

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3806

By: Hasenbeck

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 2011, Section 1-3, as amended by Section 1, Chapter 173, O.S.L. 2019 (2 O.S. Supp. 2019, Section 1-3), which relates to definitions; adding definitions; creating the Oklahoma Meat Consumer Protection Act; defining terms; prohibiting certain misleading or deceptive practices; repealing Sections 1 and 2, Chapter 180, O.S.L. 2019 (63 O.S. Supp. 2019, Sections 316 and 317), which relate to prohibition of deceptive practices in advertising and selling; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 1-3, as amended by Section 1, Chapter 173, O.S.L. 2019 (2 O.S. Supp. 2019, Section 1-3), is amended to read as follows:

Section 1-3. For the purposes of the Oklahoma Agricultural Code, unless the context indicates otherwise:

1. "Authorized agent" means a person who has been authorized by the State Board of Agriculture to act on behalf of the Board in

1 making investigations, inspections, performing other services, or
2 doing any particular act or acts which have been vested by the
3 Oklahoma Agricultural Code in the Board. A written or printed
4 commission signed by the President of the Board shall be proof that
5 the holder has lawful authority to act on behalf of the Board in
6 implementing the Oklahoma Agricultural Code;

7 2. "Beef" means the flesh of a bovine animal;

8 3. "Beef product" means the edible products produced in whole
9 or in part from beef, excluding milk and milk products;

10 4. "Board" means the State Board of Agriculture;

11 ~~3.~~ 5. "Code" means the Oklahoma Agricultural Code;

12 ~~4.~~ 6. "Department" means the Oklahoma Department of
13 Agriculture, Food, and Forestry and its employees, officers, and
14 divisions. Whenever the name "Department of Agriculture" appears in
15 any law, contract or other document, it shall be deemed to refer to
16 the Oklahoma Department of Agriculture, Food, and Forestry;

17 ~~5.~~ 7. "Director" means the Director of a division established
18 in the Oklahoma Department of Agriculture, Food, and Forestry;

19 ~~6.~~ 8. "License" means a written document issued by the Board
20 granting authority to a person to engage in a business, occupation,
21 or activity;

22 ~~7.~~ 9. "Livestock" or "animals" means any cattle, bison, horses,
23 sheep, goats, asses, mules, swine, domesticated rabbits, and
24

1 chickens, turkeys, and other domesticated fowl, and any animal or
2 bird in captivity;

3 ~~8.~~ 10. "Official identification" means any official method of
4 identification approved by USDA, as described by 9 C.F.R. § 86.1, or
5 the State Veterinarian. Official identification for specific
6 species may be further defined within the applicable section of the
7 Oklahoma Administrative Code. Backtags shall not be considered
8 official identification unless the animal is shipped directly to
9 slaughter. The term "official ear tag" is synonymous with "official
10 identification";

11 ~~9.~~ 11. "Permit" means a written document issued by the Board
12 giving consent for a person to engage in an activity;

13 ~~10.~~ 12. "Person" means the state, any municipality, political
14 subdivision, institution, individual, public or private corporation,
15 partnership, association, firm, company, public trust, joint-stock
16 company, trust, estate, state or federal agency, other governmental
17 entity, or any other legal entity or an agent, employee,
18 representative, assignee or successor thereof;

19 13. "Pork" means the flesh of a porcine animal;

20 14. "Pork products" means a product or byproduct produced in
21 whole or in part from pork;

22 ~~11.~~ 15. "President" means the President of the State Board of
23 Agriculture. The President of the State Board of Agriculture shall
24 also be designated as the Commissioner of Agriculture;

1 ~~12.~~ 16. "Producer" means any person planting, raising, growing,
2 or harvesting agricultural products;

3 ~~13.~~ 17. "Quarantine" means a written document issued by the
4 Board to restrict the movement of animals, birds, plants, or
5 agricultural commodities into or out of a specified area for the
6 control or prevention of diseases or pests; and

7 ~~14.~~ 18. "Stop sale order" or "stop use order" means a written
8 or printed order signed by the President or authorized agent of the
9 Board, prohibiting the sale, offering for sale, exposure for sale,
10 or use of any agricultural product, article, device, service, or
11 commodity covered by the Oklahoma Agricultural Code.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 5-107 of Title 2, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created the Oklahoma Meat Consumer
16 Protection Act.

17 B. As used in the Oklahoma Meat Consumer Protection Act:

18 1. "Livestock" means animals defined by paragraph 9 of Section
19 1-3 of Title 2 of the Oklahoma Statutes;

20 2. "Meat" means any edible portion of livestock or part
21 thereof;

22 3. "Misrepresent" means the use of any untrue, misleading or
23 deceptive oral or written statement, advertisement, label, display,
24 picture, illustration or sample; and

1 4. "Represent" means the use of any form of oral or written
2 statement, advertisement, label, display, picture, illustration or
3 sample.

4 C. Pursuant to the Oklahoma Meat Consumer Protection Act, no
5 person advertising, offering for sale or selling meat shall engage
6 in any misleading or deceptive practices, including, but not limited
7 to, the following:

8 1. Misrepresenting the cut, grade, brand, trade name or weight
9 or measure of any meat, or misrepresenting a product as meat that is
10 not derived from harvested production livestock; provided, product
11 packaging for plant-based items shall not be considered in violation
12 of the provisions of this paragraph so long as the packaging
13 displays that the product is derived from plant-based sources in
14 type that is uniform in size and prominence to the name of the
15 product;

16 2. Using a USDA-quality grade on a product not graded by the
17 United States Department of Agriculture (USDA) or Oklahoma
18 Department of Agriculture, Food, and Forestry (ODAFF); or

19 3. Failing to fully and conspicuously disclose the correct
20 government grade for any product if the product is represented as
21 having been graded by the USDA or ODAFF.

22 SECTION 3. REPEALER Sections 1 and 2, Chapter 180,
23 O.S.L. 2019 (63 O.S. Supp. 2019, Sections 316 and 317), are hereby
24 repealed.

SECTION 4. This act shall become effective November 1, 2020.

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