

SB 1857

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THE STATE SENATE  
Wednesday, February 17, 2010

Senate Bill No. 1857  
As Amended

SENATE BILL NO. 1857 - By: Coates, Barrington and Burrage of the Senate and Sullivan of the House.

[ agriculture - codification - effective date - 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 14-44 of Title 2, unless there is created a duplication in numbering, reads as follows:

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

1. Maintain traceability of the state standards to the National Institute of Standards and Technology and adopt standard weights and measures for products in conformity with federal standards for use as the standard for weighing and measuring products in Oklahoma;

2. Ensure that all rules conform as nearly as practicable to the uniform regulations adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations", including all supplements and revisions thereof;

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

5           4. Conduct investigations to ensure compliance with this  
6 article;

7           5. Inspect and test weights and measures kept, offered, or  
8 exposed for sale;

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

11               a. determining the weight, measure, or count of  
12                commodities or things sold, offered, or exposed for  
13                sale on the basis of weight, measure, or count, or  
14                b. by computing the basic charge or payment for services  
15                rendered on the basis of weight, measure, or count;

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

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

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

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

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

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

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
14 dated 2-15-10 - DO PASS, As Amended and Coauthored.