

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 4

6 By: Thompson and Seifried of
7 the Senate

8 and

9 West (Tammy) of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to food products; prohibiting use of
12 certain substances in food products; requiring
13 promulgation of rules after certain date; requiring
14 disclosure of certain information; authorizing the
15 State Board of Agriculture to issue certain orders
16 for violations; prescribing certain penalties for
17 violation; requiring assessed fines to be utilized in
18 certain manner; providing for promulgation of rules;
19 providing for codification; and providing an
20 effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5-400 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

25 A. Notwithstanding any other provision of law, no person, firm,
26 association, corporation, or any other entity of this state shall
27 manufacture, compound, brew, distill, produce, process, sell,
28 deliver, distribute, hold, offer, or expose for sale any of the

1 following substances as food additives or food color additives or
2 any other food product beginning on January 15, 2027, or those
3 additives or color additives used to reformulate ingestible drugs
4 beginning on January 18, 2028, that contain any of the following
5 substances:

- 6 1. Aspartame;
- 7 2. Azodicarbonamide (ADA);
- 8 3. Blue dye 1;
- 9 4. Blue dye 2;
- 10 5. Brominated vegetable oil (BVO);
- 11 6. Butylated hydroxyanisole (BHA);
- 12 7. Butylated hydroxytoluene (BHT);
- 13 8. Ethylene dichloride;
- 14 9. Green dye 3;
- 15 10. Methylene chloride;
- 16 11. Potassium bromate;
- 17 12. Propyl gallate;
- 18 13. Propylparaben;
- 19 14. Red dye 3;
- 20 15. Red dye 40;
- 21 16. Sodium benzoate;
- 22 17. Sodium nitrate;
- 23 18. Titanium dioxide;
- 24 19. Trichloroethylene;

1 20. Yellow dye 5; or

2 21. Yellow dye 6.

3 B. 1. Upon the effective date of this act, no person, firm,
4 association, corporation, or any other entity shall manufacture,
5 compound, brew, distill, produce, process, sell, deliver,
6 distribute, hold, offer, or expose for sale as food additives or
7 food color additives or any other food product or additives or color
8 additives used to reformulate ingestible drugs that contain any of
9 the ingredients provided in subsection A of this section without
10 disclosing those ingredients on the product label, website, or a
11 quick response (QR) code on the product label linked to a website.

12 2. No person, firm, association, corporation, or any other
13 entity shall be considered in compliance with this subsection unless
14 the product bears a label that states conspicuously a warning to the
15 consumer that the product contains one or more of the ingredients
16 provided in subsection A of this section.

17 C. The State Board of Agriculture is authorized to issue a
18 written or printed "stop-sale" or "notice of violation" order to the
19 person, firm, association, corporation, or any other entity of a
20 product in violation of this section.

21 D. 1. The Oklahoma Department of Agriculture, Food, and
22 Forestry may take one or more of the following actions:

- 23 a. assess an administrative penalty pursuant to Section
24 2-18 of Title 2 of the Oklahoma Statutes for each day

1 of violation. Each day a violation continues shall be
2 a separate and distinct offense,

3 b. assess an administrative penalty of Five Thousand
4 Dollars (\$5,000.00) for subsequent violations, or

5 c. bring an action for injunctive relief granted by a
6 district court.

7 2. A district court may grant injunctive relief to prevent a
8 violation of, or to compel compliance with, any of the provisions of
9 this section or any rule promulgated thereunder.

10 3. Nothing in this section shall preclude the Department from
11 seeking penalties in district court in the maximum amount allowed by
12 law. The assessment of penalties in an administrative enforcement
13 proceeding shall not prevent the subsequent assessment by a court of
14 the maximum criminal penalties for violations of this section.

15 4. Any person assessed an administrative penalty may be
16 required to pay, in addition to such penalty amount and interest
17 thereon, attorney fees and costs associated with the collection of
18 such penalties.

19 5. Any administrative penalty required to be paid pursuant to
20 the provisions of this subsection shall be deposited into the State
21 Department of Agriculture Revolving Fund. The expenditure of these
22 fines shall be limited to conducting the provisions of the Oklahoma
23 Farm to School Program Act.

1 E. The State Board of Agriculture shall promulgate rules
2 necessary to implement the provisions of this section.

3 SECTION 2. This act shall become effective November 1, 2025.
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