STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2994

By: Grego

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 7-403, which relates to the Oklahoma Milk and Milk Products Act; modifying definitions; amending 2 O.S. 2011, Section 7-407, which relates to adulterated or misbranded milk or milk products; prohibiting the label of milk on food products not derived from milk; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, 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" where one or more cows or goats are kept, and from which a
part or all of the milk or milk products is 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 of a cow, goat or other hooved mammal produced, processed, pasteurized, bottled, packaged or prepared in accordance with 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, 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" shall include goat 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 hooved mammals, including members of the order cetartiodactyla, including:

a. family bovidae, including cattle, water buffalo, sheep, goats and yaks,

b. family cervidae, including deer, reindeer and moose, and

c. family equidae, including horses and donkeys;

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", 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, in compliance with the Oklahoma Milk and Milk Products Act and the rules of the Board;

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

11. "Milk plant" means any premises owned or operated by a "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 2. AMENDATORY 2 O.S. 2011, Section 7-407, is amended to read as follows:

Section 7-407. A. Any Grade A milk or milk product shall be adulterated if:

1. It bears or contains any poisonous, deleterious, or inhibitor substance in a quantity which may render it injurious to health;

2. It bears or contains any added poisonous, inhibitor, or deleterious substance for which no safe tolerance has been established by state rule or federal regulations, or in excess of the tolerance if one has been established;

3. It consists, in whole or in part, of any substance unfit for human consumption;

4. It has been produced, processed, prepared, packed, held, or transported under unsanitary conditions;
5. Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

6. Any substance has been added, mixed, packed, or any process applied to increase its bulk or weight, or reduce its quality, strength, or make it appear better or of greater value than it is.

B. Grade A milk and milk products shall be misbranded when:

1. Their containers bear or accompany any false or misleading written, printed, or graphic matter;

2. The milk and milk products do not conform to the definitions in the Oklahoma Milk and Milk Products Act;

3. The products are not labeled in accordance with the Oklahoma Milk and Milk Products Act; and

4. Products are labeled "Grade A" when the packaged products were filled from a dairy plant or milk plant which did not possess an appropriate and valid Grade A permit at the time the milk or milk product was produced or processed.

C. A person shall not state on a label of a food product that the product is milk unless the product meets the definition of milk established in Section 7-403 of this title.

D. The State Board of Agriculture shall establish and implement a plan to enforce the prohibition in subsection C of this section, including notice of the Board's intent to implement a ban on all
products that do not meet the requirements of subsection B of this section, including plant-based products mislabeled as milk.

SECTION 3. This act shall become effective November 1, 2020.

57-2-10695 SH 01/12/20