

SENATE BILL 808

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9lr2813
CF HB 243

By: **Senator Colburn**

Introduced and read first time: February 6, 2009

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 27, 2009

CHAPTER _____

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.

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

2 (g) “Farmstead cheese” means cheese made on a farm:

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

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

6 21–410.

7 (b) A permit is required to:

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

9 21–416.

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

11 (i) To collect raw milk;

12 (ii) To handle raw milk;

13 (iii) To process raw milk;

14 (iv) To pasteurize raw milk;

15 (v) To store pasteurized milk;

16 (vi) To bottle or package pasteurized milk;

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

18 (viii) To distribute pasteurized milk.

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

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

23 (ii) To produce farmstead cheese.

24 21–416.1.

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

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

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

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

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

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

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

13 21–417.

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.