

1 ENGROSSED SENATE  
2 BILL NO. 635

By: Justice of the Senate  
and  
DeWitt of the House

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7 [ agriculture - Oklahoma Milk and Milk Products Act -  
8 noncodification - effective date -  
9 emergency ]

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

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

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

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

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

22 D. The ~~Commissioner~~ Board shall issue permits and establish  
23 classifications for milk and milk products.  
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1        E. The Board shall promulgate rules to establish fees for  
2 permits and inspections pursuant to this section.

3        SECTION 2.        NEW LAW        A new section of law not to be  
4 codified in the Oklahoma Statutes reads as follows:

5        The State Board of Agriculture shall, no later than September 1,  
6 2009, promulgate emergency rules for establishment of fees pursuant  
7 to subsection E of Section 7-408 of Title 2 of the Oklahoma  
8 Statutes.

9        SECTION 3. This act shall become effective July 1, 2009.

10       SECTION 4. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14       Passed the Senate the 4th day of March, 2009.

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Presiding Officer of the Senate

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18       Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2009.

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Presiding Officer of the House  
of Representatives

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