

An Act

ENROLLED HOUSE
BILL NO. 3806

By: Hasenbeck and Burns of the
House

and

Bergstrom and Scott of the
Senate

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.

SUBJECT: Meat

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 making investigations, inspections, performing other services, or doing any particular act or acts which have been vested by the Oklahoma Agricultural Code in the Board. A written or printed commission signed by the President of the Board shall be proof that

the holder has lawful authority to act on behalf of the Board in implementing the Oklahoma Agricultural Code;

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

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

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

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

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

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

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

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

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

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

~~10.~~ 12. "Person" means the state, any municipality, political subdivision, institution, individual, public or private corporation, partnership, association, firm, company, public trust, joint-stock

company, trust, estate, state or federal agency, other governmental entity, or any other legal entity or an agent, employee, representative, assignee or successor thereof;

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

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

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

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

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

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

SECTION 2. 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:

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 5th day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of May, 2020.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____