35:37-1-2. Methods of grading
Methods of egg grading shall be the same as those described in USDA "Regulations Governing the Voluntary Grading of Shell Eggs 7 CFR Part 56" (2020 2021 Version).

SUBCHAPTER 3. MEAT INSPECTION

PART 1. GENERAL PROVISIONS

35:37-3-1. Incorporation by reference of federal meat inspection regulations
The Mandatory Meat Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Parts 301 to 391; 416; 417; 418; 424; 430; 441; 442 and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-3-3. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry form, certificate or seal shall be substituted.

35:37-3-3. Deleted regulations
The following sections of the Federal regulations governing the mandatory meat inspection of the USDA incorporated by reference under 35:37-3-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 9 CFR 302.2; 303.1(c); 304.1; 304.2(a); 304.2(c); 305.2(b); 307.4; 307.5; 307.6; 316.12; 316.13(c); 317.5; 317.7; 317.9; 317.13; 318.8; 318.12; 321; 322; 327; 329; 331; 335; 351; 352; 354; 355; 362; 381; 390; 391; 392; 439; and 590 (2020 2021 Revision).

35:37-3-6 Oklahoma Certified Beef [NEW]
(a) The Oklahoma Department of Agriculture, Food, and Forestry shall only investigate claims of noncompliance with the Oklahoma Certified Beef program upon receipt of a properly completed complaint form.
(b) Investigations of noncompliance will be to determine only if the bovine were bred, born, raised, and slaughtered within Oklahoma.
(c) Noncompliance may result in, but is not limited to, administrative fines, suspension from participation in the Oklahoma Certified Beef program, and removal and a lifetime ban from the Oklahoma Certified Beef program.

SUBCHAPTER 5. POULTRY PRODUCTS INSPECTION

PART 1. GENERAL PROVISIONS
35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations
(a) The Mandatory Poultry Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Parts 381; 416; 417; 418; 424; 430; 441; 442; and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-5-2. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry mark, form, certificate or seal shall be substituted.
(b) All words and terms defined or used in the federal regulations incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.
(c) The following terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise:
   (1) "Act" means the Oklahoma Poultry Products Inspection Act.
   (2) "Director" means the Director of Meat Inspection.
   (3) "Poultry" means any domesticated bird, whether live or dead, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs (also known as young pigeons from one to about thirty (30) days of age).
   (4) "Poultry product" means any poultry carcass, part, or product made wholly or in part from any poultry carcass or part that can be used as human food, except those exempted from definition as a poultry product in Title 9 of the Code of Federal Regulations (CFR), Part 381.15. This term shall not include detached ova.
   (5) "Poultry byproduct" means the skin, fat, gizzard, heart, or liver, or any combination of any poultry for cooked, smoked sausage.

35:37-5-2. Deleted regulations and exemptions
(a) The following sections of the Federal regulations governing the mandatory poultry inspection (9 CFR, Part 381; 416; 417; 418; 424; 441; 442; and 500), (2020 2021 Revision) of the USDA incorporated by reference under 35:15-27-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 381.6; 381.10(a)(2), (5), (6), and (7); 381.10(b); 381.10(d)(2)(i); 381.13(b); 381.16; 381.17; 381.20; 381.21; 381.37; 381.38; 381.39; 381.96; 381.101; 381.103 through 381.112; 381.123(b)(1) and (4); 381.132(c); 381.133; 381.179; 381.185; 381.186; and 381.195 through 381.225.
(b) The provisions of this Act and rules do not apply to poultry producers who slaughter their own poultry raised on their farm, and each of the following apply:
   (1) The producers slaughter no more than two thousand five hundred (2,500) turkeys or their equivalent with a ratio of four (4) birds of other species, excluding ratites, to one (1) turkey during a calendar year;
   (2) The producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;
   (3) The poultry and poultry products do not move in commerce. Producers are prohibited from selling or donating uninspected poultry products to retail stores, brokers, meat markets, schools, orphanages, nursing homes, and other similar establishments and are prohibited from sales or donation of uninspected poultry through any type of retail market or similar establishment owned or operated by the producer;
   (4) The producers submit a certificate of registration to the Department;
(5) The poultry is healthy, slaughtered and processed under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food, and each carcass, part, or poultry product bears a label that lists the producer's name, and address and the following statement, "This poultry product has not been inspected and passed";

(6) The poultry is sold directly to a household consumer, restaurant, hotel, or boardinghouse, for use in their establishment or in the preparation of meals for sales directly to consumers and transported without third-party intervention or intervening transfer or storage, and is maintained in a safe and unadulterated condition during transportation;

(7) The producers shall meet the sanitation requirements provided in 9 CFR 416.1-5 and allow the Department to inspect sanitation at least two (2) times each year; and

(8) The producers shall maintain records of poultry sales and allow the Department to examine records at all reasonable times, upon notice.

SUBCHAPTER 15. ORGANIC PRODUCTS

35:37-15-2. The Adoption of NOP Standards

The Department adopts or incorporates by reference the following parts of the official rules and regulations of the NOP, 7 CFR Part 205 (2020 2021 Revision), except for OAC 35:37-15-1, or as the Department designates otherwise in specific cases:

(1) Subpart A - Definitions, except for those designated otherwise by this subchapter;

(2) Subpart B - Applicability;

(3) Subpart C - Organic Production and Handling Requirements;

(4) Subpart D - Labels, Labeling, and Market Information;

(5) Subpart E - Certification;

(6) Subpart F - General Requirements for Accreditation; and

(7) Subpart G - Administrative.

(A) Sections 205.600 through 205.607.

(B) Sections 205.660 through 205.663.

(C) Sections 205.670 through 205.672.

(D) Sections 205.680 through 205.681.

SUBCHAPTER 17. PRODUCE SAFETY

35:37-17-3. Incorporation by reference of federal produce safety regulations


SUBCHAPTER 19. HOMEMADE FOOD

35:37-19-1. Purpose

These rules are for regulating the production, sale, and resale of homemade food products pursuant to the provisions of Section 5-4.1 et seq. of Title 2 of the Oklahoma Statutes.

35:37-19-2. Definitions
The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Home food establishment" shall mean a business on the premises of a home, apartment, or other dwelling in which a producer resides and 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). A home food establishment shall be limited to one business per premises, but gross annual sales of the business shall include all sales of prepared food produced by the business at any location;

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

"Homemade food product" shall mean food, including a beverage, which is produced and, if packaged, packaged at a residence; provided, however, homemade food product shall not mean alcoholic beverages, unpasteurized milk, cannabis or marijuana products and shall not contain seafood, including, but not limited to, all fish, shellfish, and fishery products, meat, meat by-products, or meat food products as defined by Section 301.2 of Title 9 of the Code of Federal Regulations or poultry, poultry products, or poultry food products as defined for purposes of the federal Poultry Products Inspection Act;

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

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

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

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

35:37-19-3 Sale and delivery requirements
(a) Non-time-or-temperature-controlled-for-safety homemade food products shall be sold:
   1. By the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone; or
   2. By a producer's designated agent or a third-party vendor, including, but not limited to, a retail or grocery store, farm, farm stand, farmers market, membership-based buying club, craft fair, or flea market, to the consumer; provided, the third-party vendor shall display a placard where homemade food products are displayed for sale with the following disclosure: "This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens."

(b) Non-time-or-temperature-controlled-for-safety homemade food products shall be delivered:
   1. By the producer or producer's designated agent directly to the consumer or a third-party vendor; or
2. By a third-party vendor or a third-party carrier, such as a parcel delivery service, to the consumer or a third-party vendor.

(c) Time-or-temperature-controlled-for-safety homemade food products shall be sold by the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone.

(d) Time-or-temperature-controlled-for-safety homemade food products shall be delivered by the producer directly to the consumer.

(e) Before a producer begins to produce and sell time-or-temperature-controlled-for-safety homemade food products and thereafter, the producer shall satisfactorily complete and maintain food safety training from a list of providers, including the ServSafe Food Handler Training, approved by the Oklahoma Department of Agriculture, Food, and Forestry. Food safety training shall be available online and shall not exceed eight (8) hours in length.

(f) Homemade food products that are packaged and distributed in interstate commerce shall be sold in accordance with federal law.

35:37-19-4 Labeling requirements

(a) The following information shall be provided to the consumer in the format required by subsection b of this section:
   1. Name and phone number of the producer;
   2. Physical address where the product was produced;
   3. Description of the homemade food product;
   4. Ingredients of the homemade food product in descending order of proportion;
   5. Statement indicating the presence of any of the most common allergens, including milk, eggs, peanuts, tree nuts, soybeans, wheat, fish, crustacean shellfish, and sesame; and
   6. Legible print stating, "This product was produced in a private residence that is exempt from government licensing and inspection."

(b) The information required by subsection a of this section shall be provided in a legible format of at least 10-point font, in the following manner:
   1. On a label affixed to the package if the homemade food product is packaged;
   2. On a label affixed to a container if the homemade food product is offered for sale from a bulk container directly to the consumer;
   3. On a placard displayed at the point of sale and on a card or other item that is made available to the consumer and is readily carriable if the homemade food product is not packaged; and
   4. Displayed on the webpage from which the homemade food product is offered for sale if it is sold on the internet; provided, each item sold over the internet shall be properly labeled or shall have a label included in the shipping container.

(c) Homemade food products that are packaged and distributed in interstate commerce shall be labeled in accordance with federal law.

35:37-19-5 Violations

(a) Upon receipt of a consumer complaint, the Oklahoma Department of Agriculture, Food, and Forestry may request proof of completion of food safety training, verify a producer's gross sales, and ensure a producer has complied with sale, delivery, and labeling requirements.

(b) Each violation shall be punishable by an administrative fine not exceeding Three Hundred Dollars ($300.00).