

GREEN SHEET REDIGEST

HB 467

2024 Regular Session

Coates

AGRICULTURE/MILK: Provides relative to the sale of raw milk.

DIGEST

Proposed law defines "raw milk" in R.S. 3:1391 as the lacteal secretion from any species other than humans, that has not been pasteurized in accordance with the processes recognized by the U.S. Food and Drug Administration.

Present law defines "ruminant" to include any mammal of the suborder Ruminantia, which includes but is not limited to cattle, buffalo, sheep, goats, deer, elk, and antelopes.

Present law defines "ton" as the net weight of 2,000 lbs. avoirdupois.

Present law defines "value of protein deficiency" as the value of the crude protein as set by the state chemist times the difference between the guaranteed protein analysis and the actual protein analysis of the feed sample.

Proposed law requires labeling of raw milk as commercial feed to contain the following warning: "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA". Requires such statement to be displayed in a conspicuous manner and shall not be smaller than the height of the minimum form required by the Federal Fair Packaging and Labeling Act.

Proposed law defines "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 for human consumption does not exceed 500 gallons.

Proposed law defines "raw milk" in R.S. 40:931 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 sales on the farm of raw goat milk or whole milk produced on such farm, 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."

- (3) The following statement: "WARNING Raw Milk: This product is fresh goat 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 prohibits the seller of whole milk or goat milk that has not been pasteurized from labeling raw milk, "for human consumption".

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 La. Dept. of Health (LDH) and by any customer upon request, with reasonable notice.

Proposed law requires a farmer to permit the LDH 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 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 requires test results to be provided to the LDH.

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; personnel; cooling; 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 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 be reported to the LDH 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 authorizes the commissioner of the Department of Agriculture and Forestry to temporarily suspend the sale of raw milk when raw milk causes an outbreak of a contagious or infectious disease that poses an immediate threat to animal or public health.

Proposed law additionally allows the Senate and House Committees on Agriculture, Forestry, Aquaculture, and Rural Development to override the commissioner's temporary suspension.

Proposed law requires producers or farmers of raw milk to complete a course approved by LDH. Requires at least one course to be readily available online. Further requires LDH to post the approved courses on its website by Jan. 1, 2025.

Proposed law prohibits a producer of raw milk from publishing any statement that implies approval or endorsement by the LDH.

(Amends R.S. 3:1391(23)-(26); adds R.S. 3:1391(27) and 1394(A)(14) and R.S. 40:931-939)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Define "raw milk" in R.S. 3:1391 as the lacteal secretion from any species other than humans, that has not been pasteurized in accordance with the processes recognized by the U.S. Food and Drug Administration.
2. Provide labeling requirements for raw milk sold as commercial feed.
3. Remove references to "incidental" sales.
4. Change the definition of "sales of goat milk and whole milk that has not been pasteurized" by clarifying that such milk is for human consumption.
5. Remove proposed law provisions pertaining to the sale of cheese made from raw milk.
6. Remove language pertaining to transportation of raw milk from provisions governing how raw milk is handled.
7. Remove provisions pertaining to vehicles used to transport raw milk to consumers.
8. Remove the requirement that container closure and sealing be accomplished with approved mechanical equipment.
9. Remove the requirement that bottling, packaging, and container filling process be done at a milkhouse or milk room.
10. Change the cooling requirement of milk to two hours after being drawn after the first milking, instead of immediately afterwards.
11. Require coliform testing to be done once per month.
12. Require Special Plate Count testing to be done once per month and result in a rolling three-month rolling average of 15,000 per ml. of raw milk.
13. Require a producers or farmers of raw milk to complete a course approved by LDH.
14. Require at least one course to be readily available online and that the LDH post the approved courses on its website by Jan. 1, 2025.
15. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the engrossed bill

1. Makes technical changes.
2. Prohibits including on a label "for human consumption".
3. Gives authority to the commissioner of the Department of Agriculture to temporarily suspend the sale of raw milk and allows the Senate and House Committee on Agriculture to override the temporary suspension.