

ENGROSSED SENATE
BILL NO. 1424

By: Easley of the Senate
and
Leist of the House

[agriculture - recodifying Agriculture Code -
codification -

emergency]

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

ARTICLE 6. LIVESTOCK DISEASES

A. ~~Veterinary Division of State Department of Agriculture~~
Livestock and Poultry Disease Control.

SECTION 1. AMENDATORY 2 O.S. 1991, Section 6-1, is
amended to read as follows:

Section 6-1. ~~Except as otherwise provided herein, and except as~~
~~may be directed by the State Board of Agriculture, the powers,~~
~~duties and functions vested by this Article in the State Board of~~
~~Agriculture shall be exercised and performed through a Division of~~
~~the State Department of Agriculture, to be known as the Veterinary~~
~~Division of the State Department of Agriculture, which is hereby~~
~~established. Such Division shall be under the immediate supervision~~
~~of a Director, who~~ The State Veterinarian shall be the holder of a
license to practice veterinary medicine in ~~the State of~~ Oklahoma,
~~and who~~ shall be appointed by the State Board of Agriculture, and
~~whose~~ compensation and duties, ~~other than those specified in this~~
~~Article,~~ shall be fixed by the Board. ~~The Director of such Division~~
~~shall also be known as the State Veterinarian.~~

SECTION 2. AMENDATORY 2 O.S. 1991, Section 6-2, is
amended to read as follows:

Section 6-2. The State Board of Agriculture shall be the official livestock and poultry disease control agency of ~~the State of Oklahoma,~~ and shall have authority to ~~issue~~ promulgate and enforce rules ~~and regulations~~ governing the registration, handling, sale, and use of vaccines, antigen, animal remedies, pharmaceuticals, veterinary biologics, and other biological products used in connection with livestock or poultry.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-2.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

For purposes of this Article:

1. "Animal remedy" means any product used to prevent, cure, or inhibit diseases or enhance or protect the health or well-being of animals or birds, but does not include feeds;

2. "Label" means a document affixed or accompanying a product which describes and identifies that product by including information about the manufacturer, active ingredients, method of administration, approved uses, and warnings or precautions;

3. "Pharmaceutical" means any product prescribed for the treatment or prevention of disease for veterinary purposes, including vaccines, synthetic and natural hormones, anesthetics, stimulants, or depressants;

4. "Product" means each item manufactured which bears a separate and distinct label; and

5. "Veterinary biologics" means any biologic product used for veterinary purposes, including vaccines, antibiotics, antiparasitics, growth promotants, or bioculture products.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-2.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

The State Board of Agriculture shall have the authority to adopt rules exempting certain products from the definition of animal

remedy, pharmaceutical, or veterinary biologic if the products are not used primarily for veterinary purposes or are animal remedies compounded by licensed, registered pharmacists or Oklahoma licensed veterinarians for use in the course of their practice.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-2.3 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The manufacturer of each brand of animal remedy, pharmaceutical, and veterinary biologic sold, offered or exposed for sale, or delivered to a user, in package or bulk, shall register each product with the Oklahoma State Department of Agriculture annually. Products regulated under the Federal Insecticide, Rodenticide and Fungicide Act which are registered with the Department through the pesticide registration program are not required to be registered under this act. It shall be unlawful for any manufacturer or person to sell, offer or expose for sale, or deliver to a user an animal remedy, pharmaceutical, or veterinary biologic not properly registered with the Department. Manufacturers who sell or deliver more than one animal remedy, pharmaceutical, or veterinary biologic in the state may register all products on one application.

B. The application for registration of an animal remedy, pharmaceutical, or veterinary biologic shall be made on a form provided by the Department and shall be accompanied by a copy of the label and an annual registration fee for each product in an amount determined by the State Board of Agriculture. The application for registration shall be made annually and shall be accompanied by a list of the animal remedies, pharmaceuticals, and veterinary biologics the applicant expects to market or deliver in the state during the ensuing state fiscal year. All registrations for these products shall expire on dates specified in rules adopted by the Board. All animal remedy, pharmaceutical, and veterinary biologic

registration fees received shall be deposited in the State Department of Agriculture Revolving Fund.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 6-3, is amended to read as follows:

Section 6-3. ~~Whenever the~~ The State Board of Agriculture Veterinarian ~~determines~~ may determine that any livestock is infected with, or has been exposed to, ~~rinder-pest, foot and mouth disease, Glanders maladie du coit, contagious pleuropneumonia, tuberculosis~~ or any disease ~~which might constitute~~ posing a threat or hazard to the livestock population of the state, ~~it.~~ The State Veterinarian may cause ~~such~~ the livestock to be destroyed or disposed of in ~~such~~ a manner ~~as will, in its judgment, best~~ designed to protect the health of other livestock, ~~and shall have any such.~~ Destroyed or disposed livestock shall be appraised by ~~three disinterested~~ persons, ~~not connected with the State Department of Agriculture~~ an individual selected by the State Veterinarian and the owner of the livestock. The owner of the livestock ~~so~~ destroyed or disposed of shall be entitled to be paid ~~one-half of such appraised value~~ the amount of indemnity approved by the State Board of Agriculture from ~~any designated funds available for such purpose, if one-half thereof can or will be paid by the United States Department of Agriculture or any agency or division thereof.~~

SECTION 7. AMENDATORY 2 O.S. 1991, Section 6-4, as amended by Section 3, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-4), is amended to read as follows:

Section 6-4. ~~Whenever~~ If the State Board of Agriculture Veterinarian determines that any livestock is infected with, or has been exposed to, any contagious or infectious disease, the owner or person in ~~possession~~ control of the livestock may be directed by the ~~Board~~ State Veterinarian, or by any authorized agent thereof, ~~to cause the livestock, or to disinfect any livestock or any place where the livestock has~~ have been, ~~to be disinfected~~ in ~~such~~ a

~~specific time and manner as may be directed by the Board or authorized agent; and if.~~ If the livestock or place is not ~~so~~ disinfected, within the time specified ~~by the Board or authorized agent,~~ then the Board State Veterinarian or authorized agent shall have the ~~right and~~ authority to have the livestock or place disinfected, and the owner or person in ~~possession~~ control of the livestock shall be obligated to pay ~~to the Board~~ State Department of Agriculture all expenses incurred in having the livestock or place disinfected, ~~and the.~~ The State Board of Agriculture shall have the authority to place a lien upon the livestock or place until ~~such~~ the expense is paid, ~~by filing notice thereof with the county clerk of the county in which the livestock or place is located; and the.~~ The livestock or place shall not be removed or ~~disposed~~ change ownership without permission of ~~until~~ the ~~expense is paid~~ State Veterinarian. When the expense is paid, it shall be deposited in the State Department of Agriculture ~~Trust~~ Revolving Fund. The term "place", as used in this section, shall include but not be limited to any ~~building, lot, enclosure, premises, railroad car, truck or other vehicle~~ mode of transportation.

B. Garbage Feeding to Swine

SECTION 8. AMENDATORY 2 O.S. 1991, Section 6-21, is amended to read as follows:

Section 6-21. For the purpose of this subarticle, ~~and as used therein, the following words shall have the meanings indicated:~~

~~(a)~~ "Garbage garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including fish, poultry, or animal carcasses or parts thereof.

~~(b)~~ "Person" means ~~the state, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity.~~

SECTION 9. AMENDATORY 2 O.S. 1991, Section 6-22, is amended to read as follows:

Section 6-22. No person shall feed garbage to swine unless a permit ~~therefor shall have~~ has been obtained from the State ~~Board of Agriculture Veterinarian~~. Applications for ~~such~~ permits shall be on a form prescribed by the ~~Board, and each such~~ State Veterinarian. Each applicant shall pay the State Department of Agriculture a fee prescribed by the State Board of Agriculture for each permit. Each permit shall be renewed annually and shall expire on the 30th day of June next following its issuance a date specified by the Board. The ~~Board~~ State Veterinarian may refuse to issue or suspend any ~~such~~ permit, and the Board may revoke any permit that has been issued, if ~~it determines that~~ the applicant ~~for the permit~~ or the holder of the permit has violated or failed to comply with any of the provisions of this subarticle or any rule ~~or regulation~~ of the Board; ~~provided, that no.~~ No permit shall be issued for garbage feeding under the provisions of this subarticle, or be effective, in any county, municipality or other place where local laws or regulations prohibit garbage feeding.

SECTION 10. AMENDATORY 2 O.S. 1991, Section 6-27, is amended to read as follows:

Section 6-27. The provisions of this subarticle shall not apply to any individual who feeds only ~~his own~~ the individual's household garbage to ~~his own~~ the individual's swine, and shall not apply to any institution which feeds only its own garbage to swine which are raised for the institution's own use.

B. Bang's Disease (Brucellosis)

SECTION 11. AMENDATORY 2 O.S. 1991, Section 6-91, is amended to read as follows:

Section 6-91. A program for the control ~~of, and to assist in~~ the eradication of, ~~Bang's disease~~ brucellosis among livestock of the State of Oklahoma shall be ~~formulated and~~ maintained by the

State Board of Agriculture. ~~Such~~ The program shall be ~~based upon an approved plan~~ composed of a plan or combination of plans adopted or recommended by the United States ~~Livestock Sanitary Association~~ Department of Agriculture and approved by the ~~United States Agricultural Research Service and the State Board of Agriculture.~~

SECTION 12. AMENDATORY 2 O.S. 1991, Section 6-92, as amended by Section 4, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-92), is amended to read as follows:

Section 6-92. The official test for brucellosis shall be any serologic or bacteriologic test recognized by and listed in the United States Department of Agriculture Uniform Methods and Rules of Brucellosis Eradication or listed in the Code of Federal Regulations. An official test must be conducted at ~~the joint State-Federal Brucellosis Laboratory, or other~~ a laboratory approved for ~~such test~~ this testing by the State Board of Agriculture and the United States Department of Agriculture. The blood sample for ~~such an official~~ test shall be drawn by a person approved by the Board. Accredited veterinarians licensed to practice in this state may be granted a certificate by the ~~Board~~ State Veterinarian to conduct ~~such official~~ tests at ~~their own~~ approved livestock market laboratories. All blood tests ~~will~~ shall be confirmed by ~~duplicate~~ samples tested at the ~~joint State-Federal Brucellosis Laboratory~~ laboratory approved for official testing by the Board and the United States Department of Agriculture.

SECTION 13. AMENDATORY 2 O.S. 1991, Section 6-93, is amended to read as follows:

Section 6-93. Whenever any blood sample is drawn for the purpose of testing for brucellosis, the person drawing the blood sample shall ~~fasten a~~ ensure the fastening of an official metal tag, approved by the State Veterinarian and imprinted with a distinctive number, to the right ear of the animal from which blood is drawn; however, if an official ear tag is already fastened to the right

ear, the number imprinted ~~thereon will~~ shall be recorded instead of inserting a new tag, ~~and.~~ This person shall submit with the blood sample a written report to the State ~~Board of Agriculture~~ Veterinarian. The report shall be signed by the person drawing the sample and shall be on a form prescribed by the ~~Board~~ State Veterinarian. The report shall show the number on the tag ~~that was~~ fastened to the tested animal's ear and descriptive markings of the animal, or herd tattoo, ~~name and registration number~~ if the tested animal was a registered animal; ~~provided, it.~~ It shall not be necessary to ear tag any registered animal if the herd tattoo, ~~name and registration number~~ of such each animal is shown on the report ~~required by this section~~. The removal of the identifying metal ear tag from the animal's ear without prior authorization from the ~~Board of Agriculture~~ State Veterinarian shall be a ~~misdemeanor~~ violation of this Code. Each packing plant in this state shall collect and identify a blood sample with all identification tags from each bovine animal that shows the presence of the first pair of central incisors.

SECTION 14. AMENDATORY 2 O.S. 1991, Section 6-94, as last amended by Section 85, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1999, Section 6-94), is amended to read as follows:

Section 6-94. A. ~~If any animal has given a positive reaction to the official brucellosis test, and the reaction was not caused by official vaccination, the State Board of Agriculture shall declare the animal to be infected with brucellosis and shall immediately notify the person who drew the blood sample for the test, who shall place a permanent brand on the tailhead of each affected animal with the letter "B", which shall be not less than three (3) inches in height, and affix a metal tag, inscribed "Brucellosis Reactor", to the left ear of the animal.~~

B. ~~Animals that are part of a known infected herd shall be treated as exposed. Any such animal destined for feeding or~~

~~slaughter purposes shall be permanently branded on the tailhead with the letter "S". The brand shall be not less than two (2) inches in height and width and shall be affixed by the person who drew the blood sample by which the reactor was detected. The branding fee shall be paid by the seller of the animal. Each packing plant in this state shall collect and identify a blood sample with all identification tags, as provided by the Board, from each bovine animal that shows the presence of first central incisors.~~

~~C.~~ The owner of exposed animals or reactors shall present the animals for branding or tagging within fifteen (15) days after receiving notice of reaction or exposure. The failure of an owner to comply with the requirements of this subsection shall be a misdemeanor.

~~D.~~ B. The removal of any permanent mark or brand, including metal ear tags, from any animal with a reportable disease or those classified as diseased in a herd being depopulated, without prior authorization from the State ~~Board of Agriculture~~ Veterinarian, shall be a felony.

SECTION 15. AMENDATORY 2 O.S. 1991, Section 6-95, as amended by Section 6, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-95), is amended to read as follows:

Section 6-95. The ~~Abortus Brucella Ring~~ brucellosis milk surveillance test made with whole milk or cream and an approved antigen, in a manner and by a person approved by the United States ~~Agricultural Research Service~~ Department of Agriculture and the State Board of Agriculture, may be used to indicate the possibility of the presence of reactors in the herd from which the milk or cream samples were taken. If the test indicates that reactors may be present in a herd, the ~~Board~~ State Veterinarian shall have the authority to conduct an official test of the herd in order to identify the reactors.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 6-96, is amended to read as follows:

Section 6-96. Officially vaccinated animals shall have been inoculated with a vaccine approved by the United States Department of Agriculture and the State Board of Agriculture in a manner and by a person approved by the ~~State Board of Agriculture, and such.~~ The inoculation shall be made between ages specified by the Board ~~regulations~~. Animals ~~so~~ vaccinated shall be properly identified with a tattoo and individual identification as prescribed by the ~~State Board of Agriculture~~.

SECTION 17. AMENDATORY 2 O.S. 1991, Section 6-97, is amended to read as follows:

Section 6-97. It shall be unlawful for any person to sell, furnish, give away, or supply any biological product containing Brucella organisms for use in this state except to persons, firms, or agencies approved in writing by the State ~~Board of Agriculture~~ Veterinarian.

SECTION 18. AMENDATORY 2 O.S. 1991, Section 6-99, is amended to read as follows:

Section 6-99. All livestock declared to be infected with ~~Bang's~~ disease brucellosis ~~under the provisions of this subarticle~~ shall be immediately quarantined ~~on the premises where such livestock is then located and may~~ shall be disposed ~~of only for immediate slaughter or as otherwise~~ prescribed in the approved plan. ~~Disposition of, or~~ Prior to movement or change of ownership, plans for disposition of 7 infected animals shall be made and reported ~~by the person initiating the test~~ to the State ~~Board of Agriculture in writing within thirty (30) days after date of test~~ Veterinarian.

SECTION 19. AMENDATORY 2 O.S. 1991, Section 6-100, is amended to read as follows:

Section 6-100. A. The State of Oklahoma is ~~hereby~~ declared a brucellosis eradication area. The State Board of Agriculture shall

institute a program of eradication ~~in each county~~ as prescribed in the approved plan as the funds become available in order for the state to qualify as a certified free area.

B. Each owner of livestock ~~in the county, within sixty (60) days after notice is given that a compulsory plan has been placed in operation,~~ shall comply with the requirements of the plan. An ~~employee~~ A licensed, accredited veterinarian or authorized agent of the Board ~~of Agriculture~~ shall perform all tests on ~~cattle~~ livestock for brucellosis. The owner or ~~caretaker~~ person in control of the ~~cattle~~ livestock shall render ~~such~~ assistance in restraining the animals as the State Veterinarian or ~~his~~ representative deems necessary. Any owner or caretaker who neglects or refuses to present the ~~cattle~~ livestock for testing or refuses or neglects to assist in restraining them, ~~upon conviction,~~ shall be guilty of a misdemeanor.

C. The State Veterinarian or ~~his~~ representative authorized to test the ~~cattle~~ livestock may file a complaint with the district attorney who shall immediately notify the offending party either by certified mail, personal service, posting ~~said~~ a notice on the premises, or publication that ~~said~~ the person will have an additional ten (10) days to comply with ~~said~~ the requirements. If the party fails to ~~so~~ comply, the sheriff of the county ~~may~~ shall gather ~~said cattle~~ the livestock for testing. The owner shall pay all fees and costs, ~~incurred in gathering said cattle,~~ the livestock into the county general fund, to be reappropriated to the county sheriff's office.

D. ~~Whenever participation in the plan is made compulsory, an~~ An indemnity payment in an amount approved by the United States ~~Agricultural Research Service~~ Department of Agriculture and the Board ~~of Agriculture, upon proof of slaughter,~~ shall be made on each reactor ~~within the compulsory area~~ upon proof of slaughter. The Board ~~of Agriculture~~ shall pay any owner of ~~nonregistered beef~~

cattle destroyed because of brucellosis an indemnity of not more than Fifty Dollars (\$50.00) for each ~~said~~ animal, provided the animal qualifies for an indemnity payment pursuant to official state or federal brucellosis regulations, and the state monies will be in addition to any indemnity payments by the United States Department of Agriculture. ~~Said~~ The indemnity payments shall be made from funds made available ~~for said purpose~~ by the United States ~~Agricultural Research Service~~ Department of Agriculture or the Board ~~of Agriculture,~~ within the limits of availability. ~~Said~~ The state indemnity shall not be paid unless the owner of ~~said~~ the cattle is in compliance with ~~regulations~~ rules of the Board pertaining to an approved plan.

SECTION 20. AMENDATORY 2 O.S. 1991, Section 6-101, is amended to read as follows:

Section 6-101. The certification of ~~Bang's~~ brucellosis free herds and ~~Bang's~~ brucellosis free counties or areas shall be made as prescribed by the United States ~~Livestock Sanitary Association~~ Department of Agriculture and approved by the ~~United States~~ Agricultural Research Service and the State ~~Board of Agriculture~~ Veterinarian.

SECTION 21. AMENDATORY 2 O.S. 1991, Section 6-102, is amended to read as follows:

Section 6-102. It shall be unlawful for any person or persons, company, firm, corporation, livestock market, concentration yard, or livestock auction, to sell ~~bovine~~ animals or to remove ~~bovine~~ animals from markets unless the animals are in compliance with ~~regulations~~ rules promulgated by the State Board of Agriculture.

~~Markets must announce to all buyers whether or not an offering is the entire consignment and whether or not testing is to be or has been conducted, on all eligible cattle in the consignment.~~

Animals that are sold ~~before test and guaranteed to be~~ brucellosis free prior to testing shall revert to the seller without

obligation to the purchasers if the animals are reactors, and all expenses incurred in testing shall be paid by the seller.

A record of ~~such~~ compliance shall be on a form approved by the State Board of Agriculture Veterinarian.

F. Animal Quarantine

SECTION 22. AMENDATORY 2 O.S. 1991, Section 6-124, as amended by Section 3, Chapter 296, O.S.L. 1992 (2 O.S. Supp. 1999, Section 6-124), is amended to read as follows:

Section 6-124. Whenever it is determined by the State Board of Agriculture, ~~or by~~ the State Veterinarian, that livestock in any area of the State of Oklahoma is, has been, or is likely to be, infected with an infectious or contagious disease, or has been exposed ~~thereto by reason of the~~ due to importation of livestock from another state, ~~or from another area in the State of Oklahoma,~~ or for any other reason, the President of the Board, an authorized agent, or the State Veterinarian shall issue an order of quarantine showing the ~~boundaries of the~~ area and the conditions of the quarantine, ~~if any~~. Notice of ~~such~~ the quarantine order shall be given by one of the following methods ~~or a combination thereof~~:

~~(a) in~~ 1. In person by an authorized agent of the Board; or

~~(b) by~~ 2. By certified mail; or

~~(c) by~~ 3. By publication in a legal newspaper printed of general circulation in one or more counties in which ~~such~~ the areas are situated; or

~~(d) by~~ 4. By a sign or signs posted in or around the quarantined area. It shall be illegal to remove any sign or notice posted to a quarantine area or premise and removal shall be only by the State Veterinarian or ~~his~~ an authorized agent.

The issuance of a quarantine may be waived if the ~~State Board of Agriculture~~ or the State Veterinarian enters into a formal cooperative agreement with the affected party that will control and eradicate the disease condition.

SECTION 23. AMENDATORY 2 O.S. 1991, Section 6-125, as last amended by Section 86, Chapter 133, O.S.L. 1999 (2 O.S. Supp. 1999, Section 6-125), is amended to read as follows:

Section 6-125. It shall be unlawful and a misdemeanor for any person to remove, ~~or to~~ change the location of, or to bring into or to take out of any place or area that has been quarantined, any livestock ~~of an aggregate value of One Thousand Dollars (\$1,000.00) or less, which are covered by the order of quarantine,~~ or otherwise to violate any of the conditions of ~~such order of~~ the quarantine. If the aggregate value of ~~such~~ the livestock is in excess of One Thousand Dollars (\$1,000.00), then the person shall, upon conviction, be guilty of a felony.

F-1. Foreign Animal Diseases Act

SECTION 24. AMENDATORY Section 2, Chapter 75, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-132), is amended to read as follows:

Section 6-132. As used in the Foreign Animal Diseases Act:

- ~~1. "Person" means any individual, firm, partnership, association, organization or corporation;~~
- ~~2. "Board" means the State Board of Agriculture;~~
- ~~3. "Foreign Animal Disease~~ foreign animal disease" means any disease condition of livestock or ~~animal which is designated as animals~~ meeting the criteria for a foreign animal disease by the United States Department of Agriculture, ~~Animal and Plant Health Inspection Service;~~
- ~~4. "Livestock" and "animals" shall be deemed to include any cattle, bison, equidae, sheep, goats, swine, chickens, turkeys, domesticated fowl, and any animal, ratite or psittacine in captivity; and~~
- ~~5. "Authorized agent" means the State Veterinarian or any person designated as an authorized agent of the State Board of~~

~~Agriculture, pursuant to Section 1-3 of Title 2 of the Oklahoma Statutes.~~

SECTION 25. AMENDATORY Section 4, Chapter 75, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-134), is amended to read as follows:

Section 6-134. If the State Board of Agriculture or any authorized agent ~~thereof shall determine that~~ determines any animal or livestock in any area, ~~such as a county, township or similar political or geographical boundary,~~ is or might be infected with any foreign animal disease, a quarantine may be declared by the Board ~~or any authorized agent.~~ Such The quarantine shall show the ~~boundaries of the area or place~~ quarantined and the conditions of the quarantine, ~~if any; and notice.~~ Notice of ~~such the~~ quarantine shall be given in person by an authorized agent, by certified mail, by a sign or signs posted in ~~such place, places or~~ around the quarantined area, or by publication in a legal newspaper ~~printed of general circulation~~ in one or more counties in which such place, places or the area may be situated, ~~or by both such posting and publication.~~ It shall be illegal to remove any sign or notice posted to a quarantined area or premises ~~and removal shall be only unless~~ removed by the State Veterinarian or an authorized agent.

SECTION 26. AMENDATORY Section 5, Chapter 75, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-135), is amended to read as follows:

Section 6-135. No biological product, including antigens, used to immunize, test, or treat livestock or ~~any other~~ animals for foreign animal diseases shall be manufactured, produced, transported, distributed, sold, offered for sale, or possessed in this state unless the biological product has been licensed or permitted by the United States Department of Agriculture, and approved by the State Veterinarian. ~~Such biological~~ Biological

products shall be administered or used only by those persons approved by the State Veterinarian.

G. Tuberculosis

SECTION 27. AMENDATORY 2 O.S. 1991, Section 6-141, as amended by Section 7, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 6-141), is amended to read as follows:

Section 6-141. All ~~cattle~~ livestock or animals found to be affected with tuberculosis, either by tuberculin test or physical examination by a veterinarian, shall be branded immediately on the tailhead in capital form with the Roman letter "T", ~~not less than at least~~ at least two (2) inches in width and ~~not less than~~ three (3) inches in length, ~~and have a designated metal tag~~ affixed to the left ear a designated metal tag, and shall be ~~forever~~ considered ~~as~~ affected with tuberculosis. The owner or owners of ~~such~~ tuberculosis-affected ~~cattle~~ animals shall permit any authorized agent or representative of the State Board of Agriculture or the United States ~~Animal Disease Eradication Branch~~ Department of Agriculture or ~~Accredited Veterinarian~~ accredited veterinarian to brand and tag all ~~such~~ affected animals ~~for identification.~~

SECTION 28. AMENDATORY 2 O.S. 1991, Section 6-142, is amended to read as follows:

Section 6-142. ~~Any~~ It shall be unlawful for any person, ~~or the members of any firm or copartnership, or the active managing officers of any corporation,~~ or any of the agents or employees of any ~~such persons, who~~ person to knowingly and intentionally ~~sells~~ sell, ~~or offers~~ offer for sale, ~~or assists~~ assist in the sale or trade, or ~~who in any manner disposes~~ dispose or ~~offers~~ offer to dispose ~~of in the State of Oklahoma,~~ any animal ~~of the bovine specie, covered by the provisions of the preceding section,~~ belonging to or in the possession of ~~such persons, which animal is~~ affected with tuberculosis, ~~shall be guilty of a misdemeanor.~~

SECTION 29. AMENDATORY 2 O.S. 1991, Section 6-143, is amended to read as follows:

Section 6-143. The State Veterinarian or any ~~duly~~ accredited veterinarian directed by the State Veterinarian, as defined by the United States ~~Animal Disease Eradication Branch~~ Department of Agriculture, ~~working under his direction~~, upon reliable information that tuberculosis exists in any ~~cattle~~ animal in the state, may cause the tuberculin test to be applied to ~~such cattle~~ the herd or group of animals. Should the owner or owners refuse or neglect to comply with the instructions of the examining veterinarian, ~~then~~ the State Veterinarian or ~~his duly~~ their authorized ~~representative or any veterinary inspector of the Animal Disease Eradication Branch~~ agent shall quarantine ~~said~~ the animals, ~~which and this~~ quarantine shall prohibit the movement of any ~~cattle or hogs~~ animal or ~~any animal~~ products thereof from ~~said~~ the premises.

SECTION 30. AMENDATORY 2 O.S. 1991, Section 6-145, is amended to read as follows:

Section 6-145. ~~When a county is cooperating with the State Board of Agriculture and the Animal Disease Eradication Branch of the United States Department of Agriculture in the eradication of tuberculosis on the county area plan, such fact shall be set forth in a proclamation by the President of the State Board of Agriculture, and cattle may~~ Animals shall be moved or allowed to move into ~~such county~~ the State of Oklahoma only ~~under the provisions of such proclamation and regulations as may be in~~ accordance with rules promulgated by the State Board of Agriculture and regulations of the United States Department of Agriculture. ~~After such proclamation has been issued, it~~ It shall be the duty of each owner or ~~caretaker~~ person in control of ~~cattle~~ animals in ~~such area~~ this state to present all ~~cattle in his possession~~ animals for testing when notified ~~to do so~~ by the State Veterinarian or ~~his duly~~ authorized ~~representative~~ agent. The owner or ~~caretaker~~ person in

control of the ~~cattle~~ animals shall render ~~such~~ any assistance in restraining the animals as required by the State Veterinarian or ~~his representative deems necessary~~ authorized agent. If the owner or ~~caretaker~~ person in control neglects or refuses to present the ~~cattle~~ animals for testing or ~~refuses or neglects to~~ adequately assist in restraining them, the State Veterinarian or ~~his representative~~ authorized to test the cattle agent may call upon the sheriff of the county for any necessary assistance, ~~and such~~. The sheriff shall be paid for ~~such~~ the work the same fees as are ~~now provided to be~~ collected for the execution of a writ of attachment. Unless ~~such~~ the fees are paid immediately by the owner or person in control, the sheriff may seize ~~so~~ as many of the ~~cattle~~ animals as are necessary for the payment of ~~his~~ the fees, and after ten (10) days shall sell ~~them for such~~ the animals to recover the fees and costs accrued ~~by him~~.

SECTION 31. AMENDATORY 2 O.S. 1991, Section 6-146, is amended to read as follows:

Section 6-146. Retests shall be ~~made~~ conducted by the State ~~Board of Agriculture and the Animal Disease Eradication Branch of the United States Department of Agriculture~~ Veterinarian or authorized agent in all ~~counties~~ herds in which initial tests have been made under the provisions of the two preceding sections disclosed animals affected with tuberculosis at ~~such~~ those intervals as prescribed by the State Board of Agriculture ~~may deem necessary~~ for the protection of the work already done and to preserve the standing of ~~such counties as accredited or area tested counties~~ this state under the ~~rules and~~ regulations of the ~~Animal Disease Eradication Branch of the~~ United States Department of Agriculture.

SECTION 32. AMENDATORY 2 O.S. 1991, Section 6-147, is amended to read as follows:

Section 6-147. All ~~cattle which have been condemned~~ animals classified as reactors for tuberculosis shall be slaughtered within

~~a reasonable time~~ fifteen (15) days following the date of ~~such~~
~~condemnation~~ classification.

SECTION 33. AMENDATORY 2 O.S. 1991, Section 6-149, is amended to read as follows:

Section 6-149. No payment of indemnity from state funds shall be made for any ~~eattle~~ animals found to be tuberculous in the following cases: ~~(a)~~

1. Unless slaughtered within ~~a reasonable time~~ fifteen (15) days after the date of ~~condemnation~~. ~~(b)~~ classification as reactors;

2. After any test, when the premises ~~found to contain~~ containing tuberculous ~~eattle~~ animals have not been cleaned and disinfected in accordance with the rules ~~and regulations~~ of the State Board of Agriculture and the ~~Animal Disease Eradication Branch~~ of the United States Department of Agriculture. ~~(c)~~ ;

3. For any ~~eattle~~ animals belonging to a state or federal supported institution. ~~(d)~~ ;

4. For any ~~eattle which~~ animals the owner or claimant knew to be diseased at the time ~~they came into his possession~~. ~~(e)~~ obtained;

5. For any ~~eattle~~ animals unless the entire herd associated with them has been tested. ~~(f)~~ ;

6. For any ~~eattle~~ animals which have not been within this state ~~for a period of~~ at least one (1) year prior to being ~~found affected~~ with classified as reactors for tuberculosis. ~~(g)~~ ; and

7. For any ~~eattle which have been~~ animals moved intrastate or interstate in violation of the laws of this or any other state, or any of the rules ~~and regulations~~ of the ~~State Board of Agriculture~~ or ~~of the Animal Disease Eradication Branch of the~~ United States Department of Agriculture.

H. ~~Health~~ Certificates of Veterinary Inspection

SECTION 34. AMENDATORY 2 O.S. 1991, Section 6-150, is amended to read as follows:

Section 6-150. ~~For the purposes of~~ As used in this subarticle
~~and as used herein, unless the context indicates otherwise~~ Article:

~~(a)~~ "Livestock" shall mean any animal or bird to be imported
into the State of Oklahoma for any purpose 1. "Approved market"
means any livestock market, auction, or stockyard which operates
under the specific approval of the United States Department of
Agriculture, the Oklahoma Agricultural Code, and the rules of the
Board;

~~(b)~~ 2. "Approved veterinarian" shall mean means a graduate
veterinarian licensed and accredited by the state of origin and the
~~Animal Health Division, Agricultural Research Service,~~ United States
Department of Agriculture, or an authorized veterinary inspector of
the United States ~~Animal Health Division~~ Department of Agriculture;

~~(c)~~ 3. "Livestock" means any animal or bird to be imported into
the State of Oklahoma for any purpose;

4. "Official health certificate" shall mean or "certificate of
veterinary inspection" means a legible ~~certificate made~~ declaration
on an official form from the state of origin or from the ~~Animal~~
~~Health Division, Agricultural Research Service,~~ United States
Department of Agriculture, issued by an approved veterinarian and
approved by the chief livestock ~~sanitary~~ health official of the
state of origin;

~~The~~ An official health certificate or certificate of veterinary
inspection shall contain the name and address of the consignor and
consignee, age, sex, number, breed of livestock, and sufficient
identifying marks ~~and~~ and/or tags to positively identify ~~said~~ the
livestock, ~~and shall also contain positive identification of the~~
~~motor vehicle or common carrier used in the transportation of the~~
~~livestock covered by~~ listed on the health certificate. The health
certificate shall also contain a statement by the approved
veterinarian that such livestock are free from evidence of all
contagious, infectious, or communicable diseases and do not

originate from a district of quarantine, infestation or infection. A health certificate shall be void thirty (30) days after the date of its issuance. A copy of the health certificate ~~must be approved by the chief livestock sanitary official of the state of origin and~~ shall be forwarded to the Oklahoma State Veterinarian, Oklahoma City, Oklahoma; and

~~(d) A "permit" shall mean 5. "Permit" means~~ written permission by the State Board ~~or its authorized agent of Agriculture~~ to move certain livestock into or within the State of Oklahoma with or without an official health certificate. A permit shall contain the name and address of the consignor and the consignee, and the number, age, sex, and breed of the livestock. ~~A permit shall be void fifteen (15) days after the date of issuance.~~

~~(e) "Approved market" shall mean any livestock market, auction, or stockyard which operates under the immediate supervision of the Agricultural Research Service, United States Department of Agriculture, or which has executed a written cooperative agreement, agreeing to abide by the Interstate Brucellosis Regulations, CFR Amendment 56-40 and the Oklahoma Agricultural Code, 2 O.S.1961, Sections 6-101 et seq., and the rules and regulations promulgated thereunder.~~

~~(f) "Board" shall mean the Oklahoma State Board of Agriculture.~~

SECTION 35. AMENDATORY 2 O.S. 1991, Section 6-151, is amended to read as follows:

Section 6-151. ~~(a)~~ A. It shall be unlawful to ship ~~or,~~ transport, or cause to be shipped or transported ~~in any manner~~ any livestock into the State of Oklahoma, unless ~~said livestock are~~ accompanied by an official health certificate ~~or,~~ permit, or both, which shall be in the possession of the driver of the vehicle or person in charge of the livestock; ~~provided, that an.~~ The owner of the livestock, the shipper, and the operator of the vehicle transporting the livestock shall be equally and individually

responsible for meeting all requirements regarding health certificates, permits, and the movement of livestock into this state. An official health certificate or permit shall not be required for any livestock shipped directly from a farm of origin, with no diversion in route, to an approved market or slaughtering establishment operating under state or federal supervision, if a waybill, bill of lading, or certificate of ownership accompanies the shipment showing the consignor and the point of origin of the shipment, and the approved market or slaughtering establishment to which the livestock are shipped.

~~(b)~~ B. It shall be unlawful for any livestock that are affected with or that have been exposed to any infectious, contagious, or communicable disease or which originate from a quarantined area, to be shipped or in any manner transported or moved into or through the state until written permission for ~~such~~ entry, transportation, or movement is ~~first~~ obtained from the State Board of Agriculture or its authorized agent; ~~provided, that a.~~ A written permit shall not be required for diseased animals which are approved for interstate shipment under specified restrictions by the ~~Animal Health Division, Agricultural Research Service,~~ United States Department of Agriculture.

SECTION 36. AMENDATORY 2 O.S. 1991, Section 6-152, is amended to read as follows:

Section 6-152. ~~(a)~~ A. Any authorized agent of the State Board of Agriculture, or any law enforcement officer of the State of Oklahoma or any subdivision ~~thereof~~, shall have the ~~express~~ authority to stop the shipment or movement of any livestock within this state, and ~~said~~ the agent or officer may hold ~~said~~ the livestock under quarantine at the owner's risk and expense for observation, tests, vaccination, dipping, treatment, ~~reinspection~~ inspection, or for any other purposes ~~that may be deemed necessary~~. The agent or officer may order any and all livestock ~~so held to be~~

unloaded or handled in any ~~necessary~~ manner when ~~said~~ the agent or officer ~~deems~~ finds it necessary to effect a more complete and thorough inspection or examination. If ~~said~~ the livestock are found to be affected with any infectious or communicable disease or condition which poses a threat to the public health, safety, or welfare, the Board or State Veterinarian may condemn ~~said~~ the livestock and order them slaughtered immediately. The agent, ~~or~~ Board, or State Veterinarian shall not be liable for the loss in value of any livestock stopped, quarantined, condemned, or slaughtered under the provisions of this ~~paragraph~~ subarticle.

~~(b)~~ B. No livestock held under quarantine ~~pursuant to the paragraph (a)~~ shall be released from ~~said~~ quarantine until a written release, signed by an authorized agent ~~of the Board~~ has been executed.

SECTION 37. AMENDATORY 2 O.S. 1991, Section 6-153, is amended to read as follows:

Section 6-153. ~~(a)~~ A. In order to assist in the enforcement of this law and to aid in determining the point of origin of livestock transported within the State of Oklahoma, ~~unless said~~ all livestock shall be accompanied by a health certificate, ~~the same shall be accompanied by~~ a bill of sale, or acceptable proof of ownership of the livestock, ~~which~~. All of these documents shall disclose the name of the owner, the name of the consignee, the point of origin, the point of destination, and a description of the livestock sufficient to identify them for any ~~and all~~ purposes.

~~(b)~~ B. The importation requirements ~~as provided~~ in this subarticle are applicable to any livestock shipped into or transported within this state for exhibition purposes.

J. Oklahoma Meat Inspection Act

SECTION 38. AMENDATORY 2 O.S. 1991, Section 6-185, is amended to read as follows:

Section 6-185. The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, bison, sheep, swine, goats, horses, mules, and other equines or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under Sections 6-181 et seq. of this title is maintained, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Board may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under Sections ~~6-118~~ 6-181 et seq. of this title is maintained, under such conditions as it may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of ~~this act~~ the Oklahoma Meat Inspection Act.

K-3. Exotic Livestock and Exotic Livestock Products Inspection Act

SECTION 39. AMENDATORY Section 1, Chapter 5, O.S.L. 1994 (2 O.S. Supp. 1999, Section 6-291), is amended to read as follows:

Section 6-291. A. The State Board of Agriculture shall be the official exotic livestock disease control agency of the State of Oklahoma, and shall have the authority to issue and enforce rules and regulations governing the movement and testing of exotic livestock as defined in Section 6-290.3 of ~~Title 2 of the Oklahoma Statutes~~ this title, in intrastate commerce with regards to disease emergency, disease control, or disease eradication.

B. The ~~State Board of Agriculture~~ shall have the authority to issue and enforce rules and regulations governing the movement and testing of exotic livestock as defined by Section 6-290.3 of ~~Title 2 of the Oklahoma Statutes~~ this title, in interstate commerce as required or allowed by federal law.

C. No exotic livestock under the jurisdiction of the Board shall be released into the wilds of Oklahoma without first obtaining written permission of the Director of the Oklahoma Wildlife Conservation Commission. It shall be unlawful for any person to release exotic livestock into the wilds of Oklahoma in violation of the provisions of this Code or rules adopted by the Board.

L. Animal Industry ~~Division~~

SECTION 40. AMENDATORY 2 O.S. 1991, Section 6-302, is amended to read as follows:

Section 6-302. A. To enable the State Board of Agriculture to implement its duties and responsibilities regarding disease eradication and control, authorized agents of the Board are authorized to stop a vehicle transporting any livestock ~~as such term is defined by Section 1-3 of Title 2 of the Oklahoma Statutes,~~ for the purposes of inspecting and examining:

1. Livestock being ~~se~~ transported; and
2. The documents relating to the health, ownership, or destination of the livestock.

B. Agents of the Board are ~~also~~ authorized to issue citations to those persons committing violations of the laws relating to the control and eradication of disease in livestock in this state.

C. The authorized agents designated ~~by the Board~~ to stop ~~such~~ vehicles and issue ~~such~~ citations shall be required to satisfactorily complete those courses offered by law enforcement agencies as are required by the Board.

ARTICLE 7. MILK AND DAIRY PRODUCTS
AND MILK PRODUCTS PLANTS

A. Oklahoma Dairy Division of State Department of Agriculture Committee.

SECTION 41. AMENDATORY Section 1, Chapter 68, O.S.L. 1998 (2 O.S. Supp. 1999, Section 7-1.1), is amended to read as follows:

Section 7-1.1 A. The ~~Department~~ Commissioner of Agriculture shall create an Oklahoma Dairy Committee which shall serve as an advisory committee ~~to the Department of Agriculture.~~ The Committee shall:

1. Assist similarly designed committees or commissions in at least three ~~(3)~~ of the states south and east or contiguous to Oklahoma in the formulation or development of a dairy compact or dairy compacts to effect uniformity in regulating and insuring an adequate supply of pure and wholesome milk to the public at an equitable and fair price for Oklahoma dairy producers;

2. Submit ~~any such~~ a dairy compact to the Legislature of this state for ratification and to Congress for consent; and

3. ~~Such~~ Any other duties and responsibilities necessary to organize and prepare for the development and implementation of a dairy compact pursuant to this section.

B. 1. The Oklahoma Dairy Committee shall consist of the following persons:

a. the Governor shall appoint three members as follows:

(1) a representative of the Oklahoma cattle industry who is actively engaged in milk production, from a list submitted by statewide Oklahoma cattlemen's producer associations,

(2) a representative of the Oklahoma milk processing industry, and

(3) ~~one~~ a member from the public at large,

b. the Speaker of the House of Representatives shall appoint two ~~(2)~~ members as follows:

- (1) a representative of an Oklahoma statewide dairy producer association, and
- (2) a representative from the pure breed dairy cattle industry, and

c. the President Pro Tempore of the Senate shall appoint two members as follows:

- (1) a representative from the State Board of Agriculture, and
- (2) a member from the public at large.

2. The members shall be residents and voters of the State of Oklahoma.

C. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through three (3) years so that only one term expires each calendar year. Subsequent appointments shall be for three-year terms.

D. All appointees to the Committee shall be selected for outstanding knowledge and leadership in their fields.

E. No appointed member may serve more than three consecutive full terms of office on the Committee.

F. Any vacancy in the membership of the Committee shall be filled for the unexpired term in the same manner as the original appointment.

G. The ~~chairman~~ chair of the Committee shall be elected annually from among the Committee members.

H. The Committee shall meet at least six times annually.

I. Members of the Committee shall be reimbursed by their appointing authority for actual and necessary travel expenses pursuant to the State Travel Reimbursement Act for performance of their duties as members of the Oklahoma Dairy Committee.

J. The Oklahoma Dairy Committee shall have the authority to adopt organizational and operating policies to govern its operations. All organizational and operating policies of the

Committee shall be adopted through procedures utilized by and pursuant to the supervision of the ~~Department~~ Commissioner of Agriculture.

K. 1. During formulation and development of the compact, the State Board of Agriculture may provide recommendations and suggestions for the dairy compact through the Committee.

2. Upon acceptance of the compact by other similarly designed committees or other commissions in at least three of the states south and east or contiguous to Oklahoma, the Board shall have no authority to modify or ~~otherwise~~ alter the compact.

3. When the compact has been formulated and developed, the Committee shall submit the proposed compact to the Legislature for ratification.

M. Oklahoma Milk and Milk Products Act

SECTION 42. AMENDATORY 63 O.S. 1991, Section 1-1301.2, as amended by Section 5, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-402), is amended to read as follows:

Section 7-402. It is the policy of this state and the purpose of the Oklahoma Milk and Milk Products Act ~~and it is hereby declared to be the policy of this state~~ to regulate the quality and the minimum sanitary requirements of the production, processing, and distribution of milk and milk products in a manner that ~~will~~ shall:

1. Protect the health, safety, and welfare of the consumer public; and

2. Allow Oklahoma milk and milk product producers, processors, and distributors to enjoy free trade and commerce ~~among sister states~~.

SECTION 43. AMENDATORY 63 O.S. 1991, Section 1-1301.3, as amended by Section 6, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-403), is amended to read as follows:

Section 7-403. As used in the Oklahoma Milk and Milk Products Act:

1. ~~"Commissioner" means the Commissioner of Agriculture or his or her duly authorized employee~~ "Bulk milk hauler/sampler" means any person collecting official samples and may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or transfer station and has in their possession a permit from any state to sample these products;

2. "Dairy farm" means any ~~place or~~ premises, owned or operated by a "milk producer", where one or more cows or goats are kept, and from which a part or all of the milk or milk products is sold or offered for sale;

3. "Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats;

4. ~~5. "Grade A milk and milk products" means milk and milk products at any stage from production through pasteurization and packaging, that are of the minimum quality and are produced, hauled, processed and distributed under conditions which substantially meet the requirements of the Oklahoma Milk and Milk Products Act;~~

~~6. "Inhibitor" means any chemical or antibiotic substance which inhibits or retards the growth of bacteria in milk;~~

~~7. "Milk" is defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-fourth percent (8 1/4%) milk solids-not-fat and not less than three and one-fourth percent (3 1/4%) milkfat. The term "milk" shall be interpreted to include goat milk. Wherever the term "milk" is used in the Oklahoma Milk and Milk Products Act, it shall mean fluid market milk and milk products for the purpose of distribution to the consumer, and may contain optional ingredients defined by the Board and shall include ungraded and Grade A milk;~~

~~8. "Milk contact surface" means any pipe, tank, equipment, or facility which contacts or may contact milk during the producing, hauling, processing, or distributing of milk and milk products;~~

~~9. "Milk distribution center" means any place or premises, owned or operated by a "milk distributor", which distributes and sells or offers to sell milk and milk products but does not include an establishment which sells or offers to sell Grade A milk and milk products at retail to the ultimate consumer;~~

"Grade A milk and milk products" means milk and milk products at any stage from production through pasteurization and packaging, that are of the minimum quality and are produced, hauled, processed, and distributed under conditions which meet the requirements of the Oklahoma Milk and Milk Products Act;

5. "Inhibitor" means any chemical or antibiotic substance which inhibits or retards the growth of bacteria in milk;

6. "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-fourth percent (8 1/4%) milk solids-not-fat and not less than three and one-fourth percent (3 1/4%) milkfat. The term "milk" shall include goat milk, fluid market milk, and milk products for the purpose of distribution to the consumer, and may contain optional ingredients defined by the State Board of Agriculture and shall include ungraded and Grade A milk;

7. "Milk contact surface" means any pipe, tank, equipment, or facility which contacts or may contact milk during the producing, transporting, processing, or distributing of milk and milk products;

8. "Milk distribution center" means any premises, owned or operated by a "milk distributor", which distributes and sells or offers to sell milk and milk products but does not include an establishment which sells or offers to sell Grade A milk and milk products at retail;

9. "Milk facility" means ~~such the~~ producing, processing, ~~hauling~~ transporting, or distributing premises and facilities which operate under an appropriate and valid permit issued by the Commissioner, in compliance with the Oklahoma Milk and Milk Products Act and the rules ~~of the Board~~;

10. ~~"Milk hauler" means the systems and any person who owns, controls or operates systems which transport raw milk or raw milk products to or from a milk plant or receiving or transfer station~~

"Milk fat" or "butter fat" means the fat of milk;

11. "Milk plant" means any ~~place or~~ premises, owned or operated by a "milk processor", where milk or milk products are collected, manufactured, processed, pasteurized, bottled, stored, or prepared for distribution for commercial purposes including, but not limited to, a receiving or transfer station;

12. "Milk products" means those products produced or obtained from milk or any component or product of milk and defined by the Board, including Grade A milk products, ungraded raw milk and ungraded milk products;

13. "Milk tank truck cleaning facility" means any premise or establishment, separate from a milk plant, receiving station, or transfer station, where a milk tank truck is cleaned and sanitized;

14. "Milk tank truck driver" means any person transporting raw or pasteurized milk products between a milk plant, receiving station, or transfer station;

15. "Milk transportation company" means any person responsible for a milk tank truck;

16. "Pasteurized milk" means Grade A raw milk which has been pasteurized and stored in accordance with the chemical, bacteriological, and temperature standards required by the Board;

17. "Receiving station" means any premises where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting;

18. "Retail food store" means any establishment which offers for retail sale packaged or bulk food goods for human consumption;

19. "Transfer station" means any establishment or premises where milk or milk products are transferred directly from one milk tank truck to another; and

~~13. 20. "Ungraded milk products" and "manufacture grade milk products" include, but are not limited to, butter, cheese, dry milk, condensed milk, filled or evaporated milk, frozen dairy dessert and mello-drink products;~~

~~14. "Pasteurized milk" means Grade A raw milk which has been pasteurized and stored in accordance with the chemical, bacteriological and temperature standards required by the Board;~~

~~15. "Person" means any natural or artificial person including but not limited to individuals, partnerships, associations or corporations, or any other legal entity;~~

~~16. "Receiving or transfer station" means any place or premises where milk or milk products are received or shipped, except by retail to the ultimate consumers, and any premises or facilities used for transferring milk or milk products from one tank or truck to another;~~

~~17. "Milk fat" or "butter fat" means the fat of milk;~~

~~18. "Department" means the Oklahoma State Department of Agriculture;~~

~~19. "Retail food store" means any establishment which offers for retail sale packaged or bulk food goods for human consumption; and~~

~~20. "Board" means the State Board of Agriculture.~~

SECTION 44. AMENDATORY 63 O.S. 1991, Section 1-1301.4, as last amended by Section 7, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-404), is amended to read as follows:

Section 7-404. A. The State Board of Agriculture shall promulgate ~~reasonable~~ rules governing:

1. The ~~producing, transporting~~ production, transportation, processing, ~~pasteurizing~~ pasteurization, handling, identity, sampling, examination, labeling, marking, shipping statements, optional ingredients, ~~definition~~ definitions, and the sanitary conditions for milk and milk products;

2. The inspection and sanitary rating of ~~dairy herds,~~ dairy farms, bulk milk hauler hauler/samplers, milk transportation companies, milk tank truck cleaning facilities, milk plants, and distribution centers engaged in ~~the producing, hauling~~ transporting, processing, and distributing ~~of~~ milk and milk products;

3. The issuing, modifying, suspending, and revoking of permits to producers, ~~haulers~~ bulk milk hauler/samplers, milk transportation companies, milk tank truck cleaning facilities, processors, and distributors of milk and milk products;

4. The approval of facilities ~~therefor except for~~ and their waste disposal ~~therefrom, which shall be regulated by the Department of Environmental Quality;~~

5. ~~All creameries, public dairies, butter and cheese factories, milk depots, milk and cream collecting stations, market houses where dairy products are sold, buildings occupied by retail dealers in milk, frozen dairy desserts, cream, butter or cheese;~~

~~6.~~ All ~~vehicles~~ modes of transportation used for the distribution of milk and cream ~~and all railroad cars, vehicles and other means of transporting milk and cream~~ to market; and

~~7.~~ 6. The labeling and packaging of milk and milk products.

B. ~~Insofar as permitted by the laws of this state, the~~ The rules promulgated by the Board shall be in ~~reasonable~~ accord with the minimum standards and requirements for milk and milk products currently recommended and ~~published~~ established by the U.S. Department of Health and Human Services, Food and Drug

Administration, including the Recommended Grade A Pasteurized Milk Ordinance, ~~and successors thereto.~~

~~C. The rules promulgated by the State Board of Health for the powers and duties specified in the Oklahoma Milk and Milk Products Act which were in effect on June 30, 1994, shall remain effective until the promulgation of new rules by the Board.~~

SECTION 45. AMENDATORY 63 O.S. 1991, Section 1-1301.5, as renumbered by Section 30, Chapter 140, O.S.L. 1994 and as last amended by Section 3, Chapter 289, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-405), is amended to read as follows:

Section 7-405. The Commissioner of Agriculture shall have the power and duty to:

1. Administer and supervise the enforcement of the Oklahoma Milk and Milk Products Act;

2. Provide for ~~such~~ periodic inspection and investigation as ~~deemed~~ necessary to determine compliance with the Oklahoma Milk and Milk Products Act and to ~~make a~~ record of each inspection on a form ~~to be~~ approved by the ~~Board~~ Commissioner. Every milk producer, bulk milk hauler hauler/sampler, milk tank truck driver, milk transportation company, milk tank truck cleaning facility, milk processor, or milk distributor engaged in producing, ~~hauling~~ transporting, processing, or distributing of milk and milk products shall, upon request, ~~according to law,~~ permit access of the Commissioner to all areas of ~~his~~ their establishment, during ~~reasonable~~ normal business hours, to ~~so~~ evaluate compliance with the provisions of the Oklahoma Milk and Milk Products Act;

3. Secure and analyze samples of milk and milk products from any milk producer, bulk milk hauler hauler/sampler, milk transportation company, milk tank truck cleaning facility, milk processor, or milk distributor; ~~provided that milk.~~ Milk and milk products packaged for retail sale to consumers ~~may~~ shall not be taken without first paying or offering to pay for ~~such~~ the sample;

4. Prohibit the producing, processing, and sale of adulterated milk and milk products;

5. Receive and investigate complaints;

6. Issue permits to the owner or operator of dairy farms, bulk milk hauler hauler/sampler, milk tank truck driver, milk transportation company, milk tank truck cleaning facility, milk plants, milk distribution centers, and receiving or transfer stations to engage in the producing, ~~hauling~~ transporting, processing, or distributing of milk and milk products upon receipt of permit applications ~~therefor~~ and upon determining that ~~such~~ these facilities are in compliance with the Oklahoma Milk and Milk Products Act and to modify, suspend, or revoke ~~such~~ permits ~~for the producing, hauling, processing or distributing of milk and milk products in accordance with the Oklahoma Milk and Milk Products Act;~~

7. ~~Maintain, as public records,~~ laboratory reports of samples collected by the Commissioner, listings of permits issued, modified, suspended, and revoked;

8. Require submission ~~of and to,~~ timely review, and ~~approve~~ approval, of ~~work,~~ plans, specifications, and other information relative to the construction, ~~reconstruction~~ or alteration of milk and milk product facilities, prior to the commencement of work;

9. ~~Examine, for official use only, true~~ statements of the actual quantities of milk and milk products purchased and sold, ~~and~~ lists of all sources of milk and milk products, ~~and~~ records of cleaning, tests, and pasteurization times and temperatures of appropriate facilities; and

10. Examine and approve laboratories to conduct those analyses required by the Oklahoma Milk and Milk Products Act.

SECTION 46. AMENDATORY 63 O.S. 1991, Section 1-1301.6, as amended by Section 9, Chapter 140, O.S.L. 1994, and as renumbered

by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-406), is amended to read as follows:

Section 7-406. A. Only Grade A pasteurized milk and milk products or Grade A raw milk shall be sold to the final consumer, ~~and~~ provided, however:

1. Only Grade A pasteurized milk shall be sold through restaurants, soda fountains, grocery stores, ~~and~~ or similar establishments, including school lunch rooms; and

2. ~~Grade A raw goat milk may be sold in grocery stores or drug stores; and~~

~~3.~~ In an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade ~~of which~~ is unknown, may be authorized by the Commissioner of Agriculture; ~~in which case, such~~ so long as the milk and milk products shall be labeled "ungraded".

B. Approval by the Commissioner pursuant to rules promulgated by the State Board of Agriculture for the use of Grade A label on milk and milk products processed at any milk plant in accordance with the provisions of the Oklahoma Milk and Milk Products Act shall constitute an acceptable rating for all intrastate purposes. No sanitary requirement or standard issued pursuant to the Oklahoma Milk and Milk Products Act or by any governmental subdivision shall prohibit the sale of Grade A milk and milk products which are produced and processed under laws or rules of any governmental unit, ~~within or without this state,~~ which are substantially equivalent to the requirements of the Oklahoma Milk and Milk Products Act, and which are enforced with equal effectiveness, as determined by a milk sanitation rating certified to the U.S. Department of Health and Human Services, Food and Drug Administration or ~~the~~ its successor ~~thereto~~.

SECTION 47. AMENDATORY 63 O.S. 1991, Section 1-1301.7, as amended by Section 10, Chapter 140, O.S.L. 1994, and as

renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-407), is amended to read as follows:

Section 7-407. A. Any Grade A milk or milk product shall be ~~deemed to be~~ adulterated if:

1. It bears or contains any poisonous, deleterious, l or inhibitor substance in a quantity which may render it injurious to health;

2. It bears or contains any added poisonous, inhibitor, l or deleterious substance for which no safe tolerance has been established by state or federal regulations, or in excess of ~~such~~ the tolerance if one has been established;

3. It consists, in whole or in part, of any substance unfit for human consumption;

4. It has been produced, processed, prepared, packed, held, l or transported under insanitary conditions;

5. Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

6. Any substance has been added ~~thereto or~~, l mixed, l ~~or~~ packed ~~therewith~~, l or any process applied ~~so as~~ to increase its bulk or weight, or reduce its quality ~~or~~, l strength, l or make it appear better or of greater value than it is.

B. Grade A milk and milk products shall be ~~deemed to be~~ misbranded when:

1. Their containers bear or accompany any false or misleading written, printed, l or graphic matter;

2. ~~Such~~ The milk and milk products do not conform to ~~their~~ the definitions in ~~accordance with~~ the Oklahoma Milk and Milk Products Act;

3. ~~Such~~ The products are not labeled in accordance with the Oklahoma Milk and Milk Products Act; and

4. ~~Such products~~ Products are labeled "Grade A" when ~~such the~~ packaged products were filled from a dairy plant or milk plant which did not possess an appropriate and valid Grade A permit ~~issued by the Commissioner~~ at the time the milk or milk product was produced or processed.

SECTION 48. AMENDATORY 63 O.S. 1991, Section 1-1301.8, as amended by Section 11, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-408), is amended to read as follows:

Section 7-408. A. No person shall produce, haul, process, or distribute Grade A raw milk for pasteurization or milk and milk products, or hold ~~himself~~ themselves out as a milk producer, ~~hauler transporter~~, processor, or distributor or represent ~~his~~ a dairy farm, bulk milk hauler hauler/sampler, milk tank truck driver, milk transportation company, milk plant, receiving or transfer station, milk distribution center, or milk or milk products as "Grade A" unless that person possesses an appropriate and valid permit for the particular premises or facilities concerned.

B. Applications for permits for dairy farms, bulk milk hauler hauler/sampler, milk tank truck driver, milk transportation company, milk tank truck cleaning facility, milk plants, receiving or transfer stations, and milk distribution centers shall be submitted ~~to the Commissioner~~ on a form approved by the ~~Board~~ Commissioner of Agriculture. Each applicant shall allow the Commissioner to inspect the applicable premises, records, and facilities. The Commissioner shall ~~timely~~ inspect ~~said~~ premises and facilities and issue the permit applied for when compliance is confirmed. ~~Said~~ These permits shall be issued without ~~either~~ a fee or expiration date and shall not be transferable among persons or places.

C. ~~However, the~~ The Commissioner, ~~without an inspection,~~ may issue ~~such~~ permits, which shall be contingent upon ~~and subject to~~ continuing compliance, to ~~such~~ facilities located ~~without~~ outside

this state which comply with the provisions of subsection B of Section ~~9~~ 7-406 of this ~~act; provided, that if such~~ title. If an out-of-state facility requests, or if ~~such~~ the facility is not ~~so~~ certified, then the cost for all inspections necessary, ~~inspection by the Commissioner and costs of such inspection~~ pursuant to this subsection shall be paid by ~~such~~ those facilities and the amounts ~~so~~ paid shall be deposited in the State Department of Agriculture Revolving Fund.

D. The ~~Board may~~ Commissioner shall issue permits and establish ~~classification~~ classifications for milk and milk products ~~and the producing, processing, distribution, storing, and hauling of milk and milk products and issue permits therefor.~~

SECTION 49. AMENDATORY 63 O.S. 1991, Section 1-1301.9, as amended by Section 12, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-409), is amended to read as follows:

Section 7-409. A. ~~To determine compliance with the requirements of the Oklahoma Milk and Milk Products Act, the~~ The Commissioner of Agriculture shall collect, ~~or cause to be collected,~~ and analyze representative samples, at least four times in any consecutive six (6) months, of Grade A raw milk for pasteurization and Grade A milk and milk products from each Grade A dairy farm, ~~milk hauler, or milk plant and milk distributor, as appropriate;~~ and shall collect and analyze, ~~from time to time,~~ representative Grade A milk and milk products ~~from retail establishments,~~ as required by this ~~act~~ Oklahoma Milk and Milk Products Act and rules adopted by the State Board of Agriculture.

B. Whenever two of the last four consecutive bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk and milk products, the Commissioner shall send a written notice ~~thereof~~ to the person concerned. This notice shall

be in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one (21) days of ~~the sending of such~~ the notice, but not before the lapse of three (3) days.

C. Whenever a phosphatase test on Grade A pasteurized milk is positive, the cause shall be determined; and where the cause is improper pasteurization, it shall be corrected and any milk or milk product involved shall not be offered for sale as Grade A.

D. Whenever an inhibitor test is positive and confirmed, the cause shall be determined; ~~and,~~ any milk or milk product involved shall not be offered for sale as Grade A; ~~and~~ the dairy farm responsible shall not produce raw milk for Grade A purposes until ~~such~~ the milk is found to be free of inhibitors.

E. Samples shall be analyzed in a laboratory approved by the Commissioner. All sampling procedures and required laboratory examinations shall be in substantial compliance with the latest edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association and the latest edition of Official Methods of Analyses of the Association of Official ~~Agricultural~~ Analytical Chemists. ~~Such~~ These procedures including the certification of sample collectors and the examinations shall be evaluated in accordance with the Evaluation of Milk Laboratories, ~~1978~~ 1995 Recommendations of the U.S. Public Health Service/Food and Drug Administration and its successors ~~thereto~~.

SECTION 50. AMENDATORY 63 O.S. 1991, Section 1-1301.10, as amended by Section 13, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-410), is amended to read as follows:

Section 7-410. A. ~~Notwithstanding that~~ Since analytical results may not become available until after the ~~ultimate Grade A~~ milk and milk products ~~have reached~~ reach retail stores and consumers, ~~it is declared that~~ the Commissioner of Agriculture, for

the imperative protection of public health, safety, and welfare ~~imperatively~~, as defined in the Administrative Procedures Act, ~~requires such and the Commissioner, immediately shall~~ upon receipt of the ~~appropriate~~ analysis, ~~shall~~ notify and suspend the permit of a dairy farm or milk plant:

1. Which produced raw milk containing an inhibitor, for at least twenty-four (24) hours and until ~~such time as~~ the cause is corrected and the raw milk is found to be free of inhibitors; or

2. Which produced or processed milk that, in any consecutive six (6) months, exceeded in three of the last five samples the limit of the standard for the milk, in accordance with ~~subsection B of~~ Section ~~12~~ 7-409 of ~~this act~~ the Oklahoma Milk and Milk Products Act for at least twenty-four (24) hours and until ~~such time as~~ the dairy farm or milk plant is inspected and/or sampled and found to be in compliance ~~with the requirements of the Oklahoma Milk and Milk Products Act; provided, that the Commissioner shall conduct such inspection as soon as is reasonably possible after request for such inspection.~~

B. The Commissioner shall ~~immediately~~ notify and suspend, ~~and it is hereby declared that the protection of public health, safety and welfare imperatively requires such, as defined in the Administrative Procedures Act,~~ the permit of a facility ~~upon refusal refusing~~ to allow an inspection of the applicable premises as required by the Oklahoma Milk and Milk Products Act or upon a second consecutive inspection, conducted not less than seventy-two (72) hours nor more than twenty-one (21) days after the first inspection, disclosing gross neglect of cleaning of milk contact surfaces. ~~Such~~ This suspension shall continue ~~under such grounds until such time as~~ an inspection is allowed or the milk contact surfaces are found to be clean, ~~respectively; provided, that the Commissioner shall conduct such inspection as soon as is reasonably possible after request for inspection.~~

C. The Commissioner may ~~also~~ suspend or revoke a permit ~~upon a finding of~~ for continuing or multiple violations of the Oklahoma Milk and Milk Products Act, or ~~summarily~~ suspend a Grade A permit ~~when~~ to protect the public health, safety, or welfare ~~imperatively requires such,~~ in accordance with the Administrative Procedures Act.

SECTION 51. AMENDATORY 63 O.S. 1991, Section 1-1301.11, as amended by Section 14, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-411), is amended to read as follows:

Section 7-411. A. No ~~person~~ persons affected with any disease ~~in a communicable form, or while a carrier~~ capable of ~~such disease,~~ being transmitted to others through the contamination of food shall work at any dairy farm or milk plant in any capacity which brings ~~him~~ them into contact with the equipment involved or employees engaged in the producing, handling, storing, or transporting of milk, milk products, containers, equipment, and utensils; and no milk producer or milk plant operator shall employ in any ~~such~~ capacity any ~~such~~ affected person, ~~or~~ any person suspected of having any disease ~~in a communicable form~~ capable of being transmitted to others through the contamination of food, or of being a carrier of ~~such disease~~ these diseases. Any milk producer, processor, or distributor who suspects that any employee has contracted any disease ~~in a communicable form,~~ or has become a carrier of ~~such a~~ disease, capable of being transmitted to others through the contamination of food shall notify the Commissioner of Agriculture immediately.

B. When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and milk products, the Commissioner is authorized to require any or all of the following measures:

1. The immediate exclusion of that person from milk handling;

2. The immediate exclusion of the milk supply concerned from distribution and use; and

3. Adequate medical ~~and bacteriological~~ examination and testing of the person, of ~~his~~ their associates, and of ~~his and their body~~ the bodily discharges of both.

SECTION 52. AMENDATORY 63 O.S. 1991, Section 1-1301.12, as amended by Section 15, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-412), is amended to read as follows:

Section 7-412. A. All milk for pasteurization and ~~all milk~~ for Grade A raw distribution shall be from herds ~~which are~~ located in a Modified Accredited Tuberculosis Area as determined by the U.S. Department of Agriculture: ~~Provided;~~ provided, that herds located in an area that fails to maintain ~~such~~ accredited status shall have been ~~accredited~~ certified by ~~said~~ the United States Department of Agriculture as tuberculosis-free, or shall have ~~passed~~ an annual negative tuberculosis test.

B. All milk for pasteurization and for Grade A raw distribution shall be from herds participating in a milk ring testing program for brucellosis eradication which is conducted on a continuing basis at intervals of not less than every three (3) months or more than every six (6) months ~~with individual~~. Individual blood tests may be required on all animals in herds showing ~~suspicious~~ positive reactions to the milk ring test.

C. For diseases other than brucellosis and tuberculosis, the Commissioner shall require ~~such~~ physical, chemical, or bacteriological tests as ~~are deemed~~ necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency.

D. Any diseased animal disclosed by ~~such~~ test shall be disposed of as the State Veterinarian directs.

SECTION 53. AMENDATORY 63 O.S. 1991, Section 1-1301.13, as amended by Section 16, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-413), is amended to read as follows:

Section 7-413. A. It shall be unlawful for any person to knowingly:

1. Attempt to produce, haul, process, or distribute milk or milk products without an appropriate and valid permit;
2. Sell, offer, or expose for sale as Grade A any adulterated or misbranded milk or milk product;
3. Sell, offer ~~or~~, expose for sale, or serve milk and milk products which have not been maintained at or below the temperature specified by the State Board of ~~Health~~ Agriculture;
4. Dip or ladle Grade A milk and milk products;
5. Transfer Grade A milk and milk products at any location other than a permitted Grade A facility designed and equipped for ~~such~~ this purpose;
6. Prevent, interfere ~~with~~, or attempt to impede the Commissioner from investigating and enforcing the Oklahoma Milk and Milk Products Act;
7. Sell or serve Grade A milk and milk products from other than the individual container, or approved bulk dispenser, received from the distributor; or
8. Violate any provision of the Oklahoma Milk and Milk Products Act.

~~B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.~~

SECTION 54. AMENDATORY 63 O.S. 1991, Section 1-1301.14, as amended by Section 17, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-414), is amended to read as follows:

Section 7-414. A. The provisions of the Oklahoma Milk and Milk Products Act shall not be construed to:

1. Include incidental sales of raw milk directly to consumers at the farm where the milk is produced;

2. Preclude the advertising of ~~such~~ the incidental sale of goat milk; and

3. Prohibit any farmer or producer from making cheese ~~of~~ using milk or cream produced on ~~his~~ their own farm.

B. For purposes of this section, incidental sales of goat milk are those sales where the average monthly number of gallons sold does not exceed one hundred (100).

SECTION 55. AMENDATORY 63 O.S. 1991, Section 1-1301.15, as amended by Section 18, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-415), is amended to read as follows:

Section 7-415. A. ~~There is hereby assessed a~~ A fee ~~of one cent~~ ~~(\$0.01)~~ established by the State Board of Agriculture shall be assessed on each one hundred (100) pounds of raw milk produced in ~~Oklahoma~~ this state. Each co-op ~~or~~, marketing agent, or processing plant where the raw milk is not collected by a co-op or marketing agent, doing business in Oklahoma shall pay ~~such~~ the fees each calendar month to the Commissioner of Agriculture ~~to be remitted to the State Treasury~~ to be credited to the Milk and Milk Products Inspection Revolving Fund of the State Treasury.

B. ~~There is hereby assessed a~~ A fee ~~of one cent~~ ~~(\$0.01)~~ established by the Board shall be assessed on each one hundred (100) pounds of Grade A milk or milk products processed or offered for retail sale in Oklahoma. Each milk plant doing business in Oklahoma shall pay ~~such~~ the fees each calendar month to the Commissioner ~~to be remitted to the State Treasury~~ to be credited to the Milk and Milk Products Inspection Revolving Fund ~~in~~ of the State Treasury.

C. A fee established by the Board shall be assessed on each one hundred (100) pounds of milk or milk products processed out of state and imported into Oklahoma. The person shipping or causing the shipment of milk or milk products shall be responsible for paying the fees each calendar month to the Commissioner to be credited to the Milk and Milk Products Inspection Revolving Fund of the State Treasury.

SECTION 56. AMENDATORY 63 O.S. 1991, Section 1-1301.16, as amended by Section 19, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-416), is amended to read as follows:

Section 7-416. ~~A.~~ There is ~~hereby~~ created in the State Treasury a revolving fund to be known as the "Milk and Milk Products Inspection Revolving Fund". ~~Said~~ The fund shall be a continuing fund not subject to fiscal year limitations and is ~~hereby~~ appropriated and may be budgeted and expended by the Commissioner of Agriculture for the purpose of administering and enforcing the Oklahoma Milk and Milk Products Act. Expenditures from ~~said the~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

~~B. Any unencumbered monies remaining in the Milk Inspection Revolving Fund on June 30, 1994, shall be transferred to the credit of the Milk and Milk Products Inspection Revolving Fund.~~

SECTION 57. AMENDATORY 63 O.S. 1991, Section 1-1301.19, as amended by Section 22, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1999, Section 7-419), is amended to read as follows:

Section 7-419. A. Whenever the Commissioner, ~~or any authorized agent of the Department,~~ of Agriculture finds ~~or has probable cause to find that~~ any dairy product, in whole or in part, ~~does not that~~ fails to meet the requirements of the ~~standards as required by the~~

Oklahoma Milk and Milk Products Act, or that ~~such a~~ product is handled in violation of law or rules of the State Board of Agriculture, ~~he shall affix to such article~~ a tag or other appropriate marking, shall be affixed which shall ~~thereby~~ give notice that ~~such the~~ article is, or is suspected of, being manufactured, produced, handled, sold, or offered for sale in violation of law or rules of the Board, and is quarantined, and warning all persons not to remove or dispose of such the article by sale or otherwise until permission for removal or disposal is given by the Department Commissioner. It shall be unlawful ~~and a misdemeanor~~ for any person to remove or dispose of ~~such a~~ quarantined article ~~by sale or otherwise~~ without ~~such~~ permission.

B. If the ~~Department Commissioner~~ finds that an article quarantined pursuant to subsection A of this section does not meet the requirements of law, or ~~such the~~ rules, the ~~Department Commissioner~~ may institute an action in the district court in whose jurisdiction the article is quarantined, for the condemnation and destruction of ~~such the~~ article. If, ~~however,~~ the ~~Department Commissioner~~ finds that an article ~~so~~ quarantined does meet the requirements of law and ~~such the~~ rules, the ~~Department Commissioner~~ shall ~~forthwith~~ remove the quarantine. In any court proceeding ~~because of such regarding a~~ quarantine, the State Department of Agriculture or ~~any authorized agent thereof, or~~ the Commissioner, shall not be held liable if the court ~~shall find there was~~ finds probable cause for ~~such the~~ quarantine.

C. If ~~any the~~ court finds that a quarantined article, in whole or in part, is in violation of the law ~~or such rules, such the~~ article shall, ~~after an entry of a decree,~~ be destroyed at the expense of the owner or defender ~~thereof,~~ under the supervision of the ~~Department, and all~~ Commissioner. All court costs, and fees, ~~and~~ cost of storage, and other proper expenses shall be taxed against paid by the owner or defender of ~~such the~~ article, ~~or his~~

agent. ~~If~~ The court may order that the article be delivered to the owner or defendant for appropriate labeling or processing under the supervision of the Commissioner if: the violation can be corrected by proper processing of the article, ~~the court, after an entry of the decree, and after such~~ all costs, fees, and expenses have been paid, and a ~~good and~~ sufficient bond is executed and conditioned ~~that such article be so processed has been executed, may by order direct that such article be delivered to the owner or defender thereof for appropriate labeling or processing under the supervision of the Department~~ as the court may require. The expense of supervision shall be paid to the ~~Department~~ Commissioner by the person obtaining release of the article under bond.

ARTICLE 10. POULTRY AND POULTRY PRODUCTS

A. Poultry ~~Division of State Department of Agriculture~~ Improvement Plan

SECTION 58. AMENDATORY 2 O.S. 1991, Section 10-2, is amended to read as follows:

Section 10-2. The State Board of Agriculture shall be the official state agency in all matters related to the health of birds, hatching eggs, and in the administration of the National Poultry Improvement Plan and the National Turkey Improvement Plan, as recognized by the United States Department of Agriculture, and shall be the official state agency to cooperate with the United States Department of Agriculture, or any other federal agency, or any other state, under the provisions of H.R. 4278, Public Law 425, 78th Congress (Chapter 412, United States Statutes at Large, 78th Congress, Second Session, 1944 - Part 1), or any other federal law or state law pertaining to the improvement of poultry, poultry products and hatcheries.

B. Poultry Shows

SECTION 59. AMENDATORY Section 1, Chapter 126, O.S.L. 1994 (2 O.S. Supp. 1999, Section 10-21), is amended to read as follows:

Section 10-21. There is hereby established in the State of Oklahoma a State Poultry Show, which shall be held annually under the supervision of the Oklahoma State Poultry Federation ~~in accordance with rules and regulations promulgated by the State Board of Agriculture.~~ Such ~~Such~~ The show shall be held each year at a central point in the State of Oklahoma designated by the Oklahoma State Poultry Federation, ~~in December of each year, and any or all of the expenses thereof.~~ Expenses may be paid from any funds that have been made available for ~~such~~ that purpose to the State Department of Agriculture or the State Board of Agriculture, ~~on claims approved by the State Board of Agriculture.~~ The State Poultry Show shall be divided into two divisions, ~~as follows:~~

1. Adult or Open Division. Any person raising poultry may exhibit in ~~such~~ this Division. Entry fees and premiums shall be fixed by the ~~State Board of Agriculture~~ in cooperation, ~~and after consultation,~~ with the Oklahoma State Poultry Federation or its representatives. Nonresident exhibitor premiums shall be paid from entry fees collected by the Oklahoma State Poultry Federation; and

2. Junior Division. An exhibitor in ~~such~~ this division shall be a boy or girl between the ages of nine (9) and nineteen (19) years, ~~and participation.~~ Participation in the Junior Divisions of all contests in school district, county, and state poultry and egg shows shall be limited to specimens of poultry and eggs actually produced and raised by school children of ~~such~~ that district, county, and the state, respectively, ~~between the ages hereinabove specified.~~

SECTION 60. AMENDATORY 2 O.S. 1991, Section 10-23, as amended by Section 2, Chapter 126, O.S.L. 1994 (2 O.S. Supp. 1999, Section 10-23), is amended to read as follows:

Section 10-23. The board of county commissioners of each county in the state may include in its annual estimate of needs a sum of not less than Two Hundred Fifty Dollars (\$250.00) for a county poultry show, which may be placed in a separate fund to be known as the "county poultry show fund". The county excise board shall make a sufficient appropriation and levy for ~~such~~ this purpose. The county poultry show fund shall be used in holding an annual county poultry show. The show shall be held by the county branch of the Oklahoma State Poultry Federation. All expenditures from ~~such~~ the fund shall be approved by the board of county commissioners.

SECTION 61. AMENDATORY 2 O.S. 1991, Section 10-25, is amended to read as follows:

Section 10-25. At least sixty percent (60%) of any amount made available for the state show or any county show shall be used to pay premiums and to defray expenses for the junior division of ~~such~~ the show; ~~and the~~ The remainder shall be used to pay premiums and to defray expenses for the adult or open division ~~of such show~~.

SECTION 62. AMENDATORY 2 O.S. 1991, Section 10-26, as amended by Section 3, Chapter 126, O.S.L. 1994 (2 O.S. Supp. 1999, Section 10-26), is amended to read as follows:

Section 10-26. In order to promote greater interest in the production of high quality broilers in the State of Oklahoma, particularly among the junior members of farm organizations, including the Future Farmers of America and 4-H Clubs, there is ~~hereby~~ established in the State of Oklahoma an annual state-wide broiler show. ~~Said~~ The show shall be organized and operated in cooperation with various recognized associations within the State of Oklahoma by the State Board of Agriculture ~~and shall be held~~ annually.

SECTION 63. AMENDATORY 2 O.S. 1991, Section 10-27, is amended to read as follows:

Section 10-27. The State Board of Agriculture is hereby authorized to designate the exact time and place where ~~such~~ the state-wide broiler show shall be held and ~~is further authorized to~~ make necessary rules and regulations governing the operation of ~~said~~ the show, ~~including~~ and the fixing of premiums to be paid to various exhibitors.

SECTION 64. AMENDATORY 2 O.S. 1991, Section 10-28, is amended to read as follows:

Section 10-28. A fee not to exceed Two Dollars (\$2.00) per entry at each broiler show may be charged to all exhibitors; ~~provided, however, that exhibitors.~~ Exhibitors under the age of eighteen (18) shall be permitted to exhibit without ~~the~~ payment ~~of~~ such fee.

SECTION 65. AMENDATORY 2 O.S. 1991, Section 10-30, is amended to read as follows:

Section 10-30. ~~It is further provided that a~~ A maximum of eighty-five percent (85%) of the funds appropriated ~~under~~ for the ~~provisions of this act~~ state-wide broiler show shall be used to pay premiums to junior exhibitors.

SECTION 66. REPEALER 2 O.S. 1991, Section 6-23, 6-24 ,6-25, 6-26, 6-28, 6-103, 6-104, 6-105, 6-106, 6-121, as amended by Section 2, Chapter 296, O.S.L. 1992, 6-122, 6-123, 6-126, Sections 6 and 7, Chapter 75, O.S.L. 1996, 6-144, 6-148, 6-154, 6-156, 6-301, 63 O.S. 1991, Sections 1-1301.18, as amended by Section 21, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140 O.S.L. 1994, 1-1301.20 as amended by Section 23, Chapter 140, O.S.L. 1994, and as renumbered by Section 30, Chapter 140, O.S.L. 1994, 10-1, 10-41, 10-42, 10-61, 10-62, 10-63, 10-64, 10-65, 10-66, 10-67 and 10-68 (2 O.S. Supp. 1999, Sections 6-121, 6-136, 6-137, 7-418 and 7-420), which relate to livestock diseases, milk and dairy products and poultry are hereby repealed.

SECTION 67. It being immediately necessary for the preservation of the public peace, health and 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.

Passed the Senate the 13th day of March, 2000.

President of the Senate

Passed the House of Representatives the ____ day of _____,
2000.

Speaker of the House of
Representatives