

# SENATE BILL NO. 86

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1111S.01H

KRISTINA MARTIN, Secretary

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Section A. Sections 196.931 and 196.935, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 196.931 and 196.935, to read as follows: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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 milliliter and not more than one hundred coliforms per  
20 milliliter;

21 (4) "Graded fluid milk and fluid milk products", milk  
22 products include cream, light cream, coffee cream, table  
23 cream, whipping cream, light whipping cream, heavy cream,  
24 heavy whipping cream, whipped cream, whipped light cream,  
25 whipped coffee cream, whipped table cream, sour cream,  
26 cultured sour cream, half-and-half, sour half-and-half,  
27 cultured half-and-half, reconstituted or recombined milk and  
28 milk products, concentrated milk, concentrated milk  
29 products, skim milk, skimmed milk, lowfat milk, fortified  
30 milk and milk products, vitamin D milk and milk products,  
31 homogenized milk, flavored milk or milk products, eggnog,  
32 eggnog flavored milk, eggnog flavored lowfat milk,  
33 buttermilk, cultured buttermilk, cultured milk, cultured  
34 whole milk buttermilk, and acidified milk and milk products,  
35 and other fluid milk and fluid milk products so declared by  
36 the board which are sold, offered for sale, exposed for  
37 sale, delivered or advertised as graded milk and milk  
38 products;

39 [(4)] (5) "Manufacturing raw milk", milk that does not  
40 meet the requirements of grade A raw milk for pasteurization  
41 as defined in sections 196.931 to 196.959;

42 [(5)] (6) "Milk plant", any place, premises or  
43 establishment where graded fluid milk or fluid milk products  
44 are collected, handled, processed, stored, bottled,  
45 pasteurized and prepared for distribution, except an  
46 establishment where graded fluid milk products are sold at  
47 retail as purchased from a milk plant;

48 [(6)] (7) "Milk plant operator", any person, firm,  
49 corporation or association operating any milk plant;

50 [(7)] (8) "Milk producer", any person who operates a  
51 dairy farm and provides, sells, or offers milk for sale to a  
52 milk plant, receiving station, or transfer station;

53 [(8)] (9) "Official rating agency", the state milk  
54 board;

55 [(9)] (10) "Official rating survey", the survey  
56 conducted by the official state rating agency, as required  
57 by sections 196.931 to 196.953;

58 [(10)] (11) "Person" [shall mean], an individual or  
59 individuals, or a firm, partnership, company, corporation,  
60 trustee, or association;

61 [(11)] (12) "Political subdivision", any municipality,  
62 city, incorporated town, village, county, township, district  
63 or authority, or any portion or combination of two or more  
64 thereof;

65 [(12)] (13) "State department of agriculture", the  
66 department of agriculture of Missouri;

67 [(13)] (14) "State department of health and senior  
68 services", the department of health and senior services of  
69 Missouri;

70 [(14)] (15) "State milk board", an appointed state  
71 agency functioning as administrator of state milk  
72 inspection; [and

73 (15)] (16) "State milk inspection", the services of  
74 inspection, regulation, grading, and program evaluation of  
75 fluid milk and fluid milk products by agents,  
76 representatives or employees of the state milk board under  
77 the terms and provisions of sections 196.931 to 196.959 and  
78 regulations adopted to regulate the production,  
79 transportation, processing, manufacture, distribution and  
80 sale of graded fluid milk and fluid milk products.

196.935. No person shall sell, offer for sale, expose  
2 for sale, transport, or deliver any graded fluid milk or  
3 graded fluid milk products in this state unless the milk or  
4 milk products are graded and produced, transported,  
5 processed, manufactured, distributed, labeled and sold under  
6 state milk inspection and the same has also been produced or  
7 pasteurized as required by a regulation authorized by  
8 section 196.939 and under proper permits issued thereunder.  
9 Only pasteurized graded fluid milk and fluid milk products  
10 as defined in subdivision [(3)] (4) of section 196.931 shall  
11 be sold to the final consumer, or to restaurants, soda  
12 fountains, grocery stores, or similar establishments; except  
13 that:

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

17 (a) The grade A retail raw milk or cream is clearly  
18 labeled "WARNING: RAW MILK - CONSUME AT YOUR OWN RISK."; and

19 (b) If the grade A retail raw milk or cream is sold in  
20 a manner that does not allow the final consumer to see the  
21 product with the label described in paragraph (a) of this  
22 subdivision, the label is presented to the consumer through  
23 a written notice on the menu or in some other manner;

24 (2) An individual, who is the final consumer, may  
25 purchase and have delivered to him or her for his or her own  
26 use raw milk or cream from a farm; and

27 (3) The provisions of this section relating to the  
28 sale of raw milk or cream shall supersede all local  
29 ordinances, rules, orders, and regulations governing the  
30 sale of raw milk or cream.

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