

By: Shurden of the Senate
and
Fields of the House

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 1-1138 and 1-1139, which relate to prima facie evidence and powers and duties of the Commissioner; expanding facts constituting prima facie evidence of specific action; including eating establishment in list of locations to which the State Commissioner of Health shall have access for specified purposes; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1138, is amended to read as follows:

Section 1-1138. Any of the following facts shall be prima facie evidence that horse meat was intended to be sold unlawfully for human consumption:

~~(a) the~~ 1. The presence of horse meat in any quantity in any retail store where the meat of cattle, sheep, swine, chickens, turkeys or goats is being exhibited or kept for sale, unless such horse meat ~~be~~ is in an unopened, properly-labeled package or container not exceeding five (5) pounds in weight~~;~~;

~~(b) the~~ 2. The presence of horse meat in any quantity within the establishment, warehouse, meat locker, meat cooler, or other place of storage or handling of any wholesaler of the meat of cattle, sheep, swine, chickens, turkeys or goats, unless such horse meat ~~be~~ is in properly-labeled containers as described above~~;~~;

~~(c) the~~ 3. The presence of horse meat mixed and commingled with the meat of cattle, sheep, swine, chickens, turkeys or goats in hamburger, sausage or other processed meat products~~;~~;

~~(d) the transportation~~ 4. The transport of processed horse meat, unless the horse meat is in individual, properly-labeled packages or containers, not to exceed five (5) pounds in weight;

~~(e) the~~ 5. The presence of horse meat in, or the delivery or attempted delivery of horse meat to, any restaurant or café, or other eating establishment; and

~~(f) the~~ 6. The presence of horse meat in, or the delivery or attempted delivery of horse meat to, any establishment preparing, canning, or processing meat food products from the meat of cattle, sheep, swine, chickens, turkeys or goats, such as, but not limited to, chili con carne, beef hash, and beef stew.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-1139, is amended to read as follows:

Section 1-1139. The State Commissioner of Health or ~~his~~ an authorized representative shall have free access to any transport vehicle, factory, warehouse, restaurant, cafe or other eating establishment in which horse meat or ~~feed~~ food suspected of containing horse meat is transported, manufactured, processed, packed, sold, or prepared for serving to secure, after payment or offer to pay therefor, samples or specimens of such products found therein, to examine any and all sales records, shipping records relating to foods ~~and/or~~ or horse meat, to embargo any article of food ~~and/or~~ or horse meat suspected of being in violation of law, and to determine whether any law is being violated.

SECTION 3. This act shall become effective November 1, 1999.

Passed the Senate the 22nd day of February, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives