

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

February 20, 2023

By: Jech

An Act relating to milk and milk products; amending 2 O.S. 2021, Section 7-401, which relates to the Oklahoma Milk and Milk Products Act; updating statutory reference; amending 2 O.S. 2021, Section 7-403, which relates to definitions; expanding certain definitions; amending 2 O.S. 2021, Section 7-415, which relates to fees; amending certain assessed fees; amending 2 O.S. 2021, Section 7-421, which relates to the official state agency; including certain designation to certain federal agency; updating statutory language; and providing an effective date.

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:

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

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

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

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

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

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

20       6. "Milk" means the lacteal secretion, practically free from  
21 colostrum, obtained by the complete milking of one or more healthy  
22 ~~cows~~ hoofed mammals, which contains not less than eight and one-  
23 fourth percent (8 1/4%) milk solids-not-fat and not less than three  
24 and one-fourth percent (3 1/4%) milk fat. The term ~~"milk"~~ milk

1 shall include ~~goat~~ hoofed mammals milk, fluid market milk, and milk  
2 products for the purpose of distribution to the consumer, and may  
3 contain optional ingredients defined by the State Board of  
4 Agriculture and shall include ungraded and Grade A milk;

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

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

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

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

19 11. "Milk plant" means any premises owned or operated by a  
20 ~~"milk processor"~~ milk processor where milk or milk products are  
21 collected, manufactured, processed, pasteurized, bottled, stored, or  
22 prepared for distribution for commercial purposes including, but not  
23 limited to, a receiving or transfer station;

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

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

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

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

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

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

19       18. "Retail food store" means any establishment which offers  
20 for retail sale packaged or bulk food goods for human consumption;

21       19. "Transfer station" means any establishment or premises  
22 where milk or milk products are transferred directly from one milk  
23 tank truck to another; and  
24

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

5        SECTION 3.        AMENDATORY        2 O.S. 2021, Section 7-415, is  
6 amended to read as follows:

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

15        B. There is hereby assessed a fee of ~~one cent (\$0.01)~~ two cents  
16 (\$0.02) on each one hundred (100) pounds of Grade A milk or milk  
17 products processed or offered for retail sale in Oklahoma. Each  
18 milk plant doing business in Oklahoma shall pay the fees each  
19 calendar month to the Commissioner to be credited to the Milk and  
20 Milk Products Inspection Revolving Fund of the State Treasury.

21        C. A There is hereby assessed a fee assessed of two cents  
22 (\$0.02) on each one hundred (100) pounds of milk or milk products  
23 produced or processed in another state and imported into Oklahoma  
24 ~~shall be the same amount assessed on milk or milk products shipped~~

1 ~~to that state from Oklahoma.~~ The person shipping or causing the  
2 shipment of milk or milk products shall be responsible for paying  
3 the fees semi-annually on January 1 and July 1 of each year to the  
4 Commissioner and be credited to the Milk and Milk Products  
5 Inspection Revolving Fund of the State Treasury.

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

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

15 SECTION 5. This act shall become effective November 1, 2023.

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS  
17 February 20, 2023 - DO PASS  
18  
19  
20  
21  
22  
23  
24