

1 ENGROSSED HOUSE
2 BILL NO. 1420

By: Archer of the House

and

Jech of the Senate

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6 An Act relating to agriculture; amending 2 O.S. 2021,
7 Sections 7-401, 7-403, and 7-421, which relate to the
8 Oklahoma Milk and Milk Products Act; modifying
9 definitions; providing that the Department of
10 Agriculture, Food, and Forestry shall cooperate with
11 the United States Department of Health and Human
12 Services, United States Public Health Service, and
13 the United States Food and Drug Administration for
14 dairy inspection and grading program; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY 2 O.S. 2021, Section 7-401, is
18 amended to read as follows:

19 Section 7-401. Sections 4 7-401 through ~~23~~ 7-421 of this ~~act~~
20 title shall be known and may be cited as the "Oklahoma Milk and Milk
21 Products Act".

22 SECTION 2. AMENDATORY 2 O.S. 2021, Section 7-403, is
23 amended to read as follows:

24 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

1 products to or from a milk plant, receiving station, or transfer
2 station and has in his or her possession a permit from any state to
3 sample these products;

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

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

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

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

18 6. "Milk" means the lacteal secretion, practically free from
19 colostrum, obtained by the complete milking of one or more healthy
20 ~~ews~~ hooved mammals, which contains not less than eight and one-
21 fourth percent (8 1/4%) milk solids-not-fat and not less than three
22 and one-fourth percent (3 1/4%) milk fat. The term "milk" shall
23 include ~~goat~~ hooved mammals milk, fluid market milk, and milk
24 products for the purpose of distribution to the consumer, and may

1 contain optional ingredients defined by the State Board of
2 Agriculture and shall include ungraded and Grade A milk;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 SECTION 3. AMENDATORY 2 O.S. 2021, Section 7-421, is
4 amended to read as follows:

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

12 SECTION 4. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 6th day of March, 2023.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2023.

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9 Presiding Officer of the Senate