

# HOUSE BILL 243

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CF SB 808

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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 Wood, McDonough, Pena-Melnyk, and Nathan-Pulliam**

Introduced and read first time: January 29, 2009

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Milk Products – Pilot Farmstead Cheese Program – ~~Permits~~ Repeal of Sunset**

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; repealing the termination of~~  
6 ~~certain provisions of law relating to farmstead cheese production and to the~~  
7 ~~pilot farmstead cheese program; requiring the Department of Health and~~  
8 ~~Mental Hygiene to submit a certain report to the Governor and General~~  
9 ~~Assembly on or before a certain date; making a technical change; and generally~~  
10 relating to permits for the pilot farmstead cheese program.

11 BY repealing and reenacting, without amendments,

12 Article – Health – General

13 Section 21–401(a) and (g), 21–410(b)(5), 21–416(d), and 21–417(c)

14 Annotated Code of Maryland

15 (2005 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Health – General

18 Section 21–416.1

19 Annotated Code of Maryland

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2005 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,

3 Chapter 437 of the Acts of the General Assembly of 2007, as amended by

4 Chapter 332 of the Acts of the General Assembly of 2008

5 Section 2

6 BY repealing and reenacting, with amendments,

7 Chapter 332 of the Acts of the General Assembly of 2008

8 Section 2

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

11 **Article - Health - General**

12 21-401.

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

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

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

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

18 21-410.

19 (b) A permit is required to:

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

21 21-416.

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

23 (i) To collect raw milk;

24 (ii) To handle raw milk;

25 (iii) To process raw milk;

26 (iv) To pasteurize raw milk;

27 (v) To store pasteurized milk;

28 (vi) To bottle or package pasteurized milk;

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

2 (viii) To distribute pasteurized milk.

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

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

7 (ii) To produce farmstead cheese.

8 21–416.1.

9 (a) The Secretary may establish a ~~5-year~~ pilot farmstead cheese program  
10 after the Secretary:

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

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

14 (b) Subject to the availability of sufficient inspection and testing staff,  
15 equipment, and other resources, the Secretary may issue ~~up to five~~ milk processor –  
16 farmstead cheese producer permits under the pilot program.

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

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

21 (2) Meet any other requirements established by the Department by  
22 regulation.

23 21–417.

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

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

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**Chapter 437 of the Acts of 2007, as amended by  
Chapter 332 of the Acts of 2008**

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007. [It shall remain effective for a period of 7 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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**Chapter 332 of the Acts of 2008**

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. [It shall remain effective for a period of 6 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Health and Mental Hygiene shall submit a report on the status of the farmstead cheese program to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

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SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.