

Representative Kerry W. Gibson proposes the following substitute bill:

UTAH DAIRY ACT AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley T. Johnson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Dairy Act to allow the sale of raw milk under certain conditions.

Highlighted Provisions:

This bill:

- ▶ defines a cow-share program; and
- ▶ prohibits cow-share programs.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-3-1, as enacted by Chapter 2, Laws of Utah 1979

4-3-10, as enacted by Chapter 2, Laws of Utah 1979

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-3-1** is amended to read:



26 **4-3-1. Definitions.**

27 As used in this chapter:

28 (1) "Adulterated" means any dairy product which:

29 (a) contains any poisonous or deleterious substance that may render it injurious to
30 health;

31 (b) has been produced, prepared, packaged, or held under unsanitary conditions, or
32 where it may have become contaminated or where it may have become diseased or injurious to
33 health;

34 (c) contains any food additive that is unsafe within the meaning of Section 409 of the
35 Federal Food, Drug and Cosmetic Act;

36 (d) contains any filthy, putrid, or decomposed substance, or fresh fluid milk which
37 contains lactic acid at or above the level of .18 of 1%, or cream with a lactic acid level at or
38 above .8 of 1%, or which is otherwise unfit for human food;

39 (e) is the product of a diseased animal or an animal which died otherwise than by
40 slaughter, or an animal fed upon uncooked offal;

41 (f) has intentionally been subjected to radiation, unless the use of the radiation is in
42 conformity with a regulation or exemption promulgated by the department; or

43 (g) has any valuable constituent omitted or abstracted, or which has any substance
44 substituted in whole or in part therefor, or which has damage or inferiority concealed in any
45 manner, or which has any substance added, mixed, or packed with the product to increase its
46 bulk or weight, or reduce its quality or strength, or make it appear better or of greater value.

47 (2) "Cow-share program" means a program in which a person acquires an undivided
48 interest in a milk producing hoofed mammal through an agreement with a producer that
49 includes:

50 (a) a bill of sale for an interest in the mammal;

51 (b) a boarding arrangement under which the person boards the mammal with the
52 producer for the care and milking of the mammal; and

53 (c) an arrangement under which the person receives raw milk for personal
54 consumption.

55 [~~2~~] (3) "Dairy product" means any product derived from raw or pasteurized milk.

56 [~~3~~] (4) "Distributor" means any person who distributes a dairy product.

57 ~~[(4)]~~ (5) "Filled milk" means any milk, cream, or skimmed milk, whether condensed,
58 evaporated, concentrated, powdered, dried, or desiccated, which has fat or oil other than milk
59 fat added, blended, or compounded with it so that the resultant product is an imitation or
60 semblance of milk, cream, or skimmed milk. It does not include any distinctive proprietary
61 food compound which is prepared and designated for feeding infants and young children which
62 is customarily used upon the order of a licensed physician; provided, that the word "milk" does
63 not appear in the product name or in any statement on the label, and that the label conforms
64 with the food labeling requirements.

65 ~~[(5)]~~ (6) "Frozen dairy products" mean dairy products normally served to the consumer
66 in a frozen or semifrozen state.

67 ~~[(6)]~~ (7) "Grade A milk," "grade A milk products," and "milk" for the purposes of this
68 chapter have the same meaning that is accorded such terms in the federal standards for grade A
69 milk and grade A milk products unless modified by regulations of the department.

70 ~~[(7)]~~ (8) "License" means a document allowing a person or plant to process,
71 manufacture, supply, test, haul, or pasteurize milk or milk products or conduct such other
72 activity as specified by the license.

73 ~~[(8)]~~ (9) "Manufacturer" means any person who processes milk in such a way that its
74 character is changed.

75 ~~[(9)]~~ (10) "Manufacturing milk" means milk used in the production of non-grade A
76 dairy products.

77 ~~[(10)]~~ (11) "Misbranded" means any dairy product whose label is false or misleading in
78 any particular, or whose label or package fails to conform to any federal regulation adopted by
79 the department which pertains to packaging and labeling. It also means:

80 (a) any dairy product in final packaged form manufactured in this state which does not
81 bear the manufacturer's, packer's, or distributor's name, address, and plant number, if
82 applicable; and, a clear statement of the product's common or usual name, quantity, and
83 ingredients, if applicable, and any other information required by regulation of the department;

84 (b) any butter in consumer package form that is not at least B grade, or that does not
85 meet the grade claimed on the package, measured by U.S.D.A. butter grade standards;

86 (c) any imitation butter made in whole or in part from material other than wholesome
87 milk or cream, except clearly labeled "margarine";

88 (d) renovated butter unless the words "renovated butter," in letters not less than
89 1/2-inch in height appear on each package, roll, square, or container of such butter; or

90 (e) any dairy product in final packaged form which makes nutritional claims or adds or
91 adjusts nutrients that are not so labeled.

92 [~~(11)~~] (12) "Pasteurization" means any process which renders dairy products practically
93 free of disease organisms and is accepted by federal standards.

94 [~~(12)~~] (13) "Permit or certificate" means a document allowing a person to market milk.

95 [~~(13)~~] (14) "Plant" means any facility where milk is processed or manufactured.

96 [~~(14)~~] (15) "Processor" means any person who subjects milk to a process.

97 [~~(15)~~] (16) "Producer" means a person who owns [~~cows~~] a cow or other milk producing
98 hoofed mammal that [~~produce~~] produces milk for consumption by persons other than the
99 producer's family, employees, or nonpaying guests.

100 [~~(16)~~] (17) "Raw milk" means unpasteurized milk.

101 [~~(17)~~] (18) "Renovated butter" means butter that is reduced to a liquid state by melting
102 and drawing off such liquid or butter oil and churning or otherwise manipulating it in
103 connection with milk or any product of milk.

104 [~~(18)~~] (19) "Retailer" means any person who sells or distributes dairy products directly
105 to the consumer.

106 Section 2. Section **4-3-10** is amended to read:

107 **4-3-10. Unlawful acts specified.**

108 It is unlawful for any person in this state to:

109 (1) operate a plant without a license issued by the department;

110 (2) market milk without a permit or certificate issued by the department;

111 (3) manufacture butter or cheese, pasteurize milk, test milk for payment, or haul milk
112 in bulk without a special license to perform the particular activity designated in this subsection;
113 provided, that if more than one person working in a plant is engaged in the performance of a
114 single activity designated in this subsection, it is sufficient if the person who directs the activity
115 is licensed.

116 (4) manufacture, distribute, sell, deliver, hold, store, or offer for sale any adulterated or
117 misbranded dairy product;

118 (5) manufacture, distribute, sell, deliver, hold, store, or offer for sale any dairy product

119 without a license, permit, or certificate required by this chapter;

120 (6) sell or offer for sale any milk not intended for human consumption unless it is
121 denatured or decharacterized in accordance with the regulations of the department;

122 (7) manufacture, distribute, sell, or offer for sale any filled milk labeled as milk or as a
123 dairy product;

124 (8) keep any animals with brucellosis, tuberculosis, or other infectious or contagious
125 diseases communicable to humans in any place where they may come in contact with cows or
126 other milking animals;

127 (9) draw milk for human food from cows or other milking animals that are infected
128 with tuberculosis, running sores, communicable diseases, or from animals that are fed feed that
129 will produce milk that is adulterated;

130 (10) accept, or process milk from any producer without verification that the producer
131 holds a valid permit or certification or, if milk is accepted from out of the state, without
132 verification that the producer holds a permit or certification from the appropriate regulatory
133 agency of that state;

134 (11) use any contaminated or unclean equipment or container to process, manufacture,
135 distribute, deliver, or sell a dairy product;

136 (12) remove, change, conceal, erase, or obliterate any mark or tag placed upon any
137 equipment, tank, or container by the department; except, for the purpose of cleaning and
138 sanitizing it;

139 (13) use any tank or container used for the transportation of milk or other dairy
140 products which is unclean or contaminated;

141 (14) refuse to allow the department to take samples for testing; [~~or~~]

142 (15) prohibit adding vitamin compounds in the processing of milk and dairy products
143 in accordance with regulations of the department[-]; or

144 (16) own, operate, organize, or otherwise participate in a cow-share program where the
145 milk producing hoofed mammal is located in Utah.

Fiscal Note
Bill Number HB0069S02

Utah Dairy Act Amendments

14-Feb-06

11:29 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst