

1 H.480

2 Introduced by Representatives O'Brien of Tunbridge, Bock of Chester, and
3 Strong of Albany

4 Referred to Committee on

5 Date:

6 Subject: Agriculture; milk and milk products; unpasteurized milk; sale;
7 delivery

8 Statement of purpose of bill as introduced: This bill proposes to allow for the
9 sale of unpasteurized milk at farmers' markets and retail establishments and to
10 adjust the labeling language for unpasteurized milk containers.

11 An act relating to the sale of unpasteurized milk

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 6 V.S.A. § 2775 is amended to read:

14 § 2775. ~~LIMITED~~ SALE OF UNPASTEURIZED (RAW) MILK

15 PERMISSIBLE

16 Notwithstanding section 2701 of this title, the production and sale of
17 unpasteurized milk ~~to a consumer for personal consumption~~ is permitted within
18 the State of Vermont only when produced, marketed, and sold in conformance
19 with this chapter.

1 Sec. 2. 6 V.S.A. § 2777 is amended to read:

2 § 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)
3 MILK

4 (a) Unpasteurized milk shall be sold ~~directly from the producer to the~~
5 ~~consumer~~ for personal consumption only and shall not be resold, except as
6 provided in section 2779 of this title.

7 (b) Unpasteurized milk shall be sold only from the farm on which it was
8 produced except when ~~delivery is arranged in conformance with section 2778~~
9 ~~of authorized by this chapter. Unpasteurized milk shall not be sold or offered~~
10 ~~as free samples at any location other than on the farm on which the milk was~~
11 ~~produced.~~

12 * * *

13 (d) Unpasteurized milk shall conform to the following production and
14 marketing standards:

15 * * *

16 (2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the
17 label shall contain:

18 * * *

19 ~~(E) The words "This product has not been pasteurized and therefore~~
20 ~~may contain harmful bacteria that can cause illness particularly in children,~~
21 ~~elders, and persons with weakened immune systems and in pregnant women~~

1 ~~can cause illness, miscarriage, or fetal death, or death of a newborn.” on the~~
2 ~~container’s principal display panel and clearly readable in letters at least one-~~
3 ~~sixteenth inch in height. [Repealed.]~~

4 * * *

5 (6) Customer inspection and notification.

6 * * *

7 (B) A sign with the words “Unpasteurized (Raw) Milk. Not
8 pasteurized. Keep Refrigerated.” ~~and “This product has not been pasteurized~~
9 ~~and therefore may contain harmful bacteria that can cause illness particularly~~
10 ~~in children, elders, and persons with weakened immune systems and in~~
11 ~~pregnant women can cause illness, miscarriage, or fetal death, or death of a~~
12 ~~newborn.”~~ shall be displayed prominently on the farm in a place where it can
13 be easily seen by customers. The lettering shall be at least one inch in height
14 and shall be clearly readable.

15 (e) A producer selling 87.5 or fewer gallons (350 quarts) of unpasteurized
16 milk per week shall meet the requirements of subsections (a) through (d) of
17 this section and shall sell unpasteurized milk only from the farm on which it
18 was produced. A producer selling 87.5 or fewer gallons of unpasteurized milk
19 may choose to meet the requirements of subsection (f) of this section, in which
20 case the producer may sell or deliver in accordance with ~~section 2778 of this~~
21 title this chapter.

1 (f) A producer selling more than 87.5 gallons to 350 gallons (more than
2 350 to 1,400 quarts) of unpasteurized milk per week shall meet the
3 requirements of subsections (a) through (d) of this section as well as the
4 following standards:

5 * * *

6 (6) Off-farm delivery. The delivery of unpasteurized milk is permitted
7 and shall be in compliance with ~~section 2778~~ of this ~~title~~ chapter.

8 ~~(g) The sale of more than 350 gallons (1,400 quarts) of unpasteurized milk~~
9 ~~in any one week is prohibited. [Repealed.]~~

10 Sec. 3. 6 V.S.A. § 2778 is amended to read:

11 § 2778. SALE AND DELIVERY OF UNPASTEURIZED (RAW) MILK

12 (a) ~~Delivery~~ Sale and delivery of unpasteurized milk off the farm is
13 permitted only within the State of Vermont and only of milk produced by a
14 producer meeting the requirements of ~~subsection 2777(f)~~ this chapter.

15 (b) ~~Delivery~~ Sale and delivery shall conform to the following requirements:

16 (1) ~~Delivery shall be to a customer who has purchased milk in advance~~
17 ~~either by a one-time payment or through a subscription. Milk is purchased in~~
18 ~~advance of delivery when payment is provided prior to delivery at the~~
19 ~~customer's home or prior to commencement of the farmers' market where the~~
20 ~~customer receives delivery~~ A producer may sell:

1 (A) at a farmers' market, as that term is defined in section 5001 of
2 this title;

3 (B) to a retail establishment in conformance with section 2779 of this
4 title; or

5 (C) directly to consumers in conformance with this chapter.

6 (2) A producer may deliver directly to the customer:

7 (A) ~~at~~ At the customer's home or into a refrigerated unit at the
8 customer's home if ~~such~~ the unit is capable of maintaining the unpasteurized
9 milk at 40 degrees Fahrenheit or lower until obtained by the customer;

10 (B) ~~at~~ At a farmers' market, as that term is defined in section 5001 of
11 this title, ~~where the producer is a vendor.~~

12 (C) At a predetermined drop-off location if such a location is capable
13 of maintaining the unpasteurized milk at 40 degrees Fahrenheit or lower until
14 obtained by the customer. Before delivery under this subdivision, a producer
15 shall procure a signed statement from both the customer and the owner of the
16 predetermined drop-off location stating the time of drop-off and the time of
17 pickup and assuring that the milk will be kept at the required temperature.

18 * * *

19 (d) Prior to sale or delivery at a farmers' market under this section, a
20 producer shall submit to the Agency of Agriculture, Food and Markets written

1 or electronic notice of intent to sell or deliver unpasteurized milk at a farmers'
2 market. The notice shall:

3 (1) include the producer's name and proof of registration;

4 (2) identify the farmers' market or markets where the producer will sell
5 or deliver milk; and

6 (3) specify the day or days of the week on which sale or delivery will be
7 made at a farmers' market.

8 (e) A producer selling or delivering unpasteurized milk at a farmers'
9 market under this section shall display the registration required under
10 subdivision 2777(f)(4) of this title and the sign required under subdivision
11 2777(d)(6) on the ~~farmers' market stall, or stand,~~ or other display in a
12 prominent manner that is clearly visible to consumers.

13 Sec. 4. 6 V.S.A. 2779 is added to read:

14 § 2779. SALE OF UNPASTEURIZED (RAW) MILK TO A RETAIL
15 ESTABLISHMENT

16 (a) A producer meeting the requirements of subsection 2777(f) of this
17 chapter may sell unpasteurized milk at a retail establishment only within the
18 State of Vermont and only of milk produced by the producer.

19 (b) A producer who sells unpasteurized milk to a retail establishment shall
20 meet the following requirements:

1 (1) The Agency shall inspect the producer's facility twice monthly and
2 determine whether the producer is in compliance with the required sanitary
3 standards.

4 (2) Testing shall be done according to subsection 2777(f)(3), except that
5 testing shall be done twice monthly and test results shall be made available to
6 retail customers at the retail establishments.

7 (3) The producer shall develop a written procedure in consultation with
8 the Agency for recalling product. Both the producer and the Agency shall
9 keep this procedure on file.

10 (4) A producer who sells to a retail establishment shall first receive a
11 license from the Secretary certifying that all requirements have been met. This
12 license shall be renewed annually.

13 (5) During delivery to a retail establishment, unpasteurized milk shall be
14 protected from exposure to direct sunlight.

15 (6) During delivery to a retail establishment, unpasteurized milk shall be
16 kept at 40 degrees Fahrenheit or lower at all times.

17 (c) A retail establishment selling unpasteurized milk shall register with the
18 Agency.

19 (d) The producer and retail establishment shall be jointly and severally
20 liable for the production and sale of milk in conformance with this chapter.

1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.