

1 ENGROSSED SENATE
2 BILL NO. 1857

By: Coates, Barrington and
Burrage of the Senate

3 and

4 Sullivan and Jones of the
5 House

6
7 [agriculture - codification - effective date -
8 emergency]

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 14-44 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 The State Board of Agriculture shall have the following powers
17 and duties:

- 18 1. Maintain traceability of the state standards to the National
19 Institute of Standards and Technology and adopt standard weights and
20 measures for products in conformity with federal standards for use
21 as the standard for weighing and measuring products in Oklahoma;
- 22 2. Ensure that all rules conform as nearly as practicable to
23 the uniform regulations adopted by the National Conference on
24 Weights and Measures and published in the National Institute of

1 Standards and Technology Handbook 130, "Uniform Laws and
2 Regulations", including all supplements and revisions thereof;

3 3. Establish requirements for labeling, for the presentation of
4 cost-per-unit information, for standards of weight, measure, or
5 count, and for standards of fill for any packaged commodity. The
6 Board may establish requirements for open dating information;

7 4. Conduct investigations to ensure compliance with this
8 article;

9 5. Inspect and test weights and measures kept, offered, or
10 exposed for sale;

11 6. Inspect and test to ascertain if the weights and measures
12 commercially used are correct by:

13 a. determining the weight, measure, or count of
14 commodities or things sold, offered, or exposed for
15 sale on the basis of weight, measure, or count, or

16 b. by computing the basic charge or payment for services
17 rendered on the basis of weight, measure, or count;

18 7. Approve for use weights and measures found to be correct and
19 reject and mark as rejected weights and measures found to be
20 incorrect. Approved weights and measures may be marked as approved.
21 Weights and measures that have been rejected may be seized if not
22 corrected within the time specified or if used or disposed of in a
23 manner not specifically authorized. The Board shall condemn and may

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1 seize weights and measures found to be incorrect that are not
2 capable of being made correct;

3 8. Weigh, measure, or inspect packaged commodities kept,
4 offered or exposed for sale, sold or in the process of delivery, to
5 determine whether they contain the amounts represented and are in
6 accordance with this article and rules of the Board. The Board
7 shall use recognized sampling procedures adopted by the National
8 Conference on Weights and Measures and published in the National
9 Institute of Standards and Technology Handbook 133, "Checking the
10 Net Contents of Packaged Goods", and supplements and revisions;

11 9. If a method of declaring the quantity of a specific
12 commodity by weight, measure, numerical count, or combination does
13 not facilitate value comparisons by consumers or offers an
14 opportunity for consumer confusion, an appropriate term or unit of
15 weight or measure may be prescribed;

16 10. Allow reasonable variations from the stated quantity of
17 contents, including but not limited to those caused by loss or gain
18 of moisture during the course of good distribution practice or by
19 unavoidable deviations in good manufacturing practice only after the
20 commodity has entered intrastate commerce;

21 11. Set standards for inspection by rule for circumstances not
22 addressed by the National Institute of Standards and Technology
23 Handbook 130, "Uniform Laws and Regulations", and the National
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1 Institute of Standards and Technology Handbook 133, "Checking the
2 Net Contents of Packaged Goods";

3 12. Promulgate rules for the enforcement of the National
4 Institute of Standards and Technology Handbook Number 130, "Uniform
5 Laws and Regulations", the National Institute of Standards and
6 Technology Handbook 133, "Checking the Net Contents of Packaged
7 Goods", and this act; and

8 13. Enforce the provisions of Sections 14-31 through 14-43 of
9 Title 2 of the Oklahoma Statutes and rules promulgated thereto.

10 SECTION 2. This act shall become effective July 1, 2010.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the Senate the 2nd day of March, 2010.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2010.

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Presiding Officer of the House
of Representatives

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