

SECOND REGULAR SESSION

# HOUSE BILL NO. 1577

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES POLLOCK (Sponsor), WELLS, LOEHNER, JONES, DEEKEN,  
SCHAD, FISHER AND CUNNINGHAM (145) (Co-sponsors).

Read 1st time January 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 196.931, 196.949, and 196.951, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 196.931, 196.949, and 196.951, to read  
3 as follows:

196.931. As used in sections 196.931 to 196.953 unless the context clearly indicates  
2 otherwise, the following words and terms shall have the meaning indicated:

3 (1) "Grade A pasteurized milk", grade A raw milk for pasteurization which has been  
4 pasteurized, cooled, and placed in the final container in a milk plant and conforming with the  
5 sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and  
6 regulations promulgated thereunder;

7 (2) "Grade A raw milk for pasteurization", raw milk for pasteurization from producer  
8 dairies and conforming with all of the sanitation and bacteriological standards authorized by  
9 sections 196.931 to 196.953 and regulations which are promulgated thereunder;

10 (3) "Graded fluid milk and fluid milk products", milk products include cream, light  
11 cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy  
12 whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table  
13 cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 reconstituted or recombined milk and milk products, concentrated milk, concentrated milk  
15 products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D  
16 milk and milk products, homogenized milk, flavored milk or milk products, eggnog, eggnog  
17 flavored milk, eggnog flavored lowfat milk, buttermilk, cultured buttermilk, cultured milk,  
18 cultured whole milk buttermilk, and acidified milk and milk products, and other fluid milk and  
19 fluid milk products so declared by the board which are sold, offered for sale, exposed for sale,  
20 delivered or advertised as graded milk and milk products;

21 (4) "Manufacturing raw milk", milk that does not meet the requirements of grade A raw  
22 milk for pasteurization as defined in sections 196.931 to 196.959;

23 (5) "Milk plant", any place, premises or establishment where graded fluid milk or fluid  
24 milk products are collected, handled, processed, stored, bottled, pasteurized and prepared for  
25 distribution, except an establishment where graded fluid milk products are sold at retail as  
26 purchased from a milk plant;

27 (6) "Milk plant operator", any person, firm, corporation or association operating any milk  
28 plant;

29 (7) "Milk producer", any person who operates a dairy farm and provides, sells, or offers  
30 milk for sale to a milk plant, receiving station, or transfer station;

31 (8) "Official rating agency", the state [department of health and senior services] **milk**  
32 **board**;

33 (9) "Official rating survey", the survey conducted by the official state rating agency, as  
34 required by sections 196.931 to 196.953;

35 (10) "Person" shall mean an individual or individuals, or a firm, partnership, company,  
36 corporation, trustee, or association;

37 (11) "Political subdivision", any municipality, city, incorporated town, village, county,  
38 township, district or authority, or any portion or combination of two or more thereof;

39 (12) "State department of agriculture", the department of agriculture of Missouri;

40 (13) "State department of health and senior services", the department of health and senior  
41 services of Missouri;

42 (14) "State milk board", an appointed state agency functioning as administrator of "state  
43 milk inspection"; and

44 (15) "State milk inspection", the services of inspection, regulation, grading, and program  
45 evaluation of fluid milk and fluid milk products by agents, representatives or employees of the  
46 state milk board under the terms and provisions of sections 196.931 to 196.959 and regulations  
47 adopted to regulate the production, transportation, processing, manufacture, distribution and sale  
48 of graded fluid milk and fluid milk products.

196.949. Graded fluid milk or fluid milk products not inspected under state milk inspection may be sold, offered for sale, exposed for sale, and delivered in the state of Missouri, or any municipality thereof, if approved [jointly] by the [director of the department of agriculture and the director of the department of health and senior services] **state milk board** as provided for by regulations adopted [jointly] by the [two agencies and the] state milk board; provided that, the graded fluid milk or fluid milk products from other states shall be produced and processed under the supervision of a duly authorized governmental agency operating under the provisions of an ordinance, statute, or regulation substantially equivalent to the regulations promulgated and adopted by the state milk board and enforced with equal effectiveness as determined by an official rating survey, and products meet applicable temperature, bacteriological and composition standards when sampled on arrival at point of retail sale. Nothing in this section shall prohibit the state or local health officer from satisfying himself **or herself** that the governmental agency having jurisdiction over the production and processing is properly enforcing such provisions.

196.951. The [department of health and senior services] **state milk board** is hereby designated as the official rating agency. At least [annually] **biannually**, or as often as necessary, the [department of health and senior services] **state milk board** shall make an official rating survey to determine if there is appropriate and effective enforcement of the standards and provisions of sections 196.931 through 196.953 and such other surveys as may be necessary to assure enforcement of sections 196.931 through 196.953 throughout the state. Unsatisfactory conditions shall be deemed to exist when a rating below the minimum acceptable rating established by the [director of the department of agriculture and the director of the department of health and senior services] **state milk board** is found by the official rating survey. Violation of sections 196.931 through 196.953 shall be deemed to exist when the unsatisfactory conditions causing the rating to fall below the minimum acceptable rating are not corrected within ninety days. The minimum acceptable rating shall be ninety percent for the pasteurized milk supply as determined by rating methods recognized by the United States Public Health Service Food and Drug Administration. The [director of the department of agriculture and the director of the department of health and senior services] **state milk board** shall [jointly] promulgate and adopt a single method of making official rating surveys of all milksheds. Official surveys shall be made by a method substantially equivalent to procedures outlined in United States Governmental Printing Office Publication Number 678, titled "Methods of Making Sanitation Ratings of Milksheds".

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