

# SENATE BILL 122

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EMERGENCY BILL

51r0966  
CF HB 540

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By: **Senators Eckardt, Bates, Cassilly, Edwards, Hershey, Hough, Jennings, King, Middleton, Montgomery, Salling, and Waugh**

Introduced and read first time: January 28, 2015

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2015

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

1 AN ACT concerning

2 **Public Health – Regulation of Milk Products – Revisions**

3 FOR the purpose of altering certain definitions related to the regulation of milk products;  
4 repealing the limitation on the number of milk processor – farmstead cheese  
5 producer permits the Secretary of Health and Mental Hygiene may issue; repealing  
6 the requirement that an applicant for a milk processor – farmstead cheese producer  
7 permit operate a dairy farm with no more than a certain number of cows or goats in  
8 the herd; repealing the limit on the number of times a milk processor – farmstead  
9 cheese producer permit may be renewed; making conforming changes; making this  
10 Act an emergency measure; and generally relating to the regulation of milk products.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 21–401, 21–416.1, and 21–417  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2014 Supplement)

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

18 **Article – Health – General**

19 21–401.

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

2 (b) “Bobtailer” means a person who operates or controls a Grade A milk route and  
3 distributes Grade A pasteurized milk products that the person buys from a Grade A  
4 distributor or a milk processor.

5 (c) “Bulk milk hauler/sampler” means any person who collects official samples  
6 and transports raw milk from a farm or raw milk products or both to or from a milk plant,  
7 receiving station, or transfer station and who possesses a permit from any state to sample  
8 the milk or raw milk products.

9 (d) “Certified industry dairy farm inspector” means an individual who is certified  
10 by the Secretary under § 21–414 of this subtitle.

11 (e) “Dairy farm” means a place where at least 1 cow [or], goat, **OR OTHER**  
12 **HOOVED MAMMAL** is kept, and from which the milk is sold or offered for sale.

13 (f) “Departmental inspection area” means the area in which the Department  
14 routinely makes inspections under this subtitle.

15 (g) “Farmstead cheese” means cheese made on a **DAIRY** farm:

16 (1) Using only the raw milk produced by the herd **OR FLOCK** on the **DAIRY**  
17 farm; and

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

20 (h) “Grade A distribution station” means any place or vehicle where, for  
21 redistribution and sale, Grade A pasteurized milk products routinely are received, stored,  
22 or transferred.

23 (i) “Grade A distributor” means a person who sells a Grade A pasteurized milk  
24 product.

25 (j) (1) “Grade A milk product” means:

26 (i) Grade A milk;

27 (ii) Grade A cream; or

28 (iii) Any other Grade A milk product that the Secretary designates.

29 (2) “Manufactured grade milk product” means:

30 (i) Manufactured grade milk;

- 1 (ii) Manufactured grade cream; or
- 2 (iii) Any other manufactured grade milk product that the Secretary  
3 designates.
- 4 (k) “Grade A Pasteurized Milk Ordinance” means the recommended Grade “A”  
5 Pasteurized Milk Ordinance published by the federal government.
- 6 (l) (1) “Milk” means the milk of a cow [or], goat, **OR OTHER HOOVED**  
7 **MAMMAL**.
- 8 (2) “Grade A milk” means the milk of a cow [or], goat, **OR OTHER HOOVED**  
9 **MAMMAL** produced, processed, pasteurized, bottled, packaged, or prepared in accordance  
10 with the Grade A Pasteurized Milk Ordinance.
- 11 (3) “Manufactured milk” means the milk of a cow [or], goat, **OR OTHER**  
12 **HOOVED MAMMAL** which is not Grade A milk and which is produced, processed,  
13 pasteurized, bottled, packaged, or prepared in accordance with “Milk for Manufacturing  
14 Purposes and Its Production and Processing: Recommended Requirements”.
- 15 (m) “Milk fat” means the natural fat of milk.
- 16 (n) “Milk for Manufacturing Purposes and Its Production and Processing:  
17 Recommended Requirements” means the Milk for Manufacturing Purposes and Its  
18 Production and Processing: Recommended Requirements published by the U.S.  
19 Department of Agriculture.
- 20 (o) (1) “Milk plant” means any place where, for distribution, milk products are:
- 21 (i) Processed;
- 22 (ii) Pasteurized;
- 23 (iii) Bottled or packaged; or
- 24 (iv) Prepared.
- 25 (2) “Milk plant” does not include a place where milk products are sold at  
26 retail only.
- 27 (p) “Milk processor” means a person who owns, operates, or controls a milk plant.
- 28 (q) “Milk producer” means a person who operates a dairy farm.
- 29 (r) “Milk tank truck” means a truck and its equipment that are used to transport  
30 milk products.

1 (s) "Milk transportation company" means a person responsible for a milk tank  
2 truck.

3 (t) "Misbranded milk product" means a milk product:

4 (1) That is in a container that bears or is accompanied by any false or  
5 misleading written, printed, or graphic material; or

6 (2) That is not labeled in accordance with this subtitle.

7 (u) (1) "Pasteurized" means having undergone the process of uniformly  
8 heating each particle of milk product, holding it in the heated state, and cooling it, in  
9 approved and properly operated equipment and under the conditions of temperature and  
10 time that the Secretary by rule or regulation establishes, to make the milk product safe  
11 and free of pathogens.

12 (2) "Pasteurized" includes having undergone any other process that:

13 (i) Is recognized by the appropriate federal authority to be equally  
14 as effective as the process described in paragraph (1) of this subsection in making milk  
15 products safe and free of pathogens; and

16 (ii) Is approved by the Secretary.

17 (v) "Permit" means a permit issued by the Secretary under this subtitle that  
18 authorizes the holder of the permit to do any act that is within the scope of the permit.

19 (w) "Raw milk" means unpasteurized milk.

20 (x) "Receiving station" means any place where, for delivery to a milk plant, raw  
21 milk is collected, cooled, and stored.

22 (y) "Transfer station" means a place where milk is transferred directly from a  
23 milk tank truck to another milk tank truck for delivery to a milk plant.

24 21-416.1.

25 (a) The Secretary may establish a [pilot] farmstead cheese program after the  
26 Secretary:

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

28 (2) Issues a milk processor – farmstead cheese producer permit to a  
29 [selected participant] **QUALIFIED APPLICANT**.

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

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

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

8 (2) Meet] **MEET** any [other] requirements established by the Department  
9 by regulation.

10 21–417.

11 (a) (1) Except for a milk producer permit, a permit expires on the first  
12 anniversary of its effective date, unless the permit is renewed for a 1–year term as provided  
13 in this section.

14 (2) A milk producer permit does not expire.

15 (b) Except for a milk processor – farmstead cheese producer permit, before the  
16 permit expires, its holder may renew it for an additional 1–year term, if the holder:

17 (1) Otherwise is entitled to a permit;

18 (2) Pays to the Secretary a renewal fee equal to the fee for an original  
19 permit of the same type; and

20 (3) Submits to the Secretary a renewal application on the form that the  
21 Secretary requires.

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

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

29 (d) A permit is not transferable.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
31 measure, is necessary for the immediate preservation of the public health or safety, has  
32 been passed by a yea and nay vote supported by three–fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is  
2 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.