

Chapter 1 - Oklahoma Public Health Code

€ B. Sellers of Food

Article Article 11 - Food

ESection 1-1119 - License Required - Manufacturers, Wholesalers, Brokers of Foods and Drugs

Cite as: 63 O.S. § 1-1119 (OSCN 2025), B. Sellers of Food

A. Any manufacturer, wholesaler or broker of food or drugs doing business in the State of Oklahoma, or bringing into and offering for sale within the State of Oklahoma any article of food or drug, shall secure an annual license from the Commissioner of Health and shall pay for such license a fee, to be fixed by the State Board of Health; provided, that any individual who meets the requirements of paragraph 3 of subsection B of Section 1-1118 of this title shall not be required to obtain any license pursuant to this section. Unless otherwise provided by rule by the Board, each such license shall expire on the 30th day of June following its issuance.

- B. Provided, that subsection A of this section shall not apply to:
- 1. Brokers who procure the shipment of articles of food or drugs into the State of Oklahoma directly to the wholesaler without handling such products themselves, except that such brokers shall annually list their name and address with the State Department of Health; and
- 2. Any person who is licensed by the Board of Pharmacy to manufacture, make, produce, package, pack, prepare or sell, or offer for sale, at wholesale or retail, compressed medical gases.

Historical Data

Laws 1963, SB 26, c. 325, art. 11, § 1119, emerg. eff. July 1, 1963; Amended by Laws 1969, HB 1381, c. 187, § 1, emerg. eff. April 17, 1969; Amended by Laws 1989, HB 1378, c. 345, § 8, eff. October 1, 1989; Amended by Laws 1992, SB 911, c. 52, § 1, eff. September 1, 1992; Amended by Laws 2019, SB 544, c. 505, § 2, eff. November 1, 2019 (superseded document available).

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63 O.S. 1-1118,

Food Establishment License - Exemptions - Expiration of License - Fee-exempt

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License - Reasonable Standards and Rules for Sanitation

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Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1401 - Definitions

Cite as: 63 O.S. § 1-1401 (OSCN 2025)

For the purposes of this article:

A. The term "drug" means:

- 1. Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
- 2. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- 3. Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and
- 4. Articles intended for use as a component of any article specified in paragraphs 1, 2 and 3 of this subsection; but does not include devices or their components, parts or accessories.
- B. The term "device", except when used in subsection K of this section and in subsection (i) of <u>Section 1-1402</u>, subsection (c) of <u>Section 1-1409</u>, and subsection (c) of <u>Section 1-1411</u> of this title, means instruments, apparatus and contrivances, including their components, parts and accessories, intended:
- 1. For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or
- 2. To affect the structure or any function of the body of man or other animals.
- C. The term "cosmetic" means:
- 1. Articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and
- 2. Articles intended for use as a component of any such articles, except that such term shall not include soap.
- D. The term "official compendium" means authoritative compendia as identified by the Secretary of the United States Department of Health and Human Services.
- E. The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appear on the label shall not be considered to be complied with unless such work, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.
- F. The term "immediate container" does not include package liners.
- G. The term "labeling" means all labels and other written, printed or graphic matter:
- 1. Upon an article or any of its containers or wrappers; or
- 2. Accompanying such article.
- H. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also

the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

- I. The term "advertisement" means all representations disseminated in any manner or by any means, other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs, devices, or cosmetics.
- J. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.
- K. The term "contaminated with filth" applies to any drug, device, or cosmetic not securely protected from dust, dirt, and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.
- L. The provisions of this article regarding the selling of drugs, devices, or cosmetics shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such article in the conduct of any drug or cosmetic manufacturing establishment.

M. The term "Federal Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1401, emerg. eff. July 1, 1963; Amended by Laws 2010, SB 1754, c. 157, § 1, eff. November 1, 2010 (superseded document available).

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Oklahoma Court of Criminal Appeals Cases

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1980 OK CR 107, 620 P.2d 450,

STATE v. BROADRICK

Discussed at Length

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☐ Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1402 - Acts Prohibited

Cite	as:	O.S.	Ş,	

The following acts and the causing thereof within the State of Oklahoma are hereby prohibited:

- (a) The manufacture, sale, or delivery, holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded.
- (b) The adulteration or misbranding of any drug, device, or cosmetic.
- (c) The receipt in commerce of any drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.
- (d) The dissemination of any false advertisement.
- (e) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by Section 1414 of this article.
- (f) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the drug, device or cosmetic.
- (g) The removal or disposal of a detained or embargoed article in violation of Section 1405 of this article.
- (h) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being adulterated or misbranded.
- (i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this article.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1402.

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ESection 1-1403 - Injunction

Cite as: O.S. §, ____

In addition to the remedies hereinafter provided, the Commissioner is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any of the provisions of the preceding sections of this article, irrespective of whether or not there exists an adequate remedy at law.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1403.

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ESection 1-1404 - Violations - Penalties - Exemptions

Cite as: O.S. §, ____

- (a) Any person who violates any of the provisions of Section 1402 of this article shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than thirty (30) days, or a fine of not more than One Hundred Dollars (\$100.00), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than six (6) months, or a fine of not more than Five Hundred Dollars (\$500.00), or both such imprisonment and fine.
- (b) No person shall be subject to the penalties of subsection (a) of this section, for having violated Section 1402(a) or (c) of this article, if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this article, designating this article.
- (c) No publisher, radiobroadcast or television licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the State Commissioner of Health, or his duly-authorized agent, to furnish the Commissioner the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency residing in the United States who caused him to disseminate such advertisement.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1404.

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Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

圖Section 1-1405 - Embargo

Cite	as:	O.S.	§,	_	
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- (a) Whenever a duly-authorized agent of the State Commissioner of Health finds, or has probable cause to believe, that any drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this article, he shall, upon approval and authorization of the Commissioner, affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.
- (b) The Commissioner shall have twenty (20) days from the time an article is embargoed in which to make a final determination as to its adulteration or misbranding. Failure to find the article to be adulterated or misbranded within such time shall result in the embargo being void and lifted. When the Commissioner has found an article to be adulterated or misbranded as provided herein, he shall immediately petition the district court in whose jurisdiction the article is detained or embargoed for condemnation of such article. When such agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking. Any person whose interest is affected adversely by an embargo imposed under the terms of this article may appeal direct from a ruling of the Commissioner to the district court in whose jurisdiction the article is embargoed, and a trial de novo shall be had in such court on the question of adulteration or misbranding.
- (c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of such article or his agent; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Commissioner. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the Commissioner that the article is no longer in violation of this article, and that the expenses of such supervision have been paid.
- (d) Whenever the Commissioner or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure any perishable drugs, devices or cosmetics which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner, or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1405.

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2012 OK CIV APP 92, 287 P.3d 410, HARVEY v. AUTO PLUS OF WOODWARD

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Section 1-1406 - Prosecution for Violations

Cite	as:	O.S.	٤.	

It shall be the duty of each district attorney to whom the Commissioner of Health reports any violation of this act to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1406, emerg. eff. July 1, 1963; Amended by Laws 1992, SB 911, c. 52, § 2, eff. September 1, 1992.

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≧ Section 1-1407 - Minor Violations

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Nothing in this article shall be construed as requiring the State Commissioner of Health to report, for the institution of proceedings under this article, minor violations of this article, whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1407.

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Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1408 - Adulteration of Drugs and Devices

Cite as: O.S. §, _____

A drug or device shall be deemed to be adulterated:

- 1. If it consists in whole or in part of any filthy, putrid or decomposed substance;
- 2. If it has been produced, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;
- 3. If it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
- 4. If it is a drug and it bears or contains, for purposes of coloring only, a coal tar color other than one from a batch certified under the authority of the Federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 301 et seq.;
- 5. If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or, in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal act. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia;
- 6. If it is not subject to the provisions of paragraph 2 of this section and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess;
- 7. If it is a drug and any substance has been:
- a. mixed or packed therewith so as to reduce its quality or strength, or
- b. substituted wholly or in part therefor; or
- 8. If it is sold or offered for sale and is not lawfully marketed under the federal act for the purpose for which, and in the form in which, it is sold or offered for sale, unless the drug or device has been exempted from the requirements of this paragraph by the Commissioner of Health, or if the drug is compounded by a registered pharmacist pursuant to a prescription by a licensed practitioner.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1408, emerg. eff. July 1, 1963; Amended by Laws 1992, SB 911, c. 52, § 3, eff. September 1, 1992.

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Title 63. Public Health and Safety

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Article Article 14 - Drugs, Devices, and Cosmetics

Cite	as:	O.S.	§,		_
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A drug or device shall be deemed to be misbranded:

- (a) if its labeling is false or misleading in any particular.
- (b) if in package form unless it bears a label containing:
- (1) the name and place of business of the manufacturer of any prescription drug or device and the packer or distributor; and the name and place of business of the manufacturer, packer or distributor of any nonprescription drug or device. Manufacturer, as used herein, shall mean the person or firm which has mixed, tableted, encapsulated or otherwise prepared the drug in the form in which it is offered for sale to pharmacies.
- (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; provided that under this clause reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the State Board of Health.
- (c) if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (d) if it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, betaeucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivative has been by the State Commissioner of Health, after investigation, found to be, and by regulations under this article designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning May Be Habit Forming."
- (e) if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:
- (1) the common or usual name of the drug, if such there be; and
- (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind, quantity and proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, arsenic digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that to the extent that compliance with the requirements of this clause is impracticable, exemptions shall be established by regulations promulgated by the Board.
- (f) unless its labeling bears:
- (1) adequate directions for use, and
- (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not

necessary for the protection of the public health, the Board shall promulgate regulations exempting such drug or device from such requirements.

- (g) if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Board. Whenever a drug is recognized in both the United States Pharmacopoeia, and the Homeopathic Pharmacopoeia of the United States, it shall be subject to requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.
- (h) if it has been found by the Commissioner to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Board shall by regulations require as necessary for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Commissioner shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirement.
- (i) if it is a drug and its container is so made, formed, or filled as to be misleading; if it is an imitation of another drug; or if it is offered for sale under the name of another drug.
- (j) if it is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.
- (k) if it is a drug intended for use by man which:
- (1) is a habit-forming drug to which paragraph (d) of this

section applies; or

- (2) because of its toxicity or other potentiality for harmful effect, or the method of use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a physician, dentist or veterinarian; or
- (3) is limited by an effective application under Section 505 of the Federal Act to use under professional supervision by a physician, dentist or veterinarian, unless it is dispensed only:
- (i) upon a written prescription of a physician, dentist or veterinarian, or
- (ii) upon the oral prescription of a physician, dentist or veterinarian which is reduced promptly to writing and filed by the pharmacist, or
- (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is promptly reduced to writing and filed by the pharmacist; provided, that any drug dispensed by filling or refilling a written or oral prescription of a physician, dentist, or veterinarian shall be exempt from the requirements of this section, except paragraphs (a) and (i), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs, pursuant to diagnosis by mail.
- (1) if the packaging, name or appearance of a prescription drug product is deceptively similar to or would cause unnecessary confusion with competitive, chemically-similar drug products which have a previously established or substantial position in the marketplace.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1409; Amended by Laws 1976, HB 1162, c. 181, § 1, eff. January 1, 1977.

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──Title 63. Public Health and Safety

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Article Article 14 - Drugs, Devices, and Cosmetics

Cite as: O.S. §, ____

A cosmetic shall be deemed to be adulterated:

- (a) if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual. Provided, that this provision shall not apply to coal tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this paragraph and paragraph (e) the term "hair dye" shall not include eyelash dyes or eyebrow dyes.
- (b) if it consists in whole or in part of any filthy, putrid, or decomposed substance.
- (c) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.
- (d) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
- (e) if it is not a hair dye and it bears or contains a coal tar color other than one from a batch which has been certified under authority of the Federal Act.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1410.

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➡Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Cite as: O.S. §, ____

A cosmetic shall be deemed to be misbranded:

- (a) if its labeling is false or misleading in any particular.
- (b) if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the State Board of Health.
- (c) if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (d) if its container is so made, formed, or filled as to be misleading.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1411.

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aTitle 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1412 - Advertisements - False or Misleading

Cite as: O.S. §, _____

(a) An advertisement of a drug, device, or cosmetic shall be deemed to be false if it is false or misleading in any particular.

(b) For the purposes of this article, the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstone, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, or sexually transmitted infection (STI) shall also be deemed to be false, except that no advertisement not in violation of subsection (a) of this section shall be deemed to be false under this subsection if it is disseminated only to members of the medical, dental, or veterinary professions, or appears only in scientific periodicals of those professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of drugs or devices; provided, that whenever the State Commissioner of Health determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the State Board of Health shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the Board and the Commissioner may deem necessary in the interests of public health; provided, that this subsection shall not be construed as indicating that self-medication for disease other than those named herein is safe or efficacious.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1412; Amended by Laws 2011, HB 1397, c. 105, § 35, eff. November 1, 2011 (<u>superseded document available</u>).

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Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

国Section 1-1413 - Regulations - Hearings - Notice

Cite as: O.S. §, ____

- (a) The authority to promulgate regulations for the efficient enforcement of this article is hereby vested in the State Board of Health, which is hereby authorized to make regulations promulgated under this article conform, insofar as practicable, with those promulgated under the Federal Act.
- (b) Hearings authorized or required by this article shall be conducted by the State Commissioner of Health or such officer, agent, or employee as the Commissioner may designate for the purpose.
- (c) Before promulgating any regulations contemplated by Section 1409(d), (e), (f), (g), (h), and (k) or 1412(b), the Board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the Board (which date shall not be prior to twenty (20) days after its promulgation). Such regulation may be amended or repealed in the same manner as is provided for its adoption, except that in the case of a regulation amending or repealing such regulation the Board, to such extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing or effective date.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1413.

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➡Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

ESection 1-1414 - Inspections

Cite as: O.S. §, _____

The State Commissioner of Health or his duly-authorized agent shall have free access at all reasonable hours to any factor, warehouse or establishment in which drugs, devices, or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs, devices, or cosmetics in commerce, for the purpose: (1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this article are being violated, and (2) to secure samples or specimens of any drug, device, or cosmetic after paying or offering to pay for such sample. It shall be the duty of the Commissioner to make or cause to be made examination of samples secured under the provisions of this section to determine whether or not any provision of this article is being violated.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1414.

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☐Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1415 - Publication of Reports and Information

Cite as: O.S. §, ____

- (a) The State Commissioner of Health may cause to be published, from time to time, reports summarizing all judgments, decrees, and court orders which have been rendered under this article, including the nature of the charge and the disposition thereof.
- (b) The Commissioner may also cause to be disseminated such information regarding drugs, devices, and cosmetics as the Commissioner deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigations of the Commissioner.

Historical Data

Laws 1963, SB 26, c. 325, art. 14, § 1415.

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a Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 14 - Drugs, Devices, and Cosmetics

歐Section 1-1430 - Requiring Implantation of Microchip or Permanent Marks Prohibited

Cite as: O.S. §, _____

A. No person, state, county, or local governmental entity or corporate entity may require an individual to undergo the implanting of a microchip or permanent mark of any kind or nature upon the individual.

B. The State Department of Health may impose a fine not to exceed Ten Thousand Dollars (\$10,000.00) on any person who violates this act. Each day of continued violation shall constitute a separate offense.

Historical Data

Laws 2008, SB 47, c. 337, § 1, eff. November 1, 2008.

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