

SENATE BILL NO. 39

BY SENATOR THOMPSON

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

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AN ACT

To enact R.S. 40:881, relative to labeling of milk products; to provide for definitions; to provide for enforcement by the Louisiana Department of Health; to provide for enforcement implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:881 is hereby enacted to read as follows:

PART VII. MILK, MILK PRODUCTS, AND SUBSTITUTES

SUBPART A. MILK ~~TESTING~~ LABELING LAW (REDESIGNATED)

**§881. Labeling of milk products; prohibition; definition; enforcement**

**A. The Louisiana Department of Health shall enforce the United States Food and Drug Administration's standard of identity for milk, as set forth in 21 CFR 131.110, the Pasteurized Milk Ordinance, and the provisions of this Section to prohibit the sale of plant-based products mislabeled as milk.**

**B. For purposes of this Section, "milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in its final packaged form for beverage use shall have been pasteurized, ultra-pasteurized, or aseptically processed and shall contain not less than eight and one-quarter percent milk solids not fat and not less than three and one-quarter percent milk fat. Milk may have been adjusted by separating part of the milk fat therefrom or by adding thereto cream, concentrated milk, concentrated low fat milks, dry milk, or dry low fat milks. Milk may be homogenized. Water shall not be added to milk or any ingredient used in milk. Milk may be flavored with safe and suitable flavoring ingredients approved by the state health officer. The word "milk" shall be interpreted to include goat, sheep, water buffalo, camel milk, and the milk of other hooved mammals.**

1                    **C. Enforcement of this Section shall commence upon enforcement of the**  
2                    **standard of identity for milk by the United States Food and Drug**  
3                    **Administration.**

4                    **D. The provisions of this Section shall not apply to breast milk.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_