

1 **SENATE FLOOR VERSION**

2 April 3, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1420

By: Archer of the House

and

Jech of the Senate

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8  
9 An Act relating to agriculture; amending 2 O.S. 2021,  
10 Sections 7-401, 7-403, 7-414 and 7-421, which relate  
11 to the Oklahoma Milk and Milk Products Act; modifying  
12 definitions; providing that the Oklahoma Department  
13 of Agriculture, Food, and Forestry shall cooperate  
14 with the United States Department of Health and Human  
15 Services, United States Public Health Service, and  
16 the United States Food and Drug Administration for  
17 dairy inspection and grading program; and declaring  
18 an emergency.

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

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

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

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

1 Section 7-403. As used in the Oklahoma Milk and Milk Products  
2 Act:

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

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

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

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

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

22 6. "Milk" means the lacteal secretion, practically free from  
23 colostrum, obtained by the complete milking of one or more healthy  
24 ~~ewes~~ hooved mammals, which contains not less than eight and one-

1 fourth percent (8 1/4%) milk solids-not-fat and not less than three  
2 and one-fourth percent (3 1/4%) milk fat. The term "milk" shall  
3 include ~~goat~~ hooved mammals milk, fluid market milk, and milk  
4 products for the purpose of distribution to the consumer, and may  
5 contain optional ingredients defined by the State Board of  
6 Agriculture and shall include ungraded and Grade A milk;

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

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

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

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

21 11. "Milk plant" means any premises owned or operated by a  
22 "milk processor" where milk or milk products are collected,  
23 manufactured, processed, pasteurized, bottled, stored, or prepared

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1 for distribution for commercial purposes including, but not limited  
2 to, a receiving or transfer station;

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

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

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

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

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

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

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

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

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

8 SECTION 3. AMENDATORY 2 O.S. 2021, Section 7-414, is  
9 amended to read as follows:

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

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

14 2. Preclude the advertising of the incidental sale of ~~goat~~ raw  
15 milk; and

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

18 B. For purposes of this section, incidental sales of ~~goat~~ raw  
19 milk are those sales where the average monthly number of gallons  
20 sold does not exceed one hundred (100).

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

23 Section 7-421. The Oklahoma ~~State~~ Department of Agriculture,  
24 Food, and Forestry is hereby designated as the official state agency

1 of this state for purposes of cooperating with and implementing the  
2 dairy inspection and grading program under the jurisdiction of the  
3 United States Department of Agriculture, United States Department of  
4 Health and Human Services, United States Public Health Service, and  
5 United States Food and Drug Administration.

6 SECTION 5. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS  
11 April 3, 2023 - DO PASS AS AMENDED BY CS

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