

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 635

By: Justice of the Senate

3 and

4 DeWitt of the House

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8 (agriculture - Oklahoma Milk and Milk Products Act -
9 noncodification - effective date -
10 emergency)

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13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to agriculture; amending 2 O.S.
16 2001, Section 7-408, as amended by Section 5,
17 Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2008, Section
18 7-408), which relates to the Oklahoma Milk and Milk
19 Products Act; modifying entity authorized to issue
20 certain permits and inspect certain premises and
21 facilities; deleting fee prohibition; requiring the
22 State Board of Agriculture to charge a certain fee
23 for inspection of certain milk tank trucks; and
24 providing an effective date.

SECTION 1. AMENDATORY 2 O.S. 2001, Section 7-408, as
amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2008,
Section 7-408), is amended to read as follows:

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

11 B. Applications for permits for dairy farms, bulk milk
12 hauler/sampler, milk tank truck driver, milk transportation company,
13 milk tank truck cleaning facility, milk plants, receiving or
14 transfer stations, and milk distribution centers shall be submitted
15 on a form approved by the ~~Commissioner~~ State Board of Agriculture.
16 Each applicant shall allow the ~~Commissioner~~ Board to inspect the
17 applicable premises, records, and facilities. The ~~Commissioner~~
18 Board shall inspect premises and facilities and issue the permit
19 applied for when compliance is confirmed. The permits shall be
20 issued without ~~a fee or~~ an expiration date except for the bulk milk
21 hauler/sampler and milk tank truck driver permit that shall be
22 effective for two (2) years. Permits shall not be transferable
23 among persons or places.

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1 C. The ~~Commissioner~~ Board may issue permits, which shall be
2 contingent upon continuing compliance, to facilities located outside
3 this state which comply with the provisions of subsection B of
4 Section 7-406 of this title. If an out-of-state facility requests,
5 or if the facility is not certified, then the cost for all
6 inspections necessary pursuant to this subsection shall be paid by
7 those facilities and the amounts paid shall be deposited in the
8 State Department of Agriculture Revolving Fund.

9 D. The ~~Commissioner~~ Board shall issue permits and establish
10 classifications for milk and milk products.

11 E. In accordance with the United States Department of Health
12 and Human Services Food and Drug Administration "Grade A"
13 Pasteurized Milk Ordinance requiring each milk tank truck and its
14 appurtenances to be inspected annually, the Board shall charge the
15 owner an inspection fee of Seventy-five Dollars (\$75.00) per milk
16 tank truck inspection performed by the Board.

17 SECTION 2. This act shall become effective January 1, 2010."
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1 Passed the House of Representatives the 14th day of April, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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