

1 ENGROSSED SENATE
2 BILL NO. 537

By: Boren of the Senate

3 and

4 Pfeiffer of the House

5
6 An Act relating to the Oklahoma Poultry Products
7 Inspection Act; amending 2 O.S. 2011, Section 6-265,
8 which relates to exemptions; providing exemptions;
9 providing requirements for exemptions; requiring
10 registration with the Oklahoma Department of
11 Agriculture, Food, and Forestry; updating statutory
12 references; and providing an effective date.

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

14 SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-265, is
15 amended to read as follows:

16 Section 6-265. A. The State Board of Agriculture shall, by
17 regulation and under such conditions, including requirements, as to
18 sanitary standards, practices, and procedures as it may prescribe,
19 exempt from specific provisions of ~~this act~~ the Oklahoma Poultry
20 Products Inspection Act with respect to processing of poultry or
21 poultry products solely for intrastate commerce and distribution of
22 poultry or poultry products only in such commerce:

23 1. ~~for such period of time as the Board determines that it~~
24 ~~would be impracticable to provide inspection and the exemption will~~
~~aid in the effective administration of this act, any person engaged~~

1 ~~in the processing of poultry or poultry products and the poultry or~~
2 ~~poultry products processed by such person; provided, that, no such~~
3 ~~exemption shall continue in effect more than one hundred twenty~~
4 ~~(120) days after enactment of this act;~~

5 2. ~~persons~~ Persons slaughtering, processing, or otherwise
6 handling poultry or poultry products which have been or are to be
7 processed as required by recognized religious dietary laws, to the
8 extent that the Board determines necessary to avoid conflict with
9 such requirements while still effectuating the purposes of ~~this act~~
10 the Oklahoma Poultry Products Inspection Act;

11 3. ~~the~~ 2. The slaughtering by any person of poultry of his or
12 her own raising, and the processing by him or her and transportation
13 of the poultry products exclusively for use by him or her and
14 members of his or her household and his or her nonpaying guests and
15 employees; provided that such poultry products when so distributed,
16 bear, in lieu of labeling that would otherwise be required, the
17 producer's name and address and the statement "Exempted - P.L. 90-
18 492" and such poultry products are not otherwise misbranded;

19 4. ~~the~~ 3. The custom slaughter by any person of poultry
20 delivered by the owner thereof for such slaughter, and the
21 processing by such slaughterer and transportation of the poultry
22 products exclusively for use, in the household of such owner, by him
23 or her and members of his or her household and his or her nonpaying
24 guests and employees; provided, ~~that~~ that:

1 a. such custom slaughterer does not engage in the
2 business of buying or selling any poultry products
3 capable of use as human food, and

4 b. such poultry products when so distributed, bear, in
5 lieu of labeling that would otherwise be required, the
6 producer's name and address and the statement "Not For
7 Sale" and such poultry products are not otherwise
8 misbranded;

9 ~~5. operations~~ 4. Operations of types traditionally and usually
10 conducted at retail stores and restaurants, when conducted at any
11 retail store or restaurant or similar retail-type establishment for
12 sale in normal retail quantities or service of such articles to
13 consumers at such establishments, if no poultry or poultry products
14 are processed at the establishment for distribution within this
15 state or otherwise subject to inspection under the Federal Poultry
16 Products Inspection Act;

17 5. The slaughtering of sound and healthy poultry and processing
18 of poultry products therefrom in this state by any poultry producer
19 on the producer's own premises with respect to poultry raised on the
20 producer's premises, and the distribution by any person solely
21 within this state of the poultry products derived from such
22 operations; provided that:

23 a. in lieu of complying with all the adulteration
24 provisions of this act, such poultry is slaughtered

1 and otherwise processed and handled under such
2 sanitary standards, practices and procedures as result
3 in the preparation of poultry products that are sound,
4 clean and fit for human food when so distributed,

5 b. such poultry products when so distributed, bear, in
6 lieu of labeling that would otherwise be required, the
7 producer's name and address and the statement
8 "Exempted - P.L. 90-492" and such poultry products are
9 not otherwise misbranded,

10 c. such producer and distributor do not engage in the
11 current calendar year in the business of buying or
12 selling any poultry or poultry products other than as
13 specified in paragraphs 6 and 7 of this subsection,
14 and

15 d. neither such producer nor distributor slaughters or
16 processes the products of more poultry than allowed by
17 subsection B of this section;

18 6. The slaughtering of sound and healthy poultry or the
19 processing of poultry products of such poultry in this state by any
20 poultry producer or other person for distribution by them solely
21 within this state directly to household consumers, restaurants,
22 hotels and boardinghouses for use in their own dining rooms, or in
23 the preparation of meals for sales direct to consumers; provided
24 that:

1 a. in lieu of complying with all the adulteration
2 provisions of this act, such poultry is slaughtered
3 and otherwise processed and handled under such
4 sanitary standards, practices and procedures as result
5 in the preparation of poultry products that are sound,
6 clean and fit for human food when distributed by such
7 processor,

8 b. such poultry products when so distributed, bear, in
9 lieu of labeling that would otherwise be required, the
10 processor's name and address and the statement
11 "Exempted - P.L. 90-492" and such poultry products are
12 not otherwise misbranded,

13 c. such processor does not engage in the current calendar
14 year in the business of buying or selling any poultry
15 or poultry products other than as specified in
16 paragraphs 6 and 7 of this subsection, and

17 d. such processor does not exceed the volume limitation
18 prescribed in subsection B of this section; and

19 7. The operations and products of small enterprises including
20 poultry producers, not exempted under paragraphs 1 through 6 of this
21 subsection that are engaged in this state in slaughtering or cutting
22 up poultry for distribution as carcasses or parts thereof solely for
23 distribution within this state; provided that:

1 a. such poultry is sound and healthy when slaughtered and
2 is slaughtered or cut up and handled under such
3 sanitary standards, practices and procedures as result
4 in the preparation of poultry products that are not
5 adulterated when so distributed, and

6 b. when so distributed, such poultry products are not
7 misbranded, except that the official inspection legend
8 shall not be used.

9 B. No person qualifies for any exemption specified in
10 paragraphs 5, 6 and 7 of subsection A of this section if, in the
11 current calendar year, such person:

12 1. Slaughters or processes the products of more than twenty
13 thousand (20,000) poultry; or

14 2. Slaughters or processes poultry products at a facility used
15 for slaughtering or processing poultry products by any other person,
16 except when the Department of Agriculture, Food, and Forestry grants
17 such exemption after determining, upon review of a person's
18 application, that such an exemption will not impair effectuating the
19 purposes of this act.

20 ~~C. The provisions of this act shall not apply to poultry~~
21 ~~producers with respect to poultry of their own raising on their own~~
22 ~~farms if~~

23 ~~1. such producers slaughter not more than two hundred fifty~~
24 ~~turkeys, or not more than an equivalent number of birds of all~~

1 ~~species during the calendar year for which this exemption is being~~
2 ~~determined, four birds of other species being deemed the equivalent~~
3 ~~of one turkey;~~

4 ~~2. such poultry producers do not engage in buying or selling~~
5 ~~poultry products other than those produced from poultry raised on~~
6 ~~their own farms~~

7 Any person performing on-farm slaughter of poultry pursuant to
8 this section shall:

9 1. Register with the Oklahoma Department of Agriculture, Food,
10 and Forestry;

11 2. Follow basic sanitary standards, practices and procedures
12 pursuant to 9 C.F.R. Sections 416.2 through 416.5; and

13 3. Make the exempt slaughter facility available for review of
14 sanitary requirements twice per year by the Department or an
15 authorized agent of the Board.

16 ~~C.~~ D. The adulteration and misbranding provisions of this act,
17 other than the requirement of the inspection legend, shall apply to
18 articles which are exempted from inspection under this section.

19 ~~D.~~ E. The Board may by order suspend or terminate any exemption
20 with respect to any person whenever it finds that such action will
21 aid in effectuating the purposes of ~~this act~~ the Oklahoma Poultry
22 Products Inspection Act.

23 F. Producers using the exemptions provided in this act shall
24 assume all liability.

