

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 635

By: Justice of the Senate

and

DeWitt of the House

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

23 Section 7-408. A. No person shall produce, haul, process, or
24 distribute Grade A raw milk for pasteurization or milk and milk
products, or hold ~~himself or herself~~ themselves out as a milk
producer, transporter, processor, or distributor or represent a

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

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

20 C. The ~~Commissioner~~ Board may issue permits, which shall be
21 contingent upon continuing compliance, to facilities located outside
22 this state which comply with the provisions of subsection B of
23 Section 7-406 of this title. If an out-of-state facility requests,
24 or if the facility is not certified, then the cost for all

1 inspections necessary pursuant to this subsection shall be paid by
2 those facilities and the amounts paid shall be deposited in the
3 State Department of Agriculture Revolving Fund.

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

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

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

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