

1 **SENATE FLOOR VERSION**

2 February 11, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 537

By: Boren

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

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

24 1. ~~for such period of time as the Board determines that it~~
~~would be impracticable to provide inspection and the exemption will~~

1 ~~aid in the effective administration of this act, any person engaged~~
2 ~~in the processing of poultry or poultry products and the poultry or~~
3 ~~poultry products processed by such person; provided, that, no such~~
4 ~~exemption shall continue in effect more than one hundred twenty~~
5 ~~(120) days after enactment of this act;~~

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

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

20 4. ~~the 3.~~ The custom slaughter by any person of poultry
21 delivered by the owner thereof for such slaughter, and the
22 processing by such slaughterer and transportation of the poultry
23 products exclusively for use, in the household of such owner, by him

1 or her and members of his or her household and his or her nonpaying
2 guests and employees; provided~~7~~ that~~7~~:

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

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

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

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

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

20 6. The slaughtering of sound and healthy poultry or the
21 processing of poultry products of such poultry in this state by any
22 poultry producer or other person for distribution by them solely
23 within this state directly to household consumers, restaurants,
24 hotels and boardinghouses for use in their own dining rooms, or in

1 the preparation of meals for sales direct to consumers; provided
2 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 distributed by such
9 processor,
- 10 b. such poultry products when so distributed, bear, in
11 lieu of labeling that would otherwise be required, the
12 processor's name and address and the statement
13 "Exempted - P.L. 90-492" and such poultry products are
14 not otherwise misbranded,
- 15 c. such processor does not engage in the current calendar
16 year in the business of buying or selling any poultry
17 or poultry products other than as specified in
18 paragraphs 6 and 7 of this subsection, and
- 19 d. such processor does not exceed the volume limitation
20 prescribed in subsection B of this section; and

21 7. The operations and products of small enterprises including
22 poultry producers, not exempted under paragraphs 1 through 6 of this
23 subsection that are engaged in this state in slaughtering or cutting
24

1 up poultry for distribution as carcasses or parts thereof solely for
2 distribution within this state; provided that:

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

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

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

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

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

22 ~~C. The provisions of this act shall not apply to poultry~~
23 ~~producers with respect to poultry of their own raising on their own~~
24 ~~farms if~~

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

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

9 Any person performing on-farm slaughter of poultry pursuant to
10 this section shall:

11 1. Register with the Oklahoma Department of Agriculture, Food,
12 and Forestry;

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

15 3. Make the exempt slaughter facility available for review of
16 sanitary requirements twice per year by the Department or an
17 authorized agent of the Board.

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

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

1 F. Producers using the exemptions provided in this act shall
2 assume all liability.

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

4 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
5 February 11, 2019 - DO PASS AS AMENDED
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