

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1457

By: Patzkowsky

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5  
6 AS INTRODUCED

7 An Act relating to nuisances; amending 50 O.S. 2021,  
8 Section 1.1, which relates to agricultural activities  
9 as nuisances; providing that the growing, cultivating  
10 or production of medical marijuana is not considered  
11 as agriculture activities; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 50 O.S. 2021, Section 1.1, is  
15 amended to read as follows:

16 Section 1.1 A. As used in this section:

17 1. "Agricultural activities" includes, but is not limited to,  
18 the growing or raising of horticultural and viticultural crops,  
19 berries, poultry, livestock, aquaculture, grain, mint, hay, dairy  
20 products and forestry activities. "Agricultural activities" also  
21 includes improvements or expansion to the activities provided for in  
22 this paragraph including, but not limited to, new technology, pens,  
23 barns, fences, and other improvements designed for the sheltering,  
24 restriction, or feeding of animal or aquatic life, for storage of  
produce or feed, or for storage or maintenance of implements. If

1 the expansion is part of the same operating facility, the expansion  
2 need not be contiguous. Agricultural activities does not include  
3 the growing, cultivating, or production of medical marijuana;

4 2. "Farmland" includes, but is not limited to, land devoted  
5 primarily to production of livestock or agricultural commodities.  
6 Farmland does not include land or grow facilities devoted to the  
7 growing, cultivating, or production of medical marijuana; and

8 3. "Forestry activity" means any activity associated with the  
9 reforesting, growing, managing, protecting and harvesting of timber,  
10 wood and forest products including, but not limited to, forestry  
11 buildings and structures.

12 B. Agricultural activities conducted on farm or ranch land, if  
13 consistent with good agricultural practices and established prior to  
14 nearby nonagricultural activities, are presumed to be reasonable and  
15 do not constitute a nuisance unless the activity has a substantial  
16 adverse effect on the public health and safety.

17 If that agricultural activity is undertaken in conformity with  
18 federal, state and local laws and regulations, it is presumed to be  
19 good agricultural practice and not adversely affecting the public  
20 health and safety.

21 C. No action for nuisance shall be brought against agricultural  
22 activities on farm or ranch land which has lawfully been in  
23 operation for two (2) years or more prior to the date of bringing  
24 the action. The established date of operation is the date on which

1 an agricultural activity on farm or ranch land commenced. The  
2 established date of operation for each change is not a separately  
3 and independently established date of operation and commencement of  
4 the expanded activity does not divest the farm or ranch of a  
5 previously established date of operation if:

6 1. The physical facilities of the farm or ranch are  
7 subsequently expanded or new technology adopted;

8 2. The farming or ranching is interrupted for no more than  
9 three (3) years; or

10 3. The farm or ranch participates in a government-sponsored  
11 agricultural program.

12 D. In any action for nuisance brought against agricultural  
13 activities on farm or ranch land pursuant to this section:

14 1. The court or jury shall determine the amount of noneconomic  
15 damages separately from the amount of compensation for all other  
16 damages; and

17 2. Noneconomic damages awarded to a plaintiff shall not exceed  
18 three times the amount of compensatory damages or Two Hundred Fifty  
19 Thousand Dollars (\$250,000.00), whichever amount is greater.

20 E. In any action for nuisance in which agricultural activities  
21 are alleged to be a nuisance, and which action is found to be  
22 frivolous or malicious by the court, the defendant shall recover the  
23 aggregate amount of costs and expenses determined by the court to  
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1 have been reasonably incurred in connection with defending the  
2 action, together with reasonable attorney fees.

3 F. This section does not relieve agricultural activities of the  
4 duty to abide by state and federal laws, including, but not limited  
5 to, the Oklahoma Concentrated Animal Feeding Operations Act and the  
6 Oklahoma Registered Poultry Feeding Operations Act.

7 SECTION 2. This act shall become effective November 1, 2023.

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