

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1271, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bergstrom

Bergstrom-QD-FS-Req#4034
3/10/2020 5:58 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1271

By: Bergstrom of the Senate

and

Hasenbeck of the House

FLOOR SUBSTITUTE

An Act relating to meat consumers; 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 1. "Authorized agent" means a person who has been authorized by
2 the State Board of Agriculture to act on behalf of the Board in
3 making investigations, inspections, performing other services, or
4 doing any particular act or acts which have been vested by the
5 Oklahoma Agricultural Code in the Board. A written or printed
6 commission signed by the President of the Board shall be proof that
7 the holder has lawful authority to act on behalf of the Board in
8 implementing the Oklahoma Agricultural Code;

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

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

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

13 ~~3.~~ 5. "Code" means the Oklahoma Agricultural Code;

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

19 ~~5.~~ 7. "Director" means the Director of a division established
20 in the Oklahoma Department of Agriculture, Food, and Forestry;

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

1 ~~7.~~ 9. "Livestock" or "animals" means any cattle, bison, horses,
2 sheep, goats, asses, mules, swine, domesticated rabbits, and
3 chickens, turkeys, and other domesticated fowl, and any animal or
4 bird in captivity;

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

13 ~~9.~~ 11. "Permit" means a written document issued by the Board
14 giving consent for a person to engage in an activity;

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

21 ~~11.~~ 13. "Pork" means the flesh of a porcine animal;

22 14. "Pork product" means a product or byproduct produced in
23 whole or in part from pork;

1 15. "President" means the President of the State Board of
2 Agriculture. The President of the State Board of Agriculture shall
3 also be designated as the Commissioner of Agriculture;

4 ~~12.~~ 16. "Producer" means any person planting, raising, growing,
5 or harvesting agricultural products;

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

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

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

18 A. There is hereby created the "Oklahoma Meat Consumer
19 Protection Act".

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

21 1. "Livestock" means animals defined by paragraph 9 of Section
22 1-3 of Title 2 of the Oklahoma Statutes;

23 2. "Meat" means any edible portion of livestock or part
24 thereof;

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

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

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

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

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

22 3. Failing to fully and conspicuously disclose the correct
23 government grade for any product if the product is represented as
24 having been graded by the United States Department of Agriculture

1 (USDA) or Oklahoma Department of Agriculture, Food, and Forestry
2 (ODAFF) .

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

6 SECTION 4. This act shall become effective November 1, 2020.
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8 57-2-4034 QD 3/10/2020 5:58:44 PM
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