

US EPA ARCHIVE DOCUMENT

CHAPTER 49  
ANIMALS AND CARCASSES

## Section

1229. Exhibition livestock—Administration of certain substances or performance of certain surgical procedures to alter appearance.

**§ 1229. Exhibition livestock—Administration of certain substances or performance of certain surgical procedures to alter appearance**

For livestock utilized for exhibition purposes, it shall be unlawful for any person to inject into the livestock or cause the livestock to ingest any drug, chemical or substance that is not labeled for use on animals, or to administer any chemical or substance used on livestock for the specific purpose of altering the appearance of livestock or to alter the muscle or fat content of the animal's carcass or to perform any surgical procedure to alter the appearance of the livestock. Ordinary and customary veterinarian procedures, including but not limited to dehorning, branding, tagging or notching ears, castrating, deworming, vaccinating or docking the tail of farm animals shall not be prohibited. Surgery of any kind performed to change the natural contour or appearance of the animal's body or hide, shall be prohibited by this section. Any violation of the provisions of this section shall be a misdemeanor, upon conviction, punishable by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county jail for a term not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. A second or subsequent violation of the provisions of this section shall be a felony, upon conviction, punishable by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a term not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

Added by Laws 1995, c. 195, § 1, emerg. eff. May 16, 1995.

CHAPTER 49A  
ENVIRONMENTAL CRIMES

## Section

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**§ 1230.1. Environmental Crimes Act—Short title**

Sections 339 through 347 of this act<sup>1</sup> shall be known and may be cited as the "Environmental Crimes Act".

Added by Laws 1992, c. 363, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 338, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq. of this title.

## Title of Act:

An Act relating to waste; amending 63 O.S. 1991, Section 1-2005.3c, which relates to controlled industrial waste facilities; creating the Environmental Crimes Act; providing short title defining terms; creating offense of unlawful hazardous waste transportation; creating offense of unlawful waste management; creating offense of unlawful misrepresentation of waste; creating offense of unlawful disposal of hazardous waste; stating certain persons failing to prevent unlawful disposal of hazardous waste shall be guilty offense; creating offense of unlawful concealment of hazardous waste; providing fines and

**§ 1230.2. Definitions**

As used in the Environmental Crimes

1. "Waste" means at least twenty-five pounds, whether liquid or solid, of discarded material limited to trash, refuse, garbage, biomass substances, oil field wastes, commercial
2. "Hazardous waste" means:
  - a. waste that is subject to regulation under the Resource Conservation and Recovery Act, and regulations adopted
  - b. waste that is subject to regulation under the Hazardous Waste Disposal Act
  - c. waste that is ignitable, corrosive, or otherwise characterized by the characteristics of ignitability provided in 40 Code of Federal

The term hazardous waste shall not include the disposition of salt water, mineral brine produced from or obtained or used in the producing and processing of oil and gas located on leases and tank farms located

Added by Laws 1992, c. 363, § 2, emerg. eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq.

**§ 1230.3. Unlawful hazardous waste transportation**

Any person who knowingly and willfully transports hazardous waste within the State of Oklahoma in violation of the Oklahoma Hazardous Waste Management Act is guilty of a crime of hazardous waste transportation.

Added by Laws 1992, c. 363, § 3, emerg. eff. July 1, 1993.

<sup>1</sup> Title 27A, § 2-7-101 et seq.

**§ 1230.4. Unlawful waste management**

Any person required by law to have a permit from the Department of Environmental Quality, Oklahoma Department of Agriculture to transport hazardous waste, who without such permit or

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1992. Amended by Laws 1993, c.

## Historical and Statutory Notes

## Title of Act:

An Act relating to waste; amending 63 O.S. 1991, Section 1-2005.3c, which relates to controlled industrial waste facilities; creating the Environmental Crimes Act; providing short title; defining terms; creating offense of unlawful hazardous waste transportation; creating offense of unlawful waste management; creating offense of unlawful misrepresentation of waste; creating offense of unlawful disposal of hazardous waste; stating certain persons failing to prevent unlawful disposal of hazardous waste shall be guilty of offense; creating offense of unlawful concealment of hazardous waste; providing fines and

sentences for persons convicted of environmental crimes; providing for fines to be doubled for multiple violations of act; stating violations in act shall be in addition to any civil or administrative penalties provided by law; requiring certain amount of fees collected from off-site controlled industrial waste facilities to be deposited in certain economic development trust funds; authorizing commissioner of health to expend funds for specific purposes; clarifying area within trust fund for expenditures; updating statutory references; providing for codification; and declaring an emergency. Laws 1992, c. 363.

## § 1230.2. Definitions.

As used in the Environmental Crimes Act:<sup>1</sup>

1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded materials and byproducts including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and
2. "Hazardous waste" means:
  - a. waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto,
  - b. waste that is subject to regulation as a hazardous waste under the Oklahoma Hazardous Waste Disposal Act, or
  - c. waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.

The term hazardous waste shall not include the handling, hauling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the boundaries of a refinery.

Added by Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 339, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq.

## § 1230.3. Unlawful hazardous waste transportation

Any person who knowingly and willfully transports or causes the transportation of hazardous waste within the State of Oklahoma without a proper manifest, as prescribed in the Oklahoma Hazardous Waste Management Act,<sup>1</sup> commits the offense of unlawful hazardous waste transportation.

Added by Laws 1992, c. 363, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 340, eff. July 1, 1993.

<sup>1</sup> Title 27A, § 2-7-101 et seq.

## § 1230.4. Unlawful waste management

Any person required by law to have a permit or authorization from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture to receive, store, treat, process, recycle or dispose of waste, who without such permit or authorization knowingly and willfully receives,

stores, treats, processes, recycles or disposes of waste, commits the offense of unlawful waste management.

Added by Laws 1992, c. 363, § 4, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 341, eff. July 1, 1993.

### § 1230.5. Unlawful misrepresentation of waste

A. It shall be unlawful to knowingly and willfully:

1. Make false statements, include false data or omit material information in an application for a waste permit, or for a waste authorization, from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture;
2. Make false statements, include false data or omit material information in a waste manifest, waste label, or other waste compliance document, record or plan required by law to be created, maintained or submitted to any state agency;
3. Submit a false sample of waste for laboratory analysis;
4. Make false statements or include false data in, or omit material information from, a laboratory analysis of waste;
5. Tamper with an environmental monitoring device to compromise or impair the accuracy of the device; or
6. Provide hazardous waste to another person for transportation without providing a proper manifest as prescribed in the Oklahoma Hazardous Waste Management Act.<sup>1</sup>

B. Any person who violates the provisions of this section commits the offense of unlawful misrepresentation of waste.

Added by Laws 1992, c. 363, § 5, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 342, eff. July 1, 1993.

<sup>1</sup> Title 27A, § 2-7-101 et seq.

### § 1230.6. Unlawful disposal of hazardous waste

Any person who knowingly and willfully fails to secure a permit required by or pursuant to law, and who, without lawful permit or authorization, knowingly and willfully disposes, directs the disposal or aids and abets the disposal of hazardous waste into a sanitary sewer system without appropriate pretreatment, or at a solid waste landfill, transfer station or processing facility, or at any unpermitted disposal place commits the offense of unlawful disposal of hazardous waste.

Added by Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 343, eff. July 1, 1993.

### § 1230.7. Unlawful concealment of hazardous waste

Any person commits the offense of unlawful concealment of hazardous waste who knowingly and willfully subjects any other person, including but not limited to peace officers, emergency responders or clean-up crews, to the potential for immediate or long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

1. Concealing or causing other persons to conceal the unlawful abandonment or disposal of hazardous waste;
2. Concealing or causing other persons to conceal that hazardous waste is being transported; or
3. Misrepresenting or causing other persons to misrepresent the type of hazardous waste being transported.

Added by Laws 1992, c. 363, § 7, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 344, eff. July 1, 1993.

### § 1230.8. Penalties

Any person convicted of the offense

1. Unlawful hazardous waste transport: imprisonment for not more than five (5) Thousand Dollars (\$25,000.00) or both
  2. Unlawful waste management with:
    - a. waste other than hazardous waste: imprisonment by a fine of not more than five (5) years or both
    - b. hazardous waste shall be guilty of a crime: imprisonment for not more than five (5) years or both
  3. Unlawful waste misrepresentation:
    - a. waste other than hazardous waste: imprisonment by a fine of not more than five (5) years or both
    - b. hazardous waste shall be guilty of a crime: imprisonment for not more than five (5) years or both
  4. Unlawful disposal of hazardous waste: imprisonment for not more than five (5) Thousand Dollars (\$25,000.00) or both
  5. Unlawful concealment of hazardous waste: imprisonment for not less than two (2) years or both, not more than One Hundred Thousand Dollars (\$100,000.00) or both
- Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993.

### § 1230.9. Penalty enhancement

The fines provided for in Section 1230.8 shall be enhanced for any person convicted of any violation of the provisions of this section.

1. The conviction is for a second offense under this section: imprisonment for not more than five (5) years or both, not more than One Hundred Thousand Dollars (\$100,000.00) or both
2. The convicted person profited from the offense: imprisonment for not more than five (5) years or both, not more than One Hundred Thousand Dollars (\$100,000.00) or both

Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq.

### § 1230.10. Laws saved from repeal or administrative action

Nothing in Sections 1230.1 through 1230.10 shall be construed to repeal or amend any law existing law. Any penalty imposed under this section shall not be in lieu of, any civil or administrative penalty imposed by law.

Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

### Section

1241. Furnishing cigarettes or cigars
1242. Refusal of minor to disclose

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§ 1230.8. Penalties

Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;
2. Unlawful waste management with respect to:
  - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), and
  - b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Fifty Thousand Dollars (\$50,000.00) or both such fine and imprisonment;
3. Unlawful waste misrepresentation with respect to:
  - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), and
  - b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;
4. Unlawful disposal of hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment; and
5. Unlawful concealment of hazardous waste shall be guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993.

§ 1230.9. Penalty enhancements

The fines provided for in Section 1230.8 of this title shall be doubled for any person convicted of any violation of the provisions of the Environmental Crimes Act<sup>1</sup> if:

1. The conviction is for a second or subsequent violation of the same or another provision of the Environmental Crimes Act; or
2. The convicted person profited from or received any remuneration for the actions leading to the conviction.

Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq.

§ 1230.10. Laws saved from repeal—Penalties not in lieu of civil or administrative penalties

Nothing in Sections 1230.1 through 1230.10 of this title is intended to repeal any existing law. Any penalty imposed under Section 1230.8 of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

CHAPTER 50

TOBACCO

Section

1241. Furnishing cigarettes or cigarette papers to minors—Punishment.

1242. Refusal of minor to disclose place where and person from whom obtained.