An Act

ENROLLED HOUSE
BILL NO. 1094

By: Roberts (Dustin), Scott, Walker, Hoskin, Hall, Sherrer, Smalley, Bennett and Casey of the House

and

Simpson and Dahm of the Senate

An Act relating to public health and safety; creating the Home Bakery Act of 2013; defining terms; exempting certain establishment from licensing requirements; requiring certain establishment that sells prepared food to affix certain labeling information; providing for penalty; providing for certain construction; providing for codification; and providing an effective date.

SUBJECT: Home Bakery Act of 2013

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Home Bakery Act of 2013".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Home Bakery 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 or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than Twenty Thousand Dollars ($20,000.00). Gross annual sales includes all sales of prepared food produced by the business at any location; and

2. "Prepared food" shall mean any baked goods except for products that contain meat products or fresh fruit.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A person operating a home food establishment shall be exempt from the licensing requirements of the State Department of Health. The Department, however, shall be permitted to request written documentation in order to verify the gross annual sales of a home food establishment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A home food establishment that sells prepared food shall affix a label that contains the following information:

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

2. The name of the prepared food; and

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

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

Violation of Section 4 of the Home Bakery Act of 2013 shall be a misdemeanor and shall be punishable by a fine not exceeding One Hundred Dollars ($100.00).

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1440.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

Nothing in the Home Bakery Act of 2013 shall be construed to prevent counties from enacting ordinances regulating the operation of home food establishments, provided such ordinances do not conflict with the provisions of the Home Bakery Act of 2013.

SECTION 7. This act shall become effective November 1, 2013.

Passed the House of Representatives the 7th day of March, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 10th

day of April, 20 13, at 4:39 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 15th

day of April, 20 13, at 1:26 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 15th

day of April, 20 13, at 4:08 o'clock P. M.

By: