

1 ENGROSSED HOUSE
2 BILL NO. 3398

By: McNiell, Fields and Duncan
of the House

3 and

4 Anderson of the Senate

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8 An Act relating to agriculture; amending 2 O.S. 2001,
9 Section 6-195, which relates to the Oklahoma Meat
10 Inspection Act; expanding scope of application of the
11 Oklahoma Meat Inspection Act to certain articles;
12 amending 2 O.S. 2001, Section 7-408, as amended by
13 Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp.
14 2009, Section 7-408), which relates to the Oklahoma
Milk and Milk Products Act; reassigning inspection
and permit duties to the State Board of Agriculture;
providing for promulgation of rules establishing
certain fees; requiring rules to be promulgated by a
certain date; providing for noncodification; and
declaring an emergency.

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

18 SECTION 1. AMENDATORY 2 O.S. 2001, Section 6-195, is
19 amended to read as follows:

20 Section 6-195. ~~(a)~~ A. The provisions of Sections 6-181 through
21 6-196 of this title requiring inspection of the slaughter of animals
22 and the preparation of the carcasses, parts thereof, meat and meat
23 food products at establishments conducting such operations shall not
24 apply:

1 ~~(1) to~~ 1. To the slaughtering ~~by any person~~ of animals of ~~his~~ a
2 person's own raising, and the preparation ~~by him~~ and transportation
3 in intrastate commerce of the carcasses, parts thereof, meat and
4 meat food products of such animals exclusively for use by ~~him~~ a
5 person and members of ~~his~~ a person's household and ~~his~~ nonpaying
6 guests and employees; nor

7 ~~(2) to~~ 2. To the custom slaughter by any person, firm, or
8 corporation of cattle, bison, sheep, swine or goats delivered by the
9 owner thereof for such slaughter, and the preparation by such
10 slaughterer and transportation in intrastate commerce of the
11 carcasses, parts thereof, meat and meat food products of such
12 animals, exclusively for use in the household of such owner, by ~~him~~
13 the owner and members of ~~his~~ the owner's household and ~~his~~ nonpaying
14 guests and employees.

15 ~~(b)~~ B. The provisions of this act requiring inspection of the
16 slaughter of animals and the preparation of carcasses, parts
17 thereof, meat and meat food products shall not apply to operations
18 of types traditionally and usually conducted at retail stores and
19 restaurants, when conducted at any retail store or restaurant or
20 similar retail type establishment for sale in normal retail
21 quantities or service of such articles to consumers at such
22 establishments.

23 ~~(c)~~ C. The slaughter of animals and preparation of articles
24 referred to in ~~paragraphs (a) (2)~~ paragraph 2 of subsection A and ~~(b)~~

1 subsection B of this section shall be conducted in accordance with
2 such sanitary conditions as the Board may by regulations prescribe.
3 Violation of any such regulation is prohibited.

4 ~~(d)~~ D. The humane slaughter and handling of animals and the
5 adulteration and misbranding provisions of Sections 6-181 through
6 6-196 of this title, other than the requirement of the inspection
7 legend, shall apply to articles which are not required to be
8 inspected under this section.

9 SECTION 2. AMENDATORY 2 O.S. 2001, Section 7-408, as
10 amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2009,
11 Section 7-408), is amended to read as follows:

12 Section 7-408. A. No person shall produce, haul, process, or
13 distribute Grade A raw milk for pasteurization or milk and milk
14 products, or hold ~~himself or herself~~ oneself out as a milk producer,
15 transporter, processor, or distributor or represent a dairy farm,
16 bulk milk hauler/sampler, milk tank truck driver, milk
17 transportation company, milk tank truck cleaning facility, milk
18 plant, receiving or transfer station, milk distribution center, or
19 milk or milk products as "Grade A" unless that person possesses an
20 appropriate and valid permit for the particular premises or
21 facilities concerned.

22 B. Applications for permits for dairy farms, bulk milk
23 hauler/sampler, milk tank truck driver, milk transportation company,
24 milk tank truck cleaning facility, milk plants, receiving or

1 transfer stations, and milk distribution centers shall be submitted
2 on a form approved by the ~~Commissioner~~ State Board of Agriculture.
3 Each applicant shall allow the Commissioner to inspect the
4 applicable premises, records, and facilities. The ~~Commissioner~~
5 Board shall inspect premises and facilities and issue the permit
6 applied for when compliance is confirmed. The permits shall be
7 issued without ~~a fee or~~ an expiration date except for the bulk milk
8 hauler/sampler and milk tank truck driver permit that shall be
9 effective for two (2) years. Permits shall not be transferable
10 among persons or places.

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

19 D. The ~~Commissioner~~ Board shall issue permits and establish
20 classifications for milk and milk products.

21 E. The Board shall promulgate rules to establish fees for
22 permits and inspections pursuant to this section.

23 SECTION 3. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

