

FIRST REGULAR SESSION

HOUSE BILL NO. 1090

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

2129H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 196.931 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to the selling of raw milk or cream.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 196.931 and 196.935, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 196.931 and 196.935, to read as follows:

196.931. As used in sections 196.931 to 196.953 unless the context clearly indicates otherwise, the following words and terms shall have the meaning indicated:

(1) "Grade A pasteurized milk", grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant and conforming with the sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and regulations promulgated thereunder;

(2) "Grade A raw milk for pasteurization", raw milk for pasteurization from producer dairies and conforming with all of the sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and regulations which are promulgated thereunder;

(3) **"Grade A retail raw milk or cream", raw milk or cream produced upon dairy farms conforming to a sanitation standard that specifies that the bacterial plate count of the milk or cream shall not exceed fifty thousand per milliliter and not more than one hundred coliform per milliliter;**

(4) "Graded fluid milk and fluid milk products", milk products include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 reconstituted or recombined milk and milk products, concentrated milk, concentrated milk
19 products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D
20 milk and milk products, homogenized milk, flavored milk or milk products, eggnog, eggnog
21 flavored milk, eggnog flavored lowfat milk, buttermilk, cultured buttermilk, cultured milk,
22 cultured whole milk buttermilk, and acidified milk and milk products, and other fluid milk and
23 fluid milk products so declared by the board which are sold, offered for sale, exposed for sale,
24 delivered or advertised as graded milk and milk products;

25 ~~[(4)]~~ (5) "Manufacturing raw milk", milk that does not meet the requirements of grade
26 A raw milk for pasteurization as defined in sections 196.931 to 196.959;

27 ~~[(5)]~~ (6) "Milk plant", any place, premises or establishment where graded fluid milk or
28 fluid milk products are collected, handled, processed, stored, bottled, pasteurized and prepared
29 for distribution, except an establishment where graded fluid milk products are sold at retail as
30 purchased from a milk plant;

31 ~~[(6)]~~ (7) "Milk plant operator", any person, firm, corporation or association operating
32 any milk plant;

33 ~~[(7)]~~ (8) "Milk producer", any person who operates a dairy farm and provides, sells, or
34 offers milk for sale to a milk plant, receiving station, or transfer station;

35 ~~[(8)]~~ (9) "Official rating agency", the state milk board;

36 ~~[(9)]~~ (10) "Official rating survey", the survey conducted by the official state rating
37 agency, as required by sections 196.931 to 196.953;

38 ~~[(10)]~~ (11) "Person" ~~[shall mean]~~, an individual or individuals, or a firm, partnership,
39 company, corporation, trustee, or association;

40 ~~[(11)]~~ (12) "Political subdivision", any municipality, city, incorporated town, village,
41 county, township, district or authority, or any portion or combination of two or more thereof;

42 ~~[(12)]~~ (13) "State department of agriculture", the department of agriculture of Missouri;

43 ~~[(13)]~~ (14) "State department of health and senior services", the department of health
44 and senior services of Missouri;

45 ~~[(14)]~~ (15) "State milk board", an appointed state agency functioning as administrator
46 of state milk inspection; ~~[and]~~

47 ~~[(15)]~~ (16) "State milk inspection", the services of inspection, regulation, grading, and
48 program evaluation of fluid milk and fluid milk products by agents, representatives or employees
49 of the state milk board under the terms and provisions of sections 196.931 to 196.959 and
50 regulations adopted to regulate the production, transportation, processing, manufacture,
51 distribution and sale of graded fluid milk and fluid milk products.

196.935. 1. No person shall sell, offer for sale, expose for sale, transport, or deliver any
2 graded fluid milk or graded fluid milk products in this state unless the milk or milk products are

3 graded and produced, transported, processed, manufactured, distributed, labeled and sold under
4 state milk inspection and the same has also been produced or pasteurized as required by a
5 regulation authorized by section 196.939 and under proper permits issued thereunder. Only
6 pasteurized graded fluid milk and fluid milk products as defined in subdivision [~~3~~] (4) of
7 section 196.931 shall be sold to the final consumer, or to restaurants, soda fountains, grocery
8 stores, or similar establishments; except **that:**

9 **(1) Grade A retail raw milk or cream produced in Missouri may be sold to grocery**
10 **stores, restaurants, soda fountains, or similar establishments as long as:**

11 **(a) The grade A retail raw milk or cream is clearly labeled "WARNING: This**
12 **product has not been pasteurized and, therefore, may contain harmful bacteria that can**
13 **cause serious illness in children, the elderly, and persons with weakened immune systems";**
14 **and**

15 **(b) If the grade A retail raw milk or cream is sold in a manner that does not allow**
16 **the final consumer to see the product with the label described in paragraph (a) of this**
17 **subdivision, the label is presented to the consumer through a written notice on the menu**
18 **or in some other manner; and**

19 **(2) An individual, who is the final consumer, may purchase and have delivered to him**
20 **or her for his or her own use raw milk or cream from a farm.**

21 **2. Any individual who knowingly consumes raw milk or cream, including grade A**
22 **retail raw milk or cream, that has been provided to the individual in accordance with the**
23 **requirements of subsection 1 of this section assumes all risk and liability for injury, harm,**
24 **or death arising out of such consumption.**

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