

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1319

By: West (Josh)

AS INTRODUCED

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; modifying authority of the State Board of Agriculture to promulgate rules governing the approval of certain facilities; expanding types of conduct that shall be unlawful; 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

1 in producing, transporting, processing, and distributing milk and
2 milk products;

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

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

10 5. All cheese factories;

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

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

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

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

22 Section 7-413. It shall be unlawful for any person to
23 knowingly, willfully, recklessly, or negligently:
24

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

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

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

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

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

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

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

18 8. Violate any provision of the Oklahoma Milk and Milk Products
19 Act.

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

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