

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 537

By: Boren

AS INTRODUCED

An Act relating to the Oklahoma Poultry Products Inspection Act; amending 2 O.S. 2011, Section 6-625, which relates to exemptions; providing exemptions; providing requirements for exemptions; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-265, is amended to read as follows:

Section 6-265. A. The State Board of Agriculture shall, by regulation and under such conditions, including requirements, as to sanitary standards, practices, and procedures as it may prescribe, exempt from specific provisions of this act with respect to processing of poultry or poultry products solely for intrastate commerce and distribution of poultry or poultry products only in such commerce:

1. for such period of time as the Board determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged

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

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

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

18 4. the custom slaughter by any person of poultry delivered
19 by the owner thereof for such slaughter, and the processing by such
20 slaughterer and transportation of the poultry products exclusively
21 for use, in the household of such owner, by him or her and members
22 of his or her household and his or her nonpaying guests and
23 employees; provided, that:

- 1 a. such custom slaughterer does not engage in the
2 business of buying or selling any poultry products
3 capable of use as human food, and
4 b. such poultry products when so distributed, bear, in
5 lieu of labeling that would otherwise be required, the
6 producer's name and address and the statement
7 "Exempted - P.L. 90-492" and such poultry products are
8 not otherwise misbranded;

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

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

- 23 a. in lieu of complying with all the adulteration
24 provisions of this act, such poultry is slaughtered

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

18 7. the slaughtering of sound and healthy poultry or the
19 processing of poultry products of such poultry in this state by any
20 poultry producer or other person for distribution by them solely
21 within this state directly to household consumers, restaurants,
22 hotels and boardinghouses for use in their own dining rooms, or in
23 the preparation of meals for sales direct to consumers; provided
24 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 distributed by such
7 processor,

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

13 c. such processor does not engage in the current calendar
14 year in the business of buying or selling any poultry
15 or poultry products other than as specified in
16 paragraphs 6 and 7 of this subsection, and

17 d. such processor does not exceed the volume limitation
18 prescribed in subsection B of this section.

19 8. the operations and products of small enterprises
20 including poultry producers, not exempted under paragraphs 1 through
21 7 of this subsection that are engaged in this state in slaughtering
22 or cutting up poultry for distribution as carcasses or parts thereof
23 solely for distribution within this state; provided that:
24

- 1 a. such poultry is sound and healthy when slaughtered and
2 is slaughtered or cut up and handled under such
3 sanitary standards, practices and procedures as result
4 in the preparation of poultry products that are not
5 adulterated when so distributed, and
6 b. when so distributed, such poultry products are not
7 misbranded, except that the official inspection legend
8 shall not be used.

9 B. No person qualifies for any exemption specified in
10 paragraphs 6, 7 and 8 of subsection A if, in the current calendar
11 year, such person:

12 1. slaughters or processes the products of more than
13 twenty thousand (20,000) poultry; or

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

20 C. The provisions of this act shall not apply to poultry
21 producers with respect to poultry of their own raising on their own
22 farms if:

23 1. such producers slaughter not more than two hundred
24 fifty turkeys, or not more than an equivalent number of birds of all

1 species during the calendar year for which this exemption is being
2 determined, four birds of other species being deemed the equivalent
3 of one turkey;

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

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

10 ~~D.~~ E. The Board may by order suspend or terminate any exemption
11 with respect to any person whenever it finds that such action will
12 aid in effectuating the purposes of this act.

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