

1 THE STATE SENATE
2 Tuesday, February 16, 1999

3 Senate Bill No. 632

4 SENATE BILL NO. 632 - By: SHURDEN of the Senate and FIELDS of the
5 House.

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

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

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

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

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

25 ~~(b) the~~ 2. The presence of horse meat in any quantity within
26 the establishment, warehouse, meat locker, meat cooler, or other
27 place of storage or handling of any wholesaler of the meat of

1 cattle, sheep, swine, chickens, turkeys or goats, unless such horse
2 meat ~~be~~ is in properly-labeled containers as described above-~~;~~;

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

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

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

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

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

19 Section 1-1139. The State Commissioner of Health or ~~his~~ an
20 authorized representative shall have free access to any transport
21 vehicle, factory, warehouse, restaurant, cafe or other eating
22 establishment in which horse meat or ~~feed~~ food suspected of
23 containing horse meat is transported, manufactured, processed,

1 packed, sold, or prepared for serving to secure, after payment or
2 offer to pay therefor, samples or specimens of such products found
3 therein, to examine any and all sales records, shipping records
4 relating to foods ~~and/or~~ or horse meat, to embargo any article of
5 food ~~and/or~~ or horse meat suspected of being in violation of law,
6 and to determine whether any law is being violated.

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

8 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
9 dated 2-8-99 - DO PASS, As Coauthored.