

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 2771

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2771 - By: PROCTOR of the House.

An Act relating to public health and safety; creating the Home Bakery Act of 2010; requiring license to operate home food establishment; providing definitions; providing for number of annual licenses and term; providing for inspection by State Department of Health; providing for promulgation of rules; providing for penalties; and providing an effective date.

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 1-1440 of Title 63, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. This act shall be known and may be cited as the "Home Bakery Act of 2010".
- 5 B. A person shall not open or operate a home food establishment until a license has
6 been obtained from the State Department of Health. For purposes of this section, a
7 "home food establishment" shall mean a business on the premises of a residence in which
8 prepared food is created for sale or resale, for consumption off the premises, if the
9 business has gross annual sales of prepared food of less than Twenty Thousand Dollars
10 (\$20,000.00). However, a home food establishment does not include a residence in which
11 food is prepared to be used or sold by churches, fraternal societies, charitable

1 organizations, or civic organizations. For purposes of this section, “prepared food” shall
2 mean baked goods including but not limited to breads, cakes, biscuits and pies.

3 C. The Department shall issue up to one thousand (1,000) licenses each year and
4 collect a fee of Seventy-five Dollars (\$75.00) for each license. A license shall expire two
5 (2) years from date of issuance. A license is renewable.

6 D. The Department shall provide for the periodic inspection of a home food
7 establishment. The inspector may enter the home food establishment at any reasonable
8 hour to make the inspection. The Department shall inspect only those areas related to
9 preparing food for sale.

10 E. The Department shall promulgate rules necessary to implement the provisions
11 of the Home Bakery Act of 2010.

12 F. A violation of the provisions of the Home Bakery Act of 2010 shall be punishable
13 by a fine of not more than One Thousand Dollars (\$1,000.00). A second or subsequent
14 conviction for violation of the provisions of this act shall be punishable by a fine of not
15 more than Two Thousand Dollars (\$2,000.000).

16 SECTION 2. This act shall become effective November 1, 2010.

17 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
18 FINANCIAL SERVICES, dated 02-25-10 - DO PASS, As Amended.