

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2152

7 By: Hall

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to agriculture; amending 2 O.S. 2021,  
10 Sections 5-4.2 and 5-4.3, as amended by Section 1,  
11 Chapter 16, O.S.L. 2024 (2 O.S. Supp. 2024, Section  
12 5-4.3), which relate to the Homemade Food Freedom  
13 Act; modifying definition; requiring labeling under  
14 certain circumstances; amending 2 O.S. 2021, Section  
15 7-414, which relates to raw milk; providing that raw  
16 milk may be sold directly to consumers pursuant to  
17 the provisions of the Homemade Food Freedom Act; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 2 O.S. 2021, Section 5-4.2, is  
21 amended to read as follows:

22 Section 5-4.2. As used in the Homemade Food Freedom Act:

23 1. "Home food establishment" shall mean a business on the  
24 premises of a residence in which homemade food products are created  
for sale or resale if the business has gross annual sales of  
prepared food of less than ~~Seventy-five Thousand Dollars~~  
~~(\$75,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00).

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

3 2. "Delivered" shall mean transferred to the customer, either  
4 immediately upon sale or at a time thereafter;

5 3. "Homemade food product" shall mean food, including a  
6 beverage, which is produced and, if packaged, packaged at a  
7 residence; provided, however, homemade food product shall not mean  
8 alcoholic beverages or ~~unpasteurized milk or~~ cannabis or marijuana  
9 products;

10 4. "Non-time- or -temperature-controlled for safety" shall mean  
11 food that does not require time or temperature control for safety to  
12 limit the rapid and progressive growth of infectious or toxigenic  
13 microorganisms, including foods that have a pH level of four and  
14 six-tenths (4.6) or below or a water activity (aw) value of eighty-  
15 five one-hundredths (0.85) or less;

16 5. "Time- or temperature-controlled for safety" shall mean a  
17 food that requires time or temperature control for safety to limit  
18 infectious or toxigenic microorganisms and is in a form capable of  
19 supporting rapid and progressive growth of infectious or toxigenic  
20 microorganisms; provided, however, time- or temperature-controlled  
21 for safety shall not include foods that have a pH level of four and  
22 six-tenths (4.6) or below or a water activity (aw) value of eighty-  
23 five one-hundredths (0.85) or less;

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1       6. "Produce" shall mean to prepare a food product by cooking,  
2 baking, drying, mixing, cutting, canning, fermenting, preserving,  
3 dehydrating, growing, raising or other process; and

4       7. "Producer" shall mean the person who produces a homemade  
5 food product in a home food establishment.

6       SECTION 2.       AMENDATORY       2 O.S. 2021, Section 5-4.3, as  
7 amended by Section 1, Chapter 16, O.S.L. 2024 (2 O.S. Supp. 2024,  
8 Section 5-4.3), is amended to read as follows:

9       Section 5-4.3. A. The production and sale of homemade food  
10 products that meet the following conditions shall be exempt from all  
11 licensing and other requirements of the State Department of Health  
12 and the Oklahoma Department of Agriculture, Food, and Forestry:

13       1. Non-time- or -temperature-controlled-for-safety homemade  
14 food products shall be sold:

15           a. by the producer directly to the consumer, either in  
16 person or by remote means, including, but not limited  
17 to, the Internet or telephone, or

18           b. by a producer's designated agent or a third-party  
19 vendor, such as a retail or grocery store, farm, farm  
20 stand, farmers market, membership-based buying club,  
21 craft fair or flea market, to the consumer; provided,  
22 the third-party vendor displays a placard where  
23 homemade food products are displayed for sale with the  
24 following disclosure: "This product was produced in a

1 private residence that is exempt from government  
2 licensing and inspection. This product may contain  
3 allergens.";

4 2. Non-time- or -temperature-controlled-for-safety homemade  
5 food products shall be delivered:

- 6 a. by the producer or producer's designated agent  
7 directly to the consumer or third-party vendor, or
- 8 b. by a third-party vendor or a third-party carrier, such  
9 as a parcel delivery service, to the consumer or a  
10 third-party vendor;

11 3. Time- or temperature-controlled-for-safety homemade food  
12 products shall be sold by the producer directly to the consumer,  
13 either in person or by remote means, including, but not limited to,  
14 the Internet or telephone;

15 4. Time- or temperature-controlled-for-safety homemade food  
16 products shall be delivered by the producer directly to the  
17 consumer;

18 5. Before a producer produces and sells time- or temperature-  
19 controlled-for-safety homemade food products, the producer shall  
20 complete and pass food safety training from a list of providers,  
21 including the ServSafe Food Handler Training, approved by the  
22 Oklahoma Department of Agriculture, Food, and Forestry. The food  
23 safety training shall be available to complete online and shall not  
24 exceed eight (8) hours in length. The Oklahoma Department of

1 Agriculture, Food, and Forestry shall make the list of approved  
2 training available on its website by November 1, 2021;

3 6. The following information shall be provided to the consumer  
4 in the format required by subsection B of this section:

5 a. the name and phone number of the producer,

6 b. the physical address where the product was produced,

7 c. a description of the homemade food product,

8 d. the ingredients of the homemade food product in  
9 descending order of proportion,

10 e. a statement indicating the presence of any of the  
11 eight most common allergens, including milk, eggs,  
12 peanuts, tree nuts, soy and wheat, and

13 f. legible print stating, "This product was produced in a  
14 private residence that is exempt from government  
15 licensing and inspection.";

16 7. If the homemade food product is packaged and distributed in  
17 interstate commerce, it shall also be sold and labeled in accordance  
18 with federal law; ~~and~~

19 8. Homemade food products shall not contain seafood or meat,  
20 meat by-products or meat food products as defined by Section 301.2  
21 of Title 9 of the Code of Federal Regulations or poultry, poultry  
22 products or poultry food products as defined for purposes of the  
23 federal Poultry Products Inspection Act; and

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1        9. If the homemade food product consists of or contains  
2 unpasteurized milk as an ingredient, the label shall contain the  
3 statement "Contains Unpasteurized Milk" and the placard shall  
4 contain the statement "Contains Unpasteurized Milk".

5        B. The information required by paragraph 6 of subsection A of  
6 this section shall be provided in a legible format of at least 10-  
7 point font, in the following manner:

8            1. On a label affixed to the package if the homemade food  
9 product is packaged;

10           2. On a label affixed to a container, if the homemade food  
11 product is offered for sale from a bulk container directly to the  
12 consumer;

13           3. On a placard displayed at the point of sale, and on a card  
14 or other item that is made available to the consumer and is readily  
15 carriable if the homemade food product is not packaged; and

16           4. Displayed on the webpage from which the homemade food  
17 product is offered for sale if it is sold on the Internet; provided,  
18 that each item sold over the Internet shall be properly labeled or  
19 shall have a label included in the shipping container.

20        C. A homemade food product producer may obtain a registration  
21 number upon the payment of an annual fee of Fifteen Dollars (\$15.00)  
22 to the Oklahoma Department of Agriculture, Food, and Forestry that  
23 is good for one (1) year from the date of its issue. The assigned  
24 registration number may be used on product labels instead of the

1 producer's name, phone number, and the physical address of the  
2 location where the homemade food product was produced.

3 SECTION 3. AMENDATORY 2 O.S. 2021, Section 7-414, is  
4 amended to read as follows:

5 Section 7-414. A. The provisions of the Oklahoma Milk and Milk  
6 Products Act shall not be construed to:

7 1. Include incidental sales of raw milk directly to consumers  
8 at the farm where the milk is produced or directly to consumers  
9 pursuant to provisions provided by the Homemade Food Freedom Act;

10 2. Preclude the advertising of the incidental sale of goat  
11 milk; and

12 3. Prohibit any farmer or producer from making cheese using  
13 milk or cream produced on the farm of such farmer or producer.

14 B. For purposes of this section, incidental sales of goat milk  
15 are those sales where the average monthly number of gallons sold  
16 does not exceed one hundred (100).

17 SECTION 4. This act shall become effective November 1, 2025.

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