

1 ENGROSSED SENATE
2 BILL NO. 1045

By: Dahm, Bullard, Hamilton,
Jett, and Stephens of the
Senate

3
4 and

West (Rick) of the House

5
6
7 An Act relating to the sales of farmed products;
8 creating the Right to Commerce Act; providing short
9 title; providing for the sale of eggs and milk
10 directly to consumers; clarifying producer liability;
11 amending 2 O.S. 2021, Section 10-78, which relates to
12 the sale of eggs; removing duplicate language;
13 providing for codification; and providing an
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 21-1 of Title 2, unless there is
18 created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Right to
20 Commerce Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 21-2 of Title 2, unless there is
23 created a duplication in numbering, reads as follows:

24 Oklahoma producers of cow milk or goat milk selling ungraded cow
milk or goat milk from their own herd production are exempt from
Sections 7-401 through 7-421 of Title 2 of the Oklahoma Statutes.

1 Nothing in Title 2 of the Oklahoma Statutes shall prohibit the sale
2 of cow milk or goat milk produced on the farm or property and sold
3 directly to consumers in this state. Cow milk or goat milk sold
4 under this section shall be produced by cows or goats maintained on
5 the farm or property from which the cow milk or goat milk is sold.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 21-3 of Title 2, unless there is
8 created a duplication in numbering, reads as follows:

9 Oklahoma producers of eggs selling ungraded eggs from their own
10 flock production are exempt from Sections 10-71 through 10-81 of
11 Title 2 of the Oklahoma Statutes. Nothing in Title 2 of the
12 Oklahoma Statutes shall prohibit the sale of eggs produced on the
13 farm or property and sold directly to consumers in this state. Eggs
14 sold under this section shall be produced by hens maintained on the
15 farm or property from which the eggs are sold.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 21-4 of Title 2, unless there is
18 created a duplication in numbering, reads as follows:

19 All producers selling items exempted under the provisions of
20 this act shall assume all liability.

21 SECTION 5. AMENDATORY 2 O.S. 2021, Section 10-78, is
22 amended to read as follows:

23 Section 10-78. ~~A. Oklahoma producers of eggs selling ungraded~~
24 ~~eggs from their own flock production are exempt from this~~

1 ~~subarticle. Nothing in this subarticle shall prohibit the sale of~~
2 ~~eggs produced on the farm and sold direct to the consumer. Eggs~~
3 ~~sold under this section shall be produced by hens maintained on the~~
4 ~~farm from which the eggs are sold.~~

5 ~~B.~~ A producer may sell graded eggs if in compliance with this
6 subarticle title.

7 SECTION 6. This act shall become effective November 1, 2023.

8 Passed the Senate the 20th day of March, 2023.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2023.

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Presiding Officer of the House
of Representatives

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