

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 537

By: Boren

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Poultry Products
9 Inspection Act; amending 2 O.S. 2011, Section 6-265,
10 which relates to exemptions; providing exemptions;
11 providing requirements for exemptions; requiring
12 registration with the Oklahoma Department of
13 Agriculture, Food, and Forestry; updating statutory
14 references; and 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 6-265, is
17 amended to read as follows:

18 Section 6-265. A. The State Board of Agriculture shall, by
19 regulation and under such conditions, including requirements, as to
20 sanitary standards, practices, and procedures as it may prescribe,
21 exempt from specific provisions of ~~this act~~ the Oklahoma Poultry
22 Products Inspection Act with respect to processing of poultry or
23 poultry products solely for intrastate commerce and distribution of
24 poultry or poultry products only in such commerce:

1 1. ~~for such period of time as the Board determines that it~~
2 ~~would be impracticable to provide inspection and the exemption will~~
3 ~~aid in the effective administration of this act, any person engaged~~
4 ~~in the processing of poultry or poultry products and the poultry or~~
5 ~~poultry products processed by such person; provided, that, no such~~
6 ~~exemption shall continue in effect more than one hundred twenty~~
7 ~~(120) days after enactment of this act;~~

8 2. ~~persons~~ Persons slaughtering, processing, or otherwise
9 handling poultry or poultry products which have been or are to be
10 processed as required by recognized religious dietary laws, to the
11 extent that the Board determines necessary to avoid conflict with
12 such requirements while still effectuating the purposes of ~~this act~~
13 the Oklahoma Poultry Products Inspection Act;

14 3. ~~the~~ 2. The slaughtering by any person of poultry of his or
15 her own raising, and the processing by him or her and transportation
16 of the poultry products exclusively for use by him or her and
17 members of his or her household and his or her nonpaying guests and
18 employees; provided that such poultry products when so distributed,
19 bear, in lieu of labeling that would otherwise be required, the
20 producer's name and address and the statement "Exempted - P.L. 90-
21 492" and such poultry products are not otherwise misbranded;

22 4. ~~the~~ 3. The custom slaughter by any person of poultry
23 delivered by the owner thereof for such slaughter, and the
24 processing by such slaughterer and transportation of the poultry

1 products exclusively for use, in the household of such owner, by him
2 or her and members of his or her household and his or her nonpaying
3 guests and employees; provided, ~~that~~ that:

4 a. such custom slaughterer does not engage in the
5 business of buying or selling any poultry products
6 capable of use as human food, and

7 b. such poultry products when so distributed, bear, in
8 lieu of labeling that would otherwise be required, the
9 producer's name and address and the statement "Not For
10 Sale" and such poultry products are not otherwise
11 misbranded;

12 ~~5. operations~~ 4. Operations of types traditionally and usually
13 conducted at retail stores and restaurants, when conducted at any
14 retail store or restaurant or similar retail-type establishment for
15 sale in normal retail quantities or service of such articles to
16 consumers at such establishments, if no poultry or poultry products
17 are processed at the establishment for distribution within this
18 state or otherwise subject to inspection under the Federal Poultry
19 Products Inspection Act;

20 5. The slaughtering of sound and healthy poultry and processing
21 of poultry products therefrom in this state by any poultry producer
22 on the producer's own premises with respect to poultry raised on the
23 producer's premises, and the distribution by any person solely
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1 within this state of the poultry products derived from such
2 operations; provided that:

- 3 a. in lieu of complying with all the adulteration
4 provisions of this act, such poultry is slaughtered
5 and otherwise processed and handled under such
6 sanitary standards, practices and procedures as result
7 in the preparation of poultry products that are sound,
8 clean and fit for human food when so distributed,
9 b. such poultry products when so distributed, bear, in
10 lieu of labeling that would otherwise be required, the
11 producer's name and address and the statement
12 "Exempted - P.L. 90-492" and such poultry products are
13 not otherwise misbranded,
14 c. such producer and distributor do not engage in the
15 current calendar year in the business of buying or
16 selling any poultry or poultry products other than as
17 specified in paragraphs 6 and 7 of this subsection,
18 and
19 d. neither such producer nor distributor slaughters or
20 processes the products of more poultry than allowed by
21 subsection B of this section;

22 6. The slaughtering of sound and healthy poultry or the
23 processing of poultry products of such poultry in this state by any
24 poultry producer or other person for distribution by them solely

1 within this state directly to household consumers, restaurants,
2 hotels and boardinghouses for use in their own dining rooms, or in
3 the preparation of meals for sales direct to consumers; provided
4 that:

5 a. in lieu of complying with all the adulteration
6 provisions of this act, such poultry is slaughtered
7 and otherwise processed and handled under such
8 sanitary standards, practices and procedures as result
9 in the preparation of poultry products that are sound,
10 clean and fit for human food when distributed by such
11 processor,

12 b. such poultry products when so distributed, bear, in
13 lieu of labeling that would otherwise be required, the
14 processor's name and address and the statement
15 "Exempted - P.L. 90-492" and such poultry products are
16 not otherwise misbranded,

17 c. such processor does not engage in the current calendar
18 year in the business of buying or selling any poultry
19 or poultry products other than as specified in
20 paragraphs 6 and 7 of this subsection, and

21 d. such processor does not exceed the volume limitation
22 prescribed in subsection B of this section; and

23 7. The operations and products of small enterprises including
24 poultry producers, not exempted under paragraphs 1 through 6 of this

1 subsection that are engaged in this state in slaughtering or cutting
2 up poultry for distribution as carcasses or parts thereof solely for
3 distribution within this state; provided that:

4 a. such poultry is sound and healthy when slaughtered and
5 is slaughtered or cut up and handled under such
6 sanitary standards, practices and procedures as result
7 in the preparation of poultry products that are not
8 adulterated when so distributed, and

9 b. when so distributed, such poultry products are not
10 misbranded, except that the official inspection legend
11 shall not be used.

12 B. No person qualifies for any exemption specified in
13 paragraphs 5, 6 and 7 of subsection A of this section if, in the
14 current calendar year, such person:

15 1. Slaughters or processes the products of more than twenty
16 thousand (20,000) poultry; or

17 2. Slaughters or processes poultry products at a facility used
18 for slaughtering or processing poultry products by any other person,
19 except when the Department of Agriculture, Food, and Forestry grants
20 such exemption after determining, upon review of a person's
21 application, that such an exemption will not impair effectuating the
22 purposes of this act.

1 ~~C. The provisions of this act shall not apply to poultry~~
2 ~~producers with respect to poultry of their own raising on their own~~
3 ~~farms if~~

4 ~~1. such producers slaughter not more than two hundred fifty~~
5 ~~turkeys, or not more than an equivalent number of birds of all~~
6 ~~species during the calendar year for which this exemption is being~~
7 ~~determined, four birds of other species being deemed the equivalent~~
8 ~~of one turkey;~~

9 ~~2. such poultry producers do not engage in buying or selling~~
10 ~~poultry products other than those produced from poultry raised on~~
11 ~~their own farms~~

12 Any person performing on-farm slaughter of poultry pursuant to
13 this section shall:

14 1. Register with the Oklahoma Department of Agriculture, Food,
15 and Forestry;

16 2. Follow basic sanitary standards, practices and procedures
17 pursuant to 9 C.F.R. Sections 416.2 through 416.5; and

18 3. Make the exempt slaughter facility available for review of
19 sanitary requirements twice per year by the Department or an
20 authorized agent of the Board.

21 ~~C.~~ D. The adulteration and misbranding provisions of this act,
22 other than the requirement of the inspection legend, shall apply to
23 articles which are exempted from inspection under this section.

1 ~~D.~~ E. The Board may by order suspend or terminate any exemption
2 with respect to any person whenever it finds that such action will
3 aid in effectuating the purposes of ~~this act~~ the Oklahoma Poultry
4 Products Inspection Act.

5 SECTION 2. This act shall become effective November 1, 2019.

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