

114TH CONGRESS  
1ST SESSION

# H. R. 3563

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2015

Mr. MASSIE (for himself, Ms. PINGREE, Mr. RIGELL, Mr. NUGENT, Mr. ROHRABACHER, Mr. JONES, Mr. BRAT, Mr. POLIS, Mr. AMASH, Mr. MEADOWS, Mr. MCCLINTOCK, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Milk Freedom Act of  
5 2015”.

1 **SEC. 2. INTERSTATE TRAFFIC OF UNPASTEURIZED MILK**  
2 **AND MILK PRODUCTS.**

3 (a) SALE ALLOWED.—Notwithstanding the Federal  
4 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.),  
5 section 361 of the Public Health Service Act (42 U.S.C.  
6 264), and any regulations or other guidance issued under  
7 such Act or section, a Federal department, agency, or  
8 court may not take any action (such as administrative,  
9 civil, criminal, or other actions) that would prohibit, inter-  
10 fere with, regulate, or otherwise restrict the interstate  
11 traffic of milk, or a milk product, that is unpasteurized  
12 and packaged for direct human consumption, if such pro-  
13 hibition, interference, regulation, or restriction is based on  
14 the determination that, solely because such milk or milk  
15 product is unpasteurized, such milk or milk product is  
16 adulterated, misbranded, or otherwise in violation of Fed-  
17 eral law.

18 (b) DEFINITIONS.—In this section, the following defi-  
19 nitions apply:

20 (1) The term “milk” means the lacteal secre-  
21 tion, practically free from colostrum, obtained by the  
22 milking of one or more healthy animals.

23 (2) The term “milk product”—

24 (A) means a food product made from milk;

25 and

1 (B) includes low-fat milk, skim milk,  
2 cream, half and half, dry milk, nonfat milk, dry  
3 cream, condensed or concentrated milk prod-  
4 ucts, cultured or acidified milk or milk prod-  
5 ucts, kefir, eggnog, yogurt, butter, cheese,  
6 whey, condensed or dry whey or whey products,  
7 ice cream, ice milk, and other frozen dairy des-  
8 serts.

9 (3) The term “packaged for direct human con-  
10 sumption” means milk and milk products that are  
11 packaged for the final consumer and intended for  
12 human consumption. Such term does not include  
13 milk and milk products that are packaged for addi-  
14 tional processing, including pasteurization, before  
15 being consumed by humans.

16 (4) The term “pasteurized” means the process  
17 of heating milk and milk products to the applicable  
18 temperature specified in the tables contained in sec-  
19 tion 1240.61 of title 21, Code of Federal Regula-  
20 tions (or successor regulations), and held continu-  
21 ously at or above that temperature for at least the  
22 corresponding specified time in such tables.

23 (5) The term “unpasteurized” means not pas-  
24 teurized.

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