

1 ENGROSSED SENATE
2 BILL NO. 1271

By: Bergstrom of the Senate

and

Hasenbeck of the House

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6 An Act relating to meat consumers; amending 2 O.S.
7 2011, Section 1-3, as amended by Section 1, Chapter
8 173, O.S.L. 2019 (2 O.S. Supp. 2019, Section 1-3),
9 which relates to definitions; adding definitions;
10 creating the Oklahoma Meat Consumer Protection Act;
11 defining terms; prohibiting certain misleading or
12 deceptive practices; repealing Sections 1 and 2,
13 Chapter 180, O.S.L. 2019 (63 O.S. Supp. 2019,
14 Sections 316 and 317), which relate to prohibition of
15 deceptive practices in advertising and selling;
16 providing for codification; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 2 O.S. 2011, Section 1-3, as
20 amended by Section 1, Chapter 173, O.S.L. 2019 (2 O.S. Supp. 2019,
21 Section 1-3), is amended to read as follows:

22 Section 1-3. For the purposes of the Oklahoma Agricultural
23 Code, unless the context indicates otherwise:

24 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

1 commission signed by the President of the Board shall be proof that
2 the holder has lawful authority to act on behalf of the Board in
3 implementing the Oklahoma Agricultural Code;

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

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

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

8 ~~3.~~ 5. "Code" means the Oklahoma Agricultural Code;

9 ~~4.~~ 6. "Department" means the Oklahoma Department of
10 Agriculture, Food, and Forestry and its employees, officers, and
11 divisions. Whenever the name "Department of Agriculture" appears in
12 any law, contract or other document, it shall be deemed to refer to
13 the Oklahoma Department of Agriculture, Food, and Forestry;

14 ~~5.~~ 7. "Director" means the Director of a division established
15 in the Oklahoma Department of Agriculture, Food, and Forestry;

16 ~~6.~~ 8. "License" means a written document issued by the Board
17 granting authority to a person to engage in a business, occupation,
18 or activity;

19 ~~7.~~ 9. "Livestock" or "animals" means any cattle, bison, horses,
20 sheep, goats, asses, mules, swine, domesticated rabbits, and
21 chickens, turkeys, and other domesticated fowl, and any animal or
22 bird in captivity;

23 ~~8.~~ 10. "Official identification" means any official method of
24 identification approved by USDA, as described by 9 C.F.R. § 86.1, or

1 the State Veterinarian. Official identification for specific
2 species may be further defined within the applicable section of the
3 Oklahoma Administrative Code. Backtags shall not be considered
4 official identification unless the animal is shipped directly to
5 slaughter. The term "official ear tag" is synonymous with "official
6 identification";

7 ~~9.~~ 11. "Permit" means a written document issued by the Board
8 giving consent for a person to engage in an activity;

9 ~~10.~~ 12. "Person" means the state, any municipality, political
10 subdivision, institution, individual, public or private corporation,
11 partnership, association, firm, company, public trust, joint-stock
12 company, trust, estate, state or federal agency, other governmental
13 entity, or any other legal entity or an agent, employee,
14 representative, assignee or successor thereof;

15 ~~11.~~ 13. "Pork" means the flesh of a porcine animal;

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

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

21 ~~12.~~ 16. "Producer" means any person planting, raising, growing,
22 or harvesting agricultural products;

23 ~~13.~~ 17. "Quarantine" means a written document issued by the
24 Board to restrict the movement of animals, birds, plants, or

1 agricultural commodities into or out of a specified area for the
2 control or prevention of diseases or pests; and

3 ~~14.~~ 18. "Stop sale order" or "stop use order" means a written
4 or printed order signed by the President or authorized agent of the
5 Board, prohibiting the sale, offering for sale, exposure for sale,
6 or use of any agricultural product, article, device, service, or
7 commodity covered by the Oklahoma Agricultural Code.

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

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

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

14 1. "Livestock" means animals defined by paragraph 9 of Section
15 1-3 of Title 2 of the Oklahoma Statutes;

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

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

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

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

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

16 3. Failing to fully and conspicuously disclose the correct
17 government grade for any product if the product is represented as
18 having been graded by the United States Department of Agriculture
19 (USDA) or Oklahoma Department of Agriculture, Food, and Forestry
20 (ODAFF).

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

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

