

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 133, Page 1, Line 1, by inserting after the number "133" the following:

"Page 9, Section 196.352, Line 7, by inserting after all of said section and line the following:

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

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

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

(3) "Grade A retail raw milk or cream", raw milk or cream produced upon dairy farms conforming to a sanitation standard that specifies that the bacterial plate count of the milk or cream shall not exceed fifty thousand per milliliter and not more than one hundred coliform per milliliter;

(4) "Graded fluid milk and fluid milk products", milk products include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk products, and other fluid milk and fluid milk products so declared by the board which are sold, offered for sale, exposed for sale, delivered or advertised as graded milk and milk products;

~~[(4)]~~ (5) "Manufacturing raw milk", milk that does not meet the requirements of grade A raw milk for pasteurization as defined in sections 196.931 to 196.959;

~~[(5)]~~ (6) "Milk plant", any place, premises or establishment where graded fluid milk or fluid milk products are collected, handled, processed, stored, bottled, pasteurized and prepared for distribution, except an establishment where graded fluid milk products are sold at retail as purchased from a milk plant;

~~[(6)]~~ (7) "Milk plant operator", any person, firm, corporation or association operating any milk plant;

~~[(7)]~~ (8) "Milk producer", any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station;

~~[(8)]~~ (9) "Official rating agency", the state milk board;

~~[(9)]~~ (10) "Official rating survey", the survey conducted by the official state rating agency, as required by sections 196.931 to 196.953;

Action Taken _____ Date _____

1 ~~[(10)]~~ (11) "Person" ~~[shall mean]~~ an individual or individuals, or a firm, partnership, company,
 2 corporation, trustee, or association;

3 ~~[(11)]~~ (12) "Political subdivision", any municipality, city, incorporated town, village, county,
 4 township, district or authority, or any portion or combination of two or more thereof;

5 ~~[(12)]~~ (13) "State department of agriculture", the department of agriculture of Missouri;

6 ~~[(13)]~~ (14) "State department of health and senior services", the department of health and senior
 7 services of Missouri;

8 ~~[(14)]~~ (15) "State milk board", an appointed state agency functioning as administrator of state milk
 9 inspection; ~~and]~~

10 ~~[(15)]~~ (16) "State milk inspection", the services of inspection, regulation, grading, and program
 11 evaluation of fluid milk and fluid milk products by agents, representatives or employees of the state milk
 12 board under the terms and provisions of sections 196.931 to 196.959 and regulations adopted to regulate the
 13 production, transportation, processing, manufacture, distribution and sale of graded fluid milk and fluid milk
 14 products.

15 196.935. 1. No person shall sell, offer for sale, expose for sale, transport, or deliver any graded fluid
 16 milk or graded fluid milk products in this state unless the milk or milk products are graded and produced,
 17 transported, processed, manufactured, distributed, labeled and sold under state milk inspection and the same
 18 has also been produced or pasteurized as required by a regulation authorized by section 196.939 and under
 19 proper permits issued thereunder. Only pasteurized graded fluid milk and fluid milk products as defined in
 20 subdivision ~~[(3)]~~ (4) of section 196.931 shall be sold to the final consumer, or to restaurants, soda fountains,
 21 grocery stores, or similar establishments; except that:

22 (1) Grade A retail raw milk or cream produced in Missouri may be sold to grocery stores,
 23 restaurants, soda fountains, or similar establishments as long as:

24 (a) The grade A retail raw milk or cream is clearly labeled "WARNING: This product has not been
 25 pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly,
 26 and persons with weakened immune systems"; and

27 (b) If the grade A retail raw milk or cream is sold in a manner that does not allow the final consumer
 28 to see the product with the label described in paragraph (a) of this subdivision, the label is presented to the
 29 consumer through a written notice on the menu or in some other manner; and

30 (2) An individual, who is the final consumer, may purchase and have delivered to him or her for his
 31 or her own use raw milk or cream from a farm.

32 2. Any individual who knowingly consumes raw milk or cream, including grade A retail raw milk or
 33 cream, that has been provided to the individual in accordance with the requirements of subsection 1 of this
 34 section assumes all risk and liability for injury, harm, or death arising out of such consumption."; and
 35

36 Further amend said bill,"; and

38 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

40 THIS AMENDS 0529H02.05H