

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1271

By: Bergstrom

AS INTRODUCED

An Act relating to meat consumers; creating the Oklahoma Meat Consumer Protection Act; amending Sections 1 and 2, Chapter 180, O.S.L. 2019 (63 O.S. Supp. 2019, Sections 316 and 317), which relate to definitions and misleading or deceptive practices; removing definitions; modifying definitions; removing prohibited acts while selling meat; modifying prohibited acts while selling meat; providing for recodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Meat Consumer Protection Act".

SECTION 2. AMENDATORY Section 1, Chapter 180, O.S.L. 2019 (63 O.S. Supp. 2019, Section 316), is amended to read as follows:

Section 316. As used in ~~this act~~ the Oklahoma Meat Consumer Protection Act:

1. ~~"Bulk meat" means beef sold by hanging weight, consisting of whole carcasses and the following primal cuts:~~

a. ~~"side of beef" means chuck and rib with plate and brisket removed,~~

b. ~~"front quarter of beef" means the forward portion of a side, back to and including the twelfth rib,~~

c. ~~"back of beef" means chuck and rib with plate and brisket removed,~~

d. ~~"arm chuck of beef" means arm chuck with brisket removed, back to and including the fifth rib,~~

e. ~~"rib of beef" means from the sixth to the twelfth rib, inclusive, not to exceed ten inches from tip of chine bone to top of rib without plate,~~

f. ~~"hindquarter of beef" means the rear section of a side from and including the thirteenth rib, consisting of round, loin and flank,~~

g. ~~"trimmed loin of beef" means short loin and hip or sirloin, and that section of hindquarter including thirteenth rib and separated one (1) inch to two (2) inches below aitchbone, without flank or kidney,~~

h. ~~"full loin of beef" means loin of beef, including flank and kidney, and~~

1 ~~i. "round of beef" means that portion of hindquarter~~
2 ~~separated from loin one (1) inch to two (2) inches~~
3 ~~below aitchbone back to shin bone;~~

4 ~~2. "Buyer" means both actual and prospective purchasers but~~
5 ~~does not include persons purchasing for resale;~~

6 ~~3. "Food plan" means any plan offering meat for sale or the~~
7 ~~offering of such product in combination with each other or with any~~
8 ~~other food or nonfood product or service for a single price;~~

9 ~~4. "Livestock" means cattle, calves, sheep, swine, ratite birds~~
10 ~~including but not limited to ostrich and emu, aquatic animal~~
11 ~~products, llamas, alpaca, buffalo, bison, elk documented as obtained~~
12 ~~from a legal source and not from the wild, goats, horses, other~~
13 ~~equines or rabbits raised in confinement for human consumption~~
14 ~~animals as defined by Section 1-3 of Title 2 of the Oklahoma~~
15 ~~Statutes;~~

16 ~~5. 2. "Meat" means any edible portion of livestock, poultry or~~
17 ~~captive cervid carcass or part thereof;~~

18 ~~6. 3. "Misrepresent" means the use of any untrue, misleading or~~
19 ~~deceptive oral or written statement, advertisement, label, display,~~
20 ~~picture, illustration or sample; and~~

21 ~~7. "Person" means an individual, partnership, firm,~~
22 ~~corporation, association or other entity;~~

23 ~~8. "Poultry" means any domestic bird intended for human~~
24 ~~consumption;~~

1 ~~9.~~ 4. "Represent" means the use of any form of oral or written
2 statement, advertisement, label, display, picture, illustration or
3 sample; ~~and~~

4 ~~10. "Seller" means any person league, franchise, franchisee,~~
5 ~~franchisor or any authorized representative or agent thereof who~~
6 ~~offers meat or combinations of such items, for retail purchase to~~
7 ~~the public for preparation and consumption off the premises where~~
8 ~~sold or for direct purchase by an individual at his or her~~
9 ~~residence.~~

10 SECTION 3. AMENDATORY Section 2, Chapter 180, O.S.L.
11 2019 (63 O.S. Supp. 2019, Section 317), is amended to read as
12 follows:

13 Section 317. ~~No~~ Pursuant to the Oklahoma Meat Consumer
14 Protection Act, no person advertising, offering for sale or selling
15 ~~all or part of a carcass or food plan~~ meat shall engage in any
16 misleading or deceptive practices, including, but not limited to,
17 ~~any one or more of the following:~~

18 1. ~~Disparaging or degrading any product advertised or offered~~
19 ~~for sale by the seller, displaying any product or depiction of a~~
20 ~~product to any buyer in order to induce the purchase of another~~
21 ~~product or representing that a product is for sale when the~~
22 ~~representation is used primarily to sell another product, or~~
23 ~~substituting any product for that ordered by the buyer without the~~
24 ~~buyer's consent. Nothing in this paragraph shall be construed to~~

1 ~~prohibit the enhancement of sales of any product by the use of a~~
2 ~~gift;~~

3 ~~2. Failing to have available a sufficient quantity of the~~
4 ~~product represented as being for sale to meet reasonable anticipated~~
5 ~~demands, unless the available amount is disclosed fully and~~
6 ~~conspicuously;~~

7 ~~3. Using any price list or advertisement subject to changes~~
8 ~~without notice unless so stated, and which contains prices other~~
9 ~~than the seller's current billing prices, unless changes are subject~~
10 ~~to consumer's advance acceptance or rejection at or before the time~~
11 ~~of order or delivery;~~

12 ~~4. Misrepresenting the amount of money that the buyer will save~~
13 ~~on purchases of any products which are not of the same grade or~~
14 ~~quality;~~

15 ~~5. Failing to disclose fully and conspicuously in any printed~~
16 ~~advertisement and invoice in at least ten point type any charge for~~
17 ~~cutting, wrapping, freezing, delivery, annual interest rate or~~
18 ~~financing and other services;~~

19 ~~6. Representing the price of any product to be offered for sale~~
20 ~~in units larger than one pound in terms other than price per single~~
21 ~~pound. Nothing in this section shall be construed to prevent the~~
22 ~~price of such units from also being represented by individual~~
23 ~~serving, by fluid measure or by other meaningful description;~~

1 ~~7.~~ Misrepresenting the cut, grade, brand or trade name, or
2 weight or measure of any ~~product~~ meat, or misrepresenting a product
3 as meat that is not derived from harvested production livestock ~~or~~
4 ~~poultry~~; provided, product packaging for plant-based items shall not
5 ~~be considered to be~~ in violation of the provisions of this paragraph
6 so long as the packaging displays that the product is derived from
7 plant-based sources in type that is uniform in size and prominence
8 to the name of the product;

9 ~~8.~~ 2. Using ~~the abbreviation "U.S." in describing a USDA~~
10 quality grade on a product not graded by the United States
11 Department of Agriculture, ~~except that a product may be described as~~
12 ~~"U.S. Inspected" when true~~ (USDA) or Oklahoma Department of
13 Agriculture, Food, and Forestry (ODAFF); or

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

17 ~~9.~~ ~~Referring to a quality grade other than the United States~~
18 ~~Department of Agriculture quality grade, unless the grade name is~~
19 ~~preceded by the seller's name in type at least as large and~~
20 ~~conspicuous as the grade name;~~

21 ~~10.~~ ~~Misrepresenting a product through the use of any term~~
22 ~~similar to a government grade;~~

1 ~~11. Failing to disclose in uniform ten-point type, when a~~
2 ~~quality grade is advertised, a definition of the United States~~
3 ~~Department of Agriculture quality grade in the following terms:~~

- 4 ~~a. prime,~~
- 5 ~~b. choice,~~
- 6 ~~c. select,~~
- 7 ~~d. good,~~
- 8 ~~e. standard,~~
- 9 ~~f. utility,~~
- 10 ~~g. commercial,~~
- 11 ~~h. canner, and~~
- 12 ~~i. cutter,~~

13 ~~12. Failing to disclose in uniform ten-point type, when a yield~~
14 ~~grade within a quality grade is advertised, a definition of the~~
15 ~~United States Department of Agriculture yield grade in the following~~
16 ~~terms:~~

- 17 ~~a. yield grade one (1), extra lean,~~
- 18 ~~b. yield grade two (2), lean,~~
- 19 ~~c. yield grade three (3), average waste,~~
- 20 ~~d. yield grade four (4), wasty, and~~
- 21 ~~e. yield grade five (5), exceptionally wasty,~~

22 ~~13. Advertising or offering for sale carcasses, sides or primal~~
23 ~~cuts as such, while including disproportionate numbers or amounts of~~
24 ~~less expensive components of those cuts, or offering them in tandem~~

1 ~~with less expensive components from other carcasses, sides or primal~~
2 ~~cut parts;~~

3 ~~14. Failing to disclose fully and conspicuously the correct~~
4 ~~government grade for any product if the product is represented as~~
5 ~~having been graded;~~

6 ~~15. Failing to disclose fully and conspicuously that the yield~~
7 ~~of consumable meat from any carcass or part of a carcass will be~~
8 ~~less than the weight of the carcass or part of the carcass. The~~
9 ~~seller shall, for each carcass or part of carcass advertised, use~~
10 ~~separately and distinctly in any printed matter, in at least ten-~~
11 ~~point type, the following disclosure: "Sold gross weight subject to~~
12 ~~trim loss";~~

13 ~~16. Misrepresenting the amount or proportion of retail cuts~~
14 ~~that a carcass or part of carcass will yield;~~

15 ~~17. Failing to disclose fully and conspicuously whether a~~
16 ~~quarter of a carcass is the front quarter or hindquarter;~~

17 ~~18. Representing any part of a carcass as a "half" or "side"~~
18 ~~unless it consists exclusively of a front quarter and hindquarter.~~
19 ~~Sides or halves must consist of only anatomically natural~~
20 ~~proportions of cuts from front quarters or hindquarters;~~

21 ~~19. Representing primal cuts in a manner other than described~~
22 ~~in Section 1 of this act;~~

23 ~~20. Using the words "bundle", "sample order" or words of~~
24 ~~similar import to describe a quantity of meat unless the seller~~

1 ~~itemizes each type of cut and the weight of each type of cut which~~
2 ~~the buyer will receive; and~~

3 ~~21. Advertising or offering a free, bonus or extra product or~~
4 ~~service combined with or conditioned on the purchase of any other~~
5 ~~product or service unless the additional product or service is~~
6 ~~accurately described including, whenever applicable, grade, net~~
7 ~~weight or measure, type and brand or trade name. The words "free",~~
8 ~~"bonus" or other words of similar import shall not be used in any~~
9 ~~advertisement unless the advertisement clearly and conspicuously~~
10 ~~sets forth the total price or amount which must be purchased to~~
11 ~~entitle the buyer to the additional product or service.~~

12 SECTION 4. RECODIFICATION 63 O.S. 2011, Section 316, as
13 amended by Section 2 of this act, shall be recodified as Section 5-
14 108 of Title 2 of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 5. RECODIFICATION 63 O.S. 2011, Section 317, as
17 amended by Section 3 of this act, shall be recodified as Section 5-
18 109 of Title 2 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 6. This act shall become effective November 1, 2020.

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