shall be exempt
15 from the licensing and other requirements of the State Department of
16 Health. ~~The Department, however, shall be permitted to request~~
17 ~~written documentation in order to verify the gross annual sales of a~~
18 ~~home food establishment.~~

19 C. The Oklahoma Department of Agriculture, Food, and Forestry
20 may, upon a consumer complaint, request written documentation to
21 verify the gross annual sales of a home food establishment.

22 SECTION 3. RECODIFICATION Section 1, Chapter 40, O.S.L.
23 2013 (63 O.S. Supp. 2016, Section 1-1440), shall be recodified as

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1 Section 5-4.1 of Title 2 of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 4. RECODIFICATION Section 2, Chapter 40, O.S.L.
4 2013 (63 O.S. Supp. 2016, Section 1-1440.1), as amended by Section 1
5 of this act, shall be recodified as Section 5-4.2 of Title 2 of the
6 Oklahoma Statutes, unless there is created a duplication in
7 numbering.

8 SECTION 5. RECODIFICATION Section 3, Chapter 40, O.S.L.
9 2013 (63 O.S. Supp. 2016, Section 1-1440.2), as amended by Section 2
10 of this act, shall be recodified as Section 5-4.3 of Title 2 of the
11 Oklahoma Statutes, unless there is created a duplication in
12 numbering.

13 SECTION 6. RECODIFICATION Sections 4, 5 and 6, Chapter
14 40, O.S.L. 2013 (63 O.S. Supp. 2016, Sections 1-1440.3, 1440.4 and
15 1-1440.5), shall be recodified as Sections 5-4.4, 5-4.5 and 5-4.6 of
16 Title 2 of the Oklahoma Statutes, unless there is created a
17 duplication in numbering.

18 SECTION 7. This act shall become effective November 1, 2017.
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