

FIRST REGULAR SESSION

HOUSE BILL NO. 1073

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DURNELL.

2199H.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.

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Section A. Sections 196.931 and 196.935, RSMo, are repealed and two new sections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) "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,
12 heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream,
13 whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half,
14 cultured half-and-half, reconstituted or recombined milk and milk products, concentrated
15 milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, fortified milk and
16 milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk
17 products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk, cultured

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 buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk
19 products, and other fluid milk and fluid milk products so declared by the board [~~which~~] **that**
20 are sold, offered for sale, exposed for sale, delivered, or advertised as graded milk and milk
21 products;

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

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

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

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

32 (8) "Official rating agency", the state milk board;

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

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

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

39 (12) **"Raw milk product", a consumer product that is the result of processes that**
40 **include raw milk or raw cream as an ingredient including, but not limited to, butter,**
41 **buttermilk, cheese, cottage cheese, kefir, yogurt, and other derivative products that use**
42 **raw milk as an ingredient;**

43 (13) **"Retail raw milk or cream", raw milk or cream produced on dairy farms**
44 **that have obtained listed status from the Raw Milk Institute;**

45 (14) "State department of agriculture", the department of agriculture of Missouri;

46 [~~13~~] (15) "State department of health and senior services", the department of health
47 and senior services of Missouri;

48 [~~14~~] (16) "State milk board", an appointed state agency functioning as administrator
49 of state milk inspection; [~~and~~

50 [~~15~~] (17) "State milk inspection", the services of inspection, regulation, grading, and
51 program evaluation of fluid milk and fluid milk products by agents, representatives, or
52 employees of the state milk board under the terms and provisions of sections 196.931 to
53 196.959 and regulations adopted to regulate the production, transportation, processing,
54 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) Retail raw milk or cream or raw milk products produced in Missouri may be**
10 **sold to grocery stores, farmers markets, or similar establishments as long as the retail**
11 **raw milk or cream or raw milk product is clearly labeled: "WARNING: This product**
12 **has not been pasteurized and, therefore, may contain harmful bacteria that can cause**
13 **serious illness in children, the elderly, and persons with weakened immune systems.";**
14 **and**

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

18 **2. Any dairy farm producing retail raw milk or cream or raw milk products**
19 **shall have its herd tested annually for tuberculosis and brucellosis by a veterinarian and**
20 **shall be tuberculosis-free and brucellosis-free before selling any raw milk or cream or**
21 **raw milk products.**

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