

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 995

By: Sharp

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Poultry Products  
8 Inspection Act; amending 2 O.S. 2011, Section 6-625,  
9 which relates to exemptions; providing exemptions;  
10 providing requirements for exemptions; and providing  
11 an effective date.

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

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

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

22 1. for such period of time as the Board determines that it  
23 would be impracticable to provide inspection and the exemption will  
24 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 slaughtering, processing, or otherwise handling  
6 poultry or poultry products which have been or are to be processed  
7 as required by recognized religious dietary laws, to the extent that  
8 the Board determines necessary to avoid conflict with such  
9 requirements while still effectuating the purposes of this act;

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

18 4. the custom slaughter by any person of poultry delivered  
19 by the owner thereof for such slaughter, and the processing by such  
20 slaughterer and transportation of the poultry products exclusively  
21 for use, in the household of such owner, by him or her and members  
22 of his or her household and his or her nonpaying guests and  
23 employees; provided, 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  
7                    "Exempted - P.L. 90-492" and such poultry products are  
8                    not otherwise misbranded;

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

17           6. the slaughtering of sound and healthy poultry and  
18           processing of poultry products therefrom in this state by any  
19           poultry producer on the producer's own premises with respect to  
20           poultry raised on the producer's premises, and the distribution by  
21           any person solely within this state of the poultry products derived  
22           from such 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 7. 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.

19           8. the operations and products of small enterprises  
20           including poultry producers, not exempted under paragraphs 1 through  
21           7 of this subsection that are engaged in this state in slaughtering  
22           or cutting up poultry for distribution as carcasses or parts thereof  
23           solely for distribution within this state; provided that:  
24

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 6, 7 and 8 of subsection A if, in the current calendar  
11          year, such person:

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

14                  2. slaughters or processes poultry products at a facility  
15          used for slaughtering or processing poultry products by any other  
16          person, except when the Department of Agriculture, Food, and Forestry  
17          grants 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  
24          fifty 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  
5 selling poultry products other than those produced from poultry  
6 raised on their own farms.

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

10       ~~D.~~ E. The Board may by order suspend or terminate any exemption  
11 with respect to any person whenever it finds that such action will  
12 aid in effectuating the purposes of this act.

13       SECTION 2. This act shall become effective November 1, 2019.

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