

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 635

By: Justice

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6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2001,
8 Section 7-408, which relates to the Oklahoma Milk and
9 Milk Products Act; modifying entity authorized to
10 issue certain permits; requiring the State Board of
Agriculture to promulgate certain rules; providing
for noncodification; providing an effective date; and
declaring an emergency.

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

14 SECTION 1. AMENDATORY 2 O.S. 2001, Section 7-408, is
15 amended to read as follows:

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

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

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

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

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

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

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

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

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

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