

FIRST REGULAR SESSION

# HOUSE BILL NO. 864

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY.

1991H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal sections 196.931 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to the selling of raw milk or cream, with penalty provisions.

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

Section A. Sections 196.931 and 196.935, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 196.931 and 196.935, to read 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]~~ **that** has  
4 been pasteurized, cooled, and placed in the final container in a milk plant and conforming  
5 with the sanitation and bacteriological standards authorized by sections 196.931 to 196.953  
6 and 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) **"Grade A retail raw milk or cream", raw milk or cream produced upon**  
11 **dairy farms conforming to sanitation and bacteriological standards that meet or exceed**  
12 **those of grade A pasteurized milk;**

13 (4) "Graded fluid milk and fluid milk products", milk products include cream, light  
14 cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream,  
15 heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream,  
16 whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half,  
17 cultured half-and-half, reconstituted or recombined milk and milk products, concentrated

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.

18 milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, fortified milk and  
19 milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk  
20 products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk, cultured  
21 buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk  
22 products, and other fluid milk and fluid milk products so declared by the board ~~[which]~~ **that**  
23 are sold, offered for sale, exposed for sale, delivered, or advertised as graded milk and milk  
24 products;

25 ~~[(4)]~~ **(5)** "Manufacturing raw milk", milk that does not meet the requirements of grade  
26 A raw milk for pasteurization as defined in sections 196.931 to 196.959;

27 ~~[(5)]~~ **(6)** "Milk plant", any place, premises, or establishment where graded fluid milk  
28 or fluid milk products are collected, handled, processed, stored, bottled, pasteurized, and  
29 prepared for distribution, except an establishment where graded fluid milk products are sold  
30 at retail as purchased from a milk plant;

31 ~~[(6)]~~ **(7)** "Milk plant operator", any person, firm, corporation, or association operating  
32 any milk plant;

33 ~~[(7)]~~ **(8)** "Milk producer", any person who operates a dairy farm and provides, sells,  
34 or offers milk for sale to a milk plant, receiving station, or transfer station;

35 ~~[(8)]~~ **(9)** "Official rating agency", the state milk board;

36 ~~[(9)]~~ **(10)** "Official rating survey", the survey conducted by the official state rating  
37 agency, as required by sections 196.931 to 196.953;

38 ~~[(10)]~~ **(11)** "Person" ~~[shall mean]~~, an individual or individuals, or a firm, partnership,  
39 company, corporation, trustee, or association;

40 ~~[(11)]~~ **(12)** "Political subdivision", any municipality, city, incorporated town, village,  
41 county, township, district or authority, or any portion or combination of two or more thereof;

42 ~~[(12)]~~ **(13)** "State department of agriculture", the department of agriculture of  
43 Missouri;

44 ~~[(13)]~~ **(14)** "State department of health and senior services", the department of health  
45 and senior services of Missouri;

46 ~~[(14)]~~ **(15)** "State milk board", an appointed state agency functioning as administrator  
47 of state milk inspection; ~~and~~

48 ~~[(15)]~~ **(16)** "State milk inspection", the services of inspection, regulation, grading, and  
49 program evaluation of fluid milk and fluid milk products by agents, representatives, or  
50 employees of the state milk board under the terms and provisions of sections 196.931 to  
51 196.959 and regulations adopted to regulate the production, transportation, processing,  
52 manufacture, distribution, and sale of graded fluid milk and fluid milk products.

196.935. **1.** No person shall sell, offer for sale, expose for sale, transport, or deliver  
2 any graded fluid milk or graded fluid milk products in this state unless the milk or milk

3 products are graded and produced, transported, processed, manufactured, distributed, labeled,  
4 and sold under state milk inspection and the same has also been produced or pasteurized as  
5 required by a regulation authorized by section 196.939 and under proper permits issued  
6 thereunder. Only pasteurized graded fluid milk and fluid milk products as defined in  
7 ~~[subdivision (3) of]~~ section 196.931 shall be sold to the final consumer, or to restaurants, soda  
8 fountains, grocery stores, or similar establishments; except **that:**

9 **(1) Grade A retail raw milk or cream produced in Missouri may be sold to retail**  
10 **establishments as long as:**

11 **(a) The grade A retail raw milk or cream is clearly labeled "NOT FOR HUMAN**  
12 **CONSUMPTION" in letters at least one-half inch height. Any raw milk or raw milk**  
13 **product dispensed shall also include on its label the statement "IT IS NOT LEGAL TO**  
14 **SELL RAW MILK FOR HUMAN CONSUMPTION IN MISSOURI". This labeling**  
15 **requirement shall not apply to raw milk or raw milk products purchased from a farm**  
16 **by an individual for the individual's own use; and**

17 **(b) If the grade A retail raw milk or cream is sold in a manner that does not**  
18 **allow the final consumer to see the product with the label described in paragraph (a) of**  
19 **this subdivision, the label is presented to the consumer through a written notice**  
20 **available to the customer; and**

21 **(2) An individual who is the final consumer may purchase and have delivered to**  
22 **~~[him]~~ the individual for ~~[his]~~ the individual's own use raw milk or cream from a farm.**

23 **2. No bottler or distributor of grade A retail raw milk or cream shall expose for**  
24 **sale, transport, or deliver any milk in this state unless the milk has been inspected by the**  
25 **state milk board at an interval set by the board but no less than quarterly.**

26 **3. Any dairy farm producing grade A retail raw milk or cream shall have its**  
27 **herd accredited or certified by the United States Department of Agriculture as a**  
28 **tuberculosis-free and a brucellosis-free herd. While the herd is in the process of**  
29 **qualifying for such United States Department of Agriculture accreditation or**  
30 **certification, all animals in the herd shall be tested annually for tuberculosis and**  
31 **brucellosis until such herd is accredited or certified.**

✓