

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 635

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 635 - By:
JUSTICE of the Senate and DEWITT of the House.

An Act relating to agriculture; amending 2 O.S. 2001, Section 7-408, as amended by Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2008, Section 7-408), which relates to the Oklahoma Milk and Milk Products Act; modifying entity authorized to issue certain permits and inspect certain premises and facilities; deleting fee prohibition; requiring the State Board of Agriculture to charge a certain fee for inspection of certain milk tank trucks; and providing an effective date.

1 SECTION 1. AMENDATORY 2 O.S. 2001, Section 7-408, as amended by
2 Section 5, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2008, 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~~ themselves
6 out as a milk producer, transporter, processor, or distributor or represent a dairy farm,
7 bulk milk hauler/sampler, milk tank truck driver, milk transportation company, milk
8 tank truck cleaning facility, milk plant, receiving or transfer station, milk distribution
9 center, or milk or milk products as "Grade A" unless that person possesses an
10 appropriate and valid permit for the particular premises or facilities concerned.

1 B. Applications for permits for dairy farms, bulk milk hauler/sampler, milk tank
2 truck driver, milk transportation company, milk tank truck cleaning facility, milk
3 plants, receiving or transfer stations, and milk distribution centers shall be submitted
4 on a form approved by the ~~Commissioner~~ State Board of Agriculture. Each applicant
5 shall allow the ~~Commissioner~~ Board to inspect the applicable premises, records, and
6 facilities. The ~~Commissioner~~ Board shall inspect premises and facilities and issue the
7 permit applied for when compliance is confirmed. The permits shall be issued without a
8 ~~fee or~~ an expiration date except for the bulk milk hauler/sampler and milk tank truck
9 driver permit that shall be 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 contingent upon
12 continuing compliance, to facilities located outside this state which comply with the
13 provisions of subsection B of Section 7-406 of this title. If an out-of-state facility
14 requests, or if the facility is not certified, then the cost for all inspections necessary
15 pursuant to this subsection shall be paid by those facilities and the amounts paid shall
16 be deposited in the State Department of Agriculture Revolving Fund.

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

19 E. In accordance with the United States Department of Health and Human
20 Services Food and Drug Administration Grade "A" Pasteurized Milk Ordinance requiring
21 each milk tank truck and its appurtenances to be inspected annually, the Board shall

1 charge the owner an inspection fee of Seventy-five Dollars (\$75.00) per milk tank truck
2 inspection performed by the Board.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 04-07-09 - DO PASS, As Amended.