

1 ENGROSSED SENATE  
2 BILL NO. 1915

By: Justice, Shaw and Garrison  
of the Senate

3 and

4 Biggs of the House  
5  
6

7 An Act relating to public health and safety;  
8 amending Sections 1, 2, 4, 5 and 6, Chapter 40,  
9 O.S.L. 2013 (63 O.S. Supp. 2013, Sections 1-1440, 1-  
10 1440.1, 1-1440.3, 1-1440.4 and 1-1440.5), which  
11 relate to the Home Bakery Act of 2013; modifying  
12 title of the act; modifying definitions; adding  
13 definition; and modifying labeling and documentation  
14 requirements.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 40, O.S.L. 2013  
17 (63 O.S. Supp. 2013, Section 1-1440), is amended to read as follows:

18 Section 1-1440. This act shall be known and may be cited as the  
19 "Safe Home Bakery Food Manufacturing Act of 2013".

20 SECTION 2. AMENDATORY Section 2, Chapter 40, O.S.L. 2013  
21 (63 O.S. Supp. 2013, Section 1-1440.1), is amended to read as

22 follows:

23 Section 1-1440.1. As used in the Safe Home Bakery Food  
24 Manufacturing 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

1 or resale, at farmer's markets, on site, cooperatives or at  
2 membership-based buying clubs for consumption off the premises, ~~if~~  
3 ~~the business has gross annual sales of prepared food of less than~~  
4 ~~Twenty Thousand Dollars (\$20,000.00). Gross annual sales includes~~  
5 ~~all sales of prepared food produced by the business at any location;~~  
6 and

7 2. "Prepared food" shall mean any baked goods or low risk food  
8 products except for products that contain meat ~~products or fresh~~  
9 ~~fruit;~~

10 3. "Low risk food products" shall mean food produced in such a  
11 manner to limit pathogenic microorganism growth or toxin formation  
12 and food with a pH of less than 4.5, such as jams, jellies, pickles  
13 and salsa, from ingredients approved by the Food and Agricultural  
14 Products Center at Oklahoma State University, bottled in new,  
15 single-use jars with tamper-proof lids, composed of ingredients  
16 produced in the USA, with batch-code documentation on the label; and

17 4. "Basic food handler training" shall mean any of the  
18 following:

19 a. completion of the ServSafe Food Handler Online Course  
20 and Assessment offered through the National Restaurant  
21 Association;

22 b. completion of the Learn 2 Serve Oklahoma Food Handler  
23 Training Course; or

24

1           c. completion of a food handler class provided by a  
2           county health department.

3           SECTION 3.           AMENDATORY           Section 4, Chapter 40, O.S.L. 2013  
4 (63 O.S. Supp. 2013, Section 1-1440.3), is amended to read as  
5 follows:

6           Section 1-1440.3. A. A home food establishment that sells  
7 prepared food shall affix a label, in an FDA-approved format, that  
8 contains the following information:

9           1. The name and address of the home food establishment;

10          2. The name of the prepared food; ~~and~~

11          3. Batch-code documentation with matching records held on file  
12 at the home food establishment for a period of two (2) years; and

13          4. The following statement printed in at least 10-point type in  
14 a color that provides a clear contrast to the background of the  
15 label: "Made in a home food establishment that is not licensed by  
16 the State Department of Health."

17          B. The home food establishment shall maintain a file on  
18 premises containing a record of the following:

19          1. A record of certification in basic food handler training by  
20 the home food establishment;

21          2. A copy of the prepared food's label in FDA-approved format;

22          3. A letter of approval for all low risk food products by the  
23 Food and Agricultural Products Center at Oklahoma State University;

24          4. A list of ingredients; and

1        5. A list of sales outlets for the prepared food.

2        C. A certificate of basic food handler training for the home  
3 food establishment must be on display at the point of sale.

4        SECTION 4.        AMENDATORY        Section 5, Chapter 40, O.S.L. 2013  
5 (63 O.S. Supp. 2013, Section 1-1440.4), is amended to read as  
6 follows:

7        Section 1-1440.4. Violation of Section 4 1-1440.3 of the Safe  
8 Home Bakery Food Manufacturing Act of 2013 shall be a misdemeanor  
9 and shall be punishable by a fine not exceeding One Hundred Dollars  
10 (\$100.00).

11        SECTION 5.        AMENDATORY        Section 6, Chapter 40, O.S.L. 2013  
12 (63 O.S. Supp. 2013, Section 1-1440.5), is amended to read as  
13 follows:

14        Section 1-1440.5. Nothing in the Safe Home Bakery Food  
15 Manufacturing Act of 2013 shall be construed to prevent counties  
16 from enacting ordinances regulating the operation of home food  
17 establishments, provided such ordinances do not conflict with the  
18 provisions of the Safe Home Bakery Food Manufacturing Act of 2013.

