

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 833

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to homemade food; creating the  
8 Oklahoma Food Freedom Act; providing definitions;  
9 exempting certain homemade food products from state  
10 licensure, permitting, inspection, packaging and  
11 labeling requirements; providing for transactions;  
12 prohibiting the sale of meat products with  
13 exceptions; prohibiting sale of food to commercial  
14 food establishments; authorizing the sale of products  
15 in certain retail spaces under certain conditions;  
16 requiring producer to provide information to the  
17 consumer; stating the act shall not be construed to  
18 impede certain investigations, change requirements  
19 for livestock brand or animal health inspections or  
20 preclude state agency assistance at the request of  
21 the producer; stating the act shall not be construed  
22 to prohibit other food sales in compliance with  
23 statutes; authorizing the Oklahoma Department of  
24 Agriculture, Food, and Forestry to promulgate rules;  
25 providing for codification; and declaring an  
26 emergency.

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

30 SECTION 1. NEW LAW A new section of law to be codified  
31 in the Oklahoma Statutes as Section 5-5.1 of Title 2, unless there  
32 is created a duplication in numbering, reads as follows:

33 This act shall be known and may be cited as the "Oklahoma Food  
34 Freedom Act".  
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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5-5.2 of Title 2, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Food Freedom Act:

5 1. "Delivery" shall mean the transfer of a product resulting  
6 from a transaction between a producer and an informed end consumer.  
7 The delivery may occur by the producer's designated agent at a farm,  
8 ranch, farmers market, home, office or any location agreed to  
9 between the producer and the informed end consumer;

10 2. "Home Consumption" shall mean food products consumed within  
11 a private home, or food from a private home that is only consumed by  
12 family members, employees or nonpaying guests;

13 3. "Homemade" shall mean food that is prepared or processed in  
14 a private home kitchen, that is not licensed, inspected or  
15 regulated;

16 4. "Informed end consumer" shall mean a person who is the last  
17 person to purchase any product, who does not resell the product and  
18 who has been informed that the product is not licensed, regulated or  
19 inspected;

20 5. "Process" shall mean operations a producer performs in the  
21 making or treatment of the producer's food or drink products;

22 6. "Producer" shall mean any person who grows, harvests,  
23 prepares or processes any food or drink products on the person's  
24 owned or leased property; and

1           7. "Transaction" shall mean the exchange of buying and selling.

2           SECTION 3.       NEW LAW       A new section of law to be codified  
3 in the Oklahoma Statutes as Section 5-5.3 of Title 2, unless there  
4 is created a duplication in numbering, reads as follows:

5           A. Homemade food products produced, sold and consumed in  
6 compliance with the Oklahoma Food Freedom Act shall be exempt from  
7 state licensure, permitting, inspection, packaging and labeling  
8 requirements, except as otherwise provided in this act.

9           B. Transactions under this act shall:

10          1. Be directly between the producer and the informed end  
11 consumer;

12          2. Only be for home consumption;

13          3. Occur only in Oklahoma;

14          4. Not involve interstate commerce;

15          5. Not involve the sale of meat products, except:

16           a. the sale of poultry products, provided:

17           (1) the producer slaughters no more than one thousand  
18           (1,000) poultry of their own raising during any  
19           one (1) calendar year,

20           (2) the producer does not engage in buying or selling  
21           poultry products other than those produced from  
22           poultry of their own raising, and

23           (3) the poultry product is not adulterated or  
24           misbranded,

- 1           b.    the sale of live animals,  
2           c.    the sale of portions of live animals before slaughter  
3                for future delivery,  
4           d.    the sale of domestic rabbit meat, and  
5           e.    the sale of farm-raised fish, provided the fish is  
6                raised in compliance with Section 6-311 et seq. of  
7                Title 2 of the Oklahoma Statutes; and

8           6.    Only occur at farmers markets, farms, ranches, producer's  
9 homes or offices or any location the producer and the informed end  
10 consumer agree to.

11           C.    Except for raw, unprocessed fruits and vegetables, food  
12 shall not be sold or used in any commercial food establishment  
13 unless the food has been labeled, licensed, packaged, regulated or  
14 inspected as required by law.

15           D.    The provisions of the Oklahoma Food Freedom Act shall not  
16 prohibit the sale of homemade food for home consumption from a  
17 retail space located at the ranch, farm or home where the food is  
18 produced. A retail space selling homemade food under the provisions  
19 of the Oklahoma Food Freedom Act shall inform the end consumer that  
20 the homemade food has not been inspected and shall display a sign  
21 indicating that the homemade food has not been inspected. If the  
22 retail space is in any way associated with a commercial food  
23 establishment or offers for sale any inspected product, the retail  
24 space selling homemade food shall comply with rules adopted by the

1 Oklahoma Department of Agriculture, Food, and Forestry which shall  
2 require:

3 1. That the retail space be physically separated from the  
4 commercial food establishment with a separate door and separate cash  
5 register or point of sale;

6 2. That each separate space shall include signs or other  
7 markings clearly indicating which spaces are offering inspected  
8 items for sale and which spaces are uninspected;

9 3. Coolers, freezers and warehouse or other storage areas shall  
10 be separated to prohibit the intermingling of inspected and  
11 uninspected products; and

12 4. Any other requirements specified by the Department to ensure  
13 the sale of homemade foods is made to an informed end consumer.

14 E. The producer shall inform the end consumer that any food  
15 product or food sold at a farmers market or through ranch, farm or  
16 home based sales pursuant to the provisions of the Oklahoma Food  
17 Freedom Act is not certified, labeled, licensed, packaged, regulated  
18 or inspected.

19 F. The provisions of the Oklahoma Food Freedom Act shall not be  
20 construed to:

21 1. Impede the State Department of Health in any investigation  
22 of foodborne illness;

23 2. Change the requirements for brand inspection or animal  
24 health inspections; and

1           3. Preclude an agency from providing assistance, consultation  
2 or inspection, at the request of the producer.

3           SECTION 4.       NEW LAW       A new section of law to be codified  
4 in the Oklahoma Statutes as Section 5-5.4 of Title 2, unless there  
5 is created a duplication in numbering, reads as follows:

6           A. The provisions of the Oklahoma Food Freedom Act shall not be  
7 construed to prevent the sale of prepared foods in compliance with  
8 the Home Bakery Act of 2013.

9           B. The Oklahoma Department of Agriculture, Food, and Forestry  
10 may promulgate rules to enforce the provisions of the Oklahoma Food  
11 Freedom Act.

12           SECTION 5. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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