

ENROLLED SENATE
BILL NO. 392

By: Capps, Helton and Kerr of
the Senate

and

Glover, Leist, Begley,
Benson, Beutler, Bonny,
Davis, Ferguson, Fields,
Hiett, Kouba, Maddux,
Matlock, O'Neal, Pope
(Clay), Reese, Rhodes,
Smith (Bill), Voskuhl and
Widener of the House

An Act relating to agriculture; declaring legislative intent; defining terms; providing a right of application for damages upon the disparagement of agricultural food products; providing for application of certain other statutes related to civil actions; providing for codification; providing an effective date; and declaring an emergency.

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 3010 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Legislature hereby finds, determines and declares that the production of agricultural food products constitutes a large proportion of the state's economy and that it is beneficial to the citizens of this state to protect the vitality of the agricultural economy by providing a legal cause of action for producers of perishable agricultural food products to recover damages for the disparagement of any perishable agricultural food product.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3011 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in this act, unless the context otherwise requires:

1. "Disparagement" means dissemination of information to the public in any manner which casts doubt on the safety of any perishable agricultural food product to the consuming public; and
2. "Perishable agricultural food product" means an agricultural product as defined in Section 361b of Title 2 of the Oklahoma Statutes, intended for human consumption which is sold or distributed in a form that will perish or decay beyond marketability within a period of time.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3012 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any producer of perishable agricultural food products who suffers damages as a result of another person's disparagement of any such perishable agricultural food product, when the disparagement is based on false information which is not based on reliable scientific facts and scientific data and which the disseminator knows or should have known to be false, may bring an action for damages and for any other appropriate relief in a court of competent jurisdiction.

The provisions of this section shall not be construed to limit or prohibit any cause of action which may be available to any producer of perishable agricultural food products pursuant to the Oklahoma Deceptive Trade Practices Act or any state or federal slander or libel law.

SECTION 4. This act shall become effective July 1, 1995.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of April, 1995.

President of the Senate

Passed the House of Representatives the 6th day of April, 1995.

Speaker of the House of Representatives