

## Oklahoma State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Okla. Stat. Ann. tit. 2, § 10-72
      - 3. Okla. Admin. Code 310:257-5-15
    - ii. Date Packaged, Produced, or Harvested
      - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
      - 2. Okla. Admin. Code 310:257-5-15
  - b. Eggs
    - i. Date Labels
      - 1. These laws require egg containers to be marked with a "sell-by" label to indicate the date by which the product should be sold to consumers
      - 2. Okla. Stat. Ann. tit. 2, § 10-72
  - c. Shellfish
    - i. Date Labels
      - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
      - 2. Okla. Admin. Code 310:257-5-15
    - ii. Sourcing Requirements
      - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
      - 2. Okla. Admin. Code 310:257-5-6
  - d. Mushrooms
    - i. Wild Mushroom Processing and Licensing
      - 1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.
      - 2. Okla. Admin. Code 310:257-5-7
  - e. Walnuts and Hazelnuts

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- i. Labeling
    1. These laws impose labeling requirements on unshelled nuts offered for sale within the state.
    2. O.R.S. § 632.590
  - f. Oleomargarine (“Margarine”)
    - i. Labeling
      1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
      2. OAC Ch. 901:6-7
      3. OAC 901:6-3-11
- II. Alcohol
  - a. None
- III. Drugs
  - a. Recreational
    - i. Salvia
      1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
      2. OK ST T. 63 § 2-101
    - b. Tobacco
      - i. Fire Safety Standards
        1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
        2. Okla. Stat. Ann. tit. 74, § 326.3
        3. Okla. Stat. Ann. tit. 74, § 326.4
        4. Okla. Stat. Ann. tit. 74, § 326.5
- IV. Fishing
  - a. None
- V. Wood and Lumber
  - a. None
- VI. Home Goods and Products
  - a. Furniture and Bedding
    - i. Label Laws
      1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency

- and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
2. Okla. Admin. Code 310:215-1-4
  3. Okla. Admin. Code 310:215-3-3
  4. Okla. Admin. Code 310:215-7-4
- ii. Cotton Filler Materials
    1. These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. Okla. Admin. Code 310:215-3-2
  - iii. Down or Feather Filler Materials
    1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. Okla. Admin. Code 310:215-3-1
  - iv. Hair Filler Materials
    1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. Okla. Admin. Code 310:215-3-1
  - v. Wood or Paper Filler Materials
    1. These laws regulate wood or paper materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. Okla. Admin. Code 310:215-1-4
  - vi. Plant Fiber Materials
    1. These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. Okla. Admin. Code 310:215-3-2
  - vii. Sterilization and Sanitation Requirements
    1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
    2. Okla. Admin. Code 310:215-5-1
    3. Okla. Admin. Code 310:215-5-2
  - viii. Prohibited Products
    1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.
    2. Okla. Admin. Code 310:215-5-1

- ix. Storage and Facilities
  1. These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
  2. Okla. Admin. Code 310:215-7-1
- VII. Live Animal Imports
  - a. Aquaculture
    - i. Aquaculture Import and Disease Reporting
      1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
      2. Okla. Admin. Code 35:50-1-1 et. Seq
    - ii. Viral Hemorrhagic Septicemia
      1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
      2. Okla. Admin. Code 35:50-1-1 et. Seq
    - iii. Invasive Aquatic Fish
      1. These laws regulate the importation of invasive aquatic fish into the state. They are intended to protect native populations and prevent damage to the ecosystem.
      2. Okla. Admin. Code 800:20-3-2
  - b. Birds
    - i. Avian Influenza and Newcastle Disease
      1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
      2. Okla. Admin. Code 35:15-11-41
      3. Okla. Admin. Code 35:15-19-4
      4. Okla. Admin. Code 35:15-19-5
  - c. Cattle and Bison
    - i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
  2. Okla. Admin. Code 35:15-1-2
  3. Okla. Admin. Code 35:15-11-1
  4. <https://www.ag.ok.gov/ais/reportdisease.pdf>
- ii. Brucellosis
1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
  2. Okla. Admin. Code 35:15-17-44
- iii. Bovine Tuberculosis
1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
  2. Okla. Admin. Code 35:15-40-90.1
  3. Okla. Admin. Code 35:15-40-92
- iv. Rabies
1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
  2. Okla. Admin. Code 35:15-1-2
  3. Okla. Admin. Code 35:15-11-1
  4. <https://www.ag.ok.gov/ais/reportdisease.pdf>

- d. Cervids
  - i. Chronic Wasting Disease (“CWD”): Restrictions
    - 1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
    - 2. Okla. Admin. Code 35:15-47-18
    - 3. Okla. Admin. Code 800:25-24-3
- e. Bees
  - i. Import Requirements and Health Certifications
    - 1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
    - 2. 2 Okl.St. Ann. § 3-117.1
  - ii. Disease Free Certifications for Sale
    - 1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.
    - 2. 2 Okl.St. Ann. § 3-106
- f. Horses
  - i. Equine Infectious Anemia
    - 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
    - 2. Okla. Admin. Code 35:15-15-111
- g. Sheep and Goats
  - i. Scrapie
    - 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In

addition, many states require negative testing or certification prior to importation.

2. Okla. Admin. Code 35:15-36-1
3. Okla. Admin. Code 35:15-11-1
4. 2 Okl.St. Ann. § 6-151

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
2. Okla. Admin. Code 35:15-22-33
3. Okla. Admin. Code 35:15-22-31

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
2. Okla. Admin. Code 35:15-1-2
3. Okla. Admin. Code 35:15-11-1
4. <https://www.ag.ok.gov/ais/reportdisease.pdf>

i. Exotic Meats

i. Horsemeat Importation for Human Consumption

1. The importation of horsemeat for sale for human consumption is illegal in some states. These laws criminalize or otherwise prohibit the importation or offering for sale of horsemeat for human consumption.
2. 2 Okl.St. Ann. § 6-192

ii. Bison

1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
2. Okla. Admin. Code 35:15-38-3

iii. Exotic Meats Generally

1. Okla. Admin. Code 35:37-11-139
2. Okla. Admin. Code 35:37-11-6
3. Okla. Admin. Code 35:37-11-121
4. Okla. Admin. Code 35:37-11-119
5. Okla. Admin. Code 35:37-11-125

## Oklahoma State Laws Affected by H.R. 4879

- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Minimum Age at Sale
      - 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
      - 2. Okla. Admin. Code 35:55-5-2
    - ii. Veterinary Inspection Requirements
      - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      - 2. Okla. Admin. Code 35:15-11-1
      - 3. Okla. Admin. Code 35:15-11-17
- IX. Products for Animals
  - a. Pet Food
    - i. Requirements of Manufacturers
      - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      - 2. 2 Okl. St. Ann. § 8-41.4
- X. Dead Animals and Animal Parts
  - a. None
- XI. Invasive Pests, Plants, and Disease
  - a. Ash Trees
    - i. Emerald Ash Borer
      - 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
      - 2. Okla. Admin. Code 35:30-6-3
  - b. Walnut Trees
    - i. Thousand Cankers Disease
      - 1. These laws impose a quarantine or other restrictions on the importation of products that may be carrying thousand cankers disease. They are intended to contain the spread of the disease and protect local trees.
      - 2. Okla. Admin. Code 35:30-4-1
- c. Cotton
  - i. Boll Weevil and Pink Bollworm



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1. The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920's. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.
      2. Okla. Admin. Code 35:30-14-2
    - d. Various Other Plants
      - i. Fire Ants
        1. Fire ants cause damage to both agricultural crops and nursery stock. They spread through soil, manure, on the roots of nursery stock, and on earth-moving equipment, principally in the South. These laws require inspections, certifications, and quarantines of soil, nursery stock, equipment, etc. to prevent the spread of this disease.
        2. Okla. Admin. Code 35:30-13-9
      - e. Noxious Weeds
        1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
        2. Okla. Admin. Code 35:30-25-3
        3. Okla. Admin. Code 35:30-36-13
      - f. Noxious Weed Seeds
        1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
        2. Okla. Admin. Code 35:30-25-3
- XII. Procurement
  - a. Agricultural Goods
    1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
    2. 74 Okl.St. Ann. § 85.17A
    3. 74 Okl.St. Ann. § 85.44D
- XIII. General Prohibitions
  - a. None
- XIV. Miscellaneous
  - a. None

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