

SECOND REGULAR SESSION

HOUSE BILL NO. 1901

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (110) (Sponsor), McGHEE, LOW (39), HUGHES, QUINN (9), RUCKER, DARROUGH, PEARCE, GUEST, KELLY, SANDER, WELLS, WETER, HODGES, DETHROW, OXFORD, SUTHERLAND, SCHAAF, ROBINSON, SCHIEFFER, WILDBERGER, TODD, DAVIS, FALLERT, LAMPE, FISHER, ERVIN, CUNNINGHAM (145) AND NASHEED (Co-sponsors).

Read 1st time January 29, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4115L.03I

AN ACT

To repeal sections 196.540 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to the sale and delivery of raw milk.

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

Section A. Sections 196.540 and 196.935, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 196.540 and 196.935, to read as follows:

196.540. 1. The state milk board shall administer the provisions of sections 196.520 to
2 196.610, and is hereby authorized to:

3 (1) Promulgate those regulations necessary to fulfill the intent of sections 196.520 to
4 196.610 as related to the production, transportation, grading, use and processing of
5 manufacturing milk; to the packaging, labeling and storage of dairy products made therefrom;
6 and to the measuring, weighing, sampling and testing of all milk, grade "A" fluid milk and
7 manufacturing milk, at first point of sale; provided, such regulations are promulgated according
8 to the provisions of this section and chapter 536, RSMo;

9 (2) Inspect manufacturing dairy farms and dairy manufacturing plants;

10 (3) Certify dairy farms for the production and sale of manufacturing milk;

11 (4) License dairy manufacturing plants to handle and process manufacturing milk in
12 conformity with basic requirements and specifications prescribed by such regulations as may be
13 issued hereunder in effectuation of the intent hereof;

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 (5) Inspect and license laboratories involved in market testing of milk at first point of
15 sale;

16 (6) Require the keeping of appropriate books and records by plants, farms, and
17 laboratories licensed hereunder; and

18 (7) License qualified milk graders, fieldmen, and bulk milk truck operators.

19 2. No rule or portion of a rule promulgated under the authority of sections 196.520 to
20 196.614 shall become effective unless it has been promulgated pursuant to the provisions of
21 section 536.024, RSMo.

22 3. Exempt from the provisions of sections 196.520 to 196.610 shall be ice cream and
23 frozen desserts which are under the authority of the department of health and senior services,
24 which administers sections 196.851 to 196.918; [and] grade "A" fluid milk products, which are
25 under the authority of the state milk board pursuant to sections 196.931 to 196.959; **and the sale
26 and delivery of raw milk and cream under the exception in section 196.935.**

196.935. No person shall sell, offer for sale, expose for sale, transport, or deliver any
2 graded fluid milk or graded fluid milk products in this state unless the milk or milk products are
3 graded and produced, transported, processed, manufactured, distributed, labeled and sold under
4 state milk inspection and the same has also been produced or pasteurized as required by a
5 regulation authorized by section 196.939 and under proper permits issued thereunder. Only
6 pasteurized graded fluid milk and fluid milk products as defined in subdivision (3) of section
7 196.931 shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or
8 similar establishments; except an individual may purchase and have delivered to him **or her** for
9 his **or her** own use raw milk or cream from a farm. **Any person selling raw milk or cream
10 under such exception shall be exempt from the requirement to obtain a permit under
11 sections 196.931 to 196.959, or any rules promulgated thereunder, but shall be subject to
12 inspection if there is reasonable cause to believe that the raw milk or cream being sold is
13 adulterated, as described in subdivision (1) of section 196.070. Any rule or portion of a
14 rule promulgated under the authority of section 196.939 or any other section in this
15 chapter shall not be enforced in a manner inconsistent with this section.**

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