

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1420

By: Archer of the House

and

Jech of the Senate

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 2021, Sections 7-401, 7-403, 7-414 and 7-421, which relate to the Oklahoma Milk and Milk Products Act; modifying definitions; providing that the Oklahoma Department of Agriculture, Food, and Forestry shall cooperate with the United States Department of Health and Human Services, United States Public Health Service, and the United States Food and Drug Administration for dairy inspection and grading program; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 7-401, is amended to read as follows:

Section 7-401. Sections ~~4~~ 7-401 through ~~23~~ 7-421 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Milk and Milk Products Act".

SECTION 2. AMENDATORY 2 O.S. 2021, Section 7-403, is amended to read as follows:

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

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

8 2. "Dairy farm" means any premises owned or operated by a "milk
9 producer" where one or more ~~cows or goats~~ hooved mammals are kept,
10 and from which a part or all of the milk or milk products is sold or
11 offered for sale;

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

15 4. "Grade A milk and milk products" means milk and milk
16 products at any stage from production through pasteurization and
17 packaging, that are of the minimum quality and are produced, hauled,
18 processed and distributed under conditions which meet the
19 requirements of the Oklahoma Milk and Milk Products Act;

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

22 6. "Milk" means the lacteal secretion, practically free from
23 colostrum, obtained by the complete milking of one or more healthy
24 ~~cows~~ hooved mammals, which contains not less than eight and one-

1 fourth percent (8 1/4%) milk solids-not-fat and not less than three
2 and one-fourth percent (3 1/4%) milk fat. The term "milk" shall
3 include ~~goat~~ hooved mammals milk, fluid market milk, and milk
4 products for the purpose of distribution to the consumer, and may
5 contain optional ingredients defined by the State Board of
6 Agriculture and shall include ungraded and Grade A milk;

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

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

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

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

21 11. "Milk plant" means any premises owned or operated by a
22 "milk processor" where milk or milk products are collected,
23 manufactured, processed, pasteurized, bottled, stored, or prepared
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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 3. AMENDATORY 2 O.S. 2021, Section 7-414, is
9 amended to read as follows:

10 Section 7-414. A. The provisions of the Oklahoma Milk and Milk
11 Products Act shall not be construed to:

12 1. Include incidental sales of raw milk directly to consumers
13 at the farm where the milk is produced;

14 2. Preclude the advertising of the incidental sale of ~~goat~~ raw
15 milk; and

16 3. Prohibit any farmer or producer from making cheese using
17 milk or cream produced on the farm of such farmer or producer.

18 B. For purposes of this section, incidental sales of ~~goat~~ raw
19 milk are those sales where the average monthly number of gallons
20 sold does not exceed one hundred (100).

21 SECTION 4. AMENDATORY 2 O.S. 2021, Section 7-421, is
22 amended to read as follows:

23 Section 7-421. The Oklahoma ~~State~~ Department of Agriculture,
24 Food, and Forestry is hereby designated as the official state agency

1 of this state for purposes of cooperating with and implementing the
2 dairy inspection and grading program under the jurisdiction of the
3 United States Department of Agriculture, United States Department of
4 Health and Human Services, United States Public Health Service, and
5 United States Food and Drug Administration.

6 SECTION 5. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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