

Public Health Code—Food, 63 O.S. § 1-1101, et seq.

Pursuant to 63 O.S. § 1-1115, the State Commissioner of Health or authorized agent “shall have free access at all reasonable hours” to any establishment in which foods are manufactured or processed for the purpose of (1) inspecting to see if any provisions of the food safety article are being violated and (2) to secure samples or specimens of any food after paying or offering to pay such sample. **“It shall be the duty of the Commissioner to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this article is being violated.”**

Prohibits processors from refusing to permit the Commissioner or agent entry for inspection or to permit the taking of a sample. 63 O.S. § 1-1102 (g).

Department can seek injunction. 63 O.S. § 1-1103

Violations are misdemeanors with either fine of \$100 and/or imprisonment of up to 30 days or \$500 and/or imprisonment of up to 6 months. 63 O.S. § 1-1104.

Good Manufacturing Practice Regulations—Oklahoma Administrative Code 310:260

310:260 recognizes laboratory testing as a part of manufacturing.

OAC 310:260-3-3 (Sanitary Operations) states that “[o]nly the following toxic materials that are required to maintain sanitary conditions may be used or stored in a plant where food is processed or exposed: . . . (2) Those necessary for use in laboratory testing procedures.”

OAC 310:260-3-6 (Processes and Controls) requires operations in manufacturing and processing of food to employ appropriate quality control operations to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. It requires manufacturers and processors to take all reasonable precautions to ensure that production procedures do not contribute contamination from any sources. **“Chemical, microbial, or extraneous material testing procedures shall be used where necessary to identify sanitation failures or possible food contamination.”**

OAC 310:260-11-3 gives the Department authority to examine or sample food “as often as necessary for enforcement of these rules and regulations.”

- Department has the same authority under OAC 310:257-5-70(e).

Food Establishments—Oklahoma Administrative Code 310:257

OAC 310:257-9-6. Sampling

Except when used as specified under 310:257-9-5, water from a non-community water system shall be sampled and tested at least annually as required by the Oklahoma Department of Environmental Quality, OAC 252:631 Public Water Supply Operation water quality regulations.

Food Safety—Notes RE Testing

OAC 310:257-9-7. Sample Report

The most recent sample report for the non-community water system shall be retained on file in the food establishment or the report shall be maintained as specified by the Oklahoma Department of Environmental Quality OAC 252:631 Public Water Supply Operation water quality regulations.