

## CHAPTER 609

(Senate Bill 808)

AN ACT concerning

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

FOR the purpose of ~~repealing a certain limitation on the number of milk processor farmstead cheese producer permits that the Secretary of Health and Mental Hygiene may issue under a certain pilot program; repealing the termination of certain provisions of law relating to farmstead cheese production and to the pilot farmstead cheese program; requiring the Department of Health and Mental Hygiene to submit a certain report to the Governor and General Assembly on or before a certain date; making a technical change;~~ and generally relating to permits for the pilot farmstead cheese program.

BY repealing and reenacting, without amendments,

Article – Health – General

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

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–416.1

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

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

Section 2

BY repealing and reenacting, with amendments,

Chapter 332 of the Acts of the General Assembly of 2008

Section 2

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

### **Article – Health – General**

21–401.

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

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

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

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

21-410.

(b) A permit is required to:

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

21-416.

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

(i) To collect raw milk;

(ii) To handle raw milk;

(iii) To process raw milk;

(iv) To pasteurize raw milk;

(v) To store pasteurized milk;

(vi) To bottle or package pasteurized milk;

(vii) To prepare pasteurized milk for distribution; and

(viii) To distribute pasteurized milk.

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

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

(ii) To produce farmstead cheese.

21-416.1.

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

(1) Adopts regulations to implement the program; and

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

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

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

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

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

21–417.

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

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

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

**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.]**

**Chapter 332 of the Acts of 2008**

**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.]**

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.

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

**Approved by the Governor, May 19, 2009.**