

US EPA ARCHIVE DOCUMENT

them, every person so offending shall be fined upon conviction for every such offense in any sum not less than five nor more than Twenty-five Dollars (\$25.00), and if said nuisance be not removed within five (5) days thereafter, it shall be deemed a second offense against the provisions of this section.  
R.L.1910, § 2524.

C.S.1921, § 1965; St.1931, § 2445.  
Animals ⇨15.  
Nuisance ⇨65, 95.

§ 1226. Selling or buying infected carcass

If any person shall barter, sell or dispose of the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death to any person for the purpose of manufacturing the same into lard, soap or for any other purpose, or if any person shall buy or otherwise obtain the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death for manufacturing purposes as aforesaid or any other purpose except that of burial or burning he shall be fined in any sum not to exceed Fifty Dollars (\$50.00) or be imprisoned in the county jail not more than thirty (30) days.  
R.L.1910, § 2525.

Laws 1899, p. 57; C.S.1921, § 1966; St.1931, § 2446.  
Animals ⇨34 to 36.

§ 1227. Selling or driving infected swine on highway a misdemeanor

It shall be unlawful for any person to sell or otherwise dispose of any live swine that is infected with cholera or any other contagious diseases or to drive any such swine on the public highways, after any such person or persons have received knowledge of any such contagious diseases.  
R.L.1910, § 2526.

Laws 1899, p. 57; C.S.1921, § 1967; St.1931, § 2447.  
Animals ⇨29, 31, 34 to 36.

§ 1228. Violation a misdemeanor

Any person violating the provisions of the preceding section<sup>1</sup> shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed Fifty Dollars (\$50.00), or be imprisoned in the county jail not more than thirty (30) days.  
R.L.1910, § 2527.

<sup>1</sup> Title 21, § 1227.  
C.S.1921, § 1968; St.1931, § 2448.

§ 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.

Laws 1995, c. 195, § 1, emerg. eff. May 16, 1995; Laws 1997, c. 133, § 312, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 210, eff. July 1, 1999.  
Animals ⇨34 to 36.

CHAPTER 49A.—ENVIRONMENTAL CRIMES

Section

- 1230.1. Environmental Crimes Act—Short title.
- 1230.2. Definitions.
- 1230.3. Unlawful hazardous waste transportation.
- 1230.4. Unlawful waste management.
- 1230.5. Unlawful misrepresentation of waste.
- 1230.6. Unlawful disposal of hazardous waste.
- 1230.7. Unlawful concealment of hazardous waste.
- 1230.8. Penalties.
- 1230.9. Penalty enhancements.
- 1230.10. Laws saved from repeal—Penalties not in lieu of civil or administrative penalties.

§ 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".

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

<sup>1</sup> Title 21, § 1230.2 et seq.  
Health and Environment ⇨39.1.

§ 1230.2. Definitions

A. As used in the Environmental Crimes Act:

- 1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products 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 Management Act,<sup>1</sup> 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.

B. The minimum quantity requirements in paragraph 1 of subsection A of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the Uniform Controlled Dangerous Substances Act<sup>2</sup> and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited in Sections 1230.6 and 1230.7 of this title.

C. 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. Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992; Laws 1993, c. 145, § 339, eff. July 1, 1993; Laws 2001, c. 386, § 3, eff. July 1, 2001.

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

<sup>2</sup> Title 63, § 2-101 et seq.

Health and Environment ☞39.1.

### § 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.

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

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

Health and Environment ☞25.5(5.5), 39.1.

### § 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 Com-

mission 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.

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

Health and Environment ☞25.5(5), 39.1.

### § 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.

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

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

Health and Environment ☞25.5(5), 39.1.

### § 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. Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992; Laws 1993, c. 145, § 343, eff. July 1, 1993.

Health and Environment ☞25.5(5.5), 39.1.

§ 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.

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

Health and Environment ⇐25.5(5.5), 39.1.

§ 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 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).

Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992; Laws 1993, c. 145, § 345, eff. July 1, 1993; Laws 1997, c. 133, § 313, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 211, eff. July 1, 1999.

Health and Environment ⇐38, 39.1, 43.

§ 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.

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

<sup>1</sup> Title 21, § 1230.2 et seq.

Health and Environment ⇐38, 43.

Health and Environment ⇐39.1.

§ 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.

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

Statutes ⇐159.

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.
- 1243. Repealed.
- 1244. Disposition of fines—Share of informer.
- 1245. Repealed.
- 1246. Repealed.
- 1247. Smoking in certain public areas prohibited—Punishment.

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

Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and be