

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3627

By: Goodwin

AS INTRODUCED

An Act relating to contracts; creating the Grocery Store Checkout Station Act; declaring legislative findings; defining terms; providing restriction on the number of self-service checkout stations; implementing traditional checkout station requirement; providing discount to customers; proscribing conduct when a customer is accused of theft; providing the Oklahoma Department of Agriculture, Food, and Forestry the power to enforce restrictions; implementing severability clause; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

The Legislature finds and declares that:

1. Self-service checkout stations essentially turn customers into unpaid employees and allows grocery store retailers to decrease labor costs and actual customer service;

2. The general public is untrained, therefore self-service checkout machines shall first be investigated for failures or

1 malfunctions before customers are arrested and/or charged with
2 misdemeanor or felony theft;

3 3. Some groceries have multiple barcodes or barcodes that do
4 not scan properly at a self-service checkout station. Certain
5 groceries, including produce and meat, typically need to be weighed
6 and manually entered into the self-checkout machine using a code
7 provided to the customer on a small sticker. There is great
8 potential for a customer to accidentally type in the wrong code by
9 accident;

10 4. Self-service checkout stations require grocery stores to
11 heavily rely on part-time employees, positions which do not provide
12 retail workers with a living wage or access to benefits;

13 5. Self-service checkout stations contribute to retail workers
14 feeling devalued and adds efficiency pressures on workers; and

15 6. Grocery stores allow longer lines at traditional checkout
16 stations staffed by an employee to encourage customers to use the
17 self-service checkout stations.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1030 of Title 15, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Grocery Store
22 Checkout Station Act".

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1031 of Title 15, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Grocery Store Checkout Station Act:

5 1. "Groceries" means:

- 6 a. any raw or processed food or beverage intended for
7 human consumption. For the purpose of this
8 definition, groceries does not include alcoholic
9 beverages,
10 b. prescription and over-the-counter drugs and related
11 personal care and hygiene items when sold by a
12 retailer that also sells food and beverages, or
13 c. miscellaneous household maintenance items such as
14 laundry detergent and dishwashing soap, when sold by a
15 retailer that also sells food and beverages;

16 2. "Grocery store" means a business in the State of Oklahoma
17 that earns the majority of its gross income from the retail sale of
18 groceries;

19 3. "Retail sale" means the sale of groceries to a consumer for
20 use or consumption, and not for the purpose of resale;

21 4. "Self-service checkout station" means a designated area
22 where customers use a machine or device, typically with a
23 touchscreen interface or barcode scanner, that allows the customer
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1 to independently scan, bag, and pay for their groceries without the
2 assistance of an employee of the grocery store; and

3 5. "Traditional checkout station" means a designated area at a
4 grocery store where an employee of the grocery store scans the
5 groceries selected by the customer, places them in a bag for the
6 customer's convenience, and handles the payment transaction. The
7 purpose of a traditional checkout station is to facilitate a smooth
8 and efficient process for customers to complete their purchases.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1032 of Title 15, unless there
11 is created a duplication in numbering, reads as follows:

12 Grocery stores with self-service checkout stations shall have a
13 minimum of one (1) traditional checkout station available at all
14 times per each self-service checkout station.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1033 of Title 15, unless there
17 is created a duplication in numbering, reads as follows:

18 Grocery stores shall provide the customer a twenty percent (20%)
19 discount on groceries when the customer uses a self-service checkout
20 station to complete his or her payment transaction. For the
21 purposes of this section, the customer is to receive the twenty
22 percent (20%) discount regardless of whether the customer required
23 employee assistance at the self-checkout station to complete his or
24 her payment transaction.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1034 of Title 15, unless there
3 is created a duplication in numbering, reads as follows:

4 If a grocery store employee accuses a customer of theft then an
5 arrest shall not be made or any further transactions attempted at
6 the self-service checkout station where the accused customer
7 completed his or her transaction until the mechanic of the machine
8 conducts an examination of the self-service checkout machine for
9 malfunctions.

10 SECTION 7. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1035 of Title 15, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Department of Agriculture, Food, and Forestry
14 shall have primary authority to enforce the restrictions of this
15 act.

16 B. The Oklahoma Department of Agriculture, Food, and Forestry
17 shall enact rules as necessary to implement this act, including a
18 penalty matrix that imposes increasing fines for multiple violations
19 made by the same grocery store at different locations.

20 C. Any Oklahoma resident may file a complaint with the Oklahoma
21 Department of Agriculture, Food, and Forestry alleging a violation
22 of this act, free from fear of retaliation.

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1 D. Any employee alleging retaliation by his or her employer for
2 making a complaint alleging violations of this act may bring a cause
3 of action in district court.

4 E. Any Oklahoma consumer alleging a violation of this act may
5 file a complaint with the Oklahoma Department of Agriculture, Food,
6 and Forestry.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1036 of Title 15, unless there
9 is created a duplication in numbering, reads as follows:

10 If any one or more provisions, sections, subsections, sentences,
11 clauses, phrases, or words of this act or the application thereof to
12 any person or circumstance is found to be unconstitutional, the same
13 is hereby declared to be severable and the balance of this act shall
14 remain effective notwithstanding such unconstitutionality. The
15 Legislature hereby declares that it would have passed this act, and
16 each provision, section, subsection, sentence, clause, phrase, or
17 word thereof, irrespective of the fact that any one or more
18 provisions, sections, subsections, sentences, clauses, phrases, or
19 words be declared unconstitutional.

20 SECTION 9. This act shall become effective November 1, 2024.

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