

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1121

By: Lepak

AS INTRODUCED

An Act relating to public nuisance; amending 50 O.S. 2021, Sections 2, which relates to public nuisance definition; prohibiting certain finding; amending 50 O.S. 2021, Section 8, which relates to remedies; clarifying remedies; requiring certain finding; amending 50 O.S. 2021, Section 10, which relates to cause of action; and providing an effective date.

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

SECTION 1. AMENDATORY 50 O.S. 2021, Section 2, is amended to read as follows:

Section 2. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. The manufacturing, marketing, or selling of lawful products cannot be deemed a public nuisance.

SECTION 2. AMENDATORY 50 O.S. 2021, Section 8, is amended to read as follows:

Section 8. A. The remedies against a public nuisance are:

1 1. Indictment or information, ~~or~~;

2 2. A civil action, ~~or~~ seeking injunctive or other equitable  
3 relief; or

4 3. Abatement~~.~~.

5 B. To be found liable in an action for public nuisance, the  
6 defendant in such action must be determined by the judge to have  
7 been in control of the conditions giving rise to the public nuisance  
8 at the time of injury.

9 SECTION 3. AMENDATORY 50 O.S. 2021, Section 10, is  
10 amended to read as follows:

11 Section 10. A private person may maintain an action for a  
12 public nuisance if ~~it is specially injurious to himself~~ the judge  
13 determines by clear and convincing evidence the public nuisance is  
14 the proximate cause of special injury to the private person, but not  
15 otherwise.

16 SECTION 4. This act shall become effective November 1, 2025.

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