

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3218

By: Ritze

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5
6 AS INTRODUCED

7 An Act relating to Oklahoma product regulation;
8 providing legislative intent; providing definitions;
9 making products made in Oklahoma exempt from federal
10 law or federal regulation; requiring certain
11 identification mark on products manufactured or sold
12 in Oklahoma; providing for codification; and
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 16-101 of Title 12A, unless
17 there is created a duplication in numbering, reads as follows:

18 The Legislature declares that the authority for Sections 2
19 through 4 of this act is the following:

20 1. The Tenth Amendment to the United States Constitution
21 guarantees to the states and their people all powers not granted to
22 the federal government elsewhere in the United States Constitution
23 and reserves to the state and people of Oklahoma certain powers as
24 they were understood at the time that Oklahoma was admitted to
statehood in 1907. The guaranty of those powers is a matter of

1 contract between the state and people of Oklahoma and the United
2 States as of the time that the compact with the United States was
3 agreed upon and adopted by Oklahoma and the United States in 1907;

4 2. The Ninth Amendment to the United States Constitution
5 guarantees to the people rights not granted in the United States
6 Constitution and reserves to the people of Oklahoma certain rights
7 as they were understood at the time that Oklahoma was admitted to
8 statehood in 1907. The guaranty of those rights is a matter of
9 contract between the state and people of Oklahoma and the United
10 States as of the time that the compact with the United States was
11 agreed upon and adopted by Oklahoma and the United States in 1907;
12 and

13 3. The regulation of intrastate commerce is vested in the
14 states under the Ninth and Tenth Amendments to the United States
15 Constitution, particularly if not expressly preempted by federal
16 law. Congress has not expressly preempted state regulation of
17 intrastate commerce pertaining to the manufacture on an intrastate
18 basis of products manufactured in Oklahoma.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 16-102 of Title 12A, unless
21 there is created a duplication in numbering, reads as follows:

22 As used in this act, the following definitions apply:

23 1. "Borders of Oklahoma" means the boundaries of Oklahoma
24 described in Section 3 of Article I of the Oklahoma Constitution;

1 2. "Manufactured" means any product made or built by a human
2 being or machine; and

3 3. "Product" means anything distributed commercially for use or
4 consumption. A product includes tangible personal property that is
5 the result of fabrication or processing that has passed through a
6 chain of commercial distribution before ultimate use or consumption.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 16-103 of Title 12A, unless
9 there is created a duplication in numbering, reads as follows:

10 This act applies to any product that is manufactured within the
11 borders of Oklahoma from basic materials and that can be
12 manufactured without the inclusion of any significant parts or
13 materials imported from another state.

14 Any product that is manufactured commercially or privately in
15 Oklahoma and that remains within the borders of Oklahoma shall not
16 be subject to federal law or federal regulation. It is declared by
17 the Legislature that these products have not traveled in interstate
18 commerce.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 16-104 of Title 12A, unless
21 there is created a duplication in numbering, reads as follows:

22 Any product manufactured or sold in Oklahoma under the
23 provisions of this act must have the words "Made in Oklahoma"
24 clearly stamped on the product.

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SECTION 5. This act shall become effective November 1, 2010.

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