

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1264

By: Hays

AS INTRODUCED

An Act relating to food dyes; amending 63 O.S. 2021, Section 1-1109, which relates to adulterated foods; prohibiting the use of certain food dyes; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1109, is amended to read as follows:

Section 1-1109. A. A food shall be deemed to be adulterated:

~~(a)-(1)~~ 1. ~~if~~ If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; ~~or (2)~~

1 2. ~~if~~ If it bears or contains any added poisonous or added
2 deleterious substance which is unsafe within the meaning of Section
3 1112 of this article; ~~or (3)~~

4 3. ~~if~~ If it consists in whole or in part of a diseased,
5 contaminated, filthy, putrid, or decomposed substance, or if it is
6 otherwise unfit for food; ~~or (4)~~

7 4. ~~if~~ If it has been produced, prepared, packed, or held under
8 insanitary conditions whereby it may have been rendered diseased,
9 unwholesome, or injurious to health; ~~or (5)~~

10 5. ~~if~~ If it is the product of a diseased animal or an animal
11 which has died otherwise than by slaughter, or that has been fed
12 upon the uncooked offal from a slaughterhouse; ~~or (6)~~

13 6. ~~if~~ If its container is composed, in whole or in part, of any
14 poisonous or deleterious substance which may render the contents
15 injurious to health.

16 B. Notwithstanding subsection A, the following food additives
17 shall, with respect to any particular use or intended use, be deemed
18 to be unsafe:

- 19 a. red dye 3,
- 20 b. red dye 40,
- 21 c. yellow dye 5,
- 22 d. yellow dye 6,
- 23 e. blue dye 1, and
- 24 f. blue dye 2.

1 ~~(b) (1) if~~ C. 1. If any valuable constituent has been in whole
2 or in part omitted or abstracted therefrom; ~~or (2)~~

3 2. ~~if~~ If any substance has been substituted wholly or in part
4 therefor; ~~or (3)~~

5 3. ~~if~~ If damage or inferiority has been concealed in any
6 manner; or ~~(4)~~

7 4. ~~if~~ If any substance has been added thereto or mixed or
8 packed therewith so as to increase its bulk or weight, or reduce its
9 quality or strength or make it appear better or of greater value
10 than it is.

11 ~~(c) if~~ D. If it is confectionery and it bears or contains any
12 alcohol or nonnutritive article of substance except harmless
13 coloring, harmless flavoring, harmless resinous glaze not in excess
14 of four-tenths of one percent (4/10 of 1%), harmless natural wax not
15 in excess of four-tenths of one percent (4/10 of 1%), harmless
16 natural gum and pectin; provided, that this paragraph shall not
17 apply to any confectionery by reason of its containing less than
18 one-half of one percent (1/2 of 1%) of volume of alcohol derived
19 solely from the use of flavoring extracts, or to any chewing gum by
20 reason of its containing harmless nonnutritive masticatory
21 substances.

22 ~~(d) if~~ E. If it bears or contains a coal tar color other than
23 one from a batch which has been certified under authority of the
24 Federal Act.

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

60-1-10623 TJ 12/11/24