

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 635

By: Justice of the Senate

and

DeWitt of the House

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9 CONFERENCE 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.

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22 SECTION 1. AMENDATORY 2 O.S. 2001, Section 7-408, as
23 amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2008,
24 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 or herself~~ themselves out as a milk
producer, transporter, processor, or distributor or represent a
dairy farm, bulk milk hauler/sampler, milk tank truck driver, milk

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

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

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

1 those facilities and the amounts paid shall be deposited in the
2 State Department of Agriculture Revolving Fund.

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

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

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

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