

An Act

ENROLLED SENATE
BILL NO. 889

By: Jech of the Senate

and

Archer of the House

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.

SUBJECT: Milk and milk products

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

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

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

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

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

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

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

8. "Milk distribution center" means any premises, owned or operated by a ~~"milk distributor"~~ milk distributor, which distributes and sells or offers to sell milk and milk products but does not

include an establishment which sells or offers to sell Grade A milk and milk products at retail;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 7th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____