

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 552

By: Jech of the Senate

and

Hardin (Tommy) of the House

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9 An Act relating to milk and dairy products; amending
10 2 O.S. 2011, Sections 7-404 and 7-413, which relate
11 to the Oklahoma Milk and Milk Products Act; removing
12 certain rule exception; expanding intent; and
13 providing an effective date.

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

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

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

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

23 2. The inspection and sanitary rating of dairy farms, bulk milk
24 hauler/samplers, milk transportation companies, milk tank truck

1 cleaning facilities, milk plants, and distribution centers engaged
2 in producing, transporting, processing, and distributing milk and
3 milk products;

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

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

11 5. All cheese factories;

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

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

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

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

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

1 1. Attempt to produce, haul, process~~7~~ or distribute milk or
2 milk products without an appropriate and valid permit;

3 2. Sell, offer~~7~~ or expose for sale as Grade A any adulterated
4 or misbranded milk or milk product;

5 3. Sell, offer, expose for sale~~7~~ 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~~7~~ 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, 2019.

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22 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
23 dated 04/01/2019 - DO PASS.
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