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February 14, 2017

By: Jech

An Act relating to agriculture; amending 2 O.S. 2011, Sections 7-404 and 7-413, which relate to the Oklahoma Milk and Milk Products Act; removing certain rule; expanding intent; and providing an effective date.

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

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

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

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

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

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

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

8 5. All cheese factories;

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

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

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

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

20 Section 7-413. It shall be unlawful for any person to
21 knowingly, willfully, recklessly or negligently:

22 1. Attempt to produce, haul, process, or distribute milk or
23 milk products without an appropriate and valid permit;
24

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

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

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

7 5. Transfer Grade A milk and milk products at any location
8 other than a permitted Grade A facility designed and equipped for
9 such purpose;

10 6. Prevent, interfere, or attempt to impede the Commissioner
11 from investigating and enforcing the Oklahoma Milk and Milk Products
12 Act;

13 7. Sell or serve Grade A milk and milk products from other than
14 the individual container, or approved bulk dispenser, received from
15 the distributor; or

16 8. Violate any provision of the Oklahoma Milk and Milk Products
17 Act.

18 SECTION 3. This act shall become effective November 1, 2017.

19 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
20 February 14, 2017 - DO PASS
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