

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 3rd Extraordinary Session of the 58th Legislature (2022)

4 HOUSE BILL 1007

 By: Osburn and Echols

7 AS INTRODUCED

8 An Act relating to the Unfair Sales Act; amending 15
9 O.S. 2021, Section 598.6, which relates to exemptions
10 from the act; adding exemption for gasoline and
11 diesel fuel; modifying applicability of existing
12 exemption; updating outline; and declaring an
13 emergency.

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

14 SECTION 1. AMENDATORY 15 O.S. 2021, Section 598.6, is
15 amended to read as follows:

16 Section 598.6 The provisions of the Unfair Sales Act shall not
17 apply to the following sales at retail or sales at wholesale:

18 1. Where seasonable merchandise is sold in bona fide clearance
19 sales, if advertised, marked, and sold as such;

20 2. Where perishable merchandise must be sold promptly in order
21 to forestall loss;

22 3. Where merchandise is imperfect or damaged or is being
23 discontinued and is advertised, marked and sold as such;

1 4. Where merchandise is sold upon the final liquidation of any
2 business;

3 5. Where merchandise is sold for charitable purposes or to
4 relief agencies;

5 6. Where merchandise is sold on contract to departments of the
6 government or governmental institutions;

7 7. Where merchandise is sold by any officer acting under the
8 order or direction of any court;

9 8. Where merchandise is sold at any bona fide auction sale; ~~and~~

10 9. Gasoline and diesel fuel; and

11 10. Where a particular item of merchandise corresponding to a
12 unique identifier is sold at below cost for fifteen (15) or fewer
13 sequential days and where such single-day or multi-day sale does not
14 occur more than ten (10) separate times in any twelve-month period.

15 This exemption shall not apply to:

16 a. ~~gasoline and diesel fuel,~~

17 ~~b.~~ legend drug products,

18 ~~e.~~ b. food and nonalcoholic beverages sold for off-premise
19 use or consumption,

20 ~~d.~~ c. household soaps and detergents,

21 ~~e.~~ d. health and beauty aids,

22 ~~f.~~ e. over-the-counter medicines, vitamins, and health
23 products, excluding exercise equipment and durable
24 medical products,

- ~~g.~~ f. pet food and pet supplies,
- ~~h.~~ g. paper and plastic goods,
- ~~i.~~ h. household cleaning agents and cleaning supplies,
- ~~j.~~ i. baby supplies directly related to nutrition and food preservation, consumption and disposal, including disposable diapers,
- ~~k.~~ j. low-point beer, as defined in paragraph 1 of Section 163.2 of Title 37 of the Oklahoma Statutes, sold for off-premise use or consumption, and
- ~~l.~~ k. structural building materials, including but not limited to lumber and lumber composites, engineered wood products, structural wood panels, roofing, guttering, siding, drywall, insulation, flooring, windows, doors and plumbing elements.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

DIRECT TO CALENDAR.