

THE HOUSE OF REPRESENTATIVES
Thursday, March 25, 2010

ENGROSSED
Senate Bill No. 1857
As Amended

ENGROSSED SENATE BILL NO. 1857 - By: COATES, BARRINGTON AND BURRAGE
of the Senate and SULLIVAN, JONES AND HARRISON of the House.

[agriculture - codification - effective date -
emergency]

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
- 2 Statutes as Section 14-44 of Title 2, unless there is created a duplication in numbering,
- 3 reads as follows:
- 4 The State Board of Agriculture shall have the following powers and duties:
- 5 1. Maintain traceability of the state standards to the National Institute of
- 6 Standards and Technology and adopt standard weights and measures for products in
- 7 conformity with federal standards for use as the standard for weighing and measuring
- 8 products in Oklahoma;
- 9 2. Ensure that all rules conform as nearly as practicable to the uniform regulations
- 10 adopted by the National Conference on Weights and Measures and published in the

1 National Institute of 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 cost-per-unit
4 information, for standards of weight, measure, or count, and for standards of fill for any
5 packaged commodity. The Board may establish requirements for open dating
6 information;

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

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

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

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

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

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

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

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

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

16 11. Set standards for inspection by rule for circumstances not addressed by the
17 National Institute of Standards and Technology Handbook 130, “Uniform Laws and
18 Regulations”, and the National Institute of Standards and Technology Handbook 133,
19 “Checking the Net Contents of Packaged Goods”;

20 12. Promulgate rules for the enforcement of the National Institute of Standards
21 and Technology Handbook Number 130, “Uniform Laws and Regulations”, the National

1 Institute of Standards and Technology Handbook 133, "Checking the Net Contents of
2 Packaged Goods", and this act; and

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL
10 DEVELOPMENT, dated 03-24-10 - DO PASS, As Amended and Coauthored.