

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1319

                                  By: West (Josh)

7                                   AS INTRODUCED

8                   An Act relating to agriculture; amending 2 O.S. 2011,  
9                   Sections 7-404 and 7-413, which relate to the  
10                  Oklahoma Milk and Milk Products Act; modifying  
11                  authority of the State Board of Agriculture to  
                    promulgate rules governing the approval of certain  
                    facilities; expanding types of conduct that shall be  
                    unlawful; and providing an effective date.

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

15           SECTION 1.        AMENDATORY        2 O.S. 2011, Section 7-404, is  
16 amended to read as follows:

17           Section 7-404.   A.   The State Board of Agriculture shall  
18 promulgate rules governing:

19           1.   The production, transportation, processing, pasteurization,  
20 handling, identity, sampling, examination, labeling, marking,  
21 shipping statements, optional ingredients, definitions, and sanitary  
22 conditions for milk and milk products;

23           2.   The inspection and sanitary rating of dairy farms, bulk milk  
24 hauler/samplers, milk transportation companies, milk tank truck

1 cleaning facilities, milk plants, and distribution centers engaged  
2 in producing, transporting, processing, and distributing milk and  
3 milk products;

4 3. The issuing, modifying, suspending, and revoking of permits  
5 to producers, bulk milk hauler/samplers, milk transportation  
6 companies, milk tank truck cleaning facilities, processors, and  
7 distributors of milk and milk products;

8 4. The approval of facilities therefor ~~except for waste~~  
9 ~~disposal therefrom, which shall be regulated by the Department of~~  
10 ~~Environmental Quality;~~

11 5. All cheese factories;

12 6. All modes of transportation used for the distribution of  
13 milk and cream to market; and

14 7. The labeling and packaging of milk and milk products.

15 B. The rules promulgated by the Board shall be in accord with  
16 the minimum standards and requirements for milk and milk products  
17 currently recommended and established by the United States  
18 Department of Health and Human Services, Food and Drug  
19 Administration, including the Recommended Grade A Pasteurized Milk  
20 Ordinance.

21 SECTION 2. AMENDATORY 2 O.S. 2011, Section 7-413, is  
22 amended to read as follows:

23 Section 7-413. It shall be unlawful for any person to  
24 knowingly, willfully, recklessly, or negligently:

- 1        1. Attempt to produce, haul, process, or distribute milk or  
2 milk products without an appropriate and valid permit;
- 3        2. Sell, offer, or expose for sale as Grade A any adulterated  
4 or misbranded milk or milk product;
- 5        3. Sell, offer, expose for sale, or serve milk and milk  
6 products which have not been maintained at or below the temperature  
7 specified by the State Board of Agriculture;
- 8        4. Dip or ladle Grade A milk and milk products;
- 9        5. Transfer Grade A milk and milk products at any location  
10 other than a permitted Grade A facility designed and equipped for  
11 such purpose;
- 12       6. Prevent, interfere, or attempt to impede the Commissioner  
13 from investigating and enforcing the Oklahoma Milk and Milk Products  
14 Act;
- 15       7. Sell or serve Grade A milk and milk products from other than  
16 the individual container, or approved bulk dispenser, received from  
17 the distributor; or
- 18       8. Violate any provision of the Oklahoma Milk and Milk Products  
19 Act.

20       SECTION 3. This act shall become effective November 1, 2017.

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22       COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,  
23 dated 02/14/2017 - DO PASS.

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