

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2201

By: Wolfley

AS INTRODUCED

An Act relating to genetically engineered food; amending 63 O.S. 2021, Section 1-1118, as last amended by Section 135, Chapter 452, O.S.L. 2024 (63 O.S. Supp. 2024, Section 1-1118), which relates to food establishment license and reasonable standards and rules for sanitation; mandating notification of genetically engineered food; providing a definition; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1118, as last amended by Section 135, Chapter 452, O.S.L. 2024 (63 O.S. Supp. 2024, Section 1-1118), is amended to read as follows:

Section 1-1118. A. It shall be unlawful for any person to operate or maintain any establishment, stationary or otherwise, where food or drink is offered for sale, or sold, to the public, unless the person is the holder of a food establishment license issued for such purpose by the State Commissioner of Health or designee. A food establishment license shall not be required for:

- 1 1. A produce stand that offers only whole, uncut and
2 unprocessed fresh fruits, melons, vegetables and legumes and/or
3 whole uncracked and unprocessed nuts;
- 4 2. A manufacturer, wholesaler or broker of food licensed
5 pursuant to Section 1-1119 of this title;
- 6 3. A kitchen in a private home if only food that does not
7 require time and temperature control for safety is prepared for sale
8 or service at a function such as a nonprofit civic, charitable or
9 religious organization's bake sale;
- 10 4. An area where food that is prepared as specified in
11 paragraph 3 of this subsection is sold or offered for human
12 consumption;
- 13 5. A private home that receives catered or home-delivered food;
- 14 6. A hotel licensed pursuant to Section 1-1201 of this title
15 which provides limited food service in compliance with rules
16 promulgated by the State Commissioner of Health;
- 17 7. A kitchen in a private home or in a bed and breakfast that
18 prepares and offers food to guests, if the home is owner-occupied,
19 the number of available guest bedrooms does not exceed four, and
20 breakfast is the only meal offered;
- 21 8. A nonprofit civic, charitable or religious organization
22 using unpaid individuals to prepare or serve food on its behalf, for
23 occasional fundraising events sponsored and conducted by the
24 organization. For the purposes of this paragraph, an "occasional

1 ~~fund-raising~~ fundraising event" shall be defined as an event that
2 occurs four times a year or less;

3 9. Day care centers or family day care centers, and all other
4 child care facilities as defined and licensed pursuant to the
5 provisions of the Oklahoma Child Care Facilities Licensing Act;

6 10. Nursing facilities and specialized facilities, as defined
7 in and licensed pursuant to the provisions of the Nursing Home Care
8 Act, residential care homes as defined by the Residential Care Act,
9 adult day care centers as defined by the Adult Day Care Act, and
10 assisted living centers and continuum of care facilities licensed
11 pursuant to the Continuum of Care and Assisted Living Act;

12 11. Vendors at farmers markets selling frozen meat that is
13 either kept refrigerated or on ice; and

14 12. Other establishments exempted from food establishment
15 licensure pursuant to state law.

16 B. Each license shall expire one (1) year following the date of
17 its issuance. The State Department of Health shall charge and
18 collect for each such license an annual fee to be fixed by the State
19 Commissioner of Health.

20 1. The Commissioner may provide by rule for a fee-exempt
21 license for a food establishment operated by a nonprofit, civic,
22 charitable or religious organization that uses unpaid persons to
23 sell or offer food on a more frequent basis than the occasional
24 fundraising event. A fee-exempt license shall not expire but shall

1 remain in full force and effect until affirmatively revoked,
2 suspended, annulled or withdrawn by the Department in accordance
3 with applicable law.

4 2. The Commissioner may by rule also provide that licenses for
5 establishments serving events of limited duration or operating on a
6 seasonal basis shall extend only for the term of the event or
7 season, and may by rule adjust the fees for such licenses
8 accordingly.

9 3. The Commissioner shall provide by rule a three-day license
10 for vendors who only sell at farmers markets as defined in 310:257-
11 1-2 of the Oklahoma Administrative Code or at county fairs.
12 Licenses for vendors who only sell at farmers markets or county
13 fairs shall not exceed Fifty Dollars (\$50.00). Vendors who do not
14 sell food and vendors who meet the exceptions provided in subsection
15 A of this section shall not be required to obtain a three-day
16 license or a food establishment license.

17 4. The Commissioner shall provide by rule a multiseasonal
18 license for snow cone stands that sell hot beverages in addition to
19 snow cones. A snow cone stand that does not sell hot beverages
20 shall be considered a seasonal food establishment.

21 C. The State Commissioner of Health shall promulgate reasonable
22 standards and rules for sanitation of establishments required to be
23 licensed, which shall include the following: buildings, vehicles,
24 and appurtenances thereto, including plumbing, ventilation and

1 lighting; construction, cleanliness and bactericidal treatment of
2 equipment and utensils; cleanliness, wholesomeness, storage and
3 refrigeration of food and drink sold or served; cleanliness and
4 hygiene of personnel; toilet facilities; disposal of waste; water
5 supply; and other items deemed necessary to safeguard the health,
6 comfort, and safety of customers.

7 D. If a food establishment sells genetically engineered food,
8 the food establishment shall post in a clear and conspicuous
9 location that the establishment sells genetically engineered food.
10 As used in this section, "genetically engineered food" means food
11 that contains genetic material that has been modified in a
12 laboratory using techniques that are not possible through
13 conventional breeding or found in nature.

14 SECTION 2. This act shall become effective November 1, 2025.

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