

October 8th, 2021
Oklahoma State Department of Health
123 Robert S Kerr Ave
Oklahoma City, OK 73102

Re: HB 1032

Home Food Operators,

As you may be aware, HB 1032 (Homemade Food Freedom Act) was signed into law on May 10th, 2021. The provisions of this law go into effect on November 1st, 2021. The amendment to existing statute (Home Bakery Act of 2013) within the enrolled version of HB 1032 changes the previous guidance provided by the Department in the areas of homemade food products.

There are several changes to the existing statute. The major changes are listed below, for the full breakdown of the language and requirements, the bill can be found [here](#):

- Food products can be made on the premise of a residence and sold if the gross annual sales of the food items is less than \$75,000. These items produced under the provisions of this act are exempt from licensing, inspection, and regulation from the Department.
- Food products to be sold can include Time/Temperature Controlled for Safety (TCS) foods and Non-TCS foods.
- Non-TCS foods can be sold direct to the consumer, delivered, or by a third party vendor, such as a grocery store or retail store.
- The grocery or retail store is required to post a placard at the point of sale of homemade food products that states: "This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens"
- TCS foods can be only sold direct to the consumer or delivered. In addition, individuals who make TCS foods for sale are required to complete and pass a food safety training course.
- There are labeling requirements for these products which include: name, address, and phone number of the producer, description of product and list of ingredients including allergens, and a statement that "This product was produced in a private residence that is exempt from government licensing and inspection.
- Homemade food products shall contain no meat, meat by-products, seafood, poultry, or poultry by-products. Alcohol, unpasteurized milk, and cannabis or marijuana products are also prohibited.
- The State Health Department may still investigate a homemade food facility if there is a reported food borne illness.
- Beekeepers who are exempted from licensure can sell their product via a third-party vendor such as a grocery or retail store.

The implementation of these laws codifies the Department's policy and previous guidance for home-based food operations. Until language can be updated in OAC 310:Chapter 257 Food Establishments, that allow for these operations, home food operators will be allowed to make these food products from their home if they are in compliance with the provisions of the law (2 O.S. Section 5-4.1).

The Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) is the primary state agency responsible for the Food Freedom Act. Complaints and requests for information should be directed to ODAFF. Local county health departments may also be able to provide guidance.

The Department, with advisement from the Oklahoma Food Safety Advisory Council (FSAC), has provided proposed rule language for regulatory changes to be submitted to the legislature in relation to this bill.

If you have any questions or concerns regarding this issue, please feel free to contact Consumer Health Service at 405.426.8250 or by email at ConsumerHealth@health.ok.gov.

Professionally;



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