

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2642, Page 9, Line 6 ½,

as follows:

By inserting a new SECTION 3 to read as per attached, by renumbering subsequent sections, and by amending the title to conform.

Submitted by:

Senator Coffee

Coffee-JM-FA-HB2642
4/15/2008 12:51 PM

1 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-1101, is amended to read as
2 follows:

3 Section 1-1101. For the purposes of this article:

4 (a) The term "food" means (1) articles used for food or drink
5 for man, (2) chewing gum, and (3) articles used for components of
6 any such article.

7 (b) The term "label" means a display of written, printed or
8 graphic matter upon the immediate container of any article; and a
9 requirement made by or under authority of this article that any
10 word, statement, or other information appearing on the label shall
11 not be considered to be complied with unless such word, statement,
12 or other information also appears on the outside container or
13 wrapper, if there be any, of the retail package of such article, or
14 is easily legible through the outside container or wrapper.

15 (c) The term "immediate container" does not include package
16 liners.

17 (d) The term "labeling" means all labels and other written,
18 printed or graphic matter (1) upon an article or any of its
19 containers or wrappers, or (2) accompanying such article.

20 (e) If an article is alleged to be misbranded because the
21 labeling is misleading, or if an advertisement is alleged to be
22 false because it is misleading, then in determining whether the
23 labeling or advertisement is misleading there shall be taken into
24 account (among other things) not only representations made or
25 suggested by statement, word, design, device, sound, or in any
26 combination thereof, but also the extent to which the labeling or

1 advertisement fails to reveal facts material in the light of such
2 representations or material with respect to consequences which may
3 result from the use of the article to which the labeling or
4 advertisement relates, under the conditions of use prescribed in
5 the labeling or advertisement thereof, or under such conditions of
6 use as are customary or usual.

7 (f) The term "advertisement" means all representations
8 disseminated in any manner or by any means, other than by labeling,
9 for the purpose of inducing, or which are likely to induce,
10 directly or indirectly, the purchase of food.

11 (g) The term "contaminated with filth" applies to any food not
12 securely protected from dust, dirt, and, as far as may be necessary
13 by all reasonable means, from all foreign or injurious
14 contaminations.

15 (h) The provisions of this article regarding the selling of
16 food shall be considered to include the manufacture, production,
17 processing, packing, exposure, offer, possession, and holding of
18 any such article for sale; and the sale, dispensing, and giving of
19 any such article, and the supplying or applying of any such
20 articles in the conduct of any food establishment.

21 (i) The term "Federal Act" means the Federal Food, Drug, and
22 Cosmetic Act.

23 (j) The term "mobile food service establishment" means a
24 facility that is vehicle mounted (has wheels and axles), is readily
25 moveable and remains at one physical address for no more than 17
26 days at one time.