

OKLAHOMA

WEED – INFESTED MATERIAL LAW AND RULES

Oklahoma Department of Agriculture, Food, and Forestry
Consumer Protection Services Division

2800 N Lincoln Blvd
Oklahoma City OK 73105

Office: 405-522-5891

<https://ag.ok.gov/>

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY CONSUMER PROTECTION SERVICES DIVISION
WEED-INFESTED MATERIAL LAW**

TITLE 2, OKLAHOMA STATUTES SECTIONS 8-91. THROUGH 8-96.

TABLE OF CONTENTS

WEED-INFESTED MATERIAL LAW

SECTION		PAGE
8-91.	Definitions	1
8-92.	Unlawful acts	1
8-93.	Exemptions	2
8-94.	Repealed	2
8-95.	Seizure – Condemnation – Disposal	3
8-96.	Repealed	3

SUBCHAPTER 33. WEED INFESTED MATERIAL

35:30-33-1	Labeling requirements for weed infested material	4
35:30-33-2	Noxious Weed list & limitations	4

F. Weed-Infested Material

§ 8-91. Definitions

When used in this sub-article:

1. **“Advertisement”** means and includes any representation, except information on the label or invoice, disseminated in any manner relating to weed-infested material;
2. **“Labeling”** means any label or other written, printed, or graphic representation, in any form including invoices, accompanying and pertaining to any weed-infested material in bulk or containers;
3. **“Noxious weeds”** means bindweed and other weeds declared to be noxious by the State Board of Agriculture; and
4. **“Weed-infested material”** means and includes feeds, grain or grains, screenings, hay, bedding, fertilizer, or any other material containing seeds, root stalks, or reproductive portions of noxious weeds.

§ 8-92. Unlawful acts

- A. It shall be unlawful for any person to sell, offer for sale, or knowingly transport within this state any weed-infested material:
 1. Bearing a false or misleading label and/or invoice;
 2. Bearing a false or misleading statement regarding absence or presence of noxious weeds; and
 3. Containing any seeds, root stalks, or reproductive portions of noxious weeds.
- B. It shall be unlawful for any person within this state:
 1. To detach, alter, deface, or destroy any label or invoice provided for in this subarticle or rules or to alter or substitute weed-

infested material that may in any manner defeat the purpose of this subarticle;

2. To disseminate any false or misleading advertisement concerning weed-infested material in any manner;
3. To hinder or obstruct the State Board of Agriculture in the performance of its duties and functions under the provisions of this subarticle; and
4. To fail to comply with a “stop-sale” order made pursuant to the provisions of this subarticle.

§ 8-93. Exemptions

- A. The provisions of the preceding section shall not apply to weed-infested material in storage in, or consigned to, a processing establishment for cleaning or processing, or weed-infested material transported by producers from their farms to an elevator, or from farm-to-market. Any labeling, invoice, or other representation which may be made with respect to the uncleaned or unprocessed weed-infested material shall be subject to the provisions of this subarticle.
- B. No unprocessed weed-infested material shall be transported by any person over or along any road or highway in this state or by railroad operating in this state, unless the same is carried or transported in a vehicle or containers adequate to prevent the leaking or scattering of the weed-infested material. In no instance shall weed-infested material be sold to the ultimate consumer (including a livestock feeder) until the material shall have been processed to destroy the viability of the noxious weed-infested content.

§ 8-94. Repealed by Laws 2000, c. 367, § 136, emerg. eff. June 6, 2000

§ 8-95. Seizure—Condemnation—Disposal

Any lot or amount of weed-infested material that is not in compliance with the provisions of this subarticle shall be subject to seizure upon petition of the State Board of Agriculture, to the district court of the county in which the weed-infested material is found or is located. If the weed-infested material is found to be in violation of the provisions of this subarticle, the district court shall enter an order condemning the weed-infested material and directing that the material be denatured, processed, destroyed, or disposed of in compliance with the provisions of this subarticle.

§ 8-96. Repealed by Laws 2000, c. 367, § 136, emerg. eff. June 6, 2000

SUBCHAPTER 33. WEED INFESTED MATERIAL

35:30-33-1. Labeling requirements for weed infested material

(a) **Whole grain.** The label or invoice of whold grain shall include the labeling set forth below:

- (1) Net Weight
- (2) Kind of Grain
- (3) Name and address of labeler
- (4) Name and number of Noxious Weeds as allowed under this act, when present.

(b) **Feeds and fertilizer.** The label or invoice of feeds and fertilizers shall contain the labeling information as set forth in the Okalhoma Fertilizer Law and the Weed Infested Material Law; in addition the name and number of Noxious Weeds as allowed under the Weed Infested Material Law, when present.

(c) **Screenings, hay and bedding.** Name and number of Noxious Weeds as allowed under the Weed Infested Material Law shall be shown on a label or invoice of screenings, hay and bedding, when present.

35:30-33-2. Noxious Weed list & limitations

The following is the Noxious Weed list and limitation:

- (1) Bindweed, field (*Convolvulus arvensis*) - Prohibited.
- (2) Musk thistle (*Carduus nutans*) - Prohibited.
- (3) Scotch thistle (*Onoprodum acanthium*) - Prohibited.
- (4) Canada thistle (*Cirsium arvense*) - Prohibited.

[Source: Amended at 17 Ok Reg 1041, eff 5-11-00]