

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

House Bill No. 3398

HOUSE BILL NO. 3398 - By: MCNIEL AND FIELDS 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 promulgation by a certain date; providing for noncodification; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

21 C. The ~~Commissioner~~ Board may issue permits, which shall be contingent upon  
22 continuing compliance, to facilities located outside this state which comply with the

1 provisions of subsection B of Section 7-406 of this title. If an out-of-state facility  
2 requests, or if the facility is not certified, then the cost for all inspections necessary  
3 pursuant to this subsection shall be paid by those facilities and the amounts paid shall  
4 be deposited in the State Department of Agriculture Revolving Fund.

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
18 DEVELOPMENT, dated 02-24-10 - DO PASS, As Coauthored.