

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2152

By: Hall of the House

and

Frix of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1. "Home food establishment" shall mean a business on the
premises of a residence in which homemade food products are created

1 for sale or resale if the business has gross annual sales of
2 prepared food of less than ~~Seventy-five Thousand Dollars~~
3 ~~(\$75,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00).

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

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

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

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

19 5. "Time- or temperature-controlled for safety" shall mean a
20 food that requires time or temperature control for safety to limit
21 infectious or toxigenic microorganisms and is in a form capable of
22 supporting rapid and progressive growth of infectious or toxigenic
23 microorganisms; provided, however, time- or temperature-controlled
24 for safety shall not include foods that have a pH level of four and

1 six-tenths (4.6) or below or a water activity (aw) value of eighty-
2 five one-hundredths (0.85) or less;

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

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

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

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

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

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

20 b. by a producer's designated agent or a third-party
21 vendor, such as a retail or grocery store, farm, farm
22 stand, farmers market, membership-based buying club,
23 craft fair or flea market, to the consumer; provided,
24 the third-party vendor displays a placard where

1 homemade food products are displayed for sale with the
2 following disclosure: "This product was produced in a
3 private residence that is exempt from government
4 licensing and inspection. This product may contain
5 allergens.";

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

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

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

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

20 5. Before a producer produces and sells time- or temperature-
21 controlled-for-safety homemade food products, the producer shall
22 complete and pass food safety training from a list of providers,
23 including the ServSafe Food Handler Training, approved by the
24 Oklahoma Department of Agriculture, Food, and Forestry. The food

1 safety training shall be available to complete online and shall not
2 exceed eight (8) hours in length. The Oklahoma Department of
3 Agriculture, Food, and Forestry shall make the list of approved
4 training available on its website by November 1, 2021;

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

- 7 a. the name and phone number of the producer,
- 8 b. the physical address where the product was produced,
- 9 c. a description of the homemade food product,
- 10 d. the ingredients of the homemade food product in
11 descending order of proportion,
- 12 e. a statement indicating the presence of any of the
13 eight most common allergens, including milk, eggs,
14 peanuts, tree nuts, soy and wheat, and
- 15 f. legible print stating, "This product was produced in a
16 private residence that is exempt from government
17 licensing and inspection.";

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

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

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

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

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

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

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

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

22 C. A homemade food product producer may obtain a registration
23 number upon the payment of an annual fee of Fifteen Dollars (\$15.00)
24 to the Oklahoma Department of Agriculture, Food, and Forestry that

1 is good for one (1) year from the date of its issue. The assigned
2 registration number may be used on product labels instead of the
3 producer's name, phone number, and the physical address of the
4 location where the homemade food product was produced.

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

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

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

12 2. Preclude the advertising of the incidental sale of goat
13 milk; and

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

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

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

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21 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES
22 OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended.

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