

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1486

By: Floyd

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6 AS INTRODUCED

7 An Act relating to food labels; providing
8 definitions; requiring retailers to label the country
9 of origin on certain meats; providing exemption;
10 providing label requirements; authorizing the
11 Department of Agriculture, Food, and Forestry to
12 conduct an audit; authorizing the Department to
13 promulgate rules; requiring suppliers to provide
14 certain information; providing a penalty for
15 violations; providing for codification; and providing
16 an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-1150 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 For the purposes of this act:

22 1. The term "covered commodity" means any muscle cuts of beef,
23 muscle cuts of pork, ground beef or ground pork meat;

24 2. The term "Department" means the Department of Agriculture,
Food, and Forestry; and

3. The term "retailer" means any retailer that operates or
transacts business in this state.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1151 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 Except as provided in Section 4 of this act, a retailer of a
5 covered commodity shall inform consumers in this state, at the final
6 point of sale of the covered commodity to consumers, of the country
7 of origin of the covered commodity.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-1152 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A retailer of a covered commodity may designate the covered
12 commodity as exclusively having a United States country of origin
13 only if the covered commodity is derived from an animal that was
14 exclusively born, raised and slaughtered in the United States.

15 B. A retailer of a covered commodity may designate the country
16 of origin of such covered commodity as all of the countries in which
17 the animal may have been born, raised or slaughtered if it is
18 derived from an animal that is:

- 19 1. Not exclusively born, raised and slaughtered in the United
20 States;
- 21 2. Born, raised, or slaughtered in the United States; and
- 22 3. Not imported into the United States for immediate slaughter.

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1 C. A retailer of a covered commodity that is derived from an
2 animal that is imported into the United States for immediate
3 slaughter shall designate the origin of such covered commodity as:

- 4 1. The country from which the animal was imported; and
- 5 2. The United States.

6 D. A retailer of a covered commodity that is derived from an
7 animal that is not born, raised or slaughtered in the United States
8 shall designate a country other than the United States as the
9 country of origin of such commodity.

10 E. The notice of country of origin for ground beef or ground
11 pork shall include:

- 12 1. A list of all countries of origin of such ground beef or
13 ground pork; or
- 14 2. A list of all reasonably possible countries of origin of
15 such ground beef or ground pork.

16 F. Nothing in subsection B of this section alters the mandatory
17 requirement to inform consumers in this state of the country of
18 origin of covered commodities in Section 2 of this act.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-1153 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 Section 2 of this act shall not apply to a covered commodity if
23 the covered commodity is:

- 24 1. Prepared or served in a food service establishment; and

- 1 2. a. offered for sale or sold at the food service
2 establishment in normal retail quantities, or
3 b. served to consumers at the food service establishment.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-1154 of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The information required by Section 2 of this act may be
8 provided to consumers in this state by means of a label, stamp,
9 mark, placard or other clear and visible sign on the covered
10 commodity or on the package, display, holding unit or bin containing
11 the commodity at the final point of sale to consumers.

12 B. If the covered commodity is already individually labeled for
13 retail sale regarding country of origin, in accordance with this
14 act, the retailer shall not be required to provide any additional
15 information to comply with this section.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1155 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Department may conduct an audit of any person in this
20 state that prepares, stores, handles or distributes a covered
21 commodity for retail sale to verify compliance with this statute and
22 any regulations promulgated pursuant to this statute. The
23 Department shall have authority to promulgate rules intended to
24 implement and enforce the provisions of this act.

1 B. A person subject to an audit under this section shall
2 provide the Department with verification of the country of origin of
3 covered commodities. Records maintained in the course of the normal
4 conduct of the business of such person, including animal health
5 papers, import or customs documents or producer affidavits, may
6 serve as such verification.

7 C. The Department may not require a person in this state that
8 prepares, stores, handles or distributes a covered commodity to
9 maintain a record of the country of origin of a covered commodity
10 other than those maintained in the course of the normal conduct of
11 the business of such person.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-1156 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 Any person in this state engaged in the business of supplying a
16 covered commodity to a retailer shall provide information to the
17 retailer indicating the country of origin of the covered commodity.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-1157 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 If the Department determines that any person subject to an audit
22 under Section 6 of this act refuses to provide the Department with
23 the required records, or any retailer or person in this state
24 engaged in the business of supplying a covered commodity to a

1 retailer has not made a good faith effort to comply with any of the
2 requirements of this statute and continues to willfully violate the
3 statute after receiving written notice of the violation, the
4 Department, after providing notice and an opportunity for a hearing
5 before the Department with respect to the violation, may fine the
6 retailer or person in an amount of not more than One Thousand
7 Dollars (\$1,000.00) for each violation.

8 SECTION 9. This act shall become effective November 1, 2018.

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