

2018 Regular Session

HOUSE BILL NO. 437

BY REPRESENTATIVE WHITE

AGRICULTURAL COMMODITIES: Provides relative to the sale of raw milk by a farmer to a consumer

1 AN ACT

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

11 Be it enacted by the Legislature of Louisiana:

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

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

17 A. ~~All~~ Except for the sale of raw milk pursuant to R.S. 40:931 et seq., all  
18 fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered  
19 for the purpose of human consumption as such, shall be Grade A according to  
20 specifications in the rules and regulations promulgated by the state Department of

1 Health, hereinafter referred to as the "department"; provided that a person may sell  
2 properly labeled milk of a quality less than Grade A for a period of thirty days under  
3 permit from the department, provided it is labeled as to grade.

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5 §922. Rules and regulations prescribing sanitary standard requirements and grade  
6 labeling requirements

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

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14 SUBPART C. SALE OF RAW MILK FOR HUMAN CONSUMPTION

15 §931. Definitions

16 As used in this Subpart:

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

20 (2) "Raw milk" means goat milk and whole milk that has not been  
21 pasteurized.

22 (3) "Whole milk" means the lacteal secretion obtained by the complete  
23 milking of one or more healthy cows, properly fed and kept, that when offered for  
24 sale contains at least three and one-fourth percent of butterfat and eight and  
25 one-fourth percent solids that are not fat. The term "whole milk" shall not include  
26 lacteal secretion obtained within fifteen days before or five days after calving, or a  
27 longer period if necessary, to render the milk practically colostrum free.

1       §932. Incidental sales of raw milk for human consumption; authorization; labeling;  
2               inspection

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

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

11               C. With respect to goat milk or whole milk that has not been pasteurized, the  
12       seller shall affix a label to the front of the bottle or package that includes the  
13       following information in bold typed print of not less than fourteen-point font:

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

16               (2) The following statement: "WARNING Raw Milk: This product is fresh  
17       whole milk that has NOT been pasteurized and therefore may contain harmful  
18       bacteria that can cause serious illness in children, the elderly, and persons with  
19       weakened immune systems."

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, with  
22       reasonable notice.

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

1        §933. Chemical, bacteriological, and temperature standards

2                All raw milk produced for human consumption pursuant to this Subpart shall  
3        conform with all of the following chemical, bacteriological, and temperature  
4        standards:

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

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

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

14               (4) Raw milk shall not contain zoonotic pathogens including: Salmonella  
15       spp., Escherichia coli O157:H7, Campylobacter spp., and Listeria monocytogenes.

16               (5) Raw milk testing for coliform bacteria shall result in a rolling  
17       three-month average of less than twenty-five coliforms per milliliter of raw milk.

18               (6) Raw milk testing for Standard Plate Count (SPC) shall result in less than  
19       fifteen thousand per milliliter of raw milk.

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

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

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

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

1        §934. Sanitation

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

4                (1) Milk with abnormalities.

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

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

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

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

20               (e) Bloody, stringy, off-colored milk or milk that is abnormal to sight or  
21       possesses an abnormal odor, shall be handled and disposed of in a manner that  
22       precludes the infection of other lactating animals and the contamination of milk  
23       utensils.

24               (f)(i) Lactating animals secreting milk with abnormalities shall be milked  
25       last or with separate equipment which effectively prevents the contamination of the  
26       wholesome supply.

27               (ii) Milking equipment used on animals with abnormalities in their milk shall  
28       be maintained clean to reduce the possibility of reinfection or cross infection of the  
29       dairy animals.

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

4           (h)(i) Processed animal waste derivatives used as a feed ingredient for any  
5           portion of the total ration of the lactating dairy animal shall be properly processed  
6           in accordance with at least those requirements contained in the Model Regulations  
7           for Processed Animal Waste Products as Animal Feed Ingredients developed by the  
8           Association of American Feed Control Officials and shall not contain levels of  
9           deleterious substances, harmful pathogenic organisms, or other toxic substances  
10          which are secreted in the milk at any level that may be deleterious to human health.

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

13          (2) Milking barn or parlor construction.

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

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

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

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

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

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

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

4           (e) Natural or artificial light well-distributed for day or night milking shall  
5           be provided to ensure that all surfaces, particularly the working areas, will be plainly  
6           visible. The equivalent of at least ten foot-candles, or one hundred ten lux, of light  
7           in all working areas shall be provided.

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

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

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

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

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

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

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

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

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

27           (4) Cowyard.

28           (a) The cowyard, which is interpreted to be the enclosed or unenclosed area  
29           approximately adjacent to the milking barn in which the lactating animals may

1 congregate, including animal-housing areas and feed lots, shall be graded and  
2 drained and shall have no standing pools of water or accumulations of organic  
3 wastes.

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

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

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

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

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

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

22 (5) Milkhouse or room construction and facilities.

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

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

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

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

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

9           (6) Milkhouse or room cleanliness.

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

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

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

19          (7) Toilet facilities.

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

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

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

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

4           (8) Water supply.

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

8           (b) No cross connection shall exist between a safe water supply and any  
9           unsafe or questionable water supply or any other source of pollution.

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

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

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

18          (9) Utensils and equipment construction.

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

24                 (i) Stainless steel of the American Iron and Steel Institute S300 series, or  
25                 equally corrosion-resistant, nontoxic metal.

26                 (ii) Heat-resistant glass.

27                 (iii) Plastic or rubber and rubber-like materials which are relatively inert,  
28                 resistant to scratching, scoring, decomposition, crazing, chipping, and distortion,  
29                 under normal use conditions, are nontoxic, fat-resistant, relatively nonabsorbent,

1 relatively insoluble, do not release component chemicals or impart flavor or odor to  
2 the product, and which maintain their original properties under repeated use  
3 conditions.

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

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

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

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

18 (f) Hoses shall be drainable, be as short as practical, have sanitary fittings,  
19 and be supported to maintain uniform slope and alignment.

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

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

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

1           (10) Utensils and equipment cleaning.

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

5           (11) Utensils and equipment sanitization.

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

9           (12) Utensils and equipment storage.

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

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

1           (c) Any sanitized product-contact surface which has been otherwise exposed  
2           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 milking.  
9           Sanitizing solutions shall be used in accordance with manufacturer specifications and  
10           recommendations.

11           (d) Wet hand milking is prohibited.

12           (e) Flanks, bellies, tails, and udders shall be clipped as often as necessary to  
13           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 towel  
21           or other approved hand-drying device immediately before milking, before  
22           performing any milkhouse function, and immediately after the interruption of any  
23           of these activities. Milkers shall wear clean outer garments while milking or  
24           handling milk, milk containers, utensils, or equipment.

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

1           (17) Cooling.

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

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

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

7           (18) Vehicles.

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

12           (19) Insect and rodent control.

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

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

17           §935. Bottling, packaging, and container filling

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

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

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

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

26           §936. Animal health

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

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

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

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

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

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

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

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

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

24          §937. Product recall

25          Each producer of raw milk for human consumption pursuant to this Subpart  
26          shall develop and maintain procedures for the notification of regulatory officials,  
27          consumer notification, and product recall. Such procedures shall be implemented as  
28          necessary with respect to any product for which the producer knows, or has reason  
29          to believe, that circumstances exist that may adversely affect its safety for the

1           consumer. The producer shall be responsible for disseminating the notice in a  
 2           manner designed to inform customers who may be affected by the problem.  
 3           §938. Statement prohibited  
 4           No producer of raw milk shall publish any statement that implies approval  
 5           or endorsement by the state Department of Health.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 437 Original

2018 Regular Session

White

**Abstract:** Provides for the sale of raw milk from a farmer to a consumer.

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 (department). Allows the sale of properly labeled milk of less than Grade A quality for a 30-day period under permit from the department, 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 the department 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 are 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" does 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 on the farm of raw goat milk or whole milk produced on such farm 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 in bold typed print of not less than fourteen-point font:

- (1) The name and address of the farm or dairy with the seller's contact information.
- (2) The following statement: "WARNING Raw Milk: This product is fresh whole milk that has NOT been pasteurized and therefore may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

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

Proposed law requires a farmer to permit the department to inspect the farm's cows or goats and barns quarterly and 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 department 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 requires test results to be provided to the department.

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 and protection of milk; personnel; cooling; transport of milk; and insect and rodent control.

Proposed law requires that bottling, packaging, and container filling of raw milk 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 cannot 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 be reported to the department 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 department.

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