

2019 Regular Session

SENATE BILL NO. 39

BY SENATOR THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH DEPARTMENT. Prohibits the mislabeling of milk products. (8/1/19)

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AN ACT

To enact R.S. 40:881, relative to labeling of milk products; to provide for definitions; to provide for enforcement by the Louisiana Department of Health; to provide for enforcement implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:881 is hereby enacted to read as follows:

PART VII. MILK, MILK PRODUCTS, AND SUBSTITUTES

SUBPART A. MILK ~~TESTING~~ LABELING LAW (REDESIGNATED)

§881. Labeling of milk products; prohibition; definition; enforcement

A. The Louisiana Department of Health shall enforce the United States Food and Drug Administration's standard of identity for milk, as set forth in 21 CFR 131.110, the Pasteurized Milk Ordinance, and the provisions of this Section to prohibit the sale of plant-based products mislabeled as milk.

B. For purposes of this Section, "milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in its final packaged form for beverage use shall have been pasteurized, ultra-pasteurized, or aseptically processed and shall

1 contain not less than eight and one quarter percent milk solids not fat and not
 2 less than three and one quarter percent milk fat. Milk may have been adjusted
 3 by separating part of the milk fat therefrom or by adding thereto cream,
 4 concentrated milk, concentrated low fat milks, dry milk, or dry low fat milks.
 5 Milk may be homogenized. Water shall not be added to milk or any ingredient
 6 used in milk. Milk may be flavored with safe and suitable flavoring ingredients
 7 approved by the state health officer. The word "milk" shall be interpreted to
 8 include goat, sheep, water buffalo, camel milk, and the milk of other hooved
 9 mammals.

10 C. Enforcement of this Section shall commence upon enforcement of the
 11 standard of identity for milk by the United States Food and Drug
 12 Administration.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 39 Engrossed

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Proposed law requires the Louisiana Department of Health to enforce the US FDA's standard of identity for milk, the Pasteurized Milk Ordinance, and the provisions of proposed law to prohibit the sale of plant-based products mislabeled as milk.

Proposed law provides a definition of "milk".

Proposed law shall be enforced when the US FDA begins to enforce the standards of identity for milk.

Effective August 1, 2019.

(Adds R.S. 40:881)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that implementation of a milk labeling prohibition is contingent upon USFDA action and is not being established as a separate and distinct state action.