

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 889

By: Jech of the Senate

and

Archer of the House

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9 An Act relating to milk and milk products; amending 2
10 O.S. 2021, Section 7-401, which relates to the
11 Oklahoma Milk and Milk Products Act; updating
12 statutory reference; amending 2 O.S. 2021, Section 7-
13 403, which relates to definitions; expanding certain
14 definitions; amending 2 O.S. 2021, Section 7-415,
15 which relates to fees; amending certain assessed
16 fees; amending 2 O.S. 2021, Section 7-421, which
17 relates to the official state agency; including
18 certain designation to certain federal agency;
19 updating statutory language; and providing an
20 effective date.

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

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

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

27 SECTION 2. AMENDATORY 2 O.S. 2021, Section 7-403, is
28 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"~~ milk producer where one or more ~~cows or goats~~ hoofed
10 mammals are kept, and from which a part or all of the milk or milk
11 products ~~is~~ are sold or 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~~ hoofed 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"~~ milk
3 shall include ~~goat~~ hoofed 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"~~ milk distributor, which distributes
12 and sells or offers to sell milk and milk products but does not
13 include an establishment which sells or offers to sell Grade A milk
14 and milk 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 of
18 Agriculture, in compliance with the Oklahoma Milk and Milk Products
19 Act and the rules of the State Board of Agriculture;

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"~~ milk processor where milk or milk products are
23 collected, manufactured, processed, pasteurized, bottled, stored, or
24

1 prepared for distribution for commercial purposes including, but not
2 limited 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 7-415, is
9 amended to read as follows:

10 Section 7-415. A. A fee of ~~one cent (\$0.01)~~ two cents (\$0.02)
11 shall be assessed on each one hundred (100) pounds of raw milk
12 produced in this state and outside of this state. Each co-op,
13 marketing agent, or processing plant where the raw milk is not
14 collected by a co-op or marketing agent, doing business in Oklahoma
15 shall pay the fees each calendar month to the Commissioner of
16 Agriculture to be credited to the Milk and Milk Products Inspection
17 Revolving Fund of the State Treasury.

18 B. There is hereby assessed a fee of ~~one cent (\$0.01)~~ two cents
19 (\$0.02) on each one hundred (100) pounds of Grade A milk or milk
20 products processed or offered for retail sale in Oklahoma. Each
21 milk plant doing business in Oklahoma shall pay the fees each
22 calendar month to the Commissioner to be credited to the Milk and
23 Milk Products Inspection Revolving Fund of the State Treasury.

1 C. ~~A~~ There is hereby assessed a fee assessed of two cents
2 (\$0.02) on each one hundred (100) pounds of milk or milk products
3 produced or processed in another state and imported into Oklahoma
4 ~~shall be the same amount assessed on milk or milk products shipped~~
5 ~~to that state from Oklahoma.~~ The person shipping or causing the
6 shipment of milk or milk products shall be responsible for paying
7 the fees semi-annually on January 1 and July 1 of each year to the
8 Commissioner and be credited to the Milk and Milk Products
9 Inspection Revolving Fund of the State Treasury.

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

12 Section 7-421. The Oklahoma ~~State~~ Department of Agriculture,
13 Food, and Forestry is hereby designated as the official state agency
14 of this state for purposes of cooperating with and implementing the
15 dairy inspection and grading program under the jurisdiction of the
16 United States Department of Agriculture and the United States
17 Department of Health and Human Services Food and Drug
18 Administration.

19 SECTION 5. This act shall become effective November 1, 2023.
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21 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 04/11/2023 - DO
22 PASS.
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