

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 1023

By: Jett

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5
6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2021,
8 Sections 7-403 and 7-414, which relates to the
9 Oklahoma Milk and Milk Products Act; defining term;
10 excluding donkey milk from provisions of act; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 2 O.S. 2021, Section 7-403, is
14 amended to read as follows:

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

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

22 2. "Dairy farm" means any premises owned or operated by a "milk
23 producer" where one or more cows or goats are kept, and from which a
24 part or all of the milk or milk products is sold or offered for
25 sale;

1 3. "Donkey milk" means the lacteal secretion, practically free
2 from colostrum, obtained by the complete milking of one or more
3 healthy donkeys;

4 4. "Goat milk" means the lacteal secretion, practically free
5 from colostrum, obtained by the complete milking of one or more
6 healthy goats;

7 ~~4.~~ 5. "Grade A milk and milk products" means milk and milk
8 products at any stage from production through pasteurization and
9 packaging, that are of the minimum quality and are produced, hauled,
10 processed and distributed under conditions which meet the
11 requirements of the Oklahoma Milk and Milk Products Act;

12 ~~5.~~ 6. "Inhibitor" means any chemical or antibiotic substance
13 which inhibits or retards the growth of bacteria in milk;

14 ~~6.~~ 7. "Milk" means the lacteal secretion, practically free from
15 colostrum, obtained by the complete milking of one or more healthy
16 cows, which contains not less than eight and one-fourth percent (8
17 1/4%) milk solids-not-fat and not less than three and one-fourth
18 percent (3 1/4%) milk fat. The term "milk" shall include goat milk,
19 fluid market milk, and milk products for the purpose of distribution
20 to the consumer, and may contain optional ingredients defined by the
21 State Board of Agriculture and shall include ungraded and Grade A
22 milk;

1 ~~7.~~ 8. "Milk contact surface" means any pipe, tank, equipment,
2 or facility which contacts or may contact milk during the producing,
3 transporting, processing, or distributing of milk and milk products;

4 ~~8.~~ 9. "Milk distribution center" means any premises, owned or
5 operated by a "milk distributor", which distributes and sells or
6 offers to sell milk and milk products but does not include an
7 establishment which sells or offers to sell Grade A milk and milk
8 products at retail;

9 ~~9.~~ 10. "Milk facility" means the producing, processing,
10 transporting, or distributing premises and facilities which operate
11 under an appropriate and valid permit issued by the Commissioner, in
12 compliance with the Oklahoma Milk and Milk Products Act and the
13 rules of the Board;

14 ~~10.~~ 11. "Milk fat" or "butter fat" means the fat of milk;

15 ~~11.~~ 12. "Milk plant" means any premises owned or operated by a
16 "milk processor" where milk or milk products are collected,
17 manufactured, processed, pasteurized, bottled, stored, or prepared
18 for distribution for commercial purposes including, but not limited
19 to, a receiving or transfer station;

20 ~~12.~~ 13. "Milk products" means those products produced or
21 obtained from milk or any component or product of milk and defined
22 by the Board, including Grade A milk products, ungraded raw milk and
23 ungraded milk products;

1 ~~13.~~ 14. "Milk tank truck cleaning facility" means any premises
2 or establishment, separate from a milk plant, receiving station, or
3 transfer station, where a milk tank truck is cleaned and sanitized;

4 ~~14.~~ 15. "Milk tank truck driver" means any person transporting
5 raw or pasteurized milk products between a milk plant, receiving
6 station, or transfer station;

7 ~~15.~~ 16. "Milk transportation company" means any person
8 responsible for a milk tank truck;

9 ~~16.~~ 17. "Pasteurized milk" means Grade A raw milk which has
10 been pasteurized and stored in accordance with the chemical,
11 bacteriological, and temperature standards required by the Board;

12 ~~17.~~ 18. "Receiving station" means any premises where raw milk
13 is received, collected, handled, stored, or cooled and prepared for
14 further transporting;

15 ~~18.~~ 19. "Retail food store" means any establishment which
16 offers for retail sale packaged or bulk food goods for human
17 consumption;

18 ~~19.~~ 20. "Transfer station" means any establishment or premises
19 where milk or milk products are transferred directly from one milk
20 tank truck to another; and

21 ~~20.~~ 21. "Ungraded milk products" and "manufacture grade milk
22 products" include, but are not limited to, butter, cheese, dry milk,
23 condensed milk, filled or evaporated milk, frozen dairy dessert and
24 mello-drink products.

1 SECTION 2. AMENDATORY 2 O.S. 2021, Section 7-414, is
2 amended to read as follows:

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

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

7 2. Preclude the advertising of the incidental sale of goat milk
8 or donkey milk; and

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

11 B. For purposes of this section, incidental sales of goat milk
12 or donkey milk are those sales where the average monthly number of
13 gallons sold does not exceed one hundred (100).

14 SECTION 3. This act shall become effective November 1, 2023.

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