

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 HOUSE BILL 1775

 By: Roberts (Sean)

7 AS INTRODUCED

8 An Act relating to contracts; amending 15 O.S. 2001,
9 Section 598.6, which relates to the Unfair Sales Act;
10 modifying exemptions; providing exemption for certain
11 food and food products; providing exemption for
12 merchandise ; providing exemption for petroleum and
13 petroleum byproducts; providing exemption for
14 pharmaceuticals; and providing an effective date.

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

17 SECTION 1. AMENDATORY 15 O.S. 2001, Section 598.6, is
18 amended to read as follows:

19 Section 598.6 1. The provisions of this act shall not apply to
20 sales at retail or sales at wholesale;

21 (a) where seasonable merchandise is sold in bona fide clearance
22 sales, if advertised marked, and sold as such;

1 (b) where perishable merchandise must be sold promptly in order
2 to forestall loss;

3 (c) where merchandise is imperfect or damaged or is being
4 discontinued and is advertised, marked and sold as such;

5 (d) where merchandise is sold upon the final liquidation of any
6 business;

7 (e) where merchandise is sold for charitable purposes or to
8 relief agencies;

9 (f) where merchandise is sold on contract to departments of the
10 government or governmental institutions;

11 (g) where merchandise is sold by any officer acting under the
12 order or direction of any court; and

13 (h) where merchandise is sold at any bona fide auction sale.

14 2. The provisions of this act shall not apply to food and food
15 ingredients including food products intended for human consumption,
16 such as the following: cereal and cereal products; milk and milk
17 products, including ice cream, butter, and yogurt; meat and meat
18 products; poultry products; fish and fish products; eggs and egg
19 products; vegetables and vegetable products; fruit and fruit
20 products; spices, condiments, and salt; sugar products; coffee and
21 coffee substitutes; tea; juice (if it contains more than fifty
22 percent (50%) fruit or vegetable juice by volume); cocoa and cocoa
23 products; canned foods; or any combination of these.

1 3. The provisions of this act are suspended during the period
2 beginning on the fourth Thursday in November through December 26
3 except for petroleum, oil, gasoline, or pharmaceuticals.

4 SECTION 2. This act shall become effective November 1, 2011.

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6 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
7 FINANCIAL SERVICES, dated 02-24-2011 - DO PASS.
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