

2015 Regular Session

SENATE BILL NO. 238

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AGRICULTURAL COMMODITIES. Provides relative to the sale of raw milk by a farmer to a consumer. (8/1/15)

AN ACT

To amend and reenact R.S. 40:921(A) and 922(A) and to enact Subpart C of Part VII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:931 through 938, relative to the sale of milk; to authorize incidental sales of raw milk for human consumption; to provide for definitions; to provide for labeling; to provide for chemical, bacteriological, and temperature standards; to provide for sanitation standards; to provide for standards for bottling, packaging, and container filling; to provide for animal health standards; to provide for product recalls; to prohibit statements implying endorsement by the state Department of Health and Hospitals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:921(A) and 922(A) are hereby amended and reenacted and Subpart C of Part VII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:931 through 938, is hereby enacted to read as follows:

§921. Grade A requirements; powdered whole milk and powdered skim milk labeling requirements

A. ~~All~~ **Except for the sale of raw milk pursuant to R.S. 40:931 et seq., all**

1 fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered
 2 for the purpose of human consumption as such, shall be Grade A according to
 3 specifications in the rules and regulations promulgated by the state Department of
 4 Health and Hospitals, hereinafter referred to as the "department"; provided that a
 5 person may sell properly labeled milk of a quality less than Grade A for a period of
 6 thirty days under permit from the department, provided it is labeled as to grade.

7 * * *

8 §922. Rules and regulations prescribing sanitary standard requirements and grade
 9 labeling requirements

10 A. The department is hereby empowered and shall hereby have the authority
 11 to promulgate rules and regulations prescribing the sanitary standard requirements
 12 of all milk sold or offered for sale in this state, **other than raw milk sold pursuant**
 13 **to R.S. 40:931 et seq.**, provided that no rules and regulations shall be promulgated
 14 setting up standards lower than those as set forth in the U.S. Public Health Service
 15 Milk Ordinance and Code.

16 * * *

17 **SUBPART C. SALE OF RAW MILK FOR HUMAN CONSUMPTION**

18 **§931. Definitions**

19 **As used in this Subpart:**

20 **(1) "Incidental sales of goat milk and whole milk for human**
 21 **consumption that has not been pasteurized" means those sales where the**
 22 **average monthly number of gallons sold does not exceed five hundred gallons.**

23 **(2) "Raw milk" means goat milk and whole milk that has not been**
 24 **pasteurized.**

25 **(3) "Whole milk" means the lacteal secretion obtained by the complete**
 26 **milking of one or more healthy cows, properly fed and kept, that when offered**
 27 **for sale contains at least three and one-fourth percent of butterfat and eight and**
 28 **one-fourth percent solids that are not fat. The term "whole milk" shall not**
 29 **include lacteal secretion obtained within fifteen days before or five days after**

1 calving, or a longer period if necessary, to render the milk practically colostrum
2 free.

3 §932. Incidental sales of raw milk for human consumption; authorization;
4 labeling; inspection

5 A. Notwithstanding any provision of law to the contrary, incidental sales
6 of raw goat milk or whole milk for human consumption may be made, provided
7 such sales are made pursuant to the provisions of this Subpart.

8 B. Information describing the standards used by the farm or dairy with
9 respect to the production of raw goat milk or whole milk shall be provided to
10 the consumer by the farmer, together with the results of tests performed on the
11 milk and the animals that produced the milk, and an explanation of the tests
12 and test results.

13 C. With respect to goat milk or whole milk that has not been
14 pasteurized, the seller shall affix a label to the bottle or package that includes
15 the following information:

16 (1) The name and address of the farm or dairy, with the seller's contact
17 information.

18 (2) The following statement: "Raw Milk: This product is fresh whole
19 milk that has NOT been pasteurized."

20 D. A farmer who sells fresh unpasteurized goat milk or whole milk shall
21 permit inspection of his cows or goats and barns by any customer, upon request,
22 with reasonable notice.

23 E. A farmer shall permit the state Department of Health and Hospitals
24 to inspect the farm's cows or goats and barns upon request of a customer. The
25 farm shall post on the premises the date of the inspection and provide any
26 findings made by the department to customers upon request.

27 §933. Chemical, bacteriological, and temperature standards

28 All raw milk produced for human consumption pursuant to this Subpart
29 shall conform with all of the following chemical, bacteriological, and

1 temperature standards:

2 (1) No process or manipulation other than appropriate straining and
3 refrigeration shall be applied to the milk for the purpose of removing or
4 deactivating microorganisms.

5 (2) The milk shall be temperature cooled to forty degrees Fahrenheit or
6 lower immediately after being drawn at the first milking. The milk shall be
7 maintained at that temperature until purchased by the customer.

8 (3) Drug residue tests on the milk shall be conducted at least two times
9 during any consecutive twelve months. There shall be no positive results on
10 drug residue detection methods.

11 (4) Raw milk shall not contain zoonotic pathogens including: Salmonella
12 spp., Escherichia coli 0157:H7, Campylobacter spp., and Listeria
13 monocytogenes.

14 (5) Raw milk testing for coliform bacteria shall result in a rolling
15 three-month average of less than 25 coliforms per milliliter of raw milk.

16 (6) Raw milk testing for Standard Plate Count (SPC) shall result in less
17 than 15,000 per milliliter of raw milk.

18 (7) Documentation and assurance that herds are tuberculosis free and
19 tested one time per year or to meet local tuberculosis requirements shall be
20 provided.

21 (8) Documentation or assurance that herds are brucellosis free shall be
22 provided.

23 (9) All test results, including testing type and date of last test, shall be
24 logged and provided to customers upon request.

25 (10) Commingling of raw milk from other dairies is not permitted.

26 §934. Sanitation

27 All raw milk produced for human consumption pursuant to this Subpart
28 shall conform with all of the following sanitation requirements:

29 (1) Milk with abnormalities.

1 (a) Lactating animals which show evidence of the secretion of milk with
2 abnormalities in one or more quarters, based upon bacteriological, chemical,
3 or physical examination, shall be milked last or with separate equipment and
4 the milk shall be discarded.

5 (b) Lactating animals that have been treated with, or have consumed,
6 chemical, medicinal, or radioactive agents, which are capable of being secreted
7 in the milk and which may be deleterious to human health, shall be milked last
8 or with separate equipment and the milk shall be discarded.

9 (c) Milk from lactating animals being treated with medicinal agents
10 which are capable of being secreted in the milk shall not be offered for sale for
11 such time period as is recommended by the attending veterinarian or as
12 indicated on the package label of the medicinal agent.

13 (d) Milk from lactating animals treated with or exposed to insecticides
14 not approved for use on dairy animals by the United States Environmental
15 Protection Agency shall not be offered for sale.

16 (e) Bloody, stringy, off-colored milk or milk that is abnormal to sight or
17 odor, shall be handled and disposed of in a manner that precludes the infection
18 of other lactating animals and the contamination of milk utensils.

19 (f)(i) Lactating animals secreting milk with abnormalities shall be
20 milked last or in separate equipment which effectively prevents the
21 contamination of the wholesome supply.

22 (ii) Milking equipment used on animals with abnormalities in their milk
23 shall be maintained clean to reduce the possibility of re-infection or cross-
24 infection of the dairy animals.

25 (g) Equipment, utensils, and containers used for the handling of milk
26 with abnormalities shall not be used for the handling of milk to be distributed,
27 unless they are first cleaned and effectively sanitized.

28 (h)(i) Processed animal waste derivatives used as a feed ingredient for
29 any portion of the total ration of the lactating dairy animal shall be properly

1 processed in accordance with at least those requirements contained in the Model
2 Regulations for Processed Animal Wastes as Animal Feed Ingredients
3 developed by the Association of American Feed Control Officials and shall not
4 contain levels of deleterious substances, harmful pathogenic organisms, or other
5 toxic substances which are secreted in the milk at any level that may be
6 deleterious to human health.

7 (ii) Unprocessed poultry litter and unprocessed recycled animal body
8 discharges shall not be fed to lactating dairy animals.

9 (2) Milking barn or parlor construction.

10 (a) A milking barn or parlor shall be provided on all farms or dairies in
11 which the milking herd shall be housed during milking time operations.

12 (b) All floors shall be maintained in good repair and free of excessive
13 breaks or low areas that may create pools.

14 (c)(i) Walls and ceilings shall be smooth, painted, or finished in an
15 approved manner, and in good repair.

16 (ii) Approved materials include wood, tile, smooth-surfaced concrete,
17 cement plaster, brick, or other equivalent materials with light colored surfaces.

18 (iii) Walls, partitions, doors, shelves, windows, and ceilings shall be kept
19 in good repair. Surfaces shall be refinished whenever wear or discoloration is
20 evident.

21 (iv) If feed is stored overhead, ceilings shall be constructed to prevent
22 the sifting of chaff and dust into the milking barn, stable, or parlor. If a hay
23 opening is provided from the loft into the milking portion of the barn, the
24 opening shall be provided with a dust-tight door which shall be kept closed
25 during milking operations.

26 (d) Separate stalls or pens for horses, calves, and bulls shall be provided.
27 The portions of the barn that are not separated by tight partitions shall comply
28 with all requirements of this Section.

29 (e) Natural or artificial light well distributed for day or night milking

1 shall be provided to ensure that all surfaces, particularly the working areas, will
2 be plainly visible. The equivalent of at least ten foot-candles, or one hundred
3 ten lux, of light in all working areas shall be provided.

4 (f) Sufficient air space and air circulation to prevent condensation and
5 excessive odors shall be provided.

6 (3) Milking barn, stable, or parlor cleanliness.

7 (a) The interior of the milking barn, stable, or parlor shall be kept clean.
8 Floors, walls, ceilings, windows, pipelines, and equipment shall be free of filth
9 and litter and shall be kept clean. Outside surfaces of pipeline systems located
10 in the milking barn, stable, or parlor shall be kept reasonably clean.

11 (b) Gutter cleaners shall be kept reasonably clean.

12 (c) Swine and fowl shall be kept out of the milking barn.

13 (d) All pens, calf stalls, and bull pens, if not separated from the milking
14 barn, stable, or parlor, shall be kept clean.

15 (e) Feed shall be stored in a manner that will not increase the dust
16 content of the air or interfere with the cleaning of the floor, such as in covered,
17 dust-tight boxes or bins. Open feed dollies or carts may be used for distributing
18 the feed, but not for storing food, in the milking area.

19 (f) Milk stools, surcingles, and antikickers shall be kept clean and stored
20 in a clean place in the milking barn, stable, parlor, or milkhouse, when not in
21 use.

22 (g) Food mangers shall be kept clean so as not to attract flies. Leftover
23 feed in feed mangers shall appear fresh and not be wet or soggy.

24 (4) Cowyard.

25 (a) The cowyard, which is interpreted to be the enclosed or unenclosed
26 area approximately adjacent to the milking barn in which the lactating animals
27 may congregate, including animal-housing areas and feed lots, shall be graded
28 and drained and shall have no standing pools of water or accumulations of
29 organic wastes.

1 **(b) Wastes from the barn or milkhouse shall not be allowed to pool in**
2 **the cowyard. Depressions and soggy areas shall be filled and lactating animal**
3 **lanes kept reasonably dry. Cowyards which are muddy due to recent rains shall**
4 **not be considered a violation of this Paragraph.**

5 **(c) Manure, soiled bedding, and waste feed shall not be stored or**
6 **permitted to accumulate in such a manner as to permit the soiling of lactating**
7 **animals' udders and flanks. Animal-housing areas including stables without**
8 **stanchions, such as loose-housing stables, pen stables, resting barns, holding**
9 **barns, loafing sheds, wandering sheds, or free-stall housing, shall be considered**
10 **part of the cowyard. Manure packs shall be solid to the footing of the animal.**

11 **(d) In loafing or lactating animal housing areas, lactating animal**
12 **droppings and soiled bedding shall be removed, or clean bedding added, at**
13 **sufficiently frequent intervals to prevent the soiling of the lactating animal's**
14 **udder and flanks.**

15 **(e) Cooling ponds shall be allowed, provided they are constructed and**
16 **maintained in a manner that does not result in the visible soiling of flanks,**
17 **udders, bellies, and tails of lactating animals exiting the pond.**

18 **(f) Waste feed shall not be allowed to accumulate.**

19 **(g) Swine shall be kept out of the cowyard.**

20 **(5) Milkhouse or room construction and facilities.**

21 **(a) A separate milkhouse or room of sufficient size shall be provided, in**
22 **which the cooling, handling, and storing of milk and the washing, sanitizing,**
23 **and storing of milk containers and utensils shall be conducted, except as**
24 **provided for in Paragraph (12) of this Section.**

25 **(b) The milkhouse shall be provided with a smooth floor constructed of**
26 **concrete or equally impervious material and maintained in good repair.**

27 **(c) The walls and ceilings shall be constructed of smooth material, in**
28 **good repair, well painted, or finished in an equally suitable manner. Surfaces**
29 **up to splash height shall be nonabsorbent and easily cleanable.**

1 (d) The milkhouse shall be adequately ventilated to minimize odors and
2 condensation on floors, walls, ceilings, and clean utensils.

3 (e) Each milkhouse shall be provided with facilities for heating water in
4 sufficient quantity and to such temperatures as are necessary for the effective
5 cleaning of all equipment and utensils.

6 (6) Milkhouse or room cleanliness.

7 (a) The floors, walls, ceilings, windows, tables, shelves, cabinets, wash
8 vats, nonproduct contact surfaces of milk containers, utensils, and equipment,
9 and other milkhouse equipment shall be kept clean. Vestibules, if provided,
10 shall be kept clean.

11 (b) The milkhouse shall be kept free of trash, animals, and fowl.

12 (c) Incidental articles such as desks, refrigerators, and storage cabinets
13 may be in the milkhouse provided they are kept clean, ample space is available
14 to conduct the normal operations in the milkhouse, and they will not cause
15 contamination of the milk.

16 (7) Toilet facilities.

17 (a) Every farm or dairy shall be provided with one or more toilets,
18 conveniently located and properly constructed, operated, maintained, and
19 utilized in a sanitary manner. There shall be at least one flush toilet connected
20 to a public sewer system or to an individual sewage-disposal system or a
21 chemical toilet, earth pit privy, or other type of privy.

22 (b) The waste shall be inaccessible to flies and shall not pollute the soil
23 surface or contaminate any water supply. Vents of earth pits shall be screened.

24 (c) The toilet room, including all fixtures and facilities, shall be kept
25 clean and free of insects and odors.

26 (d) Where flush toilets are used, doors to toilet rooms shall be tight and
27 self-closing. All outer openings in toilet rooms shall be screened or otherwise
28 protected against the entrance of insects.

29 (8) Water supply:

1 (a) Water for milkhouse and milking operations shall be from an
2 approved supply which is properly located, protected, and operated, and shall
3 be easily accessible, adequate, and of a safe, sanitary quality.

4 (b) No cross-connection shall exist between a safe water supply and any
5 unsafe or questionable water supply, or any other source of pollution.

6 (c) There shall be no submerged inlets through which a safe water
7 supply may be contaminated.

8 (d) The well or other source of water shall be located and constructed
9 in such a manner that neither underground nor surface contamination from any
10 sewerage systems, privy, or other source of pollution can reach the water
11 supply.

12 (e) New individual water supplies and water supply systems that have
13 been repaired or have otherwise become contaminated shall be thoroughly
14 disinfected before being placed into use.

15 (9) Utensils and equipment construction.

16 (a) All multiuse containers, equipment, and utensils that are exposed to
17 milk or milk products, or from which liquids may drip, drain, or be drawn into
18 milk or milk products, and used in the handling, storage, or transportation of
19 milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic
20 materials, and shall be constructed to be easily cleaned. Acceptable materials
21 include:

22 (i) Stainless steel of the American Iron and Steel Institute 300 series, or
23 equally corrosion-resistant, nontoxic metal.

24 (ii) Heat-resistant glass.

25 (iii) Plastic or rubber and rubber-like materials which are relatively
26 inert, resistant to scratching, scoring, decomposition, crazing, chipping, and
27 distortion, under normal use conditions, are nontoxic, fat-resistant, relatively
28 nonabsorbent, relatively insoluble, do not release component chemicals or
29 impart flavor or odor to the product, and which maintain their original

1 properties under repeated use conditions.

2 (b) All containers, utensils, and equipment shall be in good repair and
3 shall be free of breaks, corrosion, pits, cracks, or inclusions.

4 (c) Strainers, if used, shall be constructed of perforated metal design, or
5 single-service strainer media should be utilized. Multiple-use woven material
6 shall not be used for straining milk.

7 (d) All single-service articles shall be manufactured, packaged,
8 transported, stored, and handled in a sanitary manner. Articles intended for
9 single-service use shall not be reused.

10 (e) Mechanically cleaned milk pipelines and return-solution lines shall
11 be self-draining. If gaskets are used, they shall be self-positioning and shall be
12 of such design, finish, and application as to form a smooth, flush interior
13 surface. If gaskets are not used, all fittings shall have self-positioning faces
14 designed to form a smooth, flush interior surface. All interior surfaces of welded
15 joints in pipelines shall be smooth and free of pits, cracks, and inclusions.

16 (f) The hoses shall be drainable, be as short as practical, have sanitary
17 fittings, and be supported to maintain uniform slope and alignment.

18 (g) The end fittings of such hoses shall be permanently attached in such
19 a manner that will assure a crevice-free joint between the hose and the fitting
20 and can be cleaned by mechanical means. The hoses shall be included as part
21 of a mechanical cleaning system.

22 (h) Short lengths of flexible plastic tubing eight feet or less may be
23 inspected for cleanliness by sight or by use of a rod. The transparency or
24 opacity of the tubing under this condition shall not be a factor in determining
25 cleanliness.

26 (i) Whenever air under pressure is used for the agitation or movement
27 of milk, or is directed at a milk-contact surface, it shall be free of oil, dust, rust,
28 excessive moisture, extraneous materials, and odor.

29 (10) Utensils and equipment cleaning.

1 The product-contact surfaces of all multiuse containers, equipment, and
2 utensils used in the handling, storage, or transportation of milk shall be cleaned
3 after each milking or once every twenty-four hours for continuous operations.

4 (11) Utensils and equipment sanitization.

5 The product-contact surfaces of all multiuse containers, equipment, and
6 utensils used in the handling, storage, or transportation of milk shall be
7 sanitized before each use.

8 (12) Utensils and equipment storage.

9 (a) All containers, utensils, and equipment used in the handling, storage,
10 or transportation of milk, unless stored in sanitizing solutions, shall be stored
11 to assure complete drainage and shall be protected from contamination prior
12 to use, except that pipeline milking equipment such as milker claws, inflations,
13 weigh jars, meters, milk hoses, milk receivers, tubular coolers, plate coolers,
14 and milk pumps which are designed for mechanical cleaning and other
15 equipment, as accepted by the United States Food and Drug Administration,
16 which meet these criteria, may be stored in the milking barn or parlor, provided
17 this equipment is designed, installed, and operated to protect the product and
18 solution-contact surfaces from contamination at all times.

19 (b) Strainer pads, parchment papers, gaskets, and similar single-service
20 articles shall be stored in a suitable container or cabinet and protected against
21 contamination.

22 (13) Utensils and equipment handling.

23 (a) After sanitization, all containers, utensils, and equipment shall be
24 handled in a manner that prevents contamination of any product-contact
25 surface.

26 (b) Sanitized product-contact surfaces, including farm cooling holding
27 tank openings and outlets, shall be protected against contact with unsanitized
28 equipment and utensils, hands, clothing, splash, condensation, and other sources
29 of contamination.

1 (c) Any sanitized product-contact surface which has been otherwise
2 exposed to contamination shall be cleaned and sanitized before being used.

3 (14) Milking, flanks, udders, and teats.

4 (a) Milking shall be done in the milking barn or parlor.

5 (b) The flanks, udders, bellies, and tails of all milking cows shall be free
6 from visible dirt. All brushing shall be completed prior to milking.

7 (c) The udders and teats shall be cleaned and treated with a sanitizing
8 solution just prior to the time of milking, and shall be relatively dry before
9 milking. Sanitizing solutions shall be used in accordance with manufacturer
10 specifications and recommendations.

11 (d) Wet hand milking is prohibited.

12 (e) Flanks, bellies, tails, and udders shall be clipped as often as necessary
13 to facilitate cleaning of these areas.

14 (15) Transfer and protection of milk.

15 (a) Each pail or container of milk shall be taken immediately from the
16 milking barn or parlor to the milkhouse. No milk shall be strained, poured,
17 transferred, or stored outside the milkhouse.

18 (b) The milk receiving receptacle shall be raised above the floor.

19 (16) Personnel.

20 (a) Hands shall be washed clean and dried with an individual sanitary
21 towel or other approved hand-drying device immediately before milking, before
22 performing any milkhouse function, and immediately after the interruption of
23 any of these activities. Milkers shall wear clean outer garments while milking
24 or handling milk, milk containers, utensils, or equipment.

25 (b) No person who, by medical examination or supervisory observation,
26 is shown to have or appears to have an illness, open lesion including boils, sores,
27 or infected wounds, or any other abnormal source of microbial contamination
28 shall perform work in any capacity that brings them into contact with the
29 production, handling, storage, or transportation of milk, containers, equipment,

1 or utensils.

2 (17) Cooling.

3 (a) Raw milk shall be cooled and maintained as provided in R.S. 40:933.

4 (b) Recirculated cold water that is used in plate or tubular coolers or
5 heat exchangers shall be from a safe source and protected from contamination.

6 (c) All farm bulk milk tanks shall be equipped with an approved
7 temperature-recording device.

8 (18) Vehicles.

9 Vehicles used to transport raw milk prior to distribution to the consumer
10 shall be constructed and operated to protect their contents from sun, freezing,
11 and contamination. The vehicles shall be kept clean, inside and out, and no
12 substance capable of contaminating the milk shall be transported with the milk.

13 (19) Insect and rodent control.

14 (a) Effective measures shall be taken to prevent the contamination of
15 raw milk, containers, equipment, and utensils by insects and rodents and by
16 chemicals used to control such vermin.

17 (b) Milkrooms shall be free of insects and rodents.

18 §935. Bottling, packaging, and container filling

19 A.(1) Bottling, packaging, and container filling of raw milk shall be done
20 at the place of production in a sanitary manner. Bottling, packaging, and
21 container filling of milk may be conducted in the milkhouse or room.

22 (2) Containers shall be closed immediately after being filled.

23 B.(1) All container caps, sealers, and closures shall be stored in a clean,
24 dry place protected from insects, rodents, dust, splash, or other contamination.

25 (2) All container closure or sealing shall be done at the place of
26 production in a sanitary manner by approved mechanical equipment.

27 §936. Animal health

28 A. All raw milk for human consumption sold pursuant to this Subpart
29 shall be from healthy animals. Milk from unhealthy animals shall not be sold

1 or combined with other milk for human consumption.

2 B.(1) All animals producing milk for human consumption shall be tested
3 for tuberculosis and brucellosis every twelve months.

4 (2) If an animal shows positive by lesions or a positive test, all of the
5 following shall apply:

6 (a) The animal shall be reported to the Department of Health and
7 Hospitals and shall be separated, and kept separate, from the remainder of the
8 herd.

9 (b) A certificate identifying the animal, signed by a licensed veterinarian
10 and the director of the laboratory making the test, shall be filed with the
11 Department of Health and Hospitals.

12 (c) The animal shall be retested by a licensed veterinarian at a frequency
13 specified by the United States Department of Agriculture, and test results shall
14 be filed with the Department of Health and Hospitals.

15 (d) Disposition of diseased animals shall be conducted in accordance
16 with guidelines published by the United States Department of Agriculture and
17 shall be reported to the Department of Health and Hospitals.

18 C. Animals shipped into Louisiana for addition to herds shall have been
19 tested for tuberculosis and brucellosis within thirty days prior to being brought
20 into the state. However, the provisions of this Subsection shall not apply, with
21 regard to brucellosis, to those cattle that have been vaccinated for brucellosis
22 and are between four and twelve months of age.

23 D. Records supporting the tests required pursuant to this Section shall
24 be validated with the signature of a licensed veterinarian and shall be made
25 available for inspection upon request.

26 §937. Product recall

27 Each producer of raw milk for human consumption pursuant to this
28 Subpart shall develop and maintain procedures for the notification of
29 regulatory officials, consumer notification, and product recall. Such procedures

1 shall be implemented as necessary with respect to any product for which the
2 producer knows, or has reason to believe, that circumstances exist that may
3 adversely affect its safety for the consumer. The producer shall be responsible
4 for disseminating the notice in a manner designed to inform customers who may
5 be affected by the problem.

6 **§938. Statement prohibited**

7 No producer of raw milk shall publish any statement that implies
8 approval or endorsement by the state Department of Health and Hospitals.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 238 Original

2015 Regular Session

LaFleur

Present law requires all fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered for the purpose of human consumption to be Grade A according to specifications in the rules and regulations promulgated by the state Dept. of Health and Hospitals (DHH). Allows the sale of properly labeled milk of less than Grade A quality for a 30-day period under permit from DHH, if the milk is labeled as to grade.

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Present law authorizes DHH to promulgate rules and regulations prescribing the sanitary standard requirements of all milk sold or offered for sale in this state, provided that no rules and regulations shall be promulgated setting up standards lower than those as set forth in the U.S. Public Health Service Milk Ordinance and Code.

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Proposed law defines "incidental sales of goat milk and whole milk for human consumption that has not been pasteurized" as those sales where the average monthly number of gallons sold does not exceed 500 gallons.

Proposed law defines "raw milk" as goat milk and whole milk that has not been pasteurized.

Proposed law defines "whole milk" as the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, that when offered for sale contains at least 3-1/4% of butterfat and 8-1/4% solids that are not fat. Further provides that the term "whole milk" shall not include lacteal secretion obtained within 15 days before or five days after calving, or a longer period if necessary, to render the milk practically colostrum free.

Proposed law authorizes the incidental sales of raw goat milk or whole milk for human consumption, provided such sales are made pursuant to the provisions of proposed law.

Proposed law requires that information describing the standards used by the farm or dairy with respect to the production of raw milk be provided to the consumer by the farmer, together with the results of tests performed on the animals that produced the milk, tests

performed on the milk, and an explanation of the tests and test results.

Proposed law requires the seller of goat milk or whole milk that has not been pasteurized to affix a label to the bottle or package that includes the following information:

- (1) The name and address of the farm or dairy with the seller's contact information.
- (2) The following statement: "Raw Milk: This product is fresh whole milk that has NOT been pasteurized."

Proposed law requires a farmer who sells fresh unpasteurized goat milk or whole milk to permit inspection of his cows or goats and barns by any customer upon request, with reasonable notice.

Proposed law requires a farmer to permit DHH to inspect the farm's cows or goats and barns upon request of a customer. Further requires the farm to post on the premises the date of the inspection and provide any findings made by the dept. to customers, upon request.

Proposed law establishes chemical, bacteriological, and temperature standards for raw milk sold pursuant to proposed law, including drug tests, and prohibits the presence of certain pathogens in raw milk.

Proposed law establishes sanitation standards for raw milk sold pursuant to proposed law including standards for milk with abnormalities; equipment, milking barn or parlor construction and cleanliness; the cowyard; milkhouse or room construction, facilities, and cleanliness; toilet facilities; water supply; utensils and equipment construction, cleaning, storage, and handling; milking procedures; transfer of milk; personnel; cooling; transport of milk; and insect and rodent control.

Proposed law requires that bottling, packaging, and container filling of raw milk shall be done at the place of production in a sanitary manner. Further requires that containers be closed immediately after being filled and specifies the method of closure.

Proposed law requires that all raw milk for human consumption sold pursuant to proposed law be from healthy animals and additionally provides that milk from unhealthy animals shall not be sold or combined with other milk for human consumption.

Proposed law requires that all animals producing milk for human consumption pursuant to proposed law be tested for tuberculosis and brucellosis every 12 months and requires that any animal tested positive for such diseases shall be reported to DHH and kept separated from the remainder of the herd. Further provides for the treatment and retesting of diseased animals and the disposition of diseased animals.

Proposed law requires that animals shipped into the state for addition to herds be tested for tuberculosis and brucellosis within 30 days prior to being brought into the state. Exempts cattle that have been vaccinated for brucellosis and are between four and twelve months of age from such testing.

Proposed law requires each producer of raw milk for human consumption pursuant to proposed law to develop and maintain procedures for the notification of regulatory officials, consumer notification, and product recall, and to implement any of these procedures as necessary with respect to any product for which the producer knows, or has reason to believe, that circumstances exist that may adversely affect its safety for the consumer.

Proposed law prohibits a producer of raw milk from publishing any statement that implies approval or endorsement by the state Dept. of Health and Hospitals.

Effective August 1, 2015.

(Amends R.S. 40:921(A) and 922(A); adds R.S. 40:931-938)