

**SUBCOMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB635 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Dale DeWitt \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED SUBCOMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 635

By: Justice of the Senate  
and  
DeWitt of the House

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9 PROPOSED SUBCOMMITTEE SUBSTITUTE

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

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

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

24 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 or herself~~ themselves out as a milk

1 producer, transporter, processor, or distributor or represent a  
2 dairy farm, bulk milk hauler/sampler, milk tank truck driver, milk  
3 transportation company, milk tank truck cleaning facility, milk  
4 plant, receiving or transfer station, milk distribution center, or  
5 milk or milk products as "Grade A" unless that person possesses an  
6 appropriate and valid permit for the particular premises or  
7 facilities concerned.

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

21 C. The ~~Commissioner~~ Board may issue permits, which shall be  
22 contingent upon continuing compliance, to facilities located outside  
23 this state which comply with the provisions of subsection B of  
24 Section 7-406 of this title. If an out-of-state facility requests,

1 or if the facility is not certified, then the cost for all  
2 inspections necessary pursuant to this subsection shall be paid by  
3 those facilities and the amounts paid shall be deposited in the  
4 State Department of Agriculture Revolving Fund.

5 D. The ~~Commissioner~~ Board shall issue permits and establish  
6 classifications for milk and milk products.

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

13 SECTION 2. This act shall become effective January 1, 2010.

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15 52-1-7466 KB 03/26/09

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