

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2994

By: Grego

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 7-403, which relates to the Oklahoma Milk and Milk Products Act; modifying definitions; amending 2 O.S. 2011, Section 7-407, which relates to adulterated or misbranded milk or milk products; prohibiting the label of milk on food products not derived from milk; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 7-403, is amended to read as follows:

Section 7-403. As used in the Oklahoma Milk and Milk Products Act:

1. "Bulk milk hauler/sampler" means any person collecting official samples who may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or transfer station and has in his or her possession a permit from any state to sample these products;

2. "Dairy farm" means any premises owned or operated by a "milk producer" where one or more cows or goats are kept, and from which a

1 part or all of the milk or milk products is sold or offered for
2 sale;

3 3. "Goat milk" means the lacteal secretion, practically free
4 from colostrum, obtained by the complete milking of one or more
5 healthy goats;

6 4. "Grade A milk and milk products" means milk and milk
7 products ~~at any stage from production through pasteurization and~~
8 ~~packaging, that are of the minimum quality and are produced, hauled,~~
9 ~~processed and distributed under conditions which meet the~~
10 ~~requirements of the Oklahoma Milk and Milk Products Act~~ of a cow,
11 goat or other hooved mammal produced, processed, pasteurized,
12 bottled, packaged or prepared in accordance with the Oklahoma Milk
13 and Milk Products Act;

14 5. "Inhibitor" means any chemical or antibiotic substance which
15 inhibits or retards the growth of bacteria in milk;

16 6. "Milk" means the lacteal secretion, practically free from
17 colostrum, obtained by the complete milking of one or more healthy
18 ~~cows, which contains not less than eight and one-fourth percent (8~~
19 ~~1/4%) milk solids not fat and not less than three and one-fourth~~
20 ~~percent (3 1/4%) milk fat. The term "milk" shall include goat milk,~~
21 ~~fluid market milk, and milk products for the purpose of distribution~~
22 ~~to the consumer, and may contain optional ingredients defined by the~~
23 ~~State Board of Agriculture and shall include ungraded and Grade A~~

1 ~~milk~~ hooved mammals, including members of the order cetartiodactyla,
2 including:

3 a. family bovidae, including cattle, water buffalo,
4 sheep, goats and yaks,

5 b. family cervidae, including deer, reindeer and moose,
6 and

7 c. family equidae, including horses and donkeys;

8 7. "Milk contact surface" means any pipe, tank, equipment, or
9 facility which contacts or may contact milk during the producing,
10 transporting, processing, or distributing of milk and milk products;

11 8. "Milk distribution center" means any premises, owned or
12 operated by a "milk distributor", which distributes and sells or
13 offers to sell milk and milk products but does not include an
14 establishment which sells or offers to sell Grade A milk and milk
15 products at retail;

16 9. "Milk facility" means the producing, processing,
17 transporting, or distributing premises and facilities which operate
18 under an appropriate and valid permit issued by the Commissioner, in
19 compliance with the Oklahoma Milk and Milk Products Act and the
20 rules of the Board;

21 10. "Milk fat" or "butter fat" means the fat of milk;

22 11. "Milk plant" means any premises owned or operated by a
23 "milk processor" where milk or milk products are collected,
24 manufactured, processed, pasteurized, bottled, stored, or prepared

1 for distribution for commercial purposes including, but not limited
2 to, a receiving or transfer station;

3 12. "Milk products" means those products produced or obtained
4 from milk or any component or product of milk and defined by the
5 Board, including Grade A milk products, ungraded raw milk and
6 ungraded milk products;

7 13. "Milk tank truck cleaning facility" means any premises or
8 establishment, separate from a milk plant, receiving station, or
9 transfer station, where a milk tank truck is cleaned and sanitized;

10 14. "Milk tank truck driver" means any person transporting raw
11 or pasteurized milk products between a milk plant, receiving
12 station, or transfer station;

13 15. "Milk transportation company" means any person responsible
14 for a milk tank truck;

15 16. "Pasteurized milk" means Grade A raw milk which has been
16 pasteurized and stored in accordance with the chemical,
17 bacteriological, and temperature standards required by the Board;

18 17. "Receiving station" means any premises where raw milk is
19 received, collected, handled, stored, or cooled and prepared for
20 further transporting;

21 18. "Retail food store" means any establishment which offers
22 for retail sale packaged or bulk food goods for human consumption;
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1 19. "Transfer station" means any establishment or premises
2 where milk or milk products are transferred directly from one milk
3 tank truck to another; and

4 20. "Ungraded milk products" and "manufacture grade milk
5 products" include, but are not limited to, butter, cheese, dry milk,
6 condensed milk, filled or evaporated milk, frozen dairy dessert and
7 mello-drink products.

8 SECTION 2. AMENDATORY 2 O.S. 2011, Section 7-407, is
9 amended to read as follows:

10 Section 7-407. A. Any Grade A milk or milk product shall be
11 adulterated if:

12 1. It bears or contains any poisonous, deleterious, or
13 inhibitor substance in a quantity which may render it injurious to
14 health;

15 2. It bears or contains any added poisonous, inhibitor, or
16 deleterious substance for which no safe tolerance has been
17 established by state rule or federal regulations, or in excess of
18 the tolerance if one has been established;

19 3. It consists, in whole or in part, of any substance unfit for
20 human consumption;

21 4. It has been produced, processed, prepared, packed, held, or
22 transported under unsanitary conditions;

1 5. Its container is composed, in whole or in part, of any
2 poisonous or deleterious substance which may render the contents
3 injurious to health; or

4 6. Any substance has been added, mixed, packed, or any process
5 applied to increase its bulk or weight, or reduce its quality,
6 strength, or make it appear better or of greater value than it is.

7 B. Grade A milk and milk products shall be misbranded when:

8 1. Their containers bear or accompany any false or misleading
9 written, printed, or graphic matter;

10 2. The milk and milk products do not conform to the definitions
11 in the Oklahoma Milk and Milk Products Act;

12 3. The products are not labeled in accordance with the Oklahoma
13 Milk and Milk Products Act; and

14 4. Products are labeled "Grade A" when the packaged products
15 were filled from a dairy plant or milk plant which did not possess
16 an appropriate and valid Grade A permit at the time the milk or milk
17 product was produced or processed.

18 C. A person shall not state on a label of a food product that
19 the product is milk unless the product meets the definition of milk
20 established in Section 7-403 of this title.

21 D. The State Board of Agriculture shall establish and implement
22 a plan to enforce the prohibition in subsection C of this section,
23 including notice of the Board's intent to implement a ban on all
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1 products that do not meet the requirements of subsection B of this
2 section, including plant-based products mislabeled as milk.

3 SECTION 3. This act shall become effective November 1, 2020.

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