

ENROLLED HOUSE  
BILL NO. 3398

By: Mc Niel, Fields, Duncan and  
Pittman of the House

and

Anderson of the Senate

An Act relating to agriculture; amending 2 O.S. 2001, Section 6-195, which relates to the Oklahoma Meat Inspection Act; expanding scope of application of the Oklahoma Meat Inspection Act to certain articles; amending 2 O.S. 2001, Section 7-408, as amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 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.

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

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

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

~~(1) to 1.~~ To the slaughtering ~~by any person~~ of animals of ~~his~~ a person's own raising, and the preparation ~~by him~~ and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by ~~him~~ a

person and members of ~~his~~ a person's household and ~~his~~ nonpaying guests and employees; nor

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

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

~~(c)~~ C. The slaughter of animals and preparation of articles referred to in ~~paragraphs (a) (2)~~ paragraph 2 of subsection A and (b) subsection B of this section shall be conducted in accordance with such sanitary conditions as the Board may by regulations prescribe. Violation of any such regulation is prohibited.

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

SECTION 2. AMENDATORY 2 O.S. 2001, Section 7-408, as amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2009, 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~~ oneself out as a milk producer, transporter, processor, or distributor or represent a dairy farm, bulk milk hauler/sampler, milk tank truck driver, milk transportation company, milk tank truck cleaning facility, milk plant, receiving or transfer station, milk distribution center, or milk or milk products as "Grade A" unless that person possesses an

appropriate and valid permit for the particular premises or facilities concerned.

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

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

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

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

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

The State Board of Agriculture shall, no later than September 1, 2010, promulgate emergency rules for establishment of fees pursuant to subsection E of Section 7-408 of Title 2 of the Oklahoma Statutes.

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

Passed the House of Representatives the 2nd day of March, 2010.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 6th day of April, 2010.

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Presiding Officer of the Senate