

---

## 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)]

---

Ortego

HB No. 1279

**Abstract:** Authorizes the sale of goat milk or whole milk that has not been pasteurized by the producer to the consumer by the farm where the raw milk is produced.

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 Dept. of Health and Hospitals (DHH).

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 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 not fat.

Proposed law 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 provides that nothing in proposed law shall be construed to prohibit incidental sales of goat milk or whole milk that has not been pasteurized directly to consumers by the farm where the milk is produced if the farm is registered pursuant to proposed law or to preclude the advertising of incidental sales of goat milk or whole milk that has not been pasteurized.

Proposed law provides that information describing the standards used by the farm or dairy with respect to the production of raw milk is provided to the consumer by the farmer together with 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 a farm or dairy to register by delivering to the Dept. of Health and Hospitals a written statement containing all of the following information:

- (1) The name of the farmer, farm, or dairy.
- (2) A valid, current address of the farmer, farm, or dairy.
- (3) A statement that raw milk is being produced at the farm or dairy.

Proposed law requires the seller of goat milk or whole milk that has not been pasteurized to do all of the following:

- (1) Post at the point of sale a sign that is no smaller than two feet by four feet that includes all of the following information in large, clear text:
  - (a) The name and address of the farm with seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is raw milk that has NOT been pasteurized. Consuming milk that has not been pasteurized may increase your risk of foodborne illness. Persons at highest risk include newborns and infants; the elderly; pregnant women; those taking corticosteroids, antibiotics or antacids; and those having chronic illnesses or other conditions that weaken their immunity."
- (2) Affix a label to the bottle or package that includes all of the following information:
  - (a) The name and address of the farm with the seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is raw milk that has NOT been pasteurized. Consuming milk that has not been pasteurized may increase your risk of foodborne illness. Persons at highest risk include newborns and infants; the elderly; pregnant women; those taking corticosteroids, antibiotics or antacids; and those having chronic illnesses or other conditions that weaken their immunity."

Proposed law requires a farmer who sells fresh unpasteurized goat milk or whole milk to permit inspection of the farmer's cows or goats and barns by any customer upon request.

Proposed law requires that upon registration with the department, a farm shall permit the inspection of its cows or goats and barns upon request.

Proposed law sets forth the chemical, bacteriological, and temperature standards for raw milk sold pursuant to proposed law.

Proposed law sets forth the sanitation standards for raw milk sold pursuant to proposed law.

Proposed law sets forth the health standards for animals producing the raw milk sold pursuant to proposed law.

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 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 Dept. of Health and Hospitals.

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

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Changed warning information on point of sale sign and bottle label.
2. Changed from requiring inspections of the farm by the department to inspections of the farm's cows, goats, and barns upon the department's request.