

EHB 3398

1 THE STATE SENATE
2 Wednesday, March 24, 2010

3 ENGROSSED

4 House Bill No. 3398

5 As Amended

6 ENGROSSED HOUSE BILL NO. 3398 - By: McNiell, Fields, Duncan and
7 Pittman of the House and Anderson of the Senate.

8 [agriculture - Oklahoma Meat Inspection Act - Oklahoma Milk
9 and Milk Products Act - noncodification -
10 emergency]

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

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

14 Section 6-195. ~~(a)~~ A. The provisions of Sections 6-181 through
15 6-196 of this title requiring inspection of the slaughter of animals
16 and the preparation of the carcasses, parts thereof, meat and meat
17 food products at establishments conducting such operations shall not
18 apply:

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

1 ~~(2)~~ 2. To the custom slaughter by any person, firm, or
2 corporation of cattle, bison, sheep, swine or goats delivered by the
3 owner thereof for such slaughter, and the preparation by such
4 slaughterer and transportation in intrastate commerce of the
5 carcasses, parts thereof, meat and meat food products of such
6 animals, exclusively for use in the household of such owner, by ~~him~~
7 the owner and members of ~~his~~ the owner's household and ~~his~~ nonpaying
8 guests and employees.

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

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

22 ~~(d)~~ D. The humane slaughter and handling of animals and the
23 adulteration and misbranding provisions of Sections 6-181 through

1 6-196 of this title, other than the requirement of the inspection
2 legend, shall apply to articles which are not required to be
3 inspected under this section.

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

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

17 B. Applications for permits for dairy farms, bulk milk
18 hauler/sampler, milk tank truck driver, milk transportation company,
19 milk tank truck cleaning facility, milk plants, receiving or
20 transfer stations, and milk distribution centers shall be submitted
21 on a form approved by the ~~Commissioner~~ State Board of Agriculture.
22 Each applicant shall allow the Commissioner to inspect the
23 applicable premises, records, and facilities. The ~~Commissioner~~

1 Board shall inspect premises and facilities and issue the permit
2 applied for when compliance is confirmed. The permits shall be
3 issued without ~~a fee or~~ an expiration date except for the bulk milk
4 hauler/sampler and milk tank truck driver permit that shall be
5 effective for two (2) years. Permits shall not be transferable
6 among persons or places.

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

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

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

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

21 The State Board of Agriculture shall, no later than September 1,
22 2010, promulgate emergency rules for establishment of fees pursuant

1 to subsection E of Section 7-408 of Title 2 of the Oklahoma
2 Statutes.

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

7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
8 dated 3-22-10 - DO PASS, As Amended and Coauthored.