

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2148

By: Pfeiffer

6 AS INTRODUCED

7 An Act relating to agriculture; requiring grocery  
8 stores to offer certain eggs for retail sale under  
9 certain circumstances; construing provisions;  
10 authorizing promulgation of administrative rules;  
11 authorizing submission of certain federal waiver or  
12 exemption; requiring Oklahoma Department of  
13 Agriculture, Food, and Forestry to submit certain  
14 report; defining terms; providing for codification;  
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 10-85 of Title 2, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. A grocery store that is a vendor participating in a federal  
21 food program and offering specialty eggs for retail sale shall  
22 maintain an inventory of conventional eggs for retail sale  
23 sufficient to meet federal and state requirements for participation  
24 in the federal food program.

B. This section does not require a grocery store to do any of  
the following:

1        1. Stock or sell specialty eggs;

2        2. Stock or sell eggs if the grocery store elects not to stock  
3 or sell conventional eggs for retail sale as part of its normal  
4 business; and

5        3. Comply with the provisions of this section if the grocery  
6 store's inventory of eggs for retail sale was limited to specialty  
7 eggs prior to January 1, 2018.

8        C. A violation of subsection A of this section by a grocery  
9 store shall not be construed to disqualify a grocery store from  
10 participating in a federal food program unless otherwise authorized  
11 by the United States Department of Agriculture.

12       D. The Oklahoma State Department of Health shall assist the  
13 Oklahoma Department of Agriculture, Food, and Forestry in  
14 promulgating administrative rules necessary to implement and  
15 administer this section.

16       E. If necessary to implement, administer and enforce this  
17 section, the Oklahoma Department of Agriculture, Food, and Forestry,  
18 in cooperation with the Oklahoma State Department of Health, shall  
19 submit a request to the United States Department of Agriculture for  
20 a waiver or other exception from regulations. The Oklahoma  
21 Department of Agriculture, Food, and Forestry shall regularly report  
22 the status of such request to the Speaker of the Oklahoma House of  
23 Representatives and President Pro Tempore of the Oklahoma Senate.

1 F. As used in this section, unless the context otherwise  
2 requires:

3 1. "Conventional eggs" means eggs other than specialty eggs;

4 2. "Eggs" means shell eggs that are graded as "AA", "A" or "B",  
5 pursuant to 7 C.F.R. pt. 56, subpt. A, and that are sold at retail  
6 in commercial markets;

7 3. "Federal food program" means the Special Supplemental  
8 Nutrition Program for Women, Infants, and Children (WIC) as provided  
9 in 42 U.S.C. Section 1786, et seq.;

10 4. "Grocery store" means a for-profit or not-for-profit self-  
11 service retail establishment that primarily sells meat, seafood,  
12 fruits, vegetables, dairy products, dry groceries, household  
13 products and sundries to customers intended for use, preparation or  
14 consumption off premises; and

15 5. "Specialty eggs" means eggs produced by domesticated  
16 chickens and sold at retail in commercial markets if the chickens  
17 producing such eggs are advertised as organic or both as organic and  
18 as being housed in any of the following environments:

19 a. cage-free,

20 b. free-range, or

21 c. enriched colony cage.

22 SECTION 2. This act shall become effective November 1, 2019.

23  
24 57-1-5080 AMM 12/18/18