

1 **SENATE FLOOR VERSION**

2 February 11, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 375

By: Allen and Brecheen of the
Senate

6 and

7 Enns of the House

8
9 An Act relating to horsemeat; amending 63 O.S. 2011,
10 Sections 1-1136, 1-1137 and 1-1138, which relate to
11 unlawful possession of horsemeat intended for sale
12 for human consumption, unlawful transferring of
13 possession of horsemeat to any person with the intent
14 to sell for human consumption, prima facie evidence
15 of horsemeat intended for human consumption; making
16 it lawful to internationally export horsemeat
17 intended for human consumption; making language
18 gender neutral; making it lawful to transfer
19 possession of horsemeat intended for human
20 consumption outside the United States; modifying
21 facts that shall be prima facie evidence of horsemeat
22 intended to be sold unlawfully for human consumption;
23 and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1136, is
amended to read as follows:

Section 1-1136. A. It shall be unlawful for any person to
sell, offer or exhibit for sale, or have in his or her possession
with intent to sell, any quantity of horsemeat for human consumption
within the United States.

1 B. It shall be lawful to sell, offer or exhibit for sale, or
2 have in his or her possession with intent to sell, any quantity of
3 horsemeat for human consumption if:

4 1. The horsemeat is to be exported internationally;

5 2. The horses are sold through a livestock auction; and

6 3. The horses are purchased by a livestock dealer.

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-1137, is
8 amended to read as follows:

9 Section 1-1137. It shall be unlawful for any person to transfer
10 the possession of any horsemeat to any other person when the person
11 so transferring knows, or in the exercise of a reasonable discretion
12 should have known, that the person receiving the horse meat intends
13 to sell it, offer it for sale, exhibit it for sale, or keep it in
14 his or her possession with intent to sell it for human consumption
15 within the United States.

16 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-1138, is
17 amended to read as follows:

18 Section 1-1138. Any of the following facts shall be prima facie
19 evidence that horsemeat was intended to be sold unlawfully for human
20 consumption:

21 (a) the presence of horsemeat in any quantity in any retail
22 store where the meat of cattle, sheep, swine, or goats is being
23 exhibited or kept for sale, ~~unless such horsemeat be in an unopened,~~
24

1 ~~properly labeled package or container not exceeding five (5) pounds~~
2 ~~in weight.~~

3 ~~(b) the presence of horsemeat in any quantity within the~~
4 ~~establishment, warehouse, meat locker, meat cooler, or other place~~
5 ~~of storage or handling of any wholesaler of the meat of cattle,~~
6 ~~sheep, swine, or goats, unless such horsemeat be in properly-labeled~~
7 ~~containers as described above.~~

8 ~~(c) the presence of horsemeat mixed and commingled with the meat~~
9 ~~of cattle, sheep, swine, or goats in hamburger, sausage or other~~
10 ~~processed meat products.~~

11 ~~(d) the transportation of processed horsemeat, unless the~~
12 ~~horsemeat is in individual, properly-labeled packages or containers,~~
13 ~~not to exceed five (5) pounds in weight.~~

14 ~~(e) the presence of horsemeat in, or the delivery or attempted~~
15 ~~delivery of horsemeat to, any restaurant or cafe within the United~~
16 ~~States.~~

17 ~~(f) the presence of horsemeat in, or the delivery or attempted~~
18 ~~delivery of horsemeat to, any establishment preparing, canning, or~~
19 ~~processing meat food products from the meat of cattle, sheep, swine,~~
20 ~~or goats, such as, but not limited to, chili con carne, beef hash,~~
21 ~~and beef stew.~~

22 SECTION 4. This act shall become effective November 1, 2013.

23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
24 February 11, 2013 - DO PASS AS AMENDED