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## DIGEST

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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)