

Regular Session, 2014

HOUSE BILL NO. 1279 (Substitute for House Bill No. 247 by Representative Ortego)

BY REPRESENTATIVES ORTEGO AND DANAHAY

AGRICULTURE/MILK: Provides relative to the sale or distribution of raw milk by a farmer to a consumer

1 AN ACT

2 To amend and reenact R.S. 40:921(A) and 922(A) and to enact Subpart C of Part VII of
3 Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of
4 R.S. 40:931 through 938, relative to the sale of milk; to provide for definitions; to
5 authorize the incidental sales of raw milk; to provide for chemical, bacteriological,
6 and temperature standards; to provide for sanitation standards; to provide for
7 standards for bottling, packaging, and container filling; to provide for animal health
8 standards; to provide for recalls; to prohibit statements implying endorsement by the
9 Department of Health and Hospitals; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:921(A) and 922(A) are hereby amended and reenacted and
12 Subpart C of Part VII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 40:931 through 938, is hereby enacted to read as follows:

14 §921. Grade A requirements; powdered whole milk and powdered skim milk
15 labeling requirements

16 A. ~~All~~ Except for the sale of raw milk pursuant to R.S. 40:931 et seq., all
17 fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered
18 for the purpose of human consumption as such, shall be Grade A according to
19 specifications in the rules and regulations promulgated by the Department of Health
20 and Hospitals, hereinafter referred to as the "department"; provided that a person

1 §932. Incidental sales of raw milk permitted; advertising; registration; labeling;
2 inspection

3 A. Notwithstanding any provision of law to the contrary, nothing in this Part
4 shall be construed to prohibit incidental sales of goat milk or whole milk that has not
5 been pasteurized, for the purpose of human consumption, directly to consumers by
6 the farm where the milk is produced if the farm is registered pursuant to Subsection
7 C of this Section, or to preclude the advertising of incidental sales of goat milk or
8 whole milk that has not been pasteurized.

9 B. Information describing the standards used by the farm or dairy with
10 respect to the production of raw goat milk or whole milk shall be provided to the
11 consumer by the farmer together with results of tests performed on the milk and the
12 animals that produced the milk, and an explanation of the tests and test results.

13 C. Registration of a farm or dairy as required by Subsection A of this Section
14 shall be accomplished by delivering to the Department of Health and Hospitals a
15 written statement containing all of the following information:

16 (1) The name of the farmer, farm, or dairy.

17 (2) A valid, current address of the farmer, farm, or dairy.

18 (3) A statement that raw milk is being produced at the farm or dairy.

19 D. With respect to goat milk or whole milk that has not been pasteurized, the
20 seller shall do all of the following:

21 (1) Post at the point of sale a sign that is no smaller than two feet by four feet
22 that includes all of the following information in large, clear text:

23 (a) The name and address of the farm with the seller's contact information.

24 (b) The following statement: "This product, sold for personal use and not
25 for resale, is raw milk that has NOT been pasteurized. The raw milk sold by this
26 farm has been inspected by the state of Louisiana."

27 (2) Affix a label to the bottle or package that includes all of the following
28 information:

29 (a) The name and address of the farm with the seller's contact information.

1 **(b) The following statement: "This product, sold for personal use and not**
2 **for resale, is raw milk that has NOT been pasteurized. The raw milk sold by this**
3 **farm has been inspected by the state of Louisiana."**

4 **E. A farmer who sells fresh unpasteurized goat milk or whole milk shall**
5 **permit inspection of the farmer's cows or goats and barns by any customer upon**
6 **request.**

7 **F. After registering with the department, the farm shall receive and pass all**
8 **inspections required by the department.**

9 **§933. Chemical, bacteriological, and temperature standards**

10 **All raw milk produced for human consumption pursuant to this Subpart shall**
11 **conform with all of the following chemical, bacteriological, and temperature**
12 **standards:**

13 **(1) No process or manipulation other than appropriate refrigeration shall be**
14 **applied to milk for the purpose of removing or deactivating microorganisms.**

15 **(2) The milk shall be temperature cooled to forty degrees Fahrenheit or less**
16 **immediately after being drawn at the first milking. The milk shall be maintained at**
17 **that temperature, including during packaging and transportation, provided that the**
18 **blend temperature after the first and subsequent milkings does not exceed forty**
19 **degrees Fahrenheit.**

20 **(3) Bacterial limits. Raw milk shall not exceed fifteen thousand per**
21 **milliliter.**

22 **(4) Drug residue tests on the milk shall be conducted at least two times**
23 **during any consecutive six months. There shall be no positive results on drug**
24 **residue detection methods.**

25 **(5) Somatic cell. Raw milk count shall not exceed the federal limit.**

26 **(6) Coliform. Raw milk shall not exceed ten per gram.**

27 **(7) Pathogenic organisms. Individual producer milk shall not exceed zero**
28 **organisms including but not limited to the following:**

29 **(a) Escherichia coli 0157:H7.**

1 (b) Salmonella.

2 (c) Listeria monocytogenes.

3 (d) Campylobacter.

4 §934. Sanitation

5 All raw milk produced for human consumption pursuant to this Subpart shall
6 conform with all of the following sanitation requirements.

7 (1) Milk with abnormalities:

8 (a) Lactating animals which show evidence of the secretion of milk with
9 abnormalities in one or more quarters, based upon bacteriological, chemical, or
10 physical examination, shall be milked last or with separate equipment and the milk
11 shall be discarded.

12 (b) Lactating animals that have been treated with, or have consumed,
13 chemical, medicinal, or radioactive agents, which are capable of being secreted in
14 the milk and which may be deleterious to human health, shall be milked last or with
15 separate equipment and the milk shall be discarded.

16 (c) Milk from lactating animals being treated with medicinal agents, which
17 are capable of being secreted in the milk, shall not be offered for such period as is
18 recommended by the attending veterinarian or as indicated on the package label of
19 the medicinal agent.

20 (d) Milk from lactating animals treated with or exposed to insecticides not
21 approved for use on dairy animals by the United States Environmental Protection
22 Agency shall not be offered.

23 (e) Bloody, stringy, off-colored milk or milk that is abnormal to sight or
24 odor, shall be handled and disposed of as to preclude the infection of other lactating
25 animals and the contamination of milk utensils.

26 (f)(i) Lactating animals secreting milk with abnormalities shall be milked
27 last or in separate equipment which effectively prevents the contamination of the
28 wholesome supply.

1 (ii) Milking equipment used on animals with abnormalities in their milk shall
2 be maintained clean to reduce the possibility of re-infection or cross-infection of the
3 dairy animals.

4 (g) Equipment, utensils, and containers used for the handling of milk with
5 abnormalities shall not be used for the handling of milk to be distributed, unless they
6 are first cleaned and effectively sanitized.

7 (h)(i) Processed animal waste derivatives used as a feed ingredient for any
8 portion of the total ration of the lactating dairy animal shall be properly processed
9 in accordance with at least those requirements contained in the Model Regulations
10 for Processed Animal Wastes developed by the Association of American Feed
11 Control Officials and shall not contain levels of deleterious substances, harmful
12 pathogenic organisms, or other toxic substances which are secreted in the milk at any
13 level that may be deleterious to human health.

14 (ii) Unprocessed poultry litter and unprocessed recycled animal body
15 discharges shall not be fed to lactating dairy animals.

16 (2) Milking barn or parlor construction:

17 (a) A milking barn or parlor shall be provided on all farms or dairies in
18 which the milking herd shall be housed during milking time operations.

19 (b) All floors shall be constructed of concrete or equal impervious material.
20 Convalescent or maternity pens located in milking areas of stanchion-type barns may
21 be used when they comply with the guidelines specified in Appendix C of the Grade
22 A Pasteurized Milk Ordinance. Floors shall be easily cleaned and shall be graded
23 to drain. Floors shall also be maintained in good repair and free of excessive breaks
24 or worn areas that may create pools.

25 (c)(i) Walls and ceilings shall be smooth, painted, or finished in an approved
26 manner, and in good repair. Ceilings shall be dust-tight.

27 (ii) Approved materials include wood, tile, smooth-surfaced concrete,
28 cement plaster, brick, or other equivalent materials with light colored surfaces.

1 (iii) Walls, partitions, doors, shelves, windows, and ceilings shall be kept in
2 good repair. Surfaces shall be refinished whenever wear or discoloration is evident.

3 (iv) Whenever feed is stored overhead, ceilings shall be constructed to
4 prevent the sifting of chaff and dust into the milking barn, stable, or parlor. If a hay
5 opening is provided from the loft into the milking portion of the barn, the opening
6 shall be provided with a dust-tight door which shall be kept closed during milking
7 operations.

8 (d) Separate stalls or pens for horses, calves, and bulls shall be provided.
9 The portions of the barn that are not separated by tight partitions shall comply with
10 all requirements of this Section.

11 (e) Natural or artificial light well distributed for day or night milking shall
12 be provided to insure that all surfaces and particularly the working areas will be
13 plainly visible. The equivalent of at least ten foot-candles, or one hundred ten lux,
14 of light in all working areas shall be provided.

15 (f) Sufficient air space and air circulation to prevent condensation and
16 excessive odors shall be provided.

17 (g)(i) There shall be no overcrowding which will be evidenced by the
18 presence of calves, cows, or other barnyard animals in walks or feed alleys.

19 (ii) Inadequate ventilation and excessive odors may also be evidence of an
20 overcrowded barn.

21 (iii) Pit areas in parlors shall be at least six feet wide from the overhang
22 when cows are milked on two sides, and shall have six feet working areas when there
23 is a single row of stalls.

24 (iv) Ceiling height shall be at least seven feet in areas where cows stand.

25 (h) There shall be dust-tight covered boxes or bins, or separate storage
26 facilities for ground, chopped, or concentrated feed. A dust-tight partition, provided
27 with doors that are kept closed except when in actual use, shall separate the milking
28 portion of the barn from any feed room or silo in which feed is ground or mixed, or
29 in which sweet feed is stored. Lactating animal-housing areas or stables without

1 stanchions, such as loose housing stables, pen stables, resting barns, free stall barns,
2 holding barns, loafing sheds, and wandering sheds, may be of shed-type
3 construction, provided no milking is conducted therein.

4 (3) Milking barn, stable, or parlor cleanliness:

5 (a) The interior of the milking barn, stable, or parlor shall be kept clean.

6 Floors, walls, ceilings, windows, pipelines, and equipment shall be free of filth and
7 litter and shall be clean. Outside surfaces of pipeline systems located in the milking
8 barn, stable, or parlor shall be kept reasonably clean.

9 (b) Gutter cleaners shall be kept reasonably clean.

10 (c) Swine and fowl shall be kept out of the milking barn.

11 (d) All pens, calf stalls, and bull pens, if not separated from the milking barn,
12 stable, or parlor, shall be kept clean.

13 (e) Feed shall be stored in a manner that will not increase the dust content
14 of the air or interfere with the cleaning of the floor, such as in covered, dust-tight
15 boxes or bins. Open feed dollies or carts may be used for distributing the feed, but
16 not storing food, in the milking area.

17 (f) Milk stools, surcingles, and antikickers shall be kept clean and stored
18 above the floor in a clean place in the milking barn, stable, parlor, or milkhouse,
19 when not in use.

20 (g) Food mangers shall be kept clean so as not to attract flies. Leftover feed
21 in feed mangers shall appear fresh and not be wet or soggy.

22 (4) Cowyard:

23 (a) The cowyard, which is interpreted to be the enclosed or unenclosed area
24 approximately adjacent to the milking barn in which the lactating animals may
25 congregate, including animal-housing areas and feed lots, shall be graded and
26 drained and shall have no standing pools of water or accumulations of organic
27 wastes.

28 (b) Wastes from the barn or milkhouse shall not be allowed to pool in the
29 cowyard. Depressions and soggy areas shall be filled, and lactating animal lanes

1 kept reasonably dry. Cowyards which are muddy due to recent rains shall not be
2 considered a violation of this Paragraph.

3 (c) Manure, soiled bedding, and waste feed shall not be stored or permitted
4 to accumulate in such a manner as to permit the soiling of lactating animals' udders
5 and flanks. Animal-housing areas including stables without stanchions, such as
6 loose-housing stables, pen stables, resting barns, holding barns, loafing sheds,
7 wandering sheds, or free-stall housing shall be considered part of the cowyard.
8 Manure packs shall be solid to the footing of the animal.

9 (d) In loafing or lactating animal housing areas, lactating animal droppings
10 and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent
11 intervals to prevent the soiling of the lactating animal's udder and flanks.

12 (e) Cooling ponds shall be allowed provided they are constructed and
13 maintained in a manner that does not result in the visible soiling of flanks, udders,
14 bellies, and tails of lactating animals exiting the pond.

15 (f) Waste feed shall not be allowed to accumulate.

16 (g) Swine shall be kept out of the cowyard.

17 (5) Milkhouse or room construction and facilities:

18 (a) A separate milkhouse or room of sufficient size shall be provided, in
19 which the cooling, handling, and storing of milk and the washing, sanitizing, and
20 storing of milk containers and utensils shall be conducted, except as provided for in
21 Paragraph (12) of this Section.

22 (b) The milkhouse shall be provided with a smooth floor constructed of
23 concrete or equally impervious material graded to drain and maintained in good
24 repair. Floors shall be sloped to drains so that there are no pools of standing water.
25 Liquid waste shall be disposed of in a sanitary manner and all floor drains shall be
26 accessible and shall be trapped if connected to a sanitary sewer system.

27 (c) The joints between floors and walls shall be watertight.

28 (d) The walls and ceilings shall be constructed of smooth material, in good
29 repair, well painted, or finished in an equally suitable manner. Surfaces and joints

1 shall be tight and smooth. Acceptable materials include sheet metal, tile, cement
2 block, brick, concrete, cement plaster, or similar materials of light color. Surfaces
3 up to splash height shall be non-absorbent and easily cleanable.

4 (e) The milkhouse shall have adequate natural or artificial light and be well
5 ventilated. A minimum of twenty foot-candles, or two hundred twenty lux, of light
6 shall be provided at all working areas from natural or artificial light for milkhouse
7 operations.

8 (f)(i) A vestibule, if used, shall comply with the applicable milkhouse
9 construction requirements.

10 (ii) Screened vents in the wall between the milkhouse and a breezeway,
11 which separates the milkhouse from the milking parlor, are permitted, provided
12 animals are not housed within the milking facility.

13 (g) Water under pressure shall be piped into the milkhouse.

14 (h) The milkhouse shall be adequately ventilated to minimize odors and
15 condensation on floors, walls, ceilings, and clean utensils.

16 (i) Vents, if installed, and lighting fixtures shall be located to preclude the
17 contamination of bulk milk tanks or clean utensil storage area.

18 (j) The milkhouse shall be equipped with a wash-and-rinse vat having at
19 least two compartments. Each compartment shall be of sufficient size to
20 accommodate the largest utensil or container used. The cleaning-in-place vat for
21 milk pipelines and milk machines may be accepted as one part of the
22 two-compartment vat, provided that the cleaning-in-place station rack in or on the
23 vat and milking machine inflations and appurtenances are completely removed from
24 the vat during the washing, rinsing, or sanitizing of other utensils and equipment.

25 (k) Each milkhouse shall be provided with facilities for heating water in
26 sufficient quantity and to such temperatures for the effective cleaning of all
27 equipment and utensils.

28 (6) Milkhouse or room cleanliness:

1 (a) The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats,
2 nonproduct contact surfaces of milk containers, utensils, and equipment, and other
3 milkhouse equipment shall be kept clean. Vestibules, if provided, shall be kept
4 clean.

5 (b) Only articles directly related to milkhouse activities shall be permitted
6 in the milkhouse.

7 (c) The milkhouse shall be kept free of trash, animals, and fowl.

8 (d) Incidental articles such as desks, refrigerators, and storage cabinets may
9 be in the milkhouse provided they are kept clean, ample space is available to conduct
10 the normal operations in the milkhouse, and they will not cause contamination of the
11 milk.

12 (7) Toilet facilities:

13 (a) Every farm or dairy shall be provided with one or more toilets,
14 conveniently located and properly constructed, operated, maintained, and utilized in
15 a sanitary manner. There shall be at least one flush toilet connected to a public sewer
16 system or to an individual sewage-disposal system or a chemical toilet, earth pit
17 privy, or other type of privy.

18 (b) The waste shall be inaccessible to flies and shall not pollute the soil
19 surface or contaminate any water supply. Vents of earth pits shall be screened.

20 (c) No privy shall open directly into the milkhouse.

21 (d) The toilet room, including all fixtures and facilities, shall be kept clean
22 and free of insects and odors.

23 (e) Where flush toilets are used, doors to toilet rooms shall be tight and
24 self-closing. All outer openings in toilet rooms shall be screened or otherwise
25 protected against the entrance of insects.

26 (8) Water supply:

27 (a) Water for milkhouse and milking operations shall be from an approved
28 supply properly located, protected, and operated, and shall be easily accessible,
29 adequate, and of a safe, sanitary quality.

1 (b) No cross-connection shall exist between a safe water supply and any
2 unsafe or questionable water supply, or any other source of pollution.

3 (c) There shall be no submerged inlets through which a safe water supply
4 may be contaminated.

5 (d) The well or other source of water shall be located and constructed in such
6 a manner that neither underground nor surface contamination from any sewerage
7 systems, privy, or other source of pollution can reach such water supply.

8 (e) New individual water supplies and water supply systems that have been
9 repaired or otherwise become contaminated shall be thoroughly disinfected before
10 being placed in use. The supply shall be made free of the disinfectant by pumping
11 to waste before any sample for bacteriological testing shall be collected.

12 (f)(i) All containers and tanks used in the transportation of water shall be
13 sealed and protected from possible contamination. The containers and tanks shall
14 be subjected to a thorough cleaning and a bacteriological treatment prior to filling
15 with potable water to be used at the farm or dairy.

16 (ii) To minimize the possibility of contamination of the water during its
17 transfer from the potable tanks to the elevated or groundwater storage at the farm or
18 dairy, a suitable pump, hose, and fittings shall be provided. When the pump, hose,
19 and fittings are not being used, the outlets shall be capped and stored in a suitable
20 dust-proof enclosure to prevent their contamination.

21 (iii) The storage tank at the farm or dairy shall be constructed of impervious
22 material provided with a dust and rainproof cover, and provided with an appropriate
23 vent and roof hatch. All new reservoirs, or reservoirs which have been cleaned, shall
24 be disinfected prior to placing them into service.

25 (g) Samples for bacteriological examination shall be taken prior to the initial
26 use, when any repair or alteration of the water supply system has been made, and at
27 least every three years, provided that both of the following conditions are met:

28 (i) Water supplies with buried well casing seals installed prior to August 1,
29 2014, shall be tested at intervals no greater than six months apart. Whenever the

1 samples indicate either the presence of bacteria of the coliform group, or whenever
2 the well casing, pump, or seal needs replacing or repair, the well casing and seal shall
3 be brought above the ground surface and shall comply with all other applicable
4 construction criteria of this section.

5 (ii) When water is hauled to the farm or dairy, the water shall be sampled for
6 bacteriological examination at the point of use and submitted to a laboratory at least
7 four times in separate months during any consecutive six months.

8 (h) Bacteriological examinations shall be conducted in an appropriate
9 laboratory.

10 (i) To determine if water samples have been taken at the frequency required
11 pursuant to this Section, the interval shall include the designated period plus the
12 remaining days of the month in which the sample is due.

13 (j) Current records of water test results shall be retained on file.

14 (9) Utensils and equipment construction:

15 (a) All multiuse containers, equipment, and utensils that are exposed to milk
16 or milk products, or from which liquids may drip, drain, or be drawn into milk or
17 milk products, and used in the handling, storage, or transportation of milk shall be
18 made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be
19 constructed to be easily cleaned. Acceptable materials include:

20 (i) Stainless steel of the American Iron and Steel Institute 300 series, or
21 equally corrosion-resistant, nontoxic metal.

22 (ii) Heat-resistant glass.

23 (iii) Plastic or rubber and rubber-like materials which are relatively inert,
24 resistant to scratching, scoring, decomposition, crazing, chipping, and distortion,
25 under normal use conditions, are nontoxic, fat resistant, relatively nonabsorbent,
26 relatively insoluble, do not release component chemicals or impart flavor or odor to
27 the product, and which maintain their original properties under repeated use
28 conditions.

1 (b) All containers, utensils, and equipment shall be in good repair and shall
2 be free of breaks, corrosion, pits, cracks or inclusions.

3 (c) All milk pails used for hand milking and stripping shall be seamless and
4 of the hooded type. Seamless hooded pails having an opening not exceeding
5 one-third the area of that of an open pail of the same size shall be used for hand
6 milking and hand stripping.

7 (d) Strainers, if used, shall be constructed of perforated metal design, or
8 single-service strainer media should be utilized. Multiple-use woven material shall
9 not be used for straining milk.

10 (e) All single-service articles shall be manufactured, packaged, transported,
11 stored, and handled in a sanitary manner. Articles intended for single-service use
12 shall not be reused.

13 (f) Mechanically cleaned milk pipelines and return-solution lines shall be
14 self-draining. If gaskets are used, they shall be self-positioning and shall be of such
15 design, finish, and application as to form a smooth, flush interior surface. If gaskets
16 are not used, all fittings shall have self-positioning faces designed to form a smooth,
17 flush interior surface. All interior surfaces of welded joints in pipelines shall be
18 smooth and free of pits, cracks, and inclusions.

19 (g) Mechanically cleaned milk pipelines and return solution lines installed
20 after August 1, 2014, shall have welded ferrule or flange fittings. Rolled fittings
21 shall not be used.

22 (h) All milking machines, including heads, milk claws, milk tubing, and
23 other milk-contact surfaces shall be constructed to be easily cleaned and inspected.
24 Pipelines, milking equipment, and appurtenances that require a screw driver or
25 special tool shall be considered easily accessible for inspection, provided the
26 necessary tools are available at the milkhouse. Milking systems shall not have
27 components incorporated in the return solution lines that by design do not comply
28 with the criteria for product-contact surfaces, such as ball type plastic valves, plastic

1 tees with barbed ridges to better grip the plastic or rubber hoses, and polyvinyl
2 chloride water type piping.

3 (i) Milk cans shall have umbrella-type lids.

4 (j) Farm holding or cooling tanks, welded sanitary piping, and transportation
5 tanks shall comply with the applicable requirements of this Section.

6 (k)(i) During filling, flexible plastic or rubber hoses may be used between
7 the fill valves of bottom fill and top fill bulk milk storage tanks, when needed for
8 functional purposes.

9 (ii) The hoses shall be drainable, be as short as practical, have sanitary
10 fittings, and be supported to maintain uniform slope and alignment.

11 (iii) The end fittings of such hoses shall be permanently attached in such a
12 manner that will assure a crevice-free joint between the hose and the fitting and can
13 be cleaned by mechanical means. The hoses shall be included as part of a
14 mechanical cleaning system.

15 (l)(i) Transparent flexible plastic tubing up to one hundred fifty feet in length
16 used in connection with milk transfer stations shall be considered acceptable if it
17 meets or exceeds the requirements of the "3-A Sanitary Standards for Multiple-Use
18 Plastic Materials Used as Product Contact Surfaces for Dairy Equipment, Number
19 20" and if it remains sufficiently clear that the interior surfaces can be properly
20 inspected.

21 (ii) Short lengths of flexible plastic tubing eight feet or less may be inspected
22 for cleanliness by sight or by use of a rod. The transparency or opacity of the tubing
23 under this condition shall not be a factor in determining cleanliness.

24 (m) Whenever air under pressure is used for the agitation or movement of
25 milk, or is directed at a milk-contact surface, it shall be free of oil, dust, rust,
26 excessive moisture, extraneous materials, and odor.

27 (10) Utensils and equipment cleaning:

1 (a) The product-contact surfaces of all multiuse containers, equipment, and
2 utensils used in the handling, storage, or transportation of milk shall be cleaned after
3 each milking or once every twenty-four hours for continuous operations.

4 (b) There shall be a separate wash manifold for all mechanically cleaned
5 milk pipelines in all new or extensively remodeled facilities.

6 (11) Utensils and equipment sanitization:

7 The product-contact surfaces of all multiuse containers, equipment, and
8 utensils used in the handling, storage, or transportation of milk shall be sanitized
9 before each usage.

10 (12) Utensils and equipment storage:

11 (a) All containers, utensils, and equipment used in the handling, storage, or
12 transportation of milk, unless stored in sanitizing solutions, shall be stored to assure
13 complete drainage and shall be protected from contamination prior to use, except that
14 pipeline milking equipment such as milker claws, inflations, weigh jars, meters, milk
15 hoses, milk receivers, tubular coolers, plate coolers, and milk pumps which are
16 designed for mechanical cleaning and other equipment, as accepted by the United
17 States Food and Drug Administration, which meets these criteria, may be stored in
18 the milking barn or parlor, provided this equipment is designed, installed, and
19 operated to protect the product and solution-contact surfaces from contamination at
20 all times.

21 (b) Strainer pads, parchment papers, gaskets, and similar single-service
22 articles shall be stored in a suitable container or cabinet and protected against
23 contamination.

24 (13) Utensils and equipment handling:

25 (a) After sanitization, all containers, utensils, and equipment shall be handled
26 in a manner that prevents contamination of any product-contact surface.

27 (b) Sanitized product-contact surfaces, including farm cooling holding tank
28 openings and outlets, shall be protected against contact with unsanitized equipment

1 and utensils, hands, clothing, splash, condensation, and other sources of
2 contamination.

3 (c) Any sanitized product-contact surface which has been otherwise exposed
4 to contamination shall be cleaned and sanitized before being used.

5 (14) Milking, flanks, udders, and teats:

6 (a) Milking shall be done in the milking barn or parlor.

7 (b) The flanks, udders, bellies, and tails of all milking cows shall be free
8 from visable dirt. All brushing shall be completed prior to milking.

9 (c) The udders and teats shall be cleaned and treated with a sanitizing
10 solution just prior to the time of milking, and shall be relatively dry before milking.
11 Sanitizing solutions shall be used in accordance with manufacturer specifications and
12 recommendations.

13 (d) Wet hand milking is prohibited.

14 (e) Flanks, bellies, tails, and udders shall be clipped as often as necessary to
15 facilitate cleaning of these areas.

16 (15) Drug and chemical control:

17 (a) Cleaners and Sanitizers:

18 (i) Cleaners and sanitizers shall be stored in dedicated end-use containers
19 which properly identify the contents.

20 (ii) Bulk cleaners and sanitizers that are transferred from the manufacturer's
21 or distributor's container shall be stored only in an end-use container that is properly
22 labeled with the container's contents.

23 (iii) The manufacturer's or distributor's label for each cleaner and sanitizer,
24 including the product name, chemical description, use directions, precautionary and
25 warning statement, first aid instructions, container storage and maintenance
26 instructions and the name and address of the manufacturer or distributor, shall be
27 maintained on the premises and be readily accessible for reference or inspection.

28 (b) Drugs:

1 (i) Drugs shall be properly labeled to include the name and address of the
2 manufacturer or distributor for over-the-counter drugs or veterinary practitioner
3 dispensing the product for prescription and extra label use drugs. Drug labels shall
4 also include directions for use and prescribed withholding times, cautionary
5 statements, if needed, and active ingredients in the drug product.

6 (ii) Drugs dispensed by a pharmacy on the order of a veterinarian shall have
7 labeling that includes the name of the prescribing veterinarian and the name and
8 address of the dispensing pharmacy. The address of the prescribing veterinarian may
9 be included on the labeling.

10 (iii) Drugs intended for treatment of nonlactating dairy animals shall be
11 segregated from those drugs used for lactating animals in separate shelves in
12 cabinets, refrigerators, or other storage facilities.

13 (iv) Unapproved drugs shall not be used and shall not be stored in the
14 milkhouse, milking barn, stable, or parlor.

15 (v) Animal drugs and drug administration equipment shall be stored in such
16 a way that milk, milking equipment, wash vats, and hand sinks are not subject to
17 contamination by the drugs.

18 (vi) Equipment used to administer drugs shall not be cleaned in the wash
19 vats.

20 (vii) Topical antiseptics and wound dressings, unless intended for direct
21 injection into the teat, vaccines and other biologics, and dosage form vitamins or
22 mineral products are exempt from labeling and storage requirements, provided they
23 are not stored in such a manner that they may contaminate the milk or milk
24 product-contact surfaces of containers, utensils or equipment.

25 (16) Transfer and protection of milk:

26 (a) Each pail or container of milk shall be taken immediately from the
27 milking barn or parlor to the milkhouse. No milk shall be strained, poured,
28 transferred, or stored outside the milkhouse.

29 (b) The milk receiving receptacle shall be raised above the floor.

1 (17) Personnel:

2 (a) Adequate hand washing facilities shall be provided, including a lavatory
3 fixture with hot and cold, or warm running water, soap or detergent, and individual
4 sanitary towels, or other approved hand drying devices, convenient to the milkhouse,
5 milking barn, stable, parlor, and flush toilet, and shall be used for no other purpose.
6 Utensil wash and rinse vats shall not be considered as hand washing facilities.

7 (b) Hands shall be washed clean and dried with an individual sanitary towel
8 or other approved hand drying device immediately before milking, before
9 performing any milkhouse function, and immediately after the interruption of any
10 of these activities. Milkers shall wear clean outer garments while milking or
11 handling milk, milk containers, utensils, or equipment.

12 (c) No person who by medical examination or supervisory observation is
13 shown to have or appears to have an illness, open lesion including boils, sores, or
14 infected wounds, or any other abnormal source of microbial contamination shall
15 perform work in any capacity that brings them into contact with the production,
16 handling, storage, or transportation of milk, containers, equipment, or utensils.

17 (18) Cooling:

18 (a) Raw milk shall be cooled and maintained pursuant to R.S. 40:933.

19 (b) Recirculated cold water that is used in plate or tubular coolers or heat
20 exchangers shall be from a safe source and protected from contamination.

21 (c)(i) All farm bulk milk tanks shall be equipped with an approved
22 temperature-recording device.

23 (ii) The recording device shall be operated continuously and be maintained
24 in a properly functioning manner. Circular charts shall not overlap.

25 (iii) The recording device shall be verified every six months using an
26 accurate thermometer that has been calibrated by a traceable standard thermometer,
27 within the past six months, with the results and date recorded and the thermometer
28 being properly identified, or by using a traceable standard thermometer that has been
29 calibrated within the last year.

1 (iv) Recording thermometer charts shall be maintained on the premises for
2 a minimum of six months.

3 (v) The recording thermometer should be installed in an area convenient to
4 the milk storage tank.

5 (vi) The recording thermometer sensor shall be located to permit the
6 registering of the temperature of the contents when the tank contains no more than
7 ten percent of its calibrated capacity.

8 (vii) The recording thermometer shall comply with the current technical
9 specifications for tank recording thermometers.

10 (viii) The recording thermometer charts shall properly identify the producer,
11 date, and signature of the person removing the chart.

12 (19) Vehicles:

13 Vehicles used to transport milk prior to distribution to the consumer shall be
14 constructed and operated to protect their contents from sun, freezing, and
15 contamination. The vehicles shall be kept clean, inside and out, and no substance
16 capable of contaminating milk shall be transported with milk.

17 (20) Insect and rodent control:

18 (a) Effective measures shall be taken to prevent the contamination of milk,
19 containers, equipment, and utensils by insects and rodents and by chemicals used to
20 control such vermin.

21 (b) Milkrooms shall be free of insects and rodents.

22 (c) Surroundings shall be kept neat, clean, and free of conditions which
23 might harbor or be conducive to the breeding of insects and rodents.

24 (d) Feed shall be stored in such a manner that it will not attract birds,
25 rodents, or insects.

26 (e) Manure packs in loafing areas, stables without stanchions, pen stables,
27 resting barns, wandering sheds, and free-stall housing shall be properly bedded and
28 managed to prevent fly breeding.

1 (f) Milkrooms shall be effectively screened or otherwise protected against
2 the entrance of vermin, including hose ports and floor drains through walls.

3 (g) Outer milkhouse doors shall be tight and self-closing. Screen doors shall
4 open outward.

5 (h) Only pesticides registered with the United States Environmental
6 Protection Agency shall be used for insect and rodent control.

7 (i) Pesticides shall be used only in accordance with manufacturer's
8 directions.

9 §935. Bottling, packaging, and container filling

10 A.(1) Bottling, packaging, and container filling of milk shall be done at the
11 place of production in a sanitary manner. Bottling, packaging, and container filling
12 of milk may be conducted in the milkhouse or room.

13 (2) Bottling or packaging machine supply tanks and bowls shall have covers
14 which are smooth and easily cleanable and shall be constructed to prevent any
15 contamination from reaching the inside of the filler tank or bowl. All covers shall
16 be in place during operation.

17 (3) A drip deflector shall be installed on each filler valve. The drip deflector
18 shall be designed and adjusted to divert condensation away from the open container.

19 (4) All containers shall have a pouring lip which is completely protected
20 from contamination, and all containers, seals, and caps shall be handled in a sanitary
21 manner and protected against undue exposure during the operation.

22 (5) When any lubricant is applied to the filler equipment or other milk
23 contact surfaces, the lubricant shall be food grade and applied in a sanitary manner.

24 (6) Containers shall be closed immediately after being filled.

25 B.(1) All container caps, sealers and closures shall be stored in a clean, dry
26 place protected from insects, rodents, dust, splash, or other contamination.

27 (2) All container closure or sealing shall be done at the place of production
28 in a sanitary manner by approved mechanical equipment.

1 (3) Bottles and packages which have been imperfectly capped, sealed, or
2 closed shall have the contents emptied immediately into approved sanitary containers
3 that are protected from contamination and maintained at forty degrees Fahrenheit or
4 less. When handled and stored properly, the contents may be repackaged in new
5 containers at a later time.

6 (4) Caps, sealers, and closures shall not be left in the equipment at the end
7 of an operating period. Caps, sealers, and closures remaining in the chute between
8 the hopper and the capping device shall be discarded.

9 (5) Loose caps, sealers, and closures may be returned to storage by enclosing
10 them in a clean, protective wrap, plastic bag or container.

11 §936. Animal health

12 A. All raw milk for human consumption distributed pursuant to this Subpart
13 shall be from healthy animals. Milk from unhealthy animals shall not distributed or
14 combined with other milk for human consumption.

15 B.(1) All animals producing milk for human consumption shall be tested for
16 brucellosis and tuberculosis every twelve months.

17 (2) If an animal shows positive by lesions or a positive test all of the
18 following shall be done:

19 (a) The animal shall be reported to the Department of Health and Hospitals
20 and shall be separated, and kept separate, from the remainder of the herd.

21 (b) A certificate, identifying the animal, signed by a licensed veterinarian
22 and the director of the laboratory making the test, shall be filed with the Department
23 of Health and Hospitals.

24 (c) The animal shall be retested by a licensed veterinarian at a frequency
25 specified by the United States Department of Agriculture, and test results shall be
26 filed with the Department of Health and Hospitals.

27 (d) Disposition of diseased animals shall be conducted in accordance with
28 guidelines published by the United States Department of Agriculture and shall be
29 reported to the Department of Health and Hospitals.

1 C. Animals shipped into Louisiana for addition to herds shall have been
 2 tested for tuberculosis and brucellosis within thirty days prior to being brought into
 3 the state, except that this Subsection shall not apply, with regard to brucellosis, to
 4 those cattle that have been vaccinated for brucellosis and are between four and
 5 twelve months of age.

6 D. Records supporting the tests required pursuant to this Section shall be
 7 validated with the signature of a licensed veterinarian and shall be made available
 8 for inspection upon request.

9 §937. Recall

10 Each producer of raw milk for human consumption pursuant to this Subpart
 11 shall develop and maintain procedures for the notification of regulatory officials,
 12 consumer notification, and product recall, and shall implement any of these
 13 procedures as necessary with respect to any product for which the producer knows
 14 or has reason to believe circumstances exist that may adversely affect its safety for
 15 the consumer. The producer shall be responsible for disseminating the notice in a
 16 manner designed to inform customers who may be affected by the problem.

17 §938. Statement prohibited

18 No producer of raw milk shall publish any statement that implies approval
 19 or endorsement by the Department of Health and Hospitals.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ortego

HB No. 1279

Abstract: Authorizes the sale of goat milk or whole milk that has not been pasteurized by the producer to the consumer by the farm where the raw milk is produced.

Present law requires all fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered for the purpose of human consumption to be Grade A according to specifications in the rules and regulations promulgated by the Dept. of Health and Hospitals (DHH).

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Present law authorizes DHH to promulgate rules and regulations prescribing the sanitary standard requirements of all milk sold or offered for sale in this state, provided that no rules and regulations shall be promulgated setting up standards lower than those as set forth in the U.S. Public Health Service Milk Ordinance and Code.

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Proposed law defines "incidental sales of goat milk and whole milk that has not been pasteurized" as those sales where the average monthly number of gallons sold does not exceed 500 gallons.

Proposed law defines "raw milk" as goat milk and whole milk that has not been pasteurized.

Proposed law defines "whole milk" as the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, that when offered for sale contains at least 3-1/4% of butterfat and 8-1/4% solids not fat.

Proposed law provides that the term "whole milk" shall not include lacteal secretion obtained within 15 days before or five days after calving or a longer period if necessary to render the milk practically colostrum free.

Proposed law provides that nothing in proposed law shall be construed to prohibit incidental sales of goat milk or whole milk that has not been pasteurized directly to consumers by the farm where the milk is produced if the farm is registered pursuant to proposed law or to preclude the advertising of incidental sales of goat milk or whole milk that has not been pasteurized.

Proposed law provides that information describing the standards used by the farm or dairy with respect to the production of raw milk is provided to the consumer by the farmer together with results of tests performed on the animals that produced the milk, tests performed on the milk, and an explanation of the tests and test results.

Proposed law requires a farm or dairy to register by delivering to the Dept. of Health and Hospitals a written statement containing all of the following information:

- (1) The name of the farmer, farm, or dairy.
- (2) A valid, current address of the farmer, farm, or dairy.
- (3) A statement that raw milk is being produced at the farm or dairy.

Proposed law requires the seller of goat milk or whole milk that has not been pasteurized to do all of the following:

- (1) Post at the point of sale a sign that is no smaller than two feet by four feet that includes all of the following information in large, clear text:
 - (a) The name and address of the farm with seller's contact information.
 - (b) The following statement: "This product, sold for personal use and not for resale, is raw milk that has NOT been pasteurized. The milk sold by this farm has been inspected by the state of La".
- (2) Affix a label to the bottle or package that includes all of the following information:
 - (a) The name and address of the farm with the seller's contact information.

- (b) The following statement: "This product, sold for personal use and not for resale, is raw milk that has NOT been pasteurized. The milk sold by this farm has been inspected by the state of La."

Proposed law requires a farmer who sells fresh unpasteurized goat milk or whole milk to permit inspection of the farmer's cows or goats and barns by any customer upon request.

Proposed law requires that upon registration, a farm shall receive and pass all inspections required by the department.

Proposed law sets forth the chemical, bacteriological, and temperature standards for raw milk sold pursuant to proposed law.

Proposed law sets forth the sanitation standards for raw milk sold pursuant to proposed law.

Proposed law sets forth the health standards for animals producing the raw milk sold pursuant to proposed law.

Proposed law requires each producer of raw milk for human consumption pursuant to proposed law to develop and maintain procedures for the notification of regulatory officials, consumer notification, and product recall, and to implement any of these procedures as necessary with respect to any product for which the producer knows or has reason to believe circumstances exist that may adversely affect its safety for the consumer.

Proposed law prohibits a producer of raw milk from publishing any statement that implies approval or endorsement by the Dept. of Health and Hospitals.

(Amends R.S. 40:921(A) and 922(A); Adds R.S. 40:931-938)