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March 18, 2013

ENGROSSED HOUSE
BILL NO. 1999

By: McNiell, Newell, Blackwell,
McBride, Wood, Bennett,
Cockroft, McDaniel (Curtis)
and Cannaday of the House

and

Fields of the Senate

An Act relating to meat inspection; amending 2 O.S. 2011, Sections 6-182 and 6-192, which relate to the Oklahoma Meat Inspection Act; modifying definition; prohibiting the sale, possession and transferring of certain horsemeat; specifying that certain requirements apply to horsemeat for sale in this state; authorizing the State Commissioner of Health to have access to certain vehicles and establishments; defining terms; modifying definition; repealing 63 O.S. 2011, Sections 1-1135, 1-1136, 1-1137, 1-1138 and 1-1139, which relate to horsemeat; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-182, is amended to read as follows:

Section 6-182. As used in ~~this act~~ the Oklahoma Meat Inspection
Act, except as otherwise specified, the following terms shall have
the meanings stated below:

1 (a) The term "Board" means the State Board of Agriculture, or
2 its delegate.

3 (b) The term "firm" means any partnership, association, or
4 other unincorporated business organization.

5 (c) The term "meat broker" means any person, firm or
6 corporation engaged in the business of buying or selling carcasses,
7 parts of carcasses, meat, or meat food products of cattle, bison,
8 sheep, swine, goats, horses, mules, or other equines on commission,
9 or otherwise negotiating purchases or sales of such articles other
10 than for his own account or as an employee of another person, firm,
11 or corporation.

12 (d) The term "renderer" means any person, firm, or corporation
13 engaged in the business of rendering carcasses, or parts or products
14 of the carcasses, of cattle, bison, sheep, swine, goats, horses,
15 mules, or other equines, except rendering conducted under inspection
16 under ~~Sections~~ Section 6-181 et seq. of this title.

17 (e) The term "animal food manufacturer" means any person, firm,
18 or corporation engaged in the business of manufacturing or
19 processing animal food derived wholly or in part from carcasses, or
20 parts or products of the carcasses, of cattle, bison, sheep, swine,
21 goats, horses, mules, or other equines.

22 (f) The term "intrastate commerce" means commerce within this
23 state.

1 (g) The term "meat food product" means any product capable of
2 use as human food which is made wholly or in part from any meat or
3 other portion of the carcass of any cattle, bison, sheep, swine, ~~or~~
4 goats, horses, mules, or other equines, excepting products which
5 contain meat or other portions of such carcasses only in a
6 relatively small proportion or historically have not been considered
7 by consumers as products of the meat food industry, and which are
8 exempted from definition as a meat food product by the Board under
9 such conditions as it may prescribe to assure that the meat or other
10 portions of such carcasses contained in such product are not
11 adulterated and that such products are not represented as meat food
12 products. ~~This term as applied to food products of equines shall~~
13 ~~have a meaning comparable to that provided in this paragraph with~~
14 ~~respect to cattle, bison, sheep, swine, and goats.~~

15 (h) The term "capable of use as human food" shall apply to any
16 carcass, or part or product of a carcass, of any animal, unless it
17 is denatured or otherwise identified as required by regulations
18 prescribed by the Board to deter its use as human food, or it is
19 naturally inedible by humans.

20 (i) The term "prepared" means slaughtered, canned, salted,
21 rendered, boned, cut up, or otherwise manufactured or processed.

22 (j) The term "adulterated" shall apply to any carcass, part
23 thereof, meat or meat food product under one or more of the
24 following circumstances:

1 (1) if it bears or contains any poisonous or deleterious
2 substance which may render it injurious to health; but in case the
3 substance is not an added substance, such article shall not be
4 considered adulterated under this clause if the quantity of such
5 substance in or on such article does not ordinarily render it
6 injurious to health;

7 (2) (A) if it bears or contains (by reason of administration
8 of any substance to the live animal or otherwise) any added
9 poisonous or added deleterious substance (other than one which is
10 (i) a pesticide chemical in or on a raw agricultural commodity; (ii)
11 a food additive; or (iii) a color additive) which may, in the
12 judgment of the Board, make such article unfit for human food;

13 (B) if it is, in whole or in part, a raw agricultural commodity
14 and such commodity bears or contains a pesticide chemical which is
15 unsafe within the meaning of Section 408 of the Federal Food, Drug,
16 and Cosmetic Act;

17 (C) if it bears or contains any food additive which is unsafe
18 within the meaning of Section 409 of the Federal Food, Drug, and
19 Cosmetic Act;

20 (D) if it bears or contains any color additive which is unsafe
21 within the meaning of Section 706 of the Federal Food, Drug, and
22 Cosmetic Act: Provided, that an article which is not adulterated
23 under clause (B), (C), or (D) shall nevertheless be deemed
24 adulterated if use of the pesticide chemical, food additive, or

1 color additive in or on such article is prohibited by regulations of
2 the Board in establishments at which inspection is maintained under
3 ~~Sections~~ Section 6-181 et seq. of this title;

4 (3) if it consists in whole or in part of any filthy, putrid,
5 or decomposed substance or is for any other reason unsound,
6 unhealthful, unwholesome, or otherwise unfit for human food;

7 (4) if it has been prepared, packed, or held under unsanitary
8 conditions whereby it may have become contaminated with filth, or
9 whereby it may have been rendered injurious to health;

10 (5) if it is, in whole or in part, the product of an animal
11 which has died otherwise than by slaughter;

12 (6) if its container is composed, in whole or in part, of any
13 poisonous or deleterious substance which may render the contents
14 injurious to health;

15 (7) if it has been intentionally subjected to radiation, unless
16 the use of the radiation was in conformity with a regulation or
17 exemption in effect pursuant to Section 409 of the Federal Food,
18 Drug, and Cosmetic Act;

19 (8) if any valuable constituent has been, in whole or in part,
20 omitted or abstracted therefrom; or if any substance has been
21 substituted, wholly or in part, therefor; or if damage or
22 inferiority has been concealed in any manner; or if any substance
23 has been added thereto or mixed or packed therewith so as to
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1 increase its bulk or weight, or reduce its quality or strength, or
2 make it appear better or of greater value than it is; or

3 (9) if it is margarine containing animal fat and any of the raw
4 material used therein consisted, in whole or in part, of any filthy,
5 putrid, or decomposed substance.

6 (k) The term "misbranded" shall apply to any carcass, part
7 thereof, meat or meat food product under one or more of the
8 following circumstances:

9 (1) if its labeling is false or misleading in any particular;

10 (2) if it is offered for sale under the name of another food;

11 (3) if it is an imitation of another food, unless its label
12 bears, in type of uniform size and prominence, the word "imitation",
13 and, immediately thereafter, the name of the food imitated;

14 (4) if its container is so made, formed, or filled as to be
15 misleading;

16 (5) if in a package or other container unless it bears a label
17 showing (A) the name and place of business of the manufacturer,
18 packer, or distributor; and (B) an accurate statement of the
19 quantity of the contents in terms of weight, measure, or numerical
20 count: Provided, that, under clause (B) of this subparagraph (5),
21 reasonable variations may be permitted, and exemptions as to small
22 packages may be established, by regulations prescribed by the Board;

23 (6) if any word, statement, or other information required by or
24 under authority of this act to appear on the label or other labeling

1 is not prominently placed thereon with such conspicuousness (as
2 compared with other words, statements, designs, or devices in the
3 labeling) and in such terms as to render it likely to be read and
4 understood by the ordinary individual under customary conditions of
5 purchase and use;

6 (7) if it purports to be or is represented as a food for which
7 a definition and standard of identity or composition has been
8 prescribed by regulations of the Board under Section 6-187 of this
9 title unless (A) it conforms to such definition and standard, and
10 (B) its label bears the name of the food specified in the definition
11 and standard and, insofar as may be required by such regulations,
12 the common names of optional ingredients (other than spices,
13 flavoring, and coloring) present in such food;

14 (8) if it purports to be or is represented as a food for which
15 a standard or standards of fill of container have been prescribed by
16 regulations of the Board under Section 6-187 of this title, and it
17 falls below the standard of fill of container applicable thereto,
18 unless its label bears, in such manner and form as such regulations
19 specify, a statement that it falls below such standard;

20 (9) if it is not subject to the provisions of subparagraph (7),
21 unless its label bears (A) the common or usual name of the food, if
22 any there be, and (B) in case it is fabricated from two or more
23 ingredients, the common or usual name of each such ingredient;
24 except that spices, flavorings, and colorings may, when authorized

1 by the Board, be designated as spices, flavorings, and colorings
2 without naming each: Provided, that, to the extent that compliance
3 with the requirements of clause (B) of this subparagraph (9) is
4 impracticable, or results in deception or unfair competition,
5 exemptions shall be established by regulations promulgated by the
6 Board;

7 (10) if it purports to be or is represented for special dietary
8 uses, unless its label bears such information concerning its
9 vitamin, mineral, and other dietary properties as the Board, after
10 consultation with the Secretary of Agriculture of the United States,
11 determines to be, and by regulations prescribes as, necessary in
12 order fully to inform purchasers as to its value for such uses;

13 (11) if it bears or contains any artificial flavoring,
14 artificial coloring, or chemical preservative, unless it bears
15 labeling stating that fact: Provided, that, to the extent that
16 compliance with the requirements of this subparagraph (11) is
17 impracticable, exemptions shall be established by regulations
18 promulgated by the Board; or

19 (12) if it fails to bear, directly thereon or on its container,
20 as the Board may by regulations prescribe, the inspection legend
21 and, unrestricted by any of the foregoing, such other information as
22 the Board may require in such regulations to assure that it will not
23 have false or misleading labeling and that the public will be
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1 informed of the manner of handling required to maintain the article
2 in a wholesome condition.

3 (l) The term "label" means a display of written, printed, or
4 graphic matter upon the immediate container (not including package
5 liners) of any article.

6 (m) The term "labeling" means all labels and other written,
7 printed, or graphic matter (1) upon any article or any of its
8 containers or wrappers, or (2) accompanying such article.

9 (n) The term "Federal Meat Inspection Act" means the act so
10 entitled approved March 4, 1907 (34 Stat. 1260), as amended by the
11 Wholesome Meat Act (8 Stat. 584).

12 (o) The term "Federal Food, Drug, and Cosmetic Act" means the
13 act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts
14 amendatory thereof or supplementary thereto.

15 (p) The term "pesticide chemical", "food additive", "color
16 additive", and "raw agricultural commodity" shall have the same
17 meanings for purposes of this act as under the Federal Food, Drug,
18 and Cosmetic Act.

19 (q) The term "official mark" means the official inspection
20 legend or any other symbol prescribed by regulations of the Board to
21 identify the status of any article or animal under this act.

22 (r) The term "official inspection legend" means any symbol
23 prescribed by regulations of the Board showing that an article was
24 inspected and passed in accordance with this act.

1 (s) The term "official certificate" means any certificate
2 prescribed by regulations of the Board for issuance by an inspector
3 or other person performing official functions under this act.

4 (t) The term "official device" means any device prescribed or
5 authorized by the Board for use in applying any official mark.

6 SECTION 2. AMENDATORY 2 O.S. 2011, Section 6-192, is
7 amended to read as follows:

8 Section 6-192. A. It shall be unlawful for any person to sell,
9 offer or exhibit for sale, or have in his or her possession with
10 intent to sell, any quantity of horsemeat for human consumption in
11 Oklahoma.

12 B. It shall be unlawful for any person to transfer the
13 possession of any horsemeat to any other person when the person so
14 transferring knows, or in the exercise of a reasonable discretion
15 should have known, that the person receiving the horsemeat intends
16 to sell it in this state, offer it for sale in this state, exhibit
17 it for sale in this state, or keep it in his possession with intent
18 to sell it for human consumption in this state.

19 C. No person, firm, or corporation shall sell in this state,
20 transport, offer for sale in this state or transportation, or
21 receive for transportation, in intrastate commerce, any carcasses of
22 horses, mules, or other equines or parts of such carcasses, or the
23 meat or meat food products thereof, unless they are plainly and
24 conspicuously marked or labeled or otherwise identified as required

1 by regulations prescribed by the Board to show the kinds of animals
2 from which they were derived. When required by the Board with
3 respect to establishments at which inspection is maintained under
4 ~~Sections 1-16~~ Section 6-181 et seq. of this title, such animals and
5 their carcasses, parts thereof, meat and meat food products shall be
6 prepared in establishments separate from those in which cattle,
7 sheep, swine, or goats are slaughtered or their carcasses, parts
8 thereof, meat or meat food products are prepared.

9 D. The State Commissioner of Health or his or her authorized
10 representative shall have free access to any transport vehicle,
11 factory, warehouse or establishment in which horsemeat or feed
12 suspected of containing horsemeat is transported, manufactured,
13 processed, packed, sold, or prepared for serving to secure, after
14 payment or offer to pay therefor, samples or specimens of such
15 products found therein, to examine any and all sales records,
16 shipping records relating to foods or horsemeat, to embargo any
17 article of food or horsemeat suspected of being in violation of law,
18 and to determine whether any law is being violated.

19 E. For the purpose of this section:

20 1. The term "horsemeat" shall mean the meat or flesh of any
21 animal of the equine genus;

22 2. The term "package" or "container" shall mean the original,
23 properly labeled package or container in which the horsemeat was
24 packaged by the packer or processor at the point of origin; and

1 3. The term "properly labeled" shall mean a display of written,
2 printed or graphic matter upon the outside package or container, or
3 wrapper if there be one, stating the name and address of the
4 original packer or processor, and in addition thereto shall include
5 the word "horsemeat". All letters and words of the label shall be
6 legible and of such size as to be easily read and understood by the
7 ordinary individual under customary conditions of purchase and use.

8 SECTION 3. REPEALER 63 O.S. 2011, Sections 1-1135, 1-
9 1136, 1-1137, 1-1138 and 1-1139, are hereby repealed.

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

11 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
12 March 18, 2013 - DO PASS
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