

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 594

By: Jech of the Senate

and

Baker of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to agriculture; amending 2 O.S. 2011,
11 Sections 7-404, 7-413 and 7-415, which relate to the
12 Oklahoma Milk and Milk Products Act; removing certain
13 rule; expanding intent; requiring minimum fee; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 2 O.S. 2011, Section 7-404, is
17 amended to read as follows:

18 Section 7-404. A. The State Board of Agriculture shall
19 promulgate rules governing:

20 1. The production, transportation, processing, pasteurization,
21 handling, identity, sampling, examination, labeling, marking,
22 shipping statements, optional ingredients, definitions, and sanitary
23 conditions for milk and milk products;

1 2. The inspection and sanitary rating of dairy farms, bulk milk
2 hauler/samplers, milk transportation companies, milk tank truck
3 cleaning facilities, milk plants, and distribution centers engaged
4 in producing, transporting, processing, and distributing milk and
5 milk products;

6 3. The issuing, modifying, suspending, and revoking of permits
7 to producers, bulk milk hauler/samplers, milk transportation
8 companies, milk tank truck cleaning facilities, processors, and
9 distributors of milk and milk products;

10 4. The approval of facilities therefor ~~except for waste~~
11 ~~disposal therefrom, which shall be regulated by the Department of~~
12 ~~Environmental Quality;~~

13 5. All cheese factories;

14 6. All modes of transportation used for the distribution of
15 milk and cream to market; and

16 7. The labeling and packaging of milk and milk products.

17 B. The rules promulgated by the Board shall be in accord with
18 the minimum standards and requirements for milk and milk products
19 currently recommended and established by the United States
20 Department of Health and Human Services, Food and Drug
21 Administration, including the Recommended Grade A Pasteurized Milk
22 Ordinance.

23 SECTION 2. AMENDATORY 2 O.S. 2011, Section 7-413, is
24 amended to read as follows:

1 Section 7-413. It shall be unlawful for any person to
2 knowingly, willfully, or recklessly:

3 1. Attempt to produce, haul, process, or distribute milk or
4 milk products without an appropriate and valid permit;

5 2. Sell, offer, or expose for sale as Grade A any adulterated
6 or misbranded milk or milk product;

7 3. Sell, offer, expose for sale, or serve milk and milk
8 products which have not been maintained at or below the temperature
9 specified by the State Board of Agriculture;

10 4. Dip or ladle Grade A milk and milk products;

11 5. Transfer Grade A milk and milk products at any location
12 other than a permitted Grade A facility designed and equipped for
13 such purpose;

14 6. Prevent, interfere, or attempt to impede the Commissioner
15 from investigating and enforcing the Oklahoma Milk and Milk Products
16 Act;

17 7. Sell or serve Grade A milk and milk products from other than
18 the individual container, or approved bulk dispenser, received from
19 the distributor; or

20 8. Violate any provision of the Oklahoma Milk and Milk Products
21 Act.

22 SECTION 3. AMENDATORY 2 O.S. 2011, Section 7-415, is
23 amended to read as follows:

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1 Section 7-415. A. A fee of one cent (\$0.01) shall be assessed
2 on each one hundred (100) pounds of raw milk produced in this state.
3 Each co-op, marketing agent, or processing plant where the raw milk
4 is not collected by a co-op or marketing agent, doing business in
5 Oklahoma shall pay the fees each calendar month to the ~~Commissioner~~
6 Oklahoma Department of Agriculture, Food, and Forestry to be
7 credited to the Milk and Milk Products Inspection Revolving Fund of
8 the State Treasury.

9 B. There is hereby assessed a fee of one cent (\$0.01) on each
10 one hundred (100) pounds of Grade A milk or milk products processed
11 or offered for retail sale in Oklahoma. Each milk plant doing
12 business in Oklahoma shall pay the fees each calendar month to the
13 ~~Commissioner~~ Department to be credited to the Milk and Milk Products
14 Inspection Revolving Fund of the State Treasury.

15 C. A fee assessed on each one hundred (100) pounds of milk or
16 milk products produced or processed in another state and imported
17 into Oklahoma shall be the same amount assessed on milk or milk
18 products shipped to that state from Oklahoma, but in no case shall
19 be less than two cents (\$0.02) per one hundred (100) pounds of milk
20 or milk products. The person shipping or causing the shipment of
21 milk or milk products shall be responsible for paying the fees semi-
22 annually on January 1 and July 1 of each year to the ~~Commissioner~~
23 Department and be credited to the Milk and Milk Products Inspection
24 Revolving Fund of the State Treasury.

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SECTION 4. This act shall become effective November 1, 2018.

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