

# HOUSE BILL 243

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By: **Delegates Haddaway, Eckardt, Aumann, Bartlett, Bates, Beitzel, Boteler, Bromwell, Cane, Dwyer, Elmore, Frank, George, Hecht, Jennings, Krebs, Kullen, Lafferty, Manno, Mathias, McComas, Montgomery, Murphy, Myers, Norman, O'Donnell, Riley, Serafini, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Taylor, F. Turner, Walkup, and Wood**

Introduced and read first time: January 29, 2009

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Milk Products – Pilot Farmstead Cheese Program – Permits**

3 FOR the purpose of repealing a certain limitation on the number of milk processor –  
4 farmstead cheese producer permits that the Secretary of Health and Mental  
5 Hygiene may issue under a certain pilot program; and generally relating to  
6 permits for the pilot farmstead cheese program.

7 BY repealing and reenacting, without amendments,  
8 Article – Health – General  
9 Section 21–401(a) and (g), 21–410(b)(5), 21–416(d), and 21–417(c)  
10 Annotated Code of Maryland  
11 (2005 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 21–416.1  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2008 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 21–401.

21 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) "Farmstead cheese" means cheese made on a farm:

2 (1) Using only the raw milk produced by the herd on the farm; and

3 (2) That meets the definitions and standards of a hard cheese  
4 established in 21 C.F.R. 133.

5 21-410.

6 (b) A permit is required to:

7 (5) Be a milk processor – farmstead cheese producer;

8 21-416.

9 (d) (1) While it is effective, a milk processor permit authorizes the holder:

10 (i) To collect raw milk;

11 (ii) To handle raw milk;

12 (iii) To process raw milk;

13 (iv) To pasteurize raw milk;

14 (v) To store pasteurized milk;

15 (vi) To bottle or package pasteurized milk;

16 (vii) To prepare pasteurized milk for distribution; and

17 (viii) To distribute pasteurized milk.

18 (2) While it is effective, a milk processor – farmstead cheese producer  
19 permit authorizes the holder:

20 (i) To perform all the functions set forth in paragraph (1) of this  
21 subsection; and

22 (ii) To produce farmstead cheese.

23 21-416.1.

24 (a) The Secretary may establish a 5-year pilot farmstead cheese program  
25 after the Secretary:

26 (1) Adopts regulations to implement the program; and

1                   (2)    Issues a milk processor – farmstead cheese producer permit to a  
2 selected participant.

3                   (b)    Subject to the availability of sufficient inspection and testing staff,  
4 equipment, and other resources, the Secretary may issue [up to five] milk processor –  
5 farmstead cheese producer permits under the pilot program.

6                   (c)    To qualify for a milk processor – farmstead cheese producer permit the  
7 applicant shall:

8                   (1)    Operate a dairy farm with no more than 120 cows or goats in the  
9 herd; and

10                  (2)    Meet any other requirements established by the Department by  
11 regulation.

12 21–417.

13                  (c)    (1)    Except for a milk processor – farmstead cheese producer permit,  
14 the Secretary shall renew the permit of each applicant for renewal who meets the  
15 requirements of this section.

16                  (2)    Subject to the ongoing availability of sufficient inspection and  
17 testing staff, equipment, and other resources, the Secretary may renew a milk  
18 processor – farmstead cheese producer permit for up to four additional 1–year terms if  
19 the holder meets the requirements established by regulation.

20                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2009.