

# An Act

ENROLLED SENATE  
BILL NO. 508

By: Dahm of the Senate

and

Coody of the House

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

SUBJECT: Sales of food by home food establishments

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

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

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

1. "Home food establishment" shall mean a business on the premises of a residence in which prepared food is created for sale or resale, ~~for consumption off the premises at farmers markets, on 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 includes all sales of prepared food produced by the business at any location; and

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

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

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

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

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

SECTION 3. RECODIFICATION Section 1, Chapter 40, O.S.L. 2013 (63 O.S. Supp. 2016, Section 1-1440), shall be recodified as Section 5-4.1 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

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

SECTION 5. RECODIFICATION Section 3, Chapter 40, O.S.L. 2013 (63 O.S. Supp. 2016, Section 1-1440.2), as amended by Section 2 of this act, shall be recodified as Section 5-4.3 of Title 2 of the

Oklahoma Statutes, unless there is created a duplication in numbering.

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

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

Passed the Senate the 9th day of March, 2017.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2017.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_