

REPRINT

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4829

(As passed the Senate October 25, 2001)

A bill to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to

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THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 1

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1 commodity in conformity with an exemption granted or tolerance
2 prescribed under subparagraph (v) and the raw agricultural com-
3 modity has been subjected to processing the residue of that pes-
4 ticide chemical remaining in or on that processed food is, not-
5 withstanding the provisions of subparagraph (v) and this subdivi-
6 sion, not be considered unsafe if that residue in or on the raw
7 agricultural commodity has been removed to the extent possible in
8 good manufacturing practice and if the concentration of that res-
9 idue in the processed food when ready to eat is not greater than
10 the tolerance prescribed for the raw agricultural commodity.

11 (v) Any added poisonous or deleterious substance, any food
12 additive, and pesticide chemical in or on a raw agricultural com-
13 modity, or any color additive is considered unsafe for the pur-
14 pose of application of this definition, unless there is in effect
15 a federal regulation or exemption from regulation under the fed-
16 eral act, meat inspection act, poultry product inspection act, or
17 other federal acts, or a rule adopted under this act limiting the
18 quantity of the substance, and the use or intended use of the
19 substance, and the use or intended use of the substance conforms
20 to the terms prescribed by the rule.

21 (vi) It is or contains a new animal drug or conversion pro-
22 duct of a new animal drug that is unsafe within the meaning of
23 section 512 of the federal act.

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1 (vii) It consists in whole or in part of a diseased,
2 contaminated, filthy, putrid, or decomposed substance or it is
3 otherwise unfit for food.

4 (viii) It has been produced, prepared, packed, or held under
5 insanitary conditions in which it may have become contaminated
6 with filth or in which it may have been rendered diseased,
7 unwholesome, or injurious to health.

8 (ix) It is the product of a diseased animal or an animal
9 that has died other than by slaughter or that has been fed
10 uncooked garbage or uncooked offal from a slaughterhouse.

11 (x) Its container is composed, in whole or in part, of any
12 poisonous or deleterious substance that may render the contents
13 injurious to health.

14 (xi) A valuable constituent has been in whole or in part
15 omitted or abstracted from the food; a substance has been substi-
16 tuted wholly or in part for the food; damage or inferiority has
17 been concealed in any manner; or a substance has been added to
18 the food or mixed or packed with the food so as to increase its
19 bulk or weight, reduce its quality or strength, or make it appear
20 better or of greater value than it is.

21 (xii) It is confectionery and has partially or completely
22 imbedded in it any nonnutritive object except in the case of any
23 nonnutritive object if, as provided by rules, the object is of
24 practical functional value to the confectionery product and would
25 not render the product injurious or hazardous to health; it bears
26 or contains any alcohol other than alcohol not in excess of 1/2
27 of 1% by volume derived solely from the use of flavoring

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1 extracts; or it bears or contains any nonnutritive substance
2 except a nonnutritive substance such as harmless coloring, harm-
3 less flavoring, harmless resinous glaze not in excess of 4/10 of
4 1%, harmless natural wax not in excess of 4/10 of 1%, harmless
5 natural gum and pectin or to any chewing gum by reason of its
6 containing harmless nonnutritive masticatory substances which is
7 in or on confectionery by reason of its use for some practical
8 functional purpose in the manufacture, packaging, or storage of
9 such confectionery if the use of the substance does not promote
10 deception of the consumer or otherwise result in adulteration or
11 misbranding in violation of the provisions of this act. For the
12 purpose of avoiding or resolving uncertainty as to the applica-
13 tion of this subdivision, the director may issue rules allowing
14 or prohibiting the use of particular nonnutritive substances.

15 (xiii) It is or bears or contains any color additive that is
16 unsafe within the meaning of subparagraph (v).

17 (xiv) It has been intentionally subjected to radiation,
18 unless the use of the radiation was in conformity with a rule or
19 exemption under this act or a regulation or exemption under the
20 federal act.

21 (xv) It is bottled water that contains a substance at a
22 level higher than allowed under this act.

23 (b) "Approved sample container" means a presterilized, suit-
24 able nontoxic single service container of adequate size that com-
25 plies with the requirements of standard methods.

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1 (c) "Audited financial statement" means a fiscal year end
2 financial statement prepared by a certified public accountant
3 according to generally accepted accounting principles.

4 (d) "Aseptic processing and packaging" means the filling of
5 a commercially sterilized cooled product into presterilized con-
6 tainers followed by aseptic hermetical sealing with a presteril-
7 ized closure, in an atmosphere free of microorganisms.

8 Sec. 11. As used in this act:

9 (a) "Bulk milk hauler/sampler" means any person who collects
10 official samples and may transport raw milk from a farm and/or
11 raw milk products to or from a dairy plant, receiving station, or
12 transfer station and has in his or her possession a license or
13 permit to sample such products.

14 (b) "Bulk milk pickup tanker" means a vehicle including a
15 truck, tank, and those appurtenances necessary for its use used
16 by a bulk milk hauler/sampler to transport bulk raw milk for pas-
17 teurization from a dairy farm to a dairy plant, receiving sta-
18 tion, or transfer station.

19 (c) "Butter" means the product usually known as butter that
20 is made exclusively from wholesome milk or cream, or both, with
21 or without common salt, and with or without additional coloring
22 matter and containing not less than 80% by weight of milk fat.

23 (d) "Cheese" means natural cheeses, processed cheeses,
24 blended cheeses, cheese foods, cheese spreads, nonstandard cheese
25 products, and related foods described in 21 C.F.R. part 133.

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1 (e) "CIP" or "cleaned-in-place" means the procedure by which
2 sanitary pipelines or pieces of dairy equipment are mechanically
3 cleaned in place by circulation.

4 (f) "Commercial sterility of thermally processed food" means
5 the condition achieved under either of the following
6 circumstances:

7 (i) By the application of heat which renders the food free
8 of microorganisms capable of reproducing in the food under normal
9 nonrefrigerated conditions of storage and distribution and viable
10 microorganisms, including spores, of public health significance.

11 (ii) By the control of water activity and the application of
12 heat, which renders the food free of microorganisms capable of
13 reproduction in the food under normal nonrefrigerated conditions
14 of storage and distribution.

15 (g) "Cream" means any of the following:

16 (i) Light cream containing not less than 18% but not more
17 than 30% milkfat.

18 (ii) Whipping cream containing more than 30% but less than
19 36% milkfat.

20 (iii) Heavy cream containing more than 36% milkfat.

21 (iv) Cream obtained from cheese whey only if sold or labeled
22 as whey cream.

23 Sec. 12. As used in this act:

24 (a) "Dairy plant" means a milk plant, transfer or receiving
25 station, cheese plant, frozen desserts plant, or other plant
26 receiving dairy products or processing dairy products into
27 manufactured dairy products.

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1 (b) "Dairy product" or "manufactured dairy product" means
2 products that include, but are not limited to, evaporated milk,
3 condensed skim milk, condensed milk, condensed buttermilk, con-
4 densed milk solids, concentrate milk, nonfat dry milk, dry milk,
5 dry cream, dry whey, dry buttermilk, butter, buttermilk, cheese,
6 cheese products, ice cream, sherbet, frozen desserts, dairy con-
7 fections, or novelties, related dairy products with butter fat or
8 milk solids substitutions, filtered milk components, infant for-
9 mula manufactured with dairy ingredients, whey, whey cream, and
10 other products for human consumption not regulated under the
11 grade A dairy law or as determined appropriate by the director.

12 (c) "Department" means the Michigan department of
13 agriculture.

14 (d) "Director" means the director of the Michigan department
15 of agriculture or his or her designee.

16 (e) "Distributor" means a person other than a producer or
17 processor who offers for sale, or sells to another for resale at
18 retail, milk or dairy products. A distributor's facilities
19 include warehousing, refrigerated storage, and refrigerated dis-
20 tribution vehicles.

21 (f) "Dry milk product" means a product resulting from the
22 drying of milk or a dairy product.

23 (g) "Dryer" means equipment that dries milk or a dairy
24 product.

25 Sec. 13. As used in this act:

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1 (a) "Farm tank" means the farm bulk milk tank, milk tank
2 truck, or silo used for the storage or cooling of milk, or both,
3 before pickup and transport from the farm.

(b) "Federal act" means the federal food, drug, and cosmetic
act, chapter 675, 52 Stat. 1040, 21 U.S.C. 301 to 321, 331 to 333,
334 to 343-3, 344 to 346a, 347, 348 to 356c, 358 to 360, 360b to
360dd, 360hh to 360oo, 360rr to 363, 371 to 376, and 378 to 397.

4 (c) "First receiving point" means the dairy plant where the
5 milk is first received for processing and manufacturing. First
6 receiving point does not include receiving stations and transfer
7 stations.

8 (d) "Freezer" means mechanical equipment used to lower the
9 temperature of a mix while, at the same time, incorporating air
10 into the mix.

11 (e) "Frozen desserts" means desserts made from dairy pro-
12 ducts described in 21 C.F.R. part 135, the mixes, and other simi-
13 lar frozen dairy products that include, but are not limited to,
14 frozen yogurt, soft serve ice cream, and quiescently frozen con-
15 fections unless otherwise specified by the department.

16 (f) "Imminent or substantial health hazard" means a determi-
17 nation by the director of either or both of the following:

18 (i) A condition that exists at a dairy farm or dairy plant
19 requiring immediate action to prevent endangering the public
20 health or safety.

21 (ii) A milk or dairy product may be unwholesome or unsafe.

22 (g) "Label" means a display of written, printed, or graphic
23 matter upon the immediate container of any article conforming to
24 a requirement imposed under this act that any word, statement, or
25 other information appearing on the label also appears on the out-
26 side container or wrapper of the retail package of the article or
27 be easily legible through the outside container or wrapper.

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1 (h) "Labeling" means all labels and other written, printed,
2 or graphic matter upon an article or any of its containers or
3 wrappers or accompanying the article.

4 Sec. 14. As used in this act:

5 (a) "Milk" means the lacteal secretion, practically free
6 from colostrum, obtained by the complete milking of 1 or more
7 healthy cows, goats, sheep, or other dairy animals.

8 (b) "Milk buyer" means any milk producer, milk producer mar-
9 keting organization, dairy plant, receiving station, transfer
10 station, or bulk milk hauler that either takes delivery of raw
11 milk or a raw milk product or manages the sale of the raw milk or
12 raw milk product, or both.

13 (c) "Milk tank truck" means both a bulk milk pickup tanker
14 and a milk transport tank.

15 (d) "Milk tank truck cleaning facility" means any place,
16 premises, or establishment, separate from a dairy plant, receiv-
17 ing station, or transfer station where a milk tank truck is
18 cleaned and sanitized.

19 (e) "Milk tank truck driver" means any person who transports
20 raw or pasteurized dairy products to or from a dairy plant,
21 receiving station, or transfer station.

22 (f) "Milk transportation company" means the company that is
23 the person responsible for a milk tank truck.

24 (g) "Milk transport tank" means a vehicle, including the
25 truck and tank, used by a bulk milk hauler/sampler to transport
26 bulk shipments of milk from a dairy plant, receiving station, or

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1 transfer station to another dairy plant, receiving station, or
2 transfer station.

3 Sec. 15. As used in this act:

4 (a) "Misbranded" means food to which any of the following
5 apply:

6 (i) Its labeling is false or misleading in any particular.

7 (ii) It is offered for sale under the name of another food.

8 (iii) It is an imitation of another food unless its label
9 bears, in type of uniform size and prominence, the word
10 "imitation" and immediately thereafter the name of the food
11 imitated.

12 (iv) Its container is so made, formed, or filled as to be
13 misleading.

14 (v) It is in package form, unless it bears a label contain-
15 ing both the name and place of business of the manufacturer,
16 packer, or distributor and an accurate statement of the quantity
17 of the contents in terms of weight, measure, or numerical count
18 subject to reasonable variations as are permitted and exemptions
19 as to small packages as are established by rules promulgated by
20 the department.

21 (vi) Any word, statement, or other labeling required by this
22 act is not prominently placed on the label or labeling conspicu-
23 ously and in such terms as to render it likely to be read and
24 understood by the ordinary individual under customary conditions
25 of purchase and use.

26 (vii) It purports to be or is represented as a food for
27 which a definition and standard of identity have been prescribed

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1 by rules as provided by this act or under the federal act, unless
2 it conforms to such definition and standard and its label bears
3 the name of the food specified in the definition and standard,
4 and, as may be required by the rules, the common names of
5 optional ingredients, other than spices, flavoring, and coloring,
6 present in such food.

7 (viii) It purports to be or is represented to be either of
8 the following:

9 (A) A food for which a standard of quality has been pre-
10 scribed by this act or rules and its quality falls below such
11 standard unless its label bears, in such manner and form as such
12 rules specify, a statement that it falls below such standard.

13 (B) A food for which a standard or standards of fill of con-
14 tainer have been prescribed by this act or rules and it falls
15 below the standard of fill of container applicable unless its
16 label bears, in such manner and form as the rules specify, a
17 statement that it falls below the standard.

18 (ix) It does not bear labeling clearly giving the common or
19 usual name of the food, if one exists, and if fabricated from 2
20 or more ingredients, the common or usual name of each ingredient
21 except that spices, flavorings, and colorings, other than those
22 sold as such, may be designated as spices, flavorings, and color-
23 ings, without naming each and under other circumstances as estab-
24 lished by rules regarding exemptions based upon practicality,
25 potential deception, or unfair competition.

26 (x) It bears or contains any artificial flavoring,
27 artificial coloring, or chemical preservative unless the labeling

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1 states that fact and under other circumstances as established by
2 rules regarding exemptions based upon practicality.

3 (xi) If a food intended for human consumption and offered
4 for sale, its label and labeling do not bear the nutrition infor-
5 mation required under section 403(q) of the federal act, chapter
6 675, 52 Stat. 1047, 21 U.S.C. 343.

7 (xii) It is a product intended as an ingredient of another
8 food and, when used according to the directions of the purveyor,
9 will result in the final food product being adulterated or
10 misbranded.

11 (xiii) It is a color additive whose packaging and labeling
12 are not in conformity with packaging and labeling requirements
13 applicable to such color additive prescribed under the provisions
14 of the federal act.

15 (b) "Mix" means ice cream mix, yogurt mix, sherbet mix, and
16 any other unfrozen pasteurized liquid mixture which is to be man-
17 ufactured into a frozen dessert including a liquid mixture
18 intended for processing into quiescently frozen confections.

19 Sec. 16. As used in this act:

20 (a) "Offering for sale" means selling, offering to sell,
21 holding for sale, preparing for sale, trading, bartering, offer-
22 ing as a gift as an inducement for sale of, and advertising for
23 sale in any media.

24 (b) "Other security" means a mutually acceptable producer
25 security agreement, acceptable to the director, approved and
26 signed by the milk buyer and all milk sellers selling milk to
27 that milk buyer.

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1 (c) "Person" means an individual, partnership, company,
2 limited liability company, cooperative, association, firm, trust-
3 ee, educational institution, state or local government unit, or
4 corporation.

5 (d) "Processor" means the owner or operator of a dairy
6 plant.

7 (e) "Producer" means a person who owns or operates a dairy
8 farm and sells or distributes milk produced on that farm includ-
9 ing a person who markets milk on behalf of another producer pur-
10 suant to a marketing agreement.

11 (f) "Receiving station" means any place, premise, or estab-
12 lishment where raw milk is received, collected, handled, stored,
13 or cooled and is prepared for further transporting.

14 (g) "Rerun" means a frozen dessert that is not placed in its
15 final container immediately after passing through the freezing
16 process and is intended to be melted and reprocessed or
17 refrozen.

18 Sec. 17. As used in this act:

19 (a) "Sample transfer instrument" means any of the
20 following:

21 (i) Individually wrapped, sterile, single-service sampling
22 tubes.

23 (ii) Stainless steel metal dippers, with long handles having
24 capacities of 10 ml. or greater.

25 (iii) Sampling devices approved by the director.

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1 (b) "Sanitary standards" means the dairy equipment
2 construction standards or accepted dairy system operating
3 practices formulated by 1 of the following:

4 (i) 3-A sanitary standards committees representing the
5 international association for food protection, the United States
6 public health service, the United States department of agricul-
7 ture, and the dairy industry committee.

8 (ii) Standards for dairy equipment formulated by the United
9 States department of agriculture or the food and drug
10 administration.

11 (iii) The equipment or practice approved by the director on
12 a case-by-case basis.

13 (c) "Sanitizing" means the application of any effective
14 method or sanitizing agent in compliance with the federal
15 act to a clean surface for the destruction of
16 pathogens and other organisms as far as is practicable.

17 (d) "Scheduled process" means the aseptic process selected
18 by the processor as adequate under the conditions of manufacture
19 for a given product to be free of viable microorganisms having a
20 public health significance as well as microorganisms of nonhealth
21 significance capable of reproducing in the food under normal non-
22 refrigerated conditions. Scheduled process includes an aseptic
23 process that may be in excess of that necessary to ensure
24 destruction of microorganisms of public health significance but
25 at least equivalent to the process established by a competent
26 processing authority to achieve commercial sterility under
27 21 C.F.R. part 113.

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1 (e) "Standard methods" means the sixteenth edition of
2 "Standard Methods for the Examination of Dairy Products", pub-
3 lished by the American public health association, dated 1992,
4 incorporated by reference.

5 (f) "Sterilization or aseptic processing" means the complete
6 destruction of living organisms by 1 of the following methods:

7 (i) Heating a container and its contents to a temperature
8 between 212°F (100°C) to 280°F (138°C) for a period of time
9 established by the scheduled process or by the department.

10 (ii) Creating a continuous product flow above a temperature
11 of 280°F (138°C) for a period of time established by the sched-
12 uled process or by the department.

13 (iii) Employing a process described in subdivision (i) or
14 (ii), and following packaging of the sterilized product, applying
15 a heat treatment approved by the department.

16 (g) "Sterilized or aseptic milk and dairy products" means
17 products hermetically sealed in a container and thermally pro-
18 cessed or otherwise processed so as to render the product free of
19 microorganisms capable of reproducing in the product under normal
20 nonrefrigeration conditions of storage and distribution and free
21 of viable microorganisms including spores of public health
22 significance.

23 (h) "Transfer station" means any place, premises, or estab-
24 lishment where milk or dairy products are transferred directly
25 from 1 milk tank truck to another.

26 (i) "Verified financial statement" means a financial state-
ment that contains a notarized statement, signed and sworn to by

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1 an authorized representative of the dairy plant, attesting that
2 the financial statement is correct.

3 ARTICLE 3

4 Sec. 30. (1) A political subdivision of the state shall not
5 impose any different standards or requirements for manufacturing
6 milk and manufacturing milk products than those provided for in
7 this act and shall not prohibit the sale of dairy products if
8 they have been produced and processed as manufacturing milk under
9 supervision of the department.

10 (2) The director shall furnish copies of its inspection
11 reports on any dairy farm producing manufacturing milk to a pur-
12 chaser of manufacturing milk from that farm upon written
13 request.

14 (3) A sanitary standard or similar requirement issued under
15 this act does not prohibit the sale of manufacturing milk or man-
16 ufacturing milk products that are produced or processed under
17 laws or rules of a governmental unit outside the state that the
18 director determines are substantially equivalent to the require-
19 ments of the rules promulgated under this act and are enforced
20 with equal effectiveness if the governmental unit accepts
21 Michigan manufacturing milk and dairy products inspected by the
22 department.

23 Sec. 31. (1) The following acts and parts of acts are
24 repealed effective 30 days after enactment of this act:

25 (a) 1899 PA 167, MCL 289.61.

26 (b) 1903 PA 243, MCL 288.221 to 288.223.

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- 1 (c) 1911 PA 257, MCL 288.371 to 288.372.
- 2 (d) 1913 PA 63, MCL 288.252 to 288.257.
- 3 (e) The manufacturing milk act, 1913 PA 222, MCL 288.101 to
- 4 288.117.
- 5 (f) 1915 PA 93, MCL 288.161 to 288.162.
- 6 (g) 1923 PA 30, MCL 288.281 to 288.284.
- 7 (h) The milk fat test law, 1935 PA 212, MCL 288.51 to
- 8 288.60.
- 9 (i) 1939 PA 155, MCL 288.201 to 288.206.
- 10 (j) 1945 PA 293, MCL 288.151 to 288.153.
- 11 (k) 1955 PA 211, MCL 288.211 to 288.217.
- 12 (l) 1967 PA 45, MCL 288.141 to 288.149.
- 13 (m) The frozen desserts act of 1968, 1968 PA 298,
- 14 MCL 288.321 to 288.334.
- 15 (2) Except as rescinded, rules promulgated under public acts
- 16 repealed by this act retain authorization under this act. The
- 17 following rules are rescinded effective 30 days after enactment
- 18 of this act:
- 19 (a) R 285.400.1 of the Michigan administrative code.
- 20 (b) R 285.402.1 of the Michigan administrative code.
- 21 (c) R 285.404.1 of the Michigan administrative code.
- 22 (d) R 285.405.1 to R 285.405.29 of the Michigan administra-
- 23 tive code.
- 24 (e) R 285.407.1 to R 285.407.6 of the Michigan administra-
- 25 tive code.
- 26 (f) R 285.409.1 of the Michigan administrative code.

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1 American public health association, sixteenth edition, dated
2 1992.

3 (f) Cheese manufacture, 21 C.F.R. part 133.

4 (g) Labeling, 21 C.F.R. part 101, 9 C.F.R. part 317, and
5 9 C.F.R. part 381, subpart N.

6 Sec. 51. The director shall foster and encourage the dairy
7 industry of the state and, for that purpose, shall investigate
8 the general conditions of the dairy farms, dairy plants, single
9 service manufacturers, receiving stations, transfer stations,
10 bulk milk haulers/samplers, can milk trucks, milk tank trucks,
11 milk tank truck cleaning facilities, and distributors with full
12 power to enter upon any premises for such investigation, with the
13 object of improving the quality and creating and maintaining uni-
14 formity of the dairy products of the state. If determined neces-
15 sary by the director, he or she may cause instruction to be given
16 in any dairy farm, dairy plant, single service manufacturer,
17 receiving station, transfer station, and distributor or in any
18 locality in this state, in order to secure the proper feeding and
19 care of dairy animals, the proper maintenance and sanitation of
20 milk handling equipment, the proper maintenance of milk produc-
21 tion facilities, the proper maintenance of milk processing facil-
22 ities, the proper maintenance of single service facilities, the
23 proper handling and storage of milk, dairy products, or single
24 service containers, or the practical operation of any plant
25 producing dairy products or single service containers for dairy
26 products. In order to secure a uniform and standard quality of
27 dairy products in the state, the director shall furnish a

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1 sufficient number of competent and qualified inspectors for that
2 purpose as provided for in this act.

3 ARTICLE 7

4 Sec. 70. (1) A person shall not directly, through an agent,
5 or on behalf of another person sell or offer for sale, furnish,
6 or possess or control with intent to sell or offer for sale, or
7 furnish an unsanitary, adulterated, or misbranded milk or dairy
8 product to a person or a processor.

9 (2) Dairy products made or sold in Michigan shall comply
10 with the requirements of this act and the standards as follows:

11
12 Chemical, Physical, Bacteriological, and Temperature Standards

13			
14	MANUFACTURING	Temperature	Bulk milk cooled to 45 °F
15	GRADE RAW MILK FOR		(7°C) or less within 2 hours
16	PASTEURIZATION		after milking and maintained
17	(NOT FOR FROZEN		thereat. Provided, that the
18	DESSERTS)		blend temperature after the
19	INCLUDING		first and subsequent milkings
20	ULTRAFILTRATION		does not exceed 50 °F (10°C).
21	OR REVERSE		Can milk not to exceed 60 °F
22	OSMOSIS RAW		(16°C) if used for cheese
23	MILK CONCENTRATE		making; if delivered to the
24			plant within 2 hours of milk-
25			ing, no temperature limit.
26		Bacterial limits	Not to exceed 500,000 per ml
27			(milk for cheese not to
28			exceed 750,000 per ml).
29			Not to exceed 1,000,000 per
30			ml as commingled milk prior
31			to pasteurization.
32		Somatic cell count	Not to exceed 1,000,000 per
33			ml.
34		Drug residues	No positive results on drug
35			residue detection methods
36			which have been found to be
37			acceptable for use with

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1			raw milk.
2		Sediment	Not to exceed a USDA no. 3
3			standard following procedures
4			from standard methods for the
5			examination of milk and milk
6			products.
7		Freezing point	-0.530 °H maximum.
8			
9	RAW MILK FOR	Temperature	Bulk milk cooled to 45 °F
10	FROZEN DESSERTS		(7°C) or less within 2 hours
11			after milking and maintained
12			thereat. Provided, that the
13			blend temperature after the
14			first and subsequent milkings
15			does not exceed 50 °F (10°C).
16		Bacterial limits	Not to exceed 100,000 per ml
17			for individual supplies, not
18			to exceed 300,000 per ml
19			commingled.
20		Somatic cell counts	Not to exceed 750,000 per
21			ml.
22		Drug residues	No positive results on drug
23			residue detection methods
24			which have been found to be
25			acceptable for use with raw
26			milk.
27		Sediment	Not to exceed a USDA no. 3
28			standard following procedures
29			from standard methods for the
30			examination of milk and milk
31			products.
32			
33	PASTEURIZED	Temperature	Cooled to 45 °F (7°C) [50°F
34	CONDENSED MILK AND		(10°C) if 45% or more
35	CONDENSED SKIM		solids] or less, or heated
36	MILK		to 145° (63°C) or greater and
37			maintained thereat unless the
38			product is being dried within
39			4 hours after condensing.
40		Bacterial limits	Not to exceed 30,000 per
41			gram.
42		Coliform count	Not to exceed 10 per gram.
43			Provided, that in the case of

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1			bulk milk transport tank
2			shipments shall not exceed
3			100 per ml.
4		Phosphatase	Less than 1 microgram per ml
5			by the Scharer rapid method;
6			less than 500 milliunits per
7			L by fluorometric procedure
8			or Charm ALP method, or
9			equivalent.
10		Drug residues	No positive results on drug
11			residue detection methods
12			which have been found to be
13			acceptable for use with con-
14			densed milk and condensed
15			skim milk.
16			
17	DRY WHOLE MILK,	No more than:	
18	EXTRA GRADE		
19		Butterfat	Not less than 26% or more
20			than 40%.
21		Moisture	4.50%.
22		Solubility index	1.0 ml spray process; 15.0
23			roller process.
24		Bacterial limit	Not to exceed 50,000 per
25			gram.
26		Coliform count	Not to exceed 10 per gram.
27		Scorched particles	
28		disc B	15.0/gram spray process; 22.5
29			roller process.
30		Drug residues	No positive results on drug
31			residue detection methods
32			which have been found to be
33			acceptable for use with dry
34			whole milk.
35		DMCC count	Less than 100,000,000 per
36			gram.
37			
38	DRY WHOLE MILK,	No more than:	
39	STANDARD GRADE		
40		Butterfat	Not less than 26% or more
41			than 40%.

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1	Moisture	5.00%.
2	Titratable acidity	0.15%.
3	Solubility index	1.5 ml spray process; 15.0 ml
4		roller process.
5	Bacterial limit	Not to exceed 100,000 per
6		gram.
7	Coliform count	Not to exceed 10 per gram.
8	Scorched particles	
9	disc B	22.5 per gram spray process;
10		32.5 per gram roller
11		process.
12	Drug residues	No positive results on drug
13		residue detection methods
14		which have been found to be
15		acceptable for use with dry,
16		whole milk.
17	DMCC count	Less than 100,000,000 per
18		gram.
19		
20	NONFAT DRY MILK,	No more than:
21	EXTRA GRADE	
22	Butterfat	1.25%.
23	Moisture	4.00%.
24	Titratable acidity	0.15%.
25	Solubility index	1.2 ml (2.0 ml high-heat,
26		max) spray process; 15.0 ml
27		roller process.
28	Bacterial limit	Not to exceed 10,000 per gram
29		spray or 50,000 per gram
30		roller process.
31	Coliform count	Not to exceed 10 per gram.
32	Scorched particles	
33	disc B	15.0/gram spray; 22.5/gram
34		roller process.
35	Drug residues	No positive results on drug
36		residue detection methods
37		which have been found to be
38		acceptable for use with

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1		nonfat dry milk.
2	DMCC count	Less than 100,000,000 per
3		gram.
4		
5	NONFAT DRY MILK,	No more than:
6	STANDARD GRADE	
7	Butterfat	1.50%.
8	Moisture	5.00%.
9	Titratable acidity	0.17%.
10	Solubility index	2.5 ml spray process; 15.0 ml
11		roller process.
12	Bacterial estimate	75,000/gram spray;
13		100,000/gram roller process.
14	Coliform count	10 per gram.
15	Scorched particles	
16	disc B	22.5/gram spray; 32.5/gram
17		roller process.
18	Drug residues	No positive results on drug
19		residue detection methods
20		which have been found to be
21		acceptable for use with
22		nonfat dry milk.
23	DMCC count	Less than 100,000,000 per
24		gram.
25		
26	INSTANT NONFAT DRY	No more than:
27	MILK, EXTRA GRADE	
28	Butterfat	1.25%.
29	Moisture	4.50%.
30	Titratable acidity	0.15%.
31	Solubility index	1.0 ml.
32	Bacterial limit	Not to exceed 10,000 per
33		gram.
34	Coliform count	Not to exceed 10 per gram.
35	Scorched particles	
36	disc B	15.0/gram.

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1		Drug residues	No positive results on drug
2			residue detection methods
3			which have been found to be
4			acceptable for use with dry
5			whole milk.
6		Dispersibility	85.0%.
7		DMCC count	Less than 40,000,000 per
8			gram.
9			
10	WHEY FOR	Temperature	Maintained at a temperature
11	CONDENSING		of 45 °F (7°C) or less, or
12			145 °F (63°C) or greater,
13			except for acid-type whey
14			with a titratable acidity
15			0.40% or above, or a pH of
16			4.6 or below.
17		Drug residues	No positive results on drug
18			residue detection methods
19			which have been found to be
20			acceptable for use with
21			whey.
22			
23	PASTEURIZED	Temperature	Cooled to 45 °F (7°C) or less
24	CONDENSED WHEY		during crystallization,
25			within 18 hours of
26			condensing.
27		Bacterial limit	Not to exceed 50,000 per
28			gram.
29		Coliform count	Not to exceed 10 per gram.
30		Phosphatase	Less than 1 microgram per ml
31			by the Scharer rapid method;
32			less than 500 milliunits per
33			L by fluorometric procedure
34			or Charm ALP method, or
35			equivalent.
36		Drug residues	No positive results on drug
37			residue detection methods
38			which have been found to be
39			acceptable for use with con-
40			densed whey.
41			
42	DRY WHEY,	Bacterial limit	Not to exceed 30,000 per
43	EXTRA GRADE		gram.

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1		Coliform count	Not to exceed 10 per gram.
2		Milkfat content	Not to exceed 1.5%.
3		Moisture content	Not to exceed 5.0%.
4		Scorched particle	Not to exceed 15.0%.
5		content	
6			
7	DRY WHEY, DRY WHEY	Bacterial limit	Not to exceed 50,000 per
8	PRODUCTS		gram.
9		Coliform count	Not to exceed 10 per gram.
10		Butterfat	Not more than 1.50%.
11		Moisture	Not more than 5%.
12		Drug residues	No positive results on drug
13			residue detection methods
14			which have been found to be
15			acceptable for use with dry
16			whey and dry whey products.
17			
18	DRY BUTTERMILK	Butterfat	4.5% min.
19	AND DRY BUTTERMILK		
20	PRODUCTS EXTRA	Moisture	4.0% max.
21	GRADE		
22		Titratable acidity	0.10-0.18%.
23		Solubility index	1.25 ml spray process; 15.0
24			roller process.
25		Bacterial limit	Not to exceed 20,000 per
26			gram.
27		Coliform count	Not to exceed 10 per gram.
28		Scorched particles	
29		disc B	15.0 mg spray process; 22.5
30			mg roller process.
31		Drug residues	No positive results on drug
32			residue detection methods
33			which have been found to be
34			acceptable for use with dry
35			buttermilk and dry buttermilk
36			products.
37			
38	DRY BUTTERMILK	Butterfat	4.5% min.

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1	AND DRY BUTTERMILK		
2	PRODUCTS STANDARD	Moisture	5.0% max.
3	GRADE		
4		Titratable acidity	0.10-0.20%.
5		Solubility index	2.0 ml spray process; 15.0
6			roller process.
7		Bacterial limit	Not to exceed 75,000 per
8			gram.
9		Coliform count	Not to exceed 10 per gram.
10		Scorched particles	
11		disc B	22.5 mg spray process; 32.5
12			mg roller process.
13		Drug residues	No positive results on drug
14			residue detection methods
15			which have been found to be
16			acceptable for use with dry
17			buttermilk and dry buttermilk
18			products.
19			
20	BUTTER, WHIPPED	Percent butterfat	Not less than 80%.
21	BUTTER		
22		Temperature	Maintained at a temperature
23			of 45°F (7°C) or less, when
24			in storage.
25		Proteolytic count	Not more than 50 per gram.
26		Yeast and mold	Not more than 10 per gram.
27		Coliform count	Not more than 10 per gram.
28		Keeping quality	Satisfactory after 7 days at
29			70°F (21°C)
30			
31	PASTEURIZED MILK,	Bacterial limit	Not to exceed 20,000 per ml.
32	CREAM, FLUID DAIRY		
33	PRODUCTS FOR	Coliform count	Not to exceed 10 per gram.
34	FROZEN DESSERTS		Provided, that in the case of
35			bulk milk transport tank
36			shipments shall not exceed
37			100 per ml.
38		Storage temp	No higher than 45 °F (7°C).
39			
40	FROZEN DESSERT MIX	Bacterial limit	30,000 per ml.

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1		Coliform count	Not to exceed 10 per gram.
2			Provided, that in the case of
3			bulk milk transport tank
4			shipments shall not exceed
5			100 per ml.
6		Storage temp	No higher than 45 °F (7°C).
7			(Sterile or aseptic mix has
8			no storage temperature
9			requirement.)
10			
11	FROZEN DESSERTS	Bacterial limit	30,000 per ml.
12		Coliform count	Not to exceed 10 per ml (20
13			per gram for chocolate,
14			fruit, nuts, or other bulky
15			flavored frozen desserts).
16		Storage temp	No higher than 32 °F (0°C).
17		Butterfat	Per standards listed in
18			21 C.F.R. 135
19			
20	STERILIZED OR	Bacterial limit	No viable bacteria.
21	ASEPTIC		
22	PRODUCTS	Temperature	No temperature standard.
23		Yeast and mold	No viable yeast or mold
24			spores.
25		Drug residues	No positive results on drug
26			residue detection methods
27			which have been found to be
28			acceptable for use with pas-
29			teurized milk.
30			
31	PRIVATE WATER	Coliform count	Less than 1.1 per 100 ml as
32	SUPPLIES FOR DAIRY		MPN or equivalent method
33	FARMS AND DAIRY		less than 1 per 100 ml.
34	PLANTS;		
35	RECIRCULATED		
36	COOLING WATER		
37	(SWEET WATER);		
38	GLYCOL FOR COOLING		
39			
40	CONDENSATE	Total plate count	Not to exceed 500 per ml.
41	RECOVERY WATER		
42	(COW WATER)	Chemical oxygen	Not to exceed 12 mg per L.
43		demand	

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1 _____ Turbidity Not to exceed 5 units.
2

3 Sec. 71. (1) All dairy products shall be tested at a mini-
4 mum frequency of 4 out of every 6 months, or as determined by the
5 director.

6 (2) Except when the water supply is required to be tested
7 annually as provided in section 130(9)(h), well water samples for
8 dairy farms shall be tested a minimum of once every 3 years and
9 found to be of safe and satisfactory quality.

10 (3) Water supplies for dairy plants shall be tested a mini-
11 mum of once every 6 months.

12 (4) Recirculated water or recirculated cooling medium shall
13 be tested a minimum of once every 6 months.

14 (5) Condensate recovery water shall be used only in applica-
15 tions that conform to requirements and procedures accepted by the
16 United States food and drug administration or the director.

17 ARTICLE 9

18 Sec. 90. (1) The director, after proper identification, is
19 authorized and shall have the power to enter all dairy farms,
20 dairy plants, single service manufacturing facilities, milk tank
21 truck cleaning facilities, receiving stations, transfer stations,
22 dairy product distribution facilities, vehicles used to transport
23 milk and milk products or single service manufacturers under its
24 jurisdiction, for the purpose of inspecting, sampling, and inves-
25 tigating conditions relating to the enforcement of this act.

26 (2) The department shall, at a minimum, inspect all dairy
27 farms every 12 months and dairy plants every 6 months.

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1 Sec. 91. (1) The director may seize or hold for
2 investigation any milk, dairy product, or equipment which the
3 director may have reason to believe constitutes or may be con-
4 tributing to an imminent or substantial health hazard or is in
5 violation of this act. Seized milk, dairy products, or equipment
6 shall not be disposed of until a release is obtained from the
7 director. The director shall complete his or her action on any
8 such seized item within a reasonable time, and the farm, plant,
9 or station shall be promptly notified of the director's
10 decision. The director may collect and retain evidence to verify
11 the determination of an imminent health hazard.

(2) Whenever the director finds in any dairy farm, dairy plant, receiving station, transfer station, or vehicle any milk or dairy product which contains any unwholesome substance, or that may be poisonous or deleterious to health or otherwise unsafe, such milk or dairy product shall be declared an imminent or substantial health hazard. The director shall condemn or destroy the milk or dairy product or in any other manner render the same unsalable as human food. A person shall not remove a condemnation or seizure tag attached to any container of condemned milk or cream, or transfer condemned milk to another container and sell or offer for sale the condemned milk for human consumption.

ARTICLE 11

25 Sec. 110. (1) A person shall not produce, transport, wash
26 milk tank trucks, process, manufacture, label, or sell
27 manufacturing milk and dairy products or manufacture single

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1 service containers and closures unless licensed or permitted
2 under this act or the grade A law of 2001. A person licensed
3 under the grade A law of 2001 who is performing activity regu-
4 lated under that act is exempt from licensure under this act. A
5 person licensed under the grade A law of 2001 shall comply with
6 the requirements of this act and is subject to the penalties set
7 forth in this act, where applicable. The director may issue a
8 temporary license or permit. State agencies operating dairy
9 facilities under a memorandum of understanding with the depart-
10 ment are not required to be licensed or permitted or to provide
11 producer security under this act.

12 (2) An applicant for an initial manufacturing grade dairy
13 farm permit shall complete education on drug residue avoidance
14 control measures acceptable to the director before receiving the
15 permit.

16 (3) An applicant for an initial license as a dairy plant
17 shall apply to the department on a form supplied by the depart-
18 ment and provide a statement containing the following:

19 (a) The dairy plant's correct legal name and any name by
20 which the dairy plant is doing business. If the dairy plant is a
21 person not an individual, the name of each officer and director,
22 and partner, member, or owner owning in excess of 35% of equity
23 or stock.

24 (b) The location of the dairy plant to which the statement
25 pertains and the name of the responsible person who may be con-
26 tacted at that location.

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1 (c) The anticipated value of greatest milk receipts the
2 dairy plant expects to receive during a consecutive 30-day period
3 within the licensing period.

4 (d) A list of producers, including names, mailing addresses,
5 and department producer permit number, with whom the dairy plant
6 intends to do business except that not later than 90 days after
7 becoming licensed for the first time, the dairy plant shall send
8 an updated list to the department.

9 (e) The name of the financial institution through which milk
10 checks are to be issued to producers.

11 (4) A dairy plant shall annually renew a license issued
12 under this act by applying to the department at least 30 days
13 prior to the expiration of the existing license. The anniversary
14 date of a license for a dairy plant that is providing a financial
15 statement as a security device shall be 130 days after the close
16 of the licensee's fiscal year. The dairy plant shall apply for
17 renewal of a license on a form supplied by the department and
18 provide a statement containing the following:

19 (a) The dairy plant's correct legal name and any name by
20 which the dairy plant is doing business. If the dairy plant is a
21 person not an individual, the name of each officer and director,
22 and partner, member, or owner owning in excess of 35% of equity
23 or stock.

24 (b) The location of the dairy plant to which the statement
25 pertains and the name of the responsible person who may be con-
26 tacted at that location.

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1 (c) The greater of either the value of greatest milk
2 receipts that the dairy plant received within a consecutive
3 30-day period during its last license year or the greatest milk
4 receipts that the dairy plant is anticipated to receive during a
5 consecutive 30-day period within the licensing period.

6 (d) A complete list of producers, including names, mailing
7 addresses, and department producers permit number, with whom the
8 dairy plant is doing business.

9 (e) The name of the financial institution through which milk
10 checks are issued to producers.

11 (5) Each dairy plant shall pay a \$50.00 annual licensing or
12 permitting fee.

13 (6) Each receiving station or transfer station shall be
14 licensed or permitted either as part of a dairy plant or as a
15 stand-alone facility. Each stand-alone facility will be licensed
16 or permitted at a rate of \$50.00 per year. License renewal shall
17 take place on June 30 every year.

18 (7) Each milk tank truck cleaning facility shall be licensed
19 or permitted under this act either as part of a dairy plant,
20 receiving station or transfer station, or as a stand-alone milk
21 tank truck cleaning facility, or under the grade A law of 2001.
22 Any milk tank truck cleaning facility that washes the milk con-
23 tact surfaces of milk tank trucks used to haul grade A milk shall
24 be licensed under the grade A law of 2001. Each stand-alone
25 facility will be licensed or permitted at a rate of \$50.00 per
26 year. License renewal shall take place on June 30 every year.

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1 (8) Each single service containers and closures manufacturer
2 shall be licensed or permitted under this act either as part of a
3 dairy plant or as a stand-alone manufacturer. Each stand-alone
4 facility will be licensed at a rate of \$50.00 per year. License
5 renewal shall take place on June 30 every year.

6 (9) A person shall not pick up manufacturing grade milk in a
7 farm pickup milk tank from a farm bulk milk tank without a
8 hauler/sampler license issued by the department under the grade A
9 law of 2001. Each milk tank truck or can milk truck shall be
10 licensed or permitted under this act or as required under the
11 grade A milk law of 2001 at a rate of \$10.00 per year. License
12 or permit renewal shall take place on June 30 every year.

13 (10) The director may issue a temporary license or permit if
14 the director determines that issuance of the license or permit
15 will not be detrimental to the protection of the public health,
16 safety, or welfare or will not cause an imminent threat of finan-
17 cial loss to producers.

18 (11) A political subdivision of the state shall not levy
19 special license fees or taxes on 1 or more of the persons or
20 businesses described in this section except for taxes or fees
21 that are generally levied on persons or businesses other than
22 dairy plants and dairy plant operators.

23 (12) The director shall examine the books, records, and
24 accounts of a dairy plant if the dairy plant has not responded to
25 requests from the director regarding a security device described
26 in sections 117, 118, and 119. All examinations of books,

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1 records, and accounts required under this subsection shall be
2 made within this state.

3 (13) All applicants for a permit or license must complete an
4 application provided by the department and meet the minimum
5 requirements of this act or the grade A law of 2001, and rules
6 promulgated under this act.

7 Sec. 111. Frozen desserts manufactured from pasteurized mix
8 in the soft form at retail food establishments licensed pursuant
9 to the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111,
10 are exempt from this act.

11 Sec. 112. Upon receipt of an application for licensure by
12 an unlicensed dairy plant or for a dairy plant previously denied
13 a license under this act, the department shall investigate the
14 sanitary conditions of the dairy plant or place of business. The
15 director shall issue a license under this act upon determining
16 that the sanitary conditions of the applicant's dairy plant or
17 place of business comply with this act and rules and regulations
18 promulgated under this act.

19 Sec. 113. (1) The director may revoke or suspend the
20 license or permit of a licensee or permittee issued under this
21 act or impose an administrative fine under section 125 for fail-
22 ure to comply with the requirements of this act or a rule promul-
23 gated under this act. A license or permit may be revoked or sus-
24 pended according to the administrative procedures act of 1969,
25 1969 PA 306, MCL 24.201 to 24.328.

26 (2) The department shall notify in writing each producer
27 with whom a dairy plant does business regarding the pendency of

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1 the administrative action not less than 5 days before the date of
2 the formal hearing set under subsection (1).

3 (3) The director may revoke or suspend a license or permit
4 issued under this act, or impose an administrative fine pursuant
5 to section 125, upon determining that the licensee or permittee
6 has done 1 or more of the following:

7 (a) Failed to provide supplementary or interim information
8 or information required to be supplied to the department under
9 this act or information requested by the director under this
10 article.

11 (b) Failed to provide a security device in the amount and
12 manner required by the director under this article.

13 (c) Knowingly provided false or fraudulent information or
14 made a material misrepresentation on an application.

15 (d) Knowingly provided false or fraudulent information or
16 made a material misrepresentation in response to a request for
17 information by the department.

18 (e) Failed to pay a producer in the manner provided for in
19 section 115.

20 (f) In the case of a dairy plant, failed to provide a secur-
21 ity device described in article 11.

22 (g) Adulterated or caused to be adulterated milk or dairy
23 products.

24 (h) Knowingly possessed, sold, offered for sale, or pur-
25 chased any milk or cream dairy product for use in a human food
26 product that has been condemned under this act.

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1 (i) Failed to provide the required number of milk quality
2 sample results as established by the department.

3 (j) Failed to correct violations of this act noted on
4 inspection reports after being given written instructions to cor-
5 rect the violations in a reasonable length of time.

6 (k) Failed to pay a final civil or administrative fine
7 issued under this act.

8 (l) Violated this act or a rule promulgated under this act.

9 (4) A person whose license or permit has been suspended,
10 revoked, or denied shall immediately discontinue operation of the
11 business or activity for which the license or permit was issued.

12 (5) A person whose license or permit has been suspended or
13 revoked is not eligible for reinstatement of the license or
14 permit until the director determines that all violations have
15 been corrected.

16 Sec. 114. (1) The director may summarily suspend a license
17 or permit issued under this act upon determining that the
18 licensee or permittee had done 1 or more of the following:

19 (a) Offered for sale or sold milk or dairy products from
20 diseased animals, or otherwise considered abnormal, that has been
21 incorporated with milk or dairy products from normal healthy
22 animals.

23 (b) Offered for sale or sold milk or dairy products sus-
24 pected of contamination with any substance considered by the
25 department to be an imminent or substantial health hazard.

26 (c) Offered for sale or sold milk or dairy products from
27 production, transportation, packaging, or storage facilities that

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1 have such an accumulation of trash, rubbish, dirt, insects,
2 vermin, human or animal wastes, or spoiled milk or dairy products
3 that precludes the reasonable protection of the milk or dairy
4 products from contamination.

5 (d) Offered for sale or sold milk or dairy products produced
6 in equipment with a significant portion of the milk contact sur-
7 faces covered with an accumulation of residues that were left
8 after having gone through a cleaning regimen and that are thick
9 enough that they may be easily scraped to form a body of solids.

10 (e) Offered for sale or sold milk or dairy products stored
11 in a container of unapproved construction.

12 (f) Received or picked up milk or dairy products stored in a
13 container of unapproved construction.

14 (g) Offered for sale or sold milk or dairy products produced
15 from dairy animals with a majority of the milking herd with an
16 excessive accumulation of manure on the flanks, bellies, or
17 udders that precludes the reasonable protection of the milk from
18 contamination during the milking process.

19 (h) Offered for sale or sold milk or dairy products that was
20 of inadequate volume to properly agitate after the first
21 milking.

22 (i) Offered for sale or sold milk or dairy products produced
23 with excessive sediment.

24 (j) Interfered with inspection conducted by the department.

25 (k) Maintained dead animals on the premises in a manner
26 inconsistent with 1982 PA 239, MCL 287.651 to 287.683.

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1 (l) Maintained a minimum of 3 of the last 5 official
2 bacteria counts illegal.

3 (m) Maintained a minimum of 3 of the last 5 official somatic
4 cell counts illegal.

5 (n) Maintained a minimum of 3 of the last 5 official milk or
6 dairy product cooling temperatures illegal.

7 (o) Failed to provide milk or dairy products free of viola-
8 tive drug residues based on tests approved by the United States
9 food and drug administration.

10 (p) Any other condition that creates an imminent or substan-
11 tial threat to the public health, safety, or welfare.

12 (2) If the director summarily suspends a license or permit
13 under subsection (1), the licensee or permittee shall be allowed
14 a minimum of 72 hours to demonstrate compliance and obtain rein-
15 statement of the license or permit before scheduling an adminis-
16 trative hearing.

17 (3) If the department has provided notice to a licensee or
18 permittee as required by the administrative procedures act of
19 1969, 1969 PA 306, MCL 24.201 to 24.328, and subsequently deter-
20 mines that summary suspension of the license or permit is neces-
21 sary to prevent an imminent threat of financial loss to 1 or more
22 producers with whom the licensee or permittee does business, the
23 director may summarily suspend the license or permit. The direc-
24 tor shall incorporate the determination in his or her order of
25 summary suspension. The summary suspension may be ordered effec-
26 tive on the date specified in the order or the date of service
27 upon the licensee, whichever is later, and is effective during

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1 the proceedings unless rescinded or otherwise modified. The
2 department shall promptly commence and determine the
3 proceedings.

4 Sec. 115. (1) A person purchasing milk for resale or manu-
5 facture into another product shall pay the producer in a manner
6 and on dates set by the United States department of agriculture
7 milk market administrator or as mutually agreed to by the produc-
8 ers, the dairy plant, and the department. The department shall
9 revoke or deny a license issued under this act for a violation of
10 this subsection.

11 (2) A dairy plant that produces manufactured dairy products
12 shall not issue a check to the producer unless the name of the
13 person issuing the check is noted on the check.

14 Sec. 116. The department shall revoke or deny a license for
15 a dairy plant that produces manufactured dairy products if the
16 licensee or applicant fails to provide 1 of the security devices
17 required as a condition to issuance and maintenance of a
18 license. As a condition to issuance and maintenance of a
19 license, a dairy plant that produces manufactured dairy products
20 shall provide 1 or more of the security devices described in
21 section 117, 118, or 119. Milk plants that receive milk only
22 from dairy farms under the same ownership as the milk plant are
23 exempt from the requirements of this section.

24 Sec. 117. (1) A licensee or applicant for a license as a
25 dairy plant not providing a security device under section 118 or
26 119 shall provide an audited fiscal year end financial statement
27 prepared by a certified public accountant according to generally

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1 accepted accounting principles and a quarterly verified financial
2 statement that verifies the licensee's ability to meet the ratio
3 of 1.20:1 for minimum liquidity requirements of current assets to
4 current liabilities.

5 (2) The audited financial statement, to be filed by the
6 licensee not later than 120 days after the close of the
7 licensee's fiscal year end, shall contain a balance sheet, income
8 statement, equity statement, statement of cash flow, notes to the
9 statements, and any other information required by the
10 department. The department may extend the date for filing the
11 audited financial statement by up to 30 days only upon the writ-
12 ten request of the dairy plant or the dairy plant's accountant
13 preparing the statement if the request is made not less than
14 10 days before the deadline for the filing of the statement. The
15 request shall state the reason for the delay.

16 (3) The quarterly verified financial statement shall be
17 filed within 60 days after the end of the fiscal quarter to which
18 the statement pertains. The quarterly verified financial state-
19 ment shall include, but not be limited to, a balance sheet,
20 income statement, and any other information required by the
21 department. The department may require a dairy plant that
22 produces manufactured dairy products to file a supplementary or
23 interim financial statement or provide additional information at
24 any time pertaining to the financial statements filed under this
25 subsection or to specific information requests made by the
26 department. In determining whether the dairy plant has met the
27 minimum liquidity requirement described in this subsection in an

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1 audited financial statement or verified financial statement, the
2 department shall exclude all intangible assets and assets the
3 department determines to be of doubtful value and may also
4 exclude nontrade notes; accounts receivable from officers, direc-
5 tors, employees, partners, or stockholders or from members of
6 their families; and notes and accounts receivable from parent
7 organizations, subsidiaries, or affiliates if the department
8 determines them to be of doubtful value.

9 (4) An applicant for a license that has not been in the
10 business of receiving milk during the preceding 12 months shall
11 only provide a security device other than an audited financial
12 statement for at least the initial 12 months of licensed
13 operation. At the end of the initial 12-month period, the
14 department may allow the dairy plant to utilize an audited finan-
15 cial statement as a security device if the statement meets mini-
16 mum liquidity requirements of this subsection and if the dairy
17 plant is otherwise in compliance with this act.

18 Sec. 118. (1) A licensee or applicant for a license as a
19 dairy plant not providing a security device under section 117 or
20 119 shall provide any of the following forms of security, in a
21 form and subject to terms and conditions considered necessary by
22 the department, for the benefit of producers who may be damaged
23 by a default in payment, the value of which shall be in an amount
24 determined by the department to be the greater of the value of
25 the greatest milk receipts that the dairy plant has received
26 within a consecutive 30-day period during that dairy plant's most
27 recent fiscal year or the value of the greatest milk receipts

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1 that the dairy plant is anticipated to receive during a
2 consecutive 30-day period within the licensing period:

3 (a) A commercial surety bond made payable to the department
4 on a form provided by or acceptable to the department and subject
5 to cancellation only after written notice to the department at
6 least 90 days before cancellation. The commercial surety bond
7 shall be issued by a surety company authorized to do business in
8 this state and conditioned upon the faithful and proper discharge
9 of the duty to pay a producer, when payment is due as provided
10 for in section 115, for milk received by the dairy plant.

11 (b) A certificate of deposit or money market certificate
12 that is issued or endorsed to the department and that cannot be
13 canceled or redeemed, or from which funds cannot be transferred
14 or withdrawn, without the written authorization of the
15 department. The certificate shall be from a financial institu-
16 tion authorized to do business in this state whose deposits are
17 federally insured.

18 (c) Stocks, bonds, or securities acceptable to the depart-
19 ment that are issued or endorsed to the department and readily
20 convertible to cash by the department and subject to redemption
21 or sale only upon written permission of the department.

22 (d) An irrevocable letter of credit filed as security on a
23 form provided by or acceptable to the department with the depart-
24 ment and made payable to the department issued by a financial
25 institution acceptable to the department and licensed to do busi-
26 ness in this state. The letter of credit shall provide for
27 automatic renewal unless, at least 90 days before the scheduled

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1 renewal date, the issuing financial institution gives written
2 notice received by the department that the letter of credit is
3 not to be renewed. The irrevocable letter of credit shall pro-
4 vide that in the event the financial institution gives timely
5 notice of nonrenewal as set forth above, the department is per-
6 mitted to draw on the letter of credit to cover any potential
7 losses, whether known or unknown at the time of the draw, that
8 have been or may be incurred on behalf of the producers. The
9 money drawn from the letter of credit shall be held in an
10 interest-bearing account by the department. Money in the account
11 in excess of the total dollar amount of the approved claims after
12 an adequate time period to discover and approve or disapprove
13 claims shall be repaid to the bank. The excess money is to be
14 paid to the milk plant if the bank has provided the department
15 with a waiver of payment to the bank and has authorized payment
16 to the dairy plant on a form approved by the department.

17 (e) Life insurance policies acceptable to the department
18 that are issued or endorsed to the department that prohibit the
19 insurer from making any payment to the policy beneficiaries
20 unless the insurer first pays the equivalent of the cash surren-
21 der value to the department and provides that the cash surrender
22 value is paid to the department upon cancellation or surrender of
23 the policy.

24 (f) Other security acceptable to the department.

25 (2) The department may request information from the office
26 of financial and insurance services of the department of consumer
27 and industry services regarding the financial viability of the

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1 financial or insurance institution issuing any security device
2 described in subsection (1).

3 Sec. 119. A licensee or applicant for licensure as a dairy
4 plant not providing a security device under section 117 or 118
5 shall provide an agreement in which the dairy plant prepays for
6 its milk supply by means of cash payments before or at the time
7 of delivery of dairy products.

8 Sec. 120. (1) A dairy plant that produces manufactured
9 dairy products shall not cancel or modify a security device
10 unless written notice is given to the department by the dairy
11 plant at least 90 days before the date of cancellation or modifi-
12 cation and approval is given by the department for the cancella-
13 tion or modification. The dairy plant shall send the notice of
14 cancellation or modification to the department by certified
15 mail.

16 (2) A dairy plant that produces manufactured dairy products
17 shall notify the department at least 30 days before receiving
18 dairy products that will increase the amount due and accrued from
19 the dairy plant to an amount greater than the amount represented
20 as a basis for the issuance of the license.

21 (3) Sections 116 to 121 and 123 do not apply to the sale of
22 dairy products or manufactured dairy products in interstate com-
23 merce to an out-of-state purchaser not licensed under this act.
24 The protection provided by these sections is available to a
25 producer in another state selling dairy products to a licensee in
26 this state.

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1 (4) Except as otherwise provided for in subsection (5),
2 financial and product information filed by a dairy plant that
3 produces manufactured dairy products is not subject to disclosure
4 under the freedom of information act, 1976 PA 442, MCL 15.231 to
5 15.246.

6 (5) Upon receipt of a written request, the department shall
7 provide a producer a copy of the most recent audited financial
8 statement of the dairy plant that produces the dairy products of
9 that producer.

10 (6) A producer may file a written complaint with the depart-
11 ment requesting an independent audit regarding the ability of a
12 dairy plant that files an audited financial statement as a secur-
13 ity device and that produces the dairy products of the producer
14 to meet the minimum liquidity requirement described in
15 section 117. The complaint shall be accompanied by a certified
16 check in the amount of \$100.00 and a signed document guaranteeing
17 full payment for the audit if required under subsection (7).
18 Upon receipt of the complaint and check, the department shall
19 notify the dairy plant and advise the dairy plant of the choice
20 of either having an independent audit conducted or of voluntarily
21 modifying the security device to either of the alternatives pro-
22 vided for in section 118 or 119.

23 (7) A dairy plant that requests an independent audit under
24 subsection (6) shall bear the cost of that audit if the depart-
25 ment determines that the independent audit establishes the dairy
26 plant's inability to meet the minimum liquidity requirement
27 described in section 117. The complainant shall bear the cost of

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1 the audit if the department determines that the audit establishes
2 that the dairy plant meets the minimum liquidity requirement
3 described in section 117.

4 (8) If the dairy plant fails to meet the minimum liquidity
5 requirement described in section 117, the department shall return
6 to the complainant the fee described in subsection (6) and sus-
7 pend or revoke the dairy plant's license in the manner provided
8 for in section 113. The department may reinstate a suspended
9 license or reissue a revoked license if the dairy plant provides
10 the department with a security device described in section 118 or
11 119. If the department determines that the dairy plant meets the
12 minimum liquidity requirement described in section 117, the
13 \$100.00 fee shall be forfeited to the dairy plant.

14 Sec. 121. (1) A dairy plant that produces manufactured
15 dairy products may request a change in its security device at any
16 time. The department shall allow the change in the dairy plant's
17 security device if all requirements for the new security device
18 have been met and all producers doing business with the licensee
19 have been notified by the department.

20 (2) The department may require a dairy plant to provide a
21 change or increase in a security device if the department has
22 reason to believe, after reviewing relevant financial informa-
23 tion, that 1 or more of the following circumstances exist:

24 (a) The dairy plant no longer meets the minimum liquidity
25 requirement of this act.

26 (b) The dairy plant can no longer make payments in the
27 manner provided for in section 115(1).

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1 (c) The value of the dairy plant's security device falls
2 below the requirements due to depreciation in the value of the
3 security, an increase in the maximum liability to producers, or
4 the cancellation or change of the security device as specified in
5 this act.

6 (3) The department shall send written notice by certified
7 mail to the dairy plant stating the reasons for the demand for
8 change or increase in a security device and setting the date for
9 providing the changed or increased security device.

10 (4) The department shall notify all producers shipping dairy
11 products to a dairy plant that produces manufactured dairy pro-
12 ducts of the decision to require the dairy plant to modify or
13 change a security device. The notice required under this subsec-
14 tion shall be provided within 5 days after the department's issu-
15 ance of the order to require another security device.

16 Sec. 122. (1) A person injured by the breach of an obliga-
17 tion secured by a security device described in section 117, 118,
18 or 119, including a producer and a person representing a commod-
19 ity check-off program, may file with the department a verified
20 proof of claim or other evidence of default. Upon receipt of a
21 verified proof of claim or other evidence of default, the depart-
22 ment may issue an order requiring each interested creditor, as
23 may be known to the department, to file a verified proof of claim
24 before a certain date or be barred from participating in any
25 recovery made by the department.

26 (2) The department shall provide notice of the entry of an
27 order issued under subsection (1) by posting a copy of the order

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1 on the premises described in the license and by publication in
2 accordance with the Michigan court rules that govern service of
3 process by publication. Publication shall be completed at least
4 30 days before the final date for the filing of claims.

5 (3) The department shall make the necessary audit and issue
6 an order allowing or disallowing each claim presented. Within
7 30 days of that order, the department shall send to the principal
8 and surety, by certified mail, notice of allowance or disallow-
9 ance and request for the payment. The department shall demand
10 and may collect and receive from the licensee, or from the surety
11 or sureties of the licensee the amount determined to be necessary
12 to satisfy the claims with interest at the judgment rate computed
13 from the date of loss. The department may request that the
14 department of attorney general commence an action for that pur-
15 pose in a court of competent jurisdiction. If the attorney gen-
16 eral prevails in whole or in part, the court shall award interest
17 from the date of loss at the judgment rate. Upon receipt of
18 money paid in partial or complete satisfaction of a claim as pro-
19 vided in this section, the department shall distribute to the
20 claimant in accordance with the order allowing the claim, in full
21 or proportionally.

22 (4) This section does not affect or impair any other lien,
23 security, or priority for the claim or judgment.

24 Sec. 123. The department shall notify producers delivering
25 dairy products to a licensed dairy plant that produces manufac-
26 tured dairy products of the type of security device used for the
27 benefit of producers and shall notify producers any time a

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1 license is issued, renewed, or modified. The notice sent by the
2 department shall substantially conform to the following:
3 "Michigan law requires dairy plant licensees to demonstrate a
4 reasonable degree of financial responsibility to the Michigan
5 department of agriculture. This act is designed to provide rea-
6 sonable assurance that producers will be paid for their milk;
7 however, it does not guarantee that producers will be paid. Each
8 producer has some responsibility for determining the
9 credit-worthiness of the dairy plant to which the producer is
10 selling milk. A dairy plant licensee may qualify for a license
11 by doing 1 of the following:

12 (a) Filing financial statements audited by a certified
13 public accountant with the department demonstrating that
14 the dairy plant meets the minimum liquidity requirement.

15 (b) Filing security with the department in an amount
16 determined by the department to be the greater of the
17 following:

18 (1) The value of the greatest milk receipts that the
19 dairy plant received within a consecutive 30-day period
20 during that dairy plant's most recent fiscal year.

21 (2) The greatest milk receipts that the dairy plant is
22 anticipated to receive during a 30-day period within
23 the licensing period.

24 (c) _____, (Name of dairy plant licensee)
25 is currently licensed on the basis of its audited finan-
26 cial statement meeting the minimum liquidity requirement
27 of a current ratio of at least 1.20 to 1 current assets to

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1 current liabilities. The licensee's most recent year-end
2 financial statement audited by the firm of
3 _____ (auditor's name) meets the following
4 minimum liquidity requirement,
5 (or)

6 _____ (name of dairy plant licensee) has
7 filed security with the department to secure payment to
8 producers. The maximum amount of security is the amount
9 determined to be the greater of the following:

10 (1) The value of the greatest milk receipts that the
11 dairy plant received within a consecutive 30-day period
12 during that dairy plant's most recent fiscal year.

13 (2) The greatest milk receipts that the dairy plant is
14 anticipated to receive within a 30-day period within
15 the licensing period, whichever is greater.

16 The security filed is in the following form or forms and
17 in the amount of: _____

18 _____
19 _____".

20 Sec. 124. A person, alone or through an agent, as the agent
21 of any other person, or as the officer or agent of any firm or
22 corporation, who does any of the following is guilty of a misde-
23 meanor punishable by a fine of not less than \$250.00 and not more
24 than \$2,500.00 or imprisonment for not more than 90 days, or
25 both:

26 (a) Violates this act or a rule promulgated under this act.

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1 (b) Provides false or fraudulent information on an
2 application or in response to a request from the director.

3 Sec. 125. (1) The director shall impose upon a producer who
4 violates this act by selling or offering for sale milk which has
5 been found positive for violative drug residues on a test per-
6 formed pursuant to sections 131 and 132 the following sanctions
7 and administrative fines and provide notice and the opportunity
8 for an administrative hearing:

9 (a) The following in the case of a first violative drug res-
10 idue within a 12-month period:

11 (i) The producer's milk shall not be offered for sale until
12 a subsequent sample of the producer's milk tests negative for
13 violative drug residues at an approved laboratory.

14 (ii) The producer shall pay an administrative fine equal to
15 the lost value of the milk on the entire contaminated load and
16 any costs associated with the disposition of that load. The
17 administrative fine shall be paid directly to the milk buyer.
18 The department shall be provided with written notification of the
19 payment. Written notification shall also be provided to the
20 department of the date and location of the disposal of the entire
21 contaminated load. Where a producer markets their own load of
22 milk, the producer shall provide written notification to the
23 department of the date and location of the disposal of the entire
24 contaminated load. If the producer's violative shipment did not
25 cause partial or total loss of a load of milk as determined by an
26 approved drug residue test, the producer shall pay an
27 administrative fine of \$50.00 to the department. The milk buyer

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1 may pay the administrative fine, if a like amount has been
2 deducted from the producer's milk check.

3 (b) The following in the case of a second violative drug
4 residue within a 12-month period:

5 (i) The producer's milk shall not be offered for sale until
6 a subsequent sample of the producer's milk tests negative for
7 violative drug residues at an approved laboratory.

8 (ii) The producer shall pay an administrative fine equal to
9 the lost value of the milk on the entire contaminated load and
10 any costs associated with the disposition of that load. The
11 administrative fine shall be paid directly to the milk buyer.
12 The department shall be provided with written notification of the
13 payment. Written notification shall also be provided to the
14 department of the date and location of the disposal of the entire
15 contaminated load. Where a producer markets their own load of
16 milk, the producer shall provide written notification to the
17 department of the date and location of the disposal of the entire
18 contaminated load. If the producer's violative shipment did not
19 cause partial or total loss of a load of milk as determined by an
20 approved drug residue test, the producer shall pay an administra-
21 tive fine of \$200.00 to the department. The milk buyer may pay
22 the administrative fine, if a like amount has been deducted from
23 the producer's milk check.

24 (iii) The producer will be required to test all milk prior
25 to shipment with a drug residue test acceptable to the director
26 for a minimum of 12 months and must retain records of these tests
27 for a minimum of 18 months.

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1 (iv) The producer will be required to maintain complete drug
2 treatment records for all lactating or near lactating dairy ani-
3 mals for a minimum of 12 months and must retain records of these
4 treatments for a minimum of 18 months.

5 (c) The following in the case of a third or any additional
6 violative drug residue within a 12-month period:

7 (i) The producer's milk shall not be offered for sale until
8 a subsequent sample of the producer's milk tests negative for
9 violative drug residues at an approved laboratory.

10 (ii) The producer shall pay an administrative fine equal to
11 the lost value of the milk on the entire contaminated load and
12 any costs associated with the disposition of that load. The
13 administrative fine shall be paid directly to the milk buyer.
14 The department shall be provided with written notification of the
15 payment. Written notification shall also be provided to the
16 department of the date and location of the disposal of the entire
17 contaminated load. Where a producer markets its own load of
18 milk, the producer shall provide written notification to the
19 department of the date and location of the disposal of the entire
20 contaminated load. If the producer's violative shipment did not
21 cause partial or total loss of a load of milk as determined by an
22 approved drug residue test, the producer shall pay an administra-
23 tive fine of \$500.00 to the department. The milk buyer may pay
24 the administrative fine, if a like amount has been deducted from
25 the producer's milk check.

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1 (iii) The suspension of the producer's permit for a period
2 not to exceed 60 days after notice and the opportunity for an
3 administrative hearing before the department.

4 (iv) The producer will be required to test all milk prior to
5 shipment with a drug residue test acceptable to the director for
6 a minimum of 12 months and must retain records of these tests for
7 a minimum of 18 months.

8 (v) The producer will be required to maintain complete drug
9 treatment records for all lactating or near lactating dairy ani-
10 mals for a minimum of 12 months and must retain records of these
11 treatments for a minimum of 18 months.

12 (2) The director may accept verification, on forms accept-
13 able to the director, from the violative producer's milk market-
14 ing cooperative or purchaser of milk as satisfying the penalty
15 requirements and may verify the information.

16 (3) The disposal method and location of disposal for viola-
17 tive drug residue milk on the milk tank truck shall be immedi-
18 ately reported to the director, by the party making the disposal,
19 on forms provided by and acceptable to the director.

20 (4) The director shall investigate the cause of the viola-
21 tive drug residue and shall discuss drug residue avoidance control
22 measures with the violative producer.

23 (5) Selling or offering for sale milk which has been found
24 violative for drug residues is determined by either of the fol-
25 lowing criteria:

26 (a) When milk is picked up from a milk producer by a milk
27 tank truck and not commingled with milk from other producers, the

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1 milk becomes subject to possible drug residue penalties at the
2 point the milk tank truck leaves the farm with the milk.

3 (b) When milk is picked up from a milk producer by a milk
4 tank truck and commingled with milk from other producers, it
5 becomes subject to possible drug residue penalties at the point
6 of commingling.

7 (6) Section 124 applies to a producer who violates this act
8 by selling or offering for sale milk which tests positive for
9 violative drug residues on a test performed pursuant to
10 sections 131 and 132 only under the following circumstances:

11 (a) The producer fails to pay the administrative fine
12 required by subsection (1) in compliance with subsections (8) and
13 (9).

14 (b) The producer has been fined under subsection (1) within
15 the preceding 12-month period 3 or more times.

16 (7) After notice and an opportunity for an administrative
17 hearing pursuant to the administrative procedures act of 1969,
18 1969 PA 306, MCL 24.201 to 24.328, the director may revoke or
19 suspend a license or permit issued under this act for any viola-
20 tion of this act or a rule promulgated under this act. Except as
21 otherwise provided for under subsection (1), upon finding that a
22 person violated a provision of this act or rule promulgated under
23 this act, the director may impose an administrative fine of not
24 more than \$1,000.00 and the actual costs of the investigation of
25 the violation.

26 (8) The administrative fines imposed under subsection (1) or
27 (7) shall be paid to the department within 10 days after

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1 notification of the violation or within 10 days after
2 notification of adverse findings following a hearing or appeal,
3 or both. The administrative fines received by the department
4 under subsection (1) shall be deposited in the general fund and
5 shall be appropriated for the purpose of the training or educa-
6 tion of producers in management procedures to avoid drug residue
7 contamination, and administrative fines received pursuant to
8 subsection (7) shall be deposited in the general fund.

9 (9) Failure to pay a load contamination or any other admin-
10 istrative fine imposed under this section within 120 days without
11 making acceptable arrangements for payment of the fine may result
12 in license revocation or permit suspension or court action, fol-
13 lowing notice and the opportunity for an administrative hearing.

14 (10) The director shall advise the attorney general of the
15 failure of any person to pay an administrative fine imposed under
16 this section. The attorney general shall bring an action in
17 court of competent jurisdiction to recover the fine.

18 (11) A decision of the director under this section is
19 subject to judicial review as provided by law.

20 (12) This section does not require the director to issue an
21 administrative fine or initiate court action for minor violations
22 of this act whenever the department believes that the public
23 interest will be adequately served under the circumstances by a
24 suitable written notice or warning.

25 Sec. 126. In addition to the remedies otherwise provided in
26 this act, the department may apply to circuit court to grant a
27 temporary or permanent injunction restraining any person from

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1 violating this act or any rule promulgated pursuant to this act,
2 irrespective of whether there exists an adequate remedy at law.

3 ARTICLE 13

4 Sec. 130. (1) A person who offers milk to the public for
5 human consumption shall obtain that milk from cows, sheep, or
6 goats that are located in areas under federal or state supervi-
7 sion for the eradication of tuberculosis and brucellosis and
8 comply with those requirements for eradication of tuberculosis
9 and brucellosis. Each animal that produces milk for human con-
10 sumption shall be properly maintained and fed in a manner consis-
11 tent with department recommendations for the maintenance of ani-
12 mals of that kind. Any dairy animals that are officially classi-
13 fied as tuberculosis reactors as defined in the animal industry
14 act, 1988 PA 466, MCL 287.701 to 287.745, shall be milked last or
15 in separate equipment and the milk from these dairy animals shall
16 not be used or sold for human or animal consumption.

17 (2) A person shall not sell or offer for human consumption
18 milk that is known to the person to be any of the following:

19 (a) Infected with mastitis or showing signs of being bloody,
20 ropy, or clumpy.

21 (b) Carrying a violative drug residue in an amount that
22 exceeds the maximum permitted under state or federal law.

23 (c) Containing a pesticide or other chemical in excess of
24 the maximum amount permitted under state or federal law.

25 (d) Not normal and fresh in odor or appearance or containing
26 excessive coarse sediment when examined organoleptically,
27 visually, or by an accepted test procedure.

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1 (e) Containing excessive sediment as determined by sediment
2 test methods provided in standard methods for the examination of
3 dairy products and classified to USDA sediment standards as more
4 than a no. 3.

5 (f) Exceeds legal temperature, bacterial, or somatic cell
6 limits.

7 (3) A person in possession of milk described in
8 subsection (2) shall dispose of that milk in the manner directed
9 by the department.

10 (4) A milking barn or milking parlor shall be all of the
11 following:

12 (a) Well-lighted and ventilated.

13 (b) Of a size and arrangement adequate to provide for sani-
14 tary milking operations.

15 (c) Constructed with floors and gutters of concrete or other
16 impervious material.

17 (d) Kept clean, with manure removed daily and stored out of
18 reach of the animals that are subject to milking.

19 (e) Kept free of swine or fowl at all times.

20 (f) Constructed with a dust-tight ceiling.

21 (5) The yard and loafing area for dairy animals shall be all
22 of the following:

23 (a) Of ample size to prevent overcrowding.

24 (b) Drained to prevent the formation of standing pools.

25 (c) Kept as clean as is practicably possible.

26 (6) A person who obtains milk from a dairy animal shall do
27 all of the following:

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1 (a) Ensure that the udders and flanks of the animal are kept
2 clean.

3 (b) Wash and wipe the udders and teats of the animal immedi-
4 ately before milking with a clean cloth or paper towel that is
5 treated with an approved sanitizing solution and dried with a
6 clean cloth or paper towel after washing, or use any other method
7 approved by the department.

8 (c) Wear clean outer clothing.

9 (d) Maintain clean and dry hands during milking.

10 (e) Refrain from handling the animal, milk containers, milk-
11 ing utensils, and equipment at any time the person has an
12 infected cut or open sore on either of his or her hands or arms.

13 (f) Milk last or with separate equipment those animals that
14 secrete abnormal milk and exclude that abnormal milk from the
15 milk that will be offered for human consumption.

16 (g) Maintain and properly store milk stools, surcingles, and
17 antikickers.

18 (h) Refrain from conducting an activity that raises dust in
19 the milking area immediately before or during milking.

20 (i) Store feed and concentrates in a tightly covered
21 container.

22 (j) Except for milk that is delivered to a processing plant
23 within 2 hours after the milking, cool and store milk that is
24 contained in cans and that will be used exclusively for cheese
25 manufacturing at 60 degrees Fahrenheit (16 degrees Celsius) or
26 lower at the farm within 2 hours after the milking.

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1 (k) Cool milk that is stored in a dairy farm bulk tank to
2 50 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less
3 of the commencement of the first milking, and to 45 degrees
4 Fahrenheit (7 degrees Celsius) or less within 2 hours after milk-
5 ing, provided that the blend temperature after the first milking
6 and subsequent milkings does not exceed 50 degrees Fahrenheit
7 (10 degrees Celsius).

8 (7) A milkhouse or milkroom shall be all of the following:

9 (a) Well-lighted and ventilated. Lighting in the milkhouse
10 shall be adequate for milkhouse operations. A minimum of 1 light
11 for the wash vat and a light for each bulk tank opening shall be
12 provided. Nonelectric farms shall have the minimum of 1
13 battery-operated light for each bulk tank opening. Lights shall
14 not be positioned directly over bulk tank openings. Fuels used
15 for milkhouse operations shall not cause odors that may impart
16 off-flavors to the milk.

17 (b) Located in convenient proximity to a milking barn or
18 milking parlor.

19 (c) Constructed in accordance with applicable building
20 codes, with each of the following:

21 (i) A floor of concrete or other impervious material, graded
22 to provide appropriate drainage.

23 (ii) Walls and ceiling of a smooth, readily cleanable
24 material.

25 (iii) A platform or slab constructed of concrete or other
26 impervious material at the exterior of the milkhouse or milkroom,
27 centered beneath a suitable opening, fitted with a tight,

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1 self-closing door, located on the exterior wall for milkhouse or
2 milkroom connections to bulk milk tanks. The platform or slab
3 shall be a minimum of 4 feet by 4 feet to provide sufficient room
4 and clean surface for the milk hauler to stand and handle the
5 milk transfer hose.

6 (iv) A truck approach to the milkhouse or milkroom, properly
7 graded and surfaced to prevent mud or pooling of water at the
8 milk loading point.

9 (d) Equipped with a wash and rinse vat, utensil rack, and
10 milk cooling facilities, for the handling and cooling of milk,
11 and for the washing, handling, and storage of milking utensils
12 and equipment.

13 (e) Free of any product that the department determines is
14 likely to contaminate milk or create a public health hazard.

15 (f) Equipped with a supply of hot water adequate for clean-
16 ing milk utensils and equipment.

17 (g) Designed without a direct opening, and with a solid,
18 tight-fitting, self-closing door, at any entrance to a barn,
19 stable, or milking parlor.

20 (h) Designed with screens at all outside openings, unless
21 another means is provided to prevent the entrance of insects or
22 rodents into the milkhouse or milkroom. Screen doors shall be
23 tight-fitting and self-closing and open outward. Toilet facili-
24 ties located adjacent to the milkhouse or milking facilities
25 shall have self-closing doors and all outside openings shall be
26 screened.

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1 (i) Plans for new facilities, remodeled facilities, or new
2 equipment installations must be submitted to the department for
3 prior approval.

4 (8) A dairy farm bulk tank shall be located in a milkhouse
5 or milkroom in a manner that allows access to all areas of the
6 tank for cleaning and servicing. A dairy farm bulk tank shall
7 not be placed over a floor drain or under a ventilator or unpro-
8 tected light fixture. A dairy farm shall ensure that each new
9 farm bulk tank meets sanitary standards and is installed in
10 accordance with department specifications.

11 (9) The owner or operator of a milkhouse or milkroom shall
12 ensure all of the following:

13 (a) That the milkhouse or milkroom is clean and free of con-
14 taminants, animals, and fowl.

15 (b) That an unapproved pesticide is not stored in the
16 milkhouse or milkroom.

17 (c) That any pesticide used in or near the milkhouse or
18 milkroom is used in accordance with label instructions to prevent
19 the contamination of milk or equipment.

20 (d) That each utensil, milk can, milking machine, pipeline
21 system associated with a milking machine, and other equipment
22 used in the handling of milk is maintained in good condition,
23 free from rust, open seams, milkstone, and any unsanitary
24 condition.

25 (e) That each utensil and item of equipment used in the han-
26 dling of milk is of a smooth, noncorrosive material, washed,
27 rinsed, and drained after each milking, stored in an appropriate

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1 manner, and sanitized immediately before use, by using dairy
2 cleaners, detergents, sanitizing agents, or other similar materi-
3 als labeled for dairy or food service use that will not contami-
4 nate or adversely affect the milk.

5 (f) That each dairy farm tank used on the premises is con-
6 structed of a material or materials approved by the department
7 and installed in accordance with subsection (11).

8 (g) That each item that is designed for a single use is
9 properly stored and is not reused.

10 (h) That the dairy farm water supply complies with the safe
11 drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, or, if
12 the water supply is not new or reconstructed after April 1, 1994,
13 the water supply is annually tested by a laboratory approved by
14 the department and found to be of safe and satisfactory quality
15 and in compliance with guidelines established by the department
16 of community health.

17 (i) That waste products are disposed of in a manner that
18 will not pollute the soil surface, contaminate a feed, milk, or
19 water supply, or be exposed to insects.

20 (10) A producer who ships milk in cans shall do each of the
21 following:

22 (a) Ensure that each milk can used in transporting milk from
23 dairy farm to plant is seamless with an umbrella lid for easy
24 cleaning.

25 (b) Inspect, repair, and replace milk cans as necessary to
26 prevent the use of cans and lids with open seams, cracks, rust,
27 milkstone, or any unsanitary condition.

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1 (11) A producer who ships milk from a farm bulk tank shall
2 comply with the following:

3 (a) A farm tank on a dairy farm shall be installed so as to
4 remain level at all times.

5 (b) A farm tank shall have an accurate indicating thermome-
6 ter stored in the milkhouse which may be either an integral ther-
7 mometer in the farm tank or an approved thermometer acceptable to
8 the director.

9 (c) A farm tank shall have a calibrated means of measurement
10 and an accurate and legible volume to weight conversion chart,
11 unless the farm tank is mounted on an accurate scale. All mea-
12 suring devices must be in compliance with the weights and mea-
13 sures act of 1964, 1964 PA 283, MCL 290.601 to 290.634.

14 (d) A conversion chart shall bear the same serial number as
15 that found on the farm tank and measuring rod.

16 (e) The producer is responsible for recalibrating a farm
17 tank that does not have an accurate conversion chart. A recal-
18 bration must be in compliance with the weights and measures act
19 of 1964, 1964 PA 283, MCL 290.601 to 290.634. A person shall not
20 adjust, alter, or change a conversion chart unless the change,
21 alteration, or adjustment is made strictly according to the
22 requirements of the weights and measures act of 1964, 1964
23 PA 283, MCL 290.601 to 290.634.

24 (f) A farm tank shall not be filled to a capacity that
25 exceeds the calibrated limits as indicated by the conversion
26 chart. If the producer wishes to fill the tank nearer to the

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1 top, the tank shall be calibrated to an additional height, which
2 still permits proper agitation without spillage.

3 (g) Milk to be offered for sale shall be cooled and stored
4 in the farm tank equipped with cooling and agitation. Other
5 cooling and storage facilities may be used when approved in writ-
6 ing by the director on a case-by-case basis.

7 (h) Milk production shall be of sufficient quantity so that
8 it can be properly agitated not later than at the completion of
9 the first milking into the farm tank.

10 (i) Facilities for effectively sanitizing farm tanks shall
11 be provided by the producer.

12 Sec. 131. (1) The department shall issue a license or
13 permit to haul cans of milk to the owner or operator of a truck
14 or vehicle used for hire to transport milk in cans from the farm
15 to the dairy plant.

16 (2) The owner of all trucks used to transport milk in cans
17 shall ensure that vehicles used comply with each of the
18 following:

19 (a) Each vehicle is enclosed, constructed, and operated to
20 protect the product from extreme temperature, dust, or other
21 adverse conditions and is kept clean.

22 (b) If more than 1 tier of cans is carried, the vehicle con-
23 tains decking boards or racks.

24 (c) Each vehicle contains cans that are used solely for the
25 transportation of milk from the farm to the plant and for no
26 other purpose.

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1 (3) A licensed bulk milk hauler/sampler shall collect
2 samples of milk from each load of milk he or she receives for
3 transport pursuant to the grade A milk law of 2001. A milk tank
4 truck driver engaged in direct farm pickup has direct responsi-
5 bility for accompanying official samples.

6 (4) A licensed bulk milk hauler/sampler or milk transporta-
7 tion company shall do each of the following:

8 (a) Ensure that the exterior shell of each bulk milk pickup
9 tanker is clean and free from open seams or cracks.

10 (b) Ensure that the interior shell of each bulk milk pickup
11 tanker is stainless steel and constructed to prevent buckling,
12 sagging, or incomplete drainage.

13 (c) Ensure that all product contact surfaces are smooth,
14 easily cleaned, and maintained in good repair.

15 (d) Fully enclose the pump and hose cabinet with
16 tight-fitting doors and provide inlet and outlet dust covers to
17 give adequate protection from road dust.

18 (e) Ensure that each new and replacement bulk milk pickup
19 tanker complies with sanitary standards. Each licensed or per-
20 mitted milk tank truck shall be used solely for the transporta-
21 tion of milk or dairy products or for other food or potable com-
22 modities approved by the department.

23 (f) Deliver producer samples collected pursuant to this sec-
24 tion to the dairy plant or receiving station as specified by the
25 department.

26 (g) License or permit the milk tank truck pursuant to the
27 grade A milk law of 2001.

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1 (5) The dairy plant, transfer station, or receiving station,
2 or a laboratory selected by the dairy plant, transfer station, or
3 receiving station that is approved by the department, shall test
4 each producer's milk for each of the following, in accordance
5 with standard methods for the examination of dairy products, ref-
6 erenced in 7 C.F.R. 58, adopted by reference, at least 4 out of
7 every 6 months and report the following results to the
8 department:

9 (a) The presence of bacteria by standard plate count or
10 plate-loop count.

11 (b) The presence of a violative beta lactam drug residue
12 using any test approved by the department or the food and drug
13 administration for that purpose.

14 (c) The presence of somatic cells using either a direct
15 microscopic somatic cell count test or an electronic somatic cell
16 count test.

17 (d) Temperature at time of bulk hauler pickup on the farm or
18 temperature of milk in cans when delivered to the dairy plant,
19 transfer station, or receiving station.

20 (e) Sediment as described in section 132(8)(e).

21 Sec. 132. (1) All milk shipped for processing or intended
22 to be processed on the farm where it was produced shall be sam-
23 pled and tested, prior to processing, for beta lactam drug
24 residues. Collection, handling, and testing of samples shall be
25 done according to procedures established by the department.

26 (2) A load sample shall be taken from the bulk milk pickup
27 tanker after its arrival at the plant and prior to further

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1 commingling or processing. A load sample representing all of the
2 can milk received on a shipment shall be collected at the plant,
3 using a sampling procedure that includes milk from every can on
4 the vehicle. A load sample taken by the processor shall be col-
5 lected at the plant using a sampling procedure that includes all
6 milk produced and received.

7 (3) A load sample that tests positive for a violative drug
8 residue shall be retained according to standards established by
9 the department as provided by law. The records of all sample
10 test results shall be retained for a period of not less than
11 12 months.

12 (4) When a load sample tests positive for a violative drug
13 residue, industry personnel shall notify the department immedi-
14 ately of the positive test result and of the intended disposition
15 of the shipment of milk containing the violative drug residue.
16 All milk testing positive for a violative drug residue shall be
17 disposed of in a manner that removes it from the human or animal
18 food chain, except when acceptably reconditioned under FDA com-
19 pliance policy guidelines as approved by the department. Each
20 individual producer sample represented in the violative drug res-
21 idue load sample shall be singly tested as directed by the
22 department to determine the producer of the milk sample testing
23 positive for a violative drug residue. Identification of the
24 producer responsible for producing the milk testing positive for
25 a violative drug residue shall be reported immediately to the
26 department. Milk shipment from the producer identified as the
27 source of milk testing positive for a violative drug residue

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1 shall cease immediately and may resume only after a sample from a
2 subsequent milking does not test positive for a violative drug
3 residue.

4 (5) The dairy plant or receiving station responsible for a
5 test described in this section shall deliver a copy of the test
6 result to the department within 10 days after the dairy plant or
7 receiving station receives the test result. The producer is
8 required to insure the department is provided the required number
9 of producer's milk quality test results. The dairy plant or
10 receiving station shall maintain an original or copy of the test
11 result for at least 1 year.

12 (6) Raw milk shall not be processed or made available for
13 human consumption under any of the following circumstances:

14 (a) The bacterial estimate for that milk that is not used to
15 make cheese exceeds 500,000 per milliliter.

16 (b) The bacterial estimate for that milk that is used to
17 make cheese exceeds 750,000 per milliliter.

18 (c) The milk contains a violative drug residue at a level
19 that exceeds department limits for drug residue content.

20 (d) The somatic cell count for that milk exceeds 1,000,000
21 cells per milliliter.

22 (7) If a test under this section or section 131 indicates
23 the presence of a violative drug residue at a level that exceeds
24 department limits for drug residue content, the person who pro-
25 vided the milk for testing shall notify the producer of that milk
26 and the department of the test result. Upon receipt of a notice
27 under this subsection, the producer of that milk and any

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1 processor of that milk shall ensure that the milk is not made
2 available for human consumption and a processor shall not pur-
3 chase additional milk from that producer until the department
4 determines that the producer has eliminated the cause of the vio-
5 lative drug residue.

6 (8) A milk buyer who receives notice or determines that a
7 producer's milk exceeds legal somatic cell levels, temperature
8 standards, or bacteria levels shall do all of the following:

9 (a) Within 7 days after receipt of the notice, inspect the
10 milk producer's facility and attempt to determine the cause or
11 causes of the illegal somatic cell level, temperature level, or
12 bacterial level.

13 (b) If the milk buyer determines that the producer's milk
14 contains somatic cells, temperature, or bacteria at a level
15 exceeding department limits for somatic cells, temperature, or
16 bacteria in 2 of the 4 most recent tests of the producer's milk,
17 notify the department and the producer of that determination.

18 (c) Obtain a subsequent sample of the producer's milk not
19 less than 3 days or more than 21 days after the department
20 inspects the producer's facility pursuant to this subsection.

21 (d) If the sample described in subdivision (c) contains
22 somatic cells, or temperature or bacteria at a level exceeding
23 department limits, notify the department and refrain from obtain-
24 ing any further milk from the producer once the director suspends
25 the producer's permit and until the permit is reinstated.

26 (e) The buyer shall examine sediment levels in each
27 producer's milk using procedures described in standard methods,

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1 referenced in 7 C.F.R. part 58. Samples shall be from a bulk
2 milk tank sample or from 1 or more cans. Sediment content shall
3 be based on comparison with applicable charts of the United
4 States department of agriculture sediment standards for milk and
5 milk products, dated 1977, incorporated by reference. The buyer
6 shall report the results of these sediment tests to the
7 department.

8 (9) Immediately following receipt of notice described in
9 subsection (8)(b), the department shall inspect a milk producer's
10 facility and attempt to determine and remedy the cause of an
11 illegal somatic cell count, temperature, or bacteria. The
12 department shall provide the milk producer with a written warning
13 notice of intent to suspend permit, and the notice shall remain
14 in effect for the period during which 2 of the 4 most recent sam-
15 ples collected under this section remain at a level exceeding
16 department limits. Another sample will be collected after 3 days
17 but within 21 days. If any sample so collected exceeds the limit
18 for that parameter while the milk producer is on warning notice,
19 the milk producer's permit will be suspended until the problem is
20 corrected to the satisfaction of the department, after being pro-
21 vided notice and an opportunity for an administrative hearing.
22 Four samples shall then be taken at the rate of not more than 2
23 per week on separate days within a 3-week period, and the depart-
24 ment shall reinstate the permit upon compliance with the appro-
25 priate standard.

26 (10) When a permit suspension has been due to a violation of
27 the somatic cell count standard, the department may issue a

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1 temporary permit whenever a resampling of the herd's milk supply
2 indicates the milk supply to be within acceptable limits as
3 listed in section 70. Four samples shall then be taken at the
4 rate of not more than 2 per week on separate days within a 3-week
5 period, and the department shall reinstate the permit upon com-
6 pliance with the appropriate standard listed in section 70.

7 (11) A dairy farm shall not ship milk for human consumption
8 until the occurrence of each of the following:

9 (a) The dairy farm notifies the buyer and the department of
10 its intent to become a milk shipper.

11 (b) The department inspects the dairy farm and completes a
12 written report verifying that the dairy farm is in substantial
13 compliance with this act.

14 (c) The department issues to the dairy farm a permit or tem-
15 porary permit without charge.

16 (12) A representative of the milk buyer shall do each of the
17 following:

18 (a) At least once annually, inspect all farms shipping milk
19 to that dairy plant or receiving station.

20 (b) For each inspection described in subdivision (a), com-
21 plete an inspection form approved by the department that identi-
22 fies all minimum requirements for milk manufacturing.

23 (c) Deliver a copy of the completed inspection form to the
24 owner or operator of the inspected farm, provide a copy of the
25 completed inspection form to the department, and file a copy of
26 that form with the records of the dairy plant or receiving
27 station.

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1 (d) If an inspection under this subsection establishes the
2 existence of a condition that adversely affects milk quality,
3 conduct a subsequent inspection not later than 30 days after the
4 original inspection.

5 (13) If adverse conditions continue after an inspection
6 described in subsection (12)(d), the representative of the milk
7 buyer shall notify the department. The department may suspend or
8 revoke the dairy farm's permit for failure to rectify a condition
9 that adversely effects milk quality.

10 Sec. 133. The department may examine test results and
11 inspect dairy farms as frequently as the department determines
12 necessary to assure compliance with this act. Upon receipt of a
13 written request from a person who purchases milk produced at a
14 dairy farm subject to this act, the department shall provide that
15 person with a copy of the department's inspection reports for the
16 dairy farm.

17 Sec. 134. (1) A producer who fails to meet minimum quality
18 standards set forth in section 70 or correct insanitary farm con-
19 ditions after the milk buyer or the department intervenes under
20 this act is prohibited from selling milk for human consumption.
21 After being prohibited, that producer may sell milk for human
22 consumption only if the department determines that the conditions
23 that caused the noncompliance have been corrected.

24 (2) A person shall not accept milk from a producer prohib-
25 ited from selling milk under this section unless the department
26 has determined that the condition causing the prohibition against
27 that producer has been remedied.

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1 Sec. 135. Incoming raw milk and manufactured dairy products
2 shall not exceed the standards set forth in section 70. Plants
3 receiving commingled raw milk, heat treated, or pasteurized milk
4 will be sampled a minimum of 4 out of every 6 months. If 2 of
5 the last 4 samples exceed the standard given, a warning notice
6 shall be issued and the plant shall remain on warning notice as
7 long as any 2 of the last 4 consecutive samples exceed the
8 limits. Another sample will be collected after 3 days but within
9 21 days. If any sample so collected exceeds the limit of that
10 parameter while the plant is on warning notice, the plant permit
11 will be suspended for the violative product until the problem is
12 corrected, after being provided notice and an opportunity for an
13 administrative hearing. Four samples shall then be taken at the
14 rate of not more than 2 per week on separate days within a 3-week
15 period, and the department shall reinstate the permit for that
16 product upon compliance with the appropriate standard.
17 Sterilized or aseptically processed milk and dairy products shall
18 comply with processing and biological standards established by
19 the scheduled process under 21 C.F.R. part 113.

20 [Sec. 136. Only pasteurized milk and dairy products shall be
21 offered for sale or sold, directly or indirectly, to the final
22 consumer or to restaurants, grocery stores, or similar
23 establishments except as specified in section 138.

24

25 Sec. 137. The terms "pasteurization", "pasteurized", and
26 similar terms mean the process of heating every particle of milk
27 or dairy products to at least the temperature and time

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1 relationships given in this section as follows or by any
2 equivalent process approved by the federal food and drug adminis-
3 tration and accepted by the department for that purpose:

4 Pasteurization Temperature and Time Standards

5 Whole milk; skim milk;	145 °F (63°C)	30 min
6 cheese milk; whey;	161 °F (72°C)	15 sec
7 other products with less	191 °F (89°C)	1.0 sec
8 than 10% butterfat or without	194 °F (90°C)	0.5 sec
9 added sweeteners	201 °F (94°C)	0.1 sec
10	204 °F (96°C)	0.05 sec
11	212 °F (100°C)	0.01 sec

13 Cream; condensed products;	150 °F (66°C)	30 min
14 other products with 10% or	166 °F (75°C)	15 sec
15 more butterfat or with	196 °F (92°C)	1.0 sec
16 added sweeteners	199 °F (93°C)	0.5 sec
17	206 °F (97°C)	0.1 sec
18	209 °F (99°C)	0.05 sec
19	217 °F (103°C)	0.01 sec

21 Eggnog; frozen dessert mix	155 °F (69°C)	30 min
22	175 °F (80°C)	25 sec
23	180 °F (83°C)	15 sec

25 Cream for butter making	165 °F (74°C)	30 min
26	185 °F (85°C)	15 sec

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1	<hr/>		
2	Milk or cream for plastic or	170 °F (77°C)	30 min
3	frozen cream	190 °F (88°C)	15 sec
4	<hr/>		

5	Ultra-pasteurized products	280 °F (138°C)	2 sec
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6 Sec. 138. Unpasteurized milk may be used in the manufacture
7 of cheese only as allowed in 21 C.F.R. part 133, incorporated by
8 reference, and if the cheese has been cured or ripened (aged) for
9 more than 60 days at a controlled temperature of not less than
10 35 degrees Fahrenheit (2 degrees Celsius), or as specified by
11 FDA.

12 Sec. 139. (1) Except as provided in section 138, all milk
13 and dairy products shall be pasteurized before entrance of the
14 milk and dairy products into any of the following:

15 (a) The evaporator or condensing equipment.

16 (b) The cheese-making process.

17 (c) The cheese culture making process.

18 (d) The frozen dessert mix freezing.

19 (e) The cultured product culturing.

20 (2) All dairy by-products from dairy plants used for feeding
21 purposes for farm animals shall be pasteurized or be derived from
22 pasteurized products.

23 (3) All milk and dairy products shall be pasteurized at the
24 plant at which they are processed or dried, except for crystal-
25 ized condensed whey and other high solids/low water activity pro-
26 ducts such as sweetened condensed milk, which shall be
27 transported in tankers or containers dedicated to transporting

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1 pasteurized products. This subsection shall not be construed as
2 banning the transportation in nondedicated tankers of pasteurized
3 milk or dairy products to another processing or drying plant for
4 repasteurization and processing or drying.

5 (4) All pasteurized milk and dairy products, except those to
6 be cultured and those to receive immediate additional heat treat-
7 ment in subsequent processes of manufacturing, shall be cooled
8 immediately in approved equipment to temperature criteria speci-
9 fied in section 70 or maintained at or above 145 degrees
10 Fahrenheit (63 degrees Celsius).

11 (5) All pasteurization equipment shall comply with sanitary
12 standards and shall be tested by the department every 3 months
13 for proper construction and operation.

14 (6) The airspace temperature in a vat pasteurizer shall be
15 maintained at least 5°F (2.8°C) above the minimum pasteurization
16 temperature for the product being pasteurized during the entire
17 30-minute vat pasteurization cycle.

18 Sec. 140. A person who owns or operates a plant receiving
19 milk for manufacturing into a dairy product shall do each of the
20 following:

21 (a) Maintain premises in a clean and orderly condition.

22 (b) Prevent the emission of an odor, smoke, or pollutant
23 within the plant that may adulterate or negatively impact the
24 quality of the milk or dairy products, as determined by the
25 department.

26 (c) Construct plant driveways and adjacent vehicular traffic
27 areas using concrete, asphalt, or other material approved by the

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1 department for minimizing dust and mud and maintain those sites
2 in good repair.

3 (d) Construct a drainage system that provides for rapid,
4 nonhazardous water drainage from the plant, driveways, adjacent
5 traffic areas, and surface water sites located on plant property,
6 in a manner that prevents the development of a nuisance.

7 (e) Ensure that each plant structure is of sound construc-
8 tion and kept in good repair to prevent the entering or harboring
9 of rodents, birds, insects, vermin, dogs, and cats.

10 (f) Ensure that all exterior wall openings for pipes are
11 effectively sealed around the pipes or fitted with tight metal
12 collars.

13 (g) Ensure that all openings to the outdoors, including
14 doors, windows, skylights, and transoms, are effectively main-
15 tained and protected or screened against the entrance of insects,
16 rodents, birds, dust, and dirt. On new construction, window
17 sills should be slanted downward at a 45-degree angle.

18 (h) Ensure that all exterior doors fit properly and that all
19 hinged, exterior screen doors open outward.

20 (i) Ensure that all conveyor and other exterior openings are
21 effectively maintained and protected by the use of doors,
22 screens, flaps, fans, or tunnels to prevent the entrance of
23 insects, rodents, birds, dust, and dirt.

24 (j) Ensure that outside openings for sanitary pipelines are
25 covered when not in use.

26 (k) Ensure that wall, ceiling, partition, and post surfaces
27 of each room in which a milk or dairy product is stored, or in

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1 which a dairy utensil is washed or stored, are smoothly finished
2 in a light colored material impervious to moisture.

3 (l) Refinish a surface described in subdivision (k) as fre-
4 quently as necessary to maintain a smooth finish.

5 (m) Ensure that the floor of each room in which a milk or
6 dairy product is processed, manufactured, packaged, handled or
7 stored, or in which a dairy utensil is washed or stored, is each
8 of the following:

9 (i) Except as provided in subdivision (n), constructed of an
10 impervious material approved by the department.

11 (ii) Maintained in good repair.

12 (iii) Graded to prevent the forming of standing water or
13 milk.

14 (iv) Equipped with drains containing properly constructed
15 and maintained traps and designed to prevent sewage backup into
16 drain lines and the floor of the plant.

17 (n) Store new containers, supplies, and certain packaged
18 products in a room or rooms with floors described in
19 subdivision (m) or, upon department approval, in a room or rooms
20 with a clean, smooth wood floor.

21 (o) Equip the plant with adequate and well-distributed
22 lighting.

23 (p) Protect from potential broken glass contamination all
24 milk, dairy products, or dairy product ingredients located
25 beneath a suspended lightbulb, fixture, window, or other glass.

26 (q) Ensure that each room and compartment has adequate
27 heating, air-conditioning, and ventilation to maintain sanitary

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1 conditions and provide exhaust or inlet fans, vents, hoods, and
2 temperature and humidity control facilities as needed to minimize
3 or eliminate undesirable room temperatures, odors, moisture, con-
4 densation, or mold.

5 (r) Install adequate air filtering devices on air inlet fans
6 to prevent the entrance of dirt and dust and ensure that each
7 exhaust outlet is screened or provided with self-closing louvers
8 to prevent the entrance of insects when not in use.

9 (s) Clean and maintain in good repair each ventilation
10 system.

11 (t) Ensure that each room and compartment in which a raw
12 dairy material, packaging material, ingredient supplies, or dairy
13 product is manufactured, handled, packaged, or stored is
14 designed, constructed, and maintained to assure a stable and
15 appropriate temperature and clean operating conditions.

16 (u) Separate a processing room from a bulk milk receiving
17 room by walls or partitions and a solid, tight-fitting,
18 self-closing door.

19 (v) Keep processing rooms free from equipment not regularly
20 used.

21 (w) Maintain coolers and freezers containing milk or dairy
22 products as follows:

23 (i) At temperature and humidity levels that protect cooler
24 or freezer contents and minimize mold growth on or within the
25 cooler or freezer.

26 (ii) In a condition that protects cooler or freezer contents
27 from rodents, insects, and vermin.

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- 1 (iii) With shelves that are clean and dry.
- 2 (iv) With equipment for the collection and disposal of
3 condensate.
- 4 (x) Maintain a supply room used for the storing of packaging
5 materials and miscellaneous ingredients in a clean, dry condi-
6 tion, free from insects, rodents, and mold, and maintained in
7 good repair.
- 8 (y) Protect items stored in a supply room from dust, dirt,
9 or other extraneous matter and arrange those items on racks,
10 shelves, or pallets to permit cleaning and inspection of the room
11 and access to the items.
- 12 (z) Label, segregate, and store insecticides, rodenticides,
13 cleaning compounds, and other nonfood products in a separate
14 supply room or cabinet away from milk, dairy products, ingredi-
15 ents, or packaging supplies.
- 16 (aa) Separate a boiler room and a shop room from other rooms
17 where milk and dairy products are processed, packaged, handled,
18 or stored and keep a boiler room and a shop room orderly and rea-
19 sonably clean.
- 20 (bb) Maintain conveniently located and adequate toilet
21 facilities that comply with the following:
- 22 (i) Are not open directly into any room in which milk or
23 dairy products are processed, packaged, or stored.
- 24 (ii) Have doors that are self-closing and ventilation pro-
25 vided by mechanical means or screened openings to the outside
26 air.

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- 1 (iii) Have fixtures that are kept clean and in good repair.
- 2 (cc) Furnish each employee with a locker or other suitable
- 3 facility that is kept clean and orderly.
- 4 (dd) Conspicuously post signs in each toilet and locker room
- 5 directing employees to wash their hands before returning to
- 6 work.
- 7 (ee) Maintain and adequately equip a laboratory consistent
- 8 with the size and type of plant and the volume of dairy products
- 9 manufactured and staff that laboratory with personnel qualified
- 10 and trained for quality control and analytical testing.
- 11 (ff) Maintain a central laboratory serving more than 1 plant
- 12 only if that laboratory is approved by the department and is con-
- 13 veniently located to the dairy plants.
- 14 (gg) Provide adequate sanitary starter facilities for the
- 15 handling of starter cultures.
- 16 (hh) Provide an adequate supply of both hot and cold water
- 17 of safe and sanitary quality, protected against contamination and
- 18 pollution, with adequate facilities for proper distribution of
- 19 water throughout the plant. Upon department approval, water from
- 20 other facilities may be used for boiler feed water and condenser
- 21 water if water lines are completely separated from the plant
- 22 water supply and the equipment constructed and controlled to pre-
- 23 clude contamination of product contact surfaces.
- 24 (ii) Prevent any cross-connection between safe water supply
- 25 and either an unsafe or questionable water supply or another
- 26 source through which contamination of the safe water supply is
- 27 possible.

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1 (jj) Make an examination of the sanitary water supply and
2 recirculated product cooling mediums at least every 6 months or
3 as often as necessary to determine purity and suitability for use
4 in manufacturing dairy product systems. Such tests shall be made
5 and approved by the department except for supplies that are regu-
6 larly tested for purity and bacteriological quality. The most
7 recent results of all water and cooling medium tests shall be
8 kept on file at the plant for which the test was performed.

9 (kk) Ensure that the location, construction, and operation
10 of a well complies with the safe drinking water act, 1976 PA 399,
11 MCL 325.1001 to 325.1023.

12 (ll) Provide conveniently located drinking water facilities
13 of a sanitary type in the plant.

14 (mm) Provide convenient hand-washing facilities, including
15 hot and cold running water, soap or other detergents, sanitary
16 single-service towels or air dryers, and covered trash containers
17 for used towels or other wastes and locate those facilities in or
18 adjacent to toilet and dressing rooms and convenient to the areas
19 where milk and dairy products are handled, processed, or stored
20 or where equipment is cleaned, sanitized, and stored.

21 (nn) Prohibit hand-washing in vats used for the cleaning of
22 equipment or utensils.

23 (oo) Supply steam in sufficient volume and pressure for sat-
24 isfactory operation of each applicable piece of equipment and
25 ensure each of the following:

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1 (i) That culinary steam used in direct contact with milk or
2 dairy products complies with sanitary standards and is free from
3 harmful substances or extraneous material.

4 (ii) That only nontoxic boiler compounds are used.

5 (iii) That steam traps, strainers, and condensate traps are
6 used as necessary to ensure a safe steam supply.

7 (pp) Ensure that air under pressure that comes in contact
8 with milk or dairy products or any product contact surface com-
9 plies with sanitary standards and ensure that the air under pres-
10 sure at the point of application is free from volatile sub-
11 stances, which may impart any flavor or odor to the products, and
12 extraneous or harmful substances.

13 (qq) Properly dispose of wastes from the plant and premises
14 and ensure that the plant sewer system has sufficient capacity to
15 readily remove all wastes from the various processing and plant
16 operations so as not to contaminate products or equipment or
17 create a nuisance or public health hazard.

18 (rr) Ensure that containers used for the collection and
19 holding of wastes are constructed of metal, plastic, or other
20 equally impervious material and kept covered with tight-fitting
21 lids and ensure that solid wastes are disposed of regularly and
22 the containers and surroundings kept reasonably clean.

23 (ss) In accordance with department policy, periodically
24 inspect and analyze dairy products being processed at the plant
25 during each process.

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1 (tt) Submit detailed plans to the department for approval
2 before commencing new construction, remodeling, and process or
3 equipment changes.

4 Sec. 141. A person who owns or operates a plant receiving
5 milk for manufacturing into a dairy product shall do all of the
6 following:

7 (a) Ensure that the equipment and utensils used for the pro-
8 cessing of milk and dairy products are constructed to be readily
9 demountable when the department determines necessary for cleaning
10 and sanitizing.

11 (b) Ensure that the product contact surfaces of all equip-
12 ment and utensils, including holding tanks, pasteurizers, cool-
13 ers, vats, agitators, pumps, sanitary piping and fittings, and
14 any specialized equipment, are constructed of stainless steel or
15 other equally corrosion-resistant material meeting various sani-
16 tary standards for fabrication of dairy equipment.

17 (c) Ensure that nonmetallic parts having product contact
18 surfaces meet sanitary standards.

19 (d) Ensure that all equipment and piping is designed and
20 installed to be easily accessible for cleaning, kept in good
21 repair, and free from cracks and corroded surfaces.

22 (e) Ensure that new or rearranged equipment is kept away
23 from any wall or spaced in a manner that facilitates proper
24 cleaning and good housekeeping.

25 (f) Ensure that all parts or interior surfaces of equipment,
26 pipes not CIP cleaned, or fittings, including valves and

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1 connections, are accessible for inspection and meet sanitary
2 standards.

3 (g) Ensure that all new or replacement milk and dairy pro-
4 ducts pumps meet sanitary standards.

5 (h) Ensure that all CIP systems comply with sanitary
6 standards.

7 (i) Ensure that weigh cans and receiving tanks meet sanitary
8 standards established or approved by the department, are easily
9 accessible for interior or exterior cleaning, and are elevated
10 above the floor and protected sufficiently with the necessary
11 covers to prevent contamination from splash, condensate, and
12 drippage.

13 (j) Ensure that each can washer has sufficient capacity and
14 ability to discharge a clean, dry can and cover and is kept prop-
15 erly timed in accordance with the instructions of the
16 manufacturer.

17 (k) Ensure that each water and steam line supplying a can
18 washer maintains a reasonably uniform pressure and if necessary
19 is equipped with pressure-regulating valves.

20 (l) Ensure that product storage tanks or vats comply with
21 all of the following:

22 (i) Meet sanitary standards.

23 (ii) Regarding the entire interior surface, agitator, and
24 all appurtenances of each tank or vat, are accessible for thor-
25 ough cleaning and inspection.

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1 (iii) Regarding any opening at the top of each tank or vat,
2 including the entrance of the shaft, is suitably protected
3 against the entrance of dust, moisture, insects, oil, or grease.

4 (iv) Regarding sight glasses, if used, are sound, clear, and
5 in good repair.

6 (v) Regarding a vat with hinged covers, is designed so that
7 moisture or dust on the surface cannot enter the vat when the
8 covers are raised.

9 (vi) Regarding storage tanks or vats equipped with air agi-
10 tation, contain a properly installed air agitation system that
11 meets sanitary standards.

12 (vii) Regarding storage tanks and vats intended to hold
13 dairy products for longer than 8 hours, are equipped with ade-
14 quate refrigeration or adequate insulation.

15 (viii) Are equipped with thermometers in good operating
16 order. All raw milk storage tanks or silos installed after the
17 effective date of this act that are not cleaned daily shall be
18 provided with an approved recording thermometer and shall be
19 cleaned and sanitized at least every 72 hours except as approved
20 by the director in writing, on a case-by-case basis.

21 (m) Ensure that all product contact surfaces of separators
22 are free from rust and pits and, if practicable, are of stainless
23 steel or other equally noncorrosive metals.

24 (n) Ensure that each batch pasteurizer has a temperature
25 indicator and recording device and conforms to sanitary standards
26 and complies with the following, as applicable:

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1 (i) Has an air-space indicating thermometer that is accurate
2 within 1.0 degree Fahrenheit (0.5 degree Celsius) for the proper
3 temperature range at least 1 inch above the surface of the pro-
4 ducts pasteurized in a vat to ensure that foam in the vat or air
5 above the product pasteurized receives the minimum temperature
6 treatment required by the department.

7 (ii) Has a recording thermometer that is accurate within
8 1.0 degree Fahrenheit (0.5 degree Celsius) for the proper temper-
9 ature range.

10 (iii) Has surface coolers equipped with leak-proof gaskets
11 and connections and with hinged or removable covers for the pro-
12 tection of the product and has edges of the covers that are
13 designed to divert condensate on non-product-contact surfaces
14 away from product contact surfaces. The use of surface coolers
15 will be allowed only with specific written approval of the direc-
16 tor on a case-by-case basis.

17 (iv) Use recording thermometers accurate within 2.0 degrees
18 Fahrenheit (1.0 degree Celsius) to record holding and cooling
19 time.

20 (v) Provides long-stem or equally acceptable indicating
21 thermometers that are accurate within 0.5 degree Fahrenheit
22 (0.25 degree Celsius) for the applicable temperature range, for
23 checking the temperature of pasteurization and cooling of pro-
24 ducts in vats and checking the accuracy of recording
25 thermometers.

26 (o) Ensure that high-temperature, short-time pasteurization
27 equipment is tested and sealed by the department upon

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1 installation and quarterly thereafter and complies with sanitary
2 standards and with the following, as applicable:

3 (i) In accordance with manufacturer recommendations, has in
4 each high-temperature, short-time pasteurizer a short-stem or
5 equally acceptable indicating thermometer that is accurate within
6 0.5 degree Fahrenheit (0.25 degree Celsius) for the applicable
7 temperature range, to be used for checking the accuracy of
8 recording thermometers.

9 (ii) Has in each storage tank for which the department
10 requires a temperature reading an indicating thermometer that is
11 accurate within 2.0 degrees Fahrenheit (1.0 degree Celsius).

12 (iii) Provides that all new or replacement plate-type heat
13 exchangers meet sanitary standards, all gaskets are tight and
14 kept in good repair, and plates are opened at sufficiently fre-
15 quent intervals to determine if the equipment is clean and in
16 satisfactory condition.

17 (p) Ensure compliance with each of the following:

18 (i) Internal return tubular heat exchangers meet sanitary
19 standards.

20 (ii) Pumps used for milk and dairy products are of the sani-
21 tary type and constructed to meet sanitary standards.

22 (iii) Unless a pump is specifically designed for effective
23 cleaning in place, pumps are dismantled and cleaned after use.

24 (iv) Homogenizers and high-pressure pumps of the plunger
25 type comply with sanitary standards.

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1 (v) New equipment and replacements, including all plastic
2 parts and rubber and rubberlike materials for parts and gaskets
3 having product contact surfaces, meet sanitary standards.

4 (vi) A vacuum chamber, if used, is made of stainless steel
5 or other equally noncorrosive material; is constructed to facili-
6 tate cleaning with all product contact surfaces accessible for
7 inspection; is equipped with a vacuum breaker and a check valve
8 at the product discharge line; uses only steam that meets the
9 sanitary standards; regulates incoming steam supply by an auto-
10 matic valve that cuts off the steam supply if the flow diversion
11 valve of the high-temperature short-time pasteurizer is not in
12 the forward flow position; and uses only condensers equipped with
13 a water level control and an automatic safety shutoff valve.

14 (vii) Bulk storage and distribution equipment in dairy
15 plants for handling liquid sweetening agents, edible oils, or
16 other ingredients consists of suitable metals, alloys, or other
17 materials that will withstand corrosive action by the ingredients
18 and the equipment and ingredients are protected from
19 contamination. Pipelines containing liquid sweetening agents and
20 liquid chocolate remain flooded with the ingredient to prevent
21 mold growth or may be dismantled and washed.

22 (q) Ensure that the plant is provided with adequate ventila-
23 tion, that is acceptable to the director, to minimize possible
24 product contamination with condensation, dust, and odors.

25 Sec. 142. A person employed by a dairy plant shall comply
26 with all of the following, if applicable:

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1 (a) Wash his or her hands before beginning work and upon
2 returning to work after using toilet facilities, eating, smoking,
3 or otherwise soiling his or her hands.

4 (b) Keep his or her hands clean and follow good hygienic
5 practices while on duty.

6 (c) Refrain from using tobacco in any form in each room and
7 compartment where any milk, dairy product, or other supplies are
8 prepared, stored, or otherwise handled.

9 (d) Wear clean, white, or light-colored washable outer gar-
10 ments or apron and a cap or hairnet while engaged in receiving,
11 testing, processing milk or dairy products, packaging, or han-
12 dling dairy products.

13 (e) If afflicted with a communicable disease, not enter any
14 room or compartment where milk and dairy products are prepared,
15 manufactured, or otherwise handled.

16 (f) If he or she has a discharging or infected wound, sore,
17 or lesion on hands, arms, or other exposed portion of the body,
18 not work in any dairy processing rooms or in any capacity result-
19 ing in contact with the processing or handling of dairy
20 products.

21 (g) Each employee whose work brings him or her in contact
22 with the processing or handling of dairy products, containers, or
23 equipment shall comply with requirements for employee health as
24 specified under sections 2-201.11 to 2-201.15 of the food code
25 adopted under the food law of 2000, 2000 PA 92, MCL 289.1101 to
26 289.8111.

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1 Sec. 143. (1) A person who owns or operates a dairy plant
2 shall do all of the following:

3 (a) Make available enclosed or covered facilities for wash-
4 ing and sanitizing of milk trucks, piping, and accessories at
5 central locations or at sites that receive or ship milk or dairy
6 products in milk transport tanks.

7 (b) Transfer milk under sanitary conditions from milk tank
8 trucks through stainless steel piping or approved tubing and cap
9 the sanitary piping and tubing when not in use.

10 (c) Hold and process milk under conditions and at tempera-
11 tures that will avoid contamination and rapid deterioration.

12 (d) Refrain from using drip milk from can washers or any
13 other source for the manufacture of dairy products.

14 (e) Maintain milk in bulk storage tanks within the dairy
15 plant in a manner that minimizes bacterial increase and, except
16 when authorized by the department, maintain that milk at
17 45 degrees Fahrenheit (7 degrees Celsius) or lower until process-
18 ing begins.

19 (f) Ensure that the bacteriological content of commingled
20 raw milk in storage tanks is 1,000,000 or less total bacteria per
21 milliliter (300,000 per milliliter or less total bacteria in raw
22 milk for frozen desserts).

23 (g) Ensure the proper pasteurization of each particle of
24 milk or dairy product.

25 (h) Test samples of milk or a dairy product for phosphatase
26 by the method prescribed by the department.

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1 (i) Take all necessary precautions to prevent contamination
2 or adulteration of the milk or dairy products during
3 manufacturing.

4 (j) Make available for department inspection all substances
5 and ingredients used in the processing or manufacturing of any
6 dairy product and ensure that those substances and ingredients
7 are wholesome and practically free from impurities.

8 (k) Ensure that milk or dairy products comply with the stan-
9 dards in section 70 of the federal act,
10 and standards listed for the milk products in title 21 of the
11 code of federal regulations, if applicable.

12 (l) Maintain the equipment, sanitary piping, and utensils
13 used in receiving and processing of the milk and maintain manu-
14 facturing and handling of the product in a sanitary condition.

15 (m) Ensure that sanitary seal assemblies are kept clean and
16 are removable on all agitators, pumps, and vats and inspect those
17 assemblies at regular intervals.

18 (n) Except as otherwise provided in this act, dismantle all
19 equipment after each day's use, except for that designed for CIP
20 cleaning, and thoroughly clean the equipment by using dairy
21 cleaners, detergents, sanitizing agents, or other similar materi-
22 als approved for dairy or food service use that will not contami-
23 nate or adversely affect the dairy products.

24 (o) Refrain from using steel wool or metal sponges in the
25 cleaning of any dairy equipment or utensils.

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1 (p) Immediately before use, subject all product contact
2 surfaces to an effective sanitizing treatment except where dry
3 cleaning is permitted.

4 (q) Store utensils and portable equipment used in processing
5 and manufacturing operations above the floor in clean, dry loca-
6 tions and in a self-draining position on racks constructed of
7 impervious corrosion-resistant material.

8 (r) Use CIP cleaning, including spray-ball systems, only on
9 equipment and pipeline systems which have been designed and engi-
10 neered for that purpose and employ careful attention to the
11 proper procedures to assure satisfactory cleaning.

12 (s) Ensure that all CIP installations comply with sanitary
13 standards and post and follow the established cleaning
14 procedure.

15 (t) Following the circulation of the cleaning solution,
16 thoroughly rinse and examine the equipment and lines for effec-
17 tiveness of cleaning and ensure that all caps, ends, pumps,
18 plates, and tee ends are opened or removed and brushed clean.

19 (u) Immediately before starting the product flow after the
20 cleaning procedure described in subdivision (s), treat the pro-
21 duct contact surfaces with an approved sanitizer.

22 (v) Clean, sanitize, and dry milk cans and lids before
23 returning to producers and inspect, repair, or replace cans and
24 lids to substantially exclude from use cans and lids showing open
25 seams, cracks, rust, milkstone, or any unsanitary condition.

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1 (w) Maintain washers in a clean and satisfactory operating
2 condition and keep each washer free from accumulation of scale or
3 debris that may adversely affect the efficiency of the washer.

4 (x) Provide a covered or enclosed receiving, washing, and
5 sanitizing facility at each site that receives or ships milk or
6 dairy products in milk tank trucks. The dairy plant is not
7 required to provide milk tank truck wash facilities if milk tank
8 trucks are cleaned and sanitized at another approved facility.

9 (y) Clean and sanitize milk tank trucks, sanitary piping,
10 fittings, and pumps at least once each day after use and, if
11 those items are not to be used immediately after the emptying of
12 a load of milk, promptly wash those items after use and give bac-
13 tericidal treatment immediately before use.

14 (z) Identify each tank that is washed and sanitized by
15 attaching a tag to the outlet valve, bearing all of the following
16 information:

17 (i) Plant and specific location where cleaned.

18 (ii) Date and time of washing and sanitizing and identifica-
19 tion number of the tank.

20 (iii) The name of each person who washed and name of each
21 person who sanitized the tank.

22 (aa) Maintain on the tank the tag attached pursuant to
23 subdivision (z) until the tank is again washed and sanitized and
24 ensure the receiving plant retains the tag for at least 15 days
25 or as the department may otherwise direct.

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1 (bb) Wash all windows, glass, partitions, skylights, walls,
2 ceilings, and doors as often as necessary to keep them clean and
3 replace cracked or broken glass promptly.

4 (cc) Wipe or vacuum shelves and ledges as often as necessary
5 to keep them free from dust and debris and properly dispose of
6 the material picked up by a vacuum cleaner to destroy any insect
7 that may be present.

8 (dd) In addition to any commercial pest control service, if
9 one is utilized, designate an employee to perform a regularly
10 scheduled insect and rodent control program.

11 (ee) Properly label, handle, store, and use poisonous sub-
12 stances, insecticides, and rodenticides in such a manner as not
13 to create a public health hazard.

14 (ff) Maintain plant records, make those records available at
15 all reasonable times for department inspection, and, in accord-
16 ance with each of the following, send producer quality tests con-
17 tained in those records to the department within 10 days of the
18 completion of those tests:

19 (i) Retain for 12 months sediment, temperature, drug resi-
20 due, somatic cell, and bacterial test results on raw milk from
21 each producer.

22 (ii) Retain for a period of 12 months routine test results.

23 (iii) Retain for 12 months retest results, if an initial
24 test places the milk producer in permit suspension status.

25 (iv) Retain for 12 months rejections of raw milk over the
26 no. 3 sediment standard for quality as established by the United
27 States department of agriculture.

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- 1 (v) Retain for 6 months pasteurization recorder charts.
- 2 (vi) Retain for at least 6 months CIP recording charts.
- 3 (vii) Retain the most recent water sample and recirculated
- 4 cooling medium test results for at least 12 months.
- 5 (gg) Package milk and dairy products in department-approved
- 6 containers and packaging materials that do or are each of the
- 7 following:
- 8 (i) Cover and protect the quality of the contents during
- 9 storage and handling under normal conditions.
- 10 (ii) As uniform in weight and shape within each product size
- 11 or style as is practical.
- 12 (iii) Provide low permeability to air and vapor to prevent
- 13 the formation of mold growth and surface oxidation.
- 14 (iv) Contain a wrapper resistant to puncturing, tearing,
- 15 cracking, or breaking under normal conditions of handling, ship-
- 16 ping, and storage.
- 17 (v) Sealed in conformity with the instructions of the
- 18 manufacturer.
- 19 (hh) Conduct the packaging of each dairy product or the cut-
- 20 ting and repackaging of each dairy product under sanitary condi-
- 21 tions prescribed by the department and ensure that each packaging
- 22 room, item of equipment, and packaging material is practically
- 23 free from mold and bacterial contamination by testing the level
- 24 of contamination in a manner approved by the department.
- 25 (ii) Dry store a product requiring dry storage at least
- 26 18 inches from any wall in an aisle, row, or section and lot in

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1 an orderly manner rendering the product easily accessible for
2 inspection.

3 (jj) Regularly clean each room used for product storage and
4 ensure that each stored product is free from any other foreign
5 products, mold, absorbed odors, or vermin or insect infestation.

6 (kk) Maintain control of humidity and temperature in each
7 storage room at all times to prevent conditions detrimental to a
8 stored product and container.

9 (ll) Store a finished product requiring refrigeration on
10 shelves, dunnage, or pallets at a temperature that will best
11 maintain the initial quality of the product and ensure that the
12 product is not exposed to any substance from which the product
13 may absorb a foreign odor or be contaminated by drippage or
14 condensation.

15 (mm) Purchase and store caps, parchment paper, wrappers,
16 liners, gaskets, and single-service sticks, spoons, covers, and
17 containers only in sanitary tubes, wrappings, or cartons that are
18 kept in a clean, dry place until used and handled in a sanitary
19 manner.

20 (2) A person who owns or operates a dairy plant shall legi-
21 bly mark or label each commercial bulk package containing dairy
22 products manufactured under this act with the name of the pro-
23 duct, quantity of contents, name and address of processor, manu-
24 facture, or distributor, ingredients including known allergens,
25 manufacturer lot number, plant code issued by the department
26 identifying where the product was manufactured, and with any
27 other identifying information required by the director. All

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1 manufactured dairy products shall meet any applicable definitions
2 and standards of identity as promulgated under 21 C.F.R. parts
3 131 to 135.

4 (3) Retail packages shall be labeled as specified in
5 21 C.F.R. part 101, 9 C.F.R. part 317, and subpart N of
6 9 C.F.R. part 381, which are adopted by reference, and as speci-
7 fied under sections 3-202.17 and 3-202.18 of the food code
8 adopted by the food law of 2000, 2000 PA 92, MCL 289.1101 to
9 289.8111.

10 (4) Commercial bulk packages of frozen desserts with remov-
11 able lids shall be labeled on the body of the container.

12 (5) Bulk shipments of milk or dairy products shall be accom-
13 panied by a bill of lading containing the following information:

14 (a) Shipper's name, address, and permit number.

15 (b) Permit identification of hauler if not an employee of
16 the shipper.

17 (c) Point of origin of shipment.

18 (d) Tanker identity number.

19 (e) Name of product.

20 (f) Weight of product.

21 (g) Grade of product.

22 (h) Temperature of product.

23 (i) Date of shipment.

24 (j) Name of supervising regulatory agency at the point of
25 origin.

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1 (k) Whether the contents are raw, pasteurized, or, in the
2 case of cream, lowfat, or skim milk, whether it has been heat
3 treated.

4 (l) Seal number on inlet and outlet.

5 (6) Cheese and cheese products that are unpasteurized shall
6 be labeled according to the requirements of 21 C.F.R. part 133
7 and this section.

8 ARTICLE 15

9 Sec. 150. A person who owns or operates a plant manufactur-
10 ing, processing, or packaging instant nonfat dry milk, nonfat dry
11 milk, dry whole milk, dry buttermilk, dry whey, or other dry milk
12 products shall do all of the following:

13 (a) Ensure that each storage room for the dry storage of a
14 product is all of the following:

15 (i) Adequate in size.

16 (ii) Maintained in good repair and kept clean, orderly, free
17 from rodents, insects, and mold.

18 (iii) Adequately lighted and ventilated.

19 (iv) Free from structural defects and inaccessible areas
20 which may harbor insects.

21 (b) Provide a separate room or area constructed in compli-
22 ance with this section and comply with all of the following for
23 filling bulk bins, drums, bags, or other bulk containers:

24 (i) Keep the number of control panels and switchboxes in the
25 room or area to a minimum and mount each control panel a suffi-
26 cient distance from walls mounted in a wall with tight fitting
27 removable doors to facilitate cleaning.

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1 (ii) Provide an exhaust system adequate to minimize the
2 accumulation of product dust within the room or area.

3 (iii) If needed, provide and maintain a dust collector to
4 keep roofs and outside areas free of dry product.

5 (iv) Keep only packaging materials that are used within a
6 day's operation in the packaging area.

7 (v) Keep packaging materials on metal racks or tables at
8 least 6 inches above the floor and prohibit the presence of
9 unnecessary fixtures, equipment, or areas of inaccessible space
10 which may collect dust and harbor insects in the packaging room.

11 (c) Provide either of the following:

12 (i) A separate room for the transfer of bulk dry milk pro-
13 ducts from bags, bins, or drums to hoppers and conveyors leading
14 to fillers that meets the requirements for construction and
15 facilities of a bulk packaging plant.

16 (ii) An area or facility for the transfer of dry milk pro-
17 ducts from portable bulk bins if gasketed surfaces or direct con-
18 nections are present and substantially eliminate the escape of
19 product into the area.

20 (d) If applicable, provide a separate room for the filling
21 of small packages that meets the same requirements for construc-
22 tion and facilities of a bulk packaging plant.

23 (e) Ensure that each preheater is of stainless steel or
24 other equally corrosion resistant material and is cleanable,
25 accessible for inspection, and equipped with suitable automatic
26 temperature controls.

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1 (f) Ensure that each hotwell is enclosed or covered and
2 equipped with indicating thermometers either within the hotwell
3 or in the hot milk inlet line to the hotwell, and ensure that a
4 hotwell used for holding high heat products has a recorder.

5 (g) Equip each open-type evaporator or vacuum pan with an
6 automatic condenser water level control, barometric leg, or
7 ensure that the evaporator or pan is constructed to prevent water
8 from entering the product and meets sanitary standards.

9 (h) If surge tanks are used for hot milk and temperatures of
10 product including foam being held in the surge tank during pro-
11 cessing is not maintained at a minimum of 145°F (63°C), install 2
12 or more surge tanks with connections to permit flushing and
13 cleaning during operation and flush and clean each tank at least
14 once every 4 hours during operation to prevent the buildup of
15 bacterial levels or toxins.

16 (i) Provide surge tank covers easily removable for cleaning
17 and use a surge tank cover at all times a surge tank is in use.

18 (j) Provide high pressure lines approved by the department
19 that may be cleaned in place and are of such construction that
20 dead-ends, valves, and high pressure pumps can be dismantled for
21 hand cleaning.

22 (k) Provide spray dryers of continuous discharge type that
23 have all of the following:

24 (i) Product contact surfaces of stainless steel or other
25 equally corrosion resistant material.

26 (ii) Joints and seams on the product contact surfaces that
27 are welded and ground smooth.

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- 1 (iii) A design that facilitates ease in cleaning and
2 inspection.
- 3 (iv) Sight glasses or ports of sufficient size located at
4 strategic positions.
- 5 (v) Air intake filters and air intake and exhaust recording
6 thermometers.
- 7 (vi) A filter system consisting of filtering media or
8 devices that will effectively, and in accordance with good manu-
9 facturing practices, prevent the entrance of foreign substances
10 into the drying chamber.
- 11 (l) Clean the filtering system and replace component parts
12 of a dryer as often as necessary to maintain a clean and adequate
13 air supply and take precautions to assure complete combustion in
14 gas fired dryers.
- 15 (m) Ensure that air is drawn into the dryer from sources
16 free from odors and smoke, dust, or dirt.
- 17 (n) Ensure that the drums of a roller dryer are smooth,
18 readily cleanable, and free of pits and rust.
- 19 (o) Maintain dryer knives in a manner that prevents scoring
20 of the dryer drums.
- 21 (p) Ensure that a dryer has each of the following:
- 22 (i) End boards that are readily cleanable, have an impervi-
23 ous surface, and a means of adjustment to prevent leakage and
24 accumulation of milk solids.
- 25 (ii) A stack, hood, the drip pan inside of the hood, and
26 related shields constructed of stainless steel and readily
27 cleanable.

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- 1 (iii) A lower edge of the hood constructed to prevent
2 condensate from entering the product zone.
- 3 (iv) A hood located in compliance with department
4 guidelines.
- 5 (v) A stack that remains closed when the dryer is not in
6 operation and that removes all vapors when the dryer is in
7 operation.
- 8 (vi) Augers of stainless steel or of material approved by
9 the department and that are readily cleanable.
- 10 (vii) Auger troughs and related shields of stainless steel
11 or of other equally acceptable materials approved by the depart-
12 ment that are readily cleanable.
- 13 (q) Provide a filtering system approved by the department to
14 prevent dust, dirt, and all air entering the dryer from entering
15 the drying room.
- 16 (r) Clean the filtering system and replace component parts
17 as often as necessary to maintain a clean and adequate air
18 supply.
- 19 (s) Make all dryer adjustments and ensure that the dryer is
20 operating normally before collecting food grade powder from the
21 dryer.
- 22 (t) Ensure that collectors are made of stainless steel or
23 equally noncorrosive material and constructed to facilitate
24 cleaning and inspection.
- 25 (u) Ensure that filter sack collectors, if used, are in good
26 condition and that the system is constructed to render all parts
27 accessible for cleaning and inspection.

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1 (v) Ensure that conveyors are of stainless steel or equally
2 corrosion resistant material and constructed to facilitate thor-
3 ough cleaning and inspection.

4 (w) Provide cooling equipment with sufficient capacity to
5 cool the product to 110°F (43.3°C) or lower immediately after the
6 product's removal from dryer and prior to packaging.

7 (x) If bulk bins are used, cool the product to at least 90°F
8 (32.2°C) and no more than 110°F (43.3°C).

9 (y) Provide a suitable dry air supply with effective filter-
10 ing when air cooling and conveying is used.

11 (z) Ensure that all special equipment, including instanti-
12 zing systems, flakers, pulverizers, and hammer mills used to pro-
13 cess dry milk products are of sanitary construction and that all
14 parts are accessible for cleaning and inspection.

15 (aa) Ensure that all newly installed sifters used for dry
16 milk and dry milk products meet standards established or approved
17 by the department and that all other sifters are constructed of
18 stainless steel or other equally noncorrosive material and are of
19 sanitary construction and accessible for cleaning and
20 inspection.

21 (bb) Ensure that the mesh sizes of sifter screens used for
22 various dry milk products are those recommended in sanitary
23 standards.

24 (cc) Ensure that bulk bins are constructed of stainless
25 steel, aluminum, or other equally corrosion resistant materials,
26 free from cracks and seams, and have an interior surface and all
27 product contact surfaces that are smooth and easily cleanable.

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1 (dd) If automatic sampling devices are used, ensure that
2 they are constructed in a manner that prevents contamination of
3 the product with all parts readily accessible for cleaning.

4 (ee) Ensure that the product contact surfaces of dump hop-
5 pers, screens, mixers, and conveyors used for transferring dry
6 products from bulk containers to fillers for small packages or
7 containers are of stainless steel or equally corrosion resistant
8 material designed to prevent contamination and have all parts
9 accessible for cleaning.

10 (ff) Ensure that a dump hopper is at a height above floor
11 level to prevent foreign material or spilled product from enter-
12 ing the hopper.

13 (gg) Ensure that all filling and packaging equipment is of
14 sanitary construction and all parts, including valves and filler
15 heads, are accessible for cleaning.

16 (hh) Ensure that each plant handling dry milk products is
17 equipped with a heavy duty industrial vacuum cleaner and estab-
18 lish a vacuuming schedule approved by the department.

19 (ii) Provide persons with clean clothing and shoe covers
20 exclusively for the purpose of cleaning the interior of the dryer
21 when it is necessary to enter the dryer to perform the cleaning
22 operation.

23 (jj) Pasteurize all milk, buttermilk, and whey used in the
24 manufacture of dry milk products at the plant where dried, except
25 that condensed whey and acidified buttermilk containing 40% or
26 more solids may be transported to another plant for drying

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1 without repasteurization if it is transported in a milk tank
2 truck dedicated to hauling pasteurized product.

3 (kk) Pasteurize milk, dairy product blends, or skim milk to
4 be used in the manufacture of dry milk or dry milk blends prior
5 to condensing using the temperature and time standards in
6 section 137. Dry milk blends shall be pasteurized at temperature
7 and time standards approved for equivalent solids and fat content
8 dairy products.

9 Sec. 151. (1) A person may transport to a drying plant con-
10 densed skim made from pasteurized skim milk. Condensed skim
11 shall be effectively repasteurized at the drying plant, before
12 drying, at not less than 166°F (75°C) for 15 seconds or the
13 equivalent period in bacterial destruction approved by the
14 department.

15 (2) A person shall pasteurize all buttermilk or substance
16 from which the cream is derived before condensing at a tempera-
17 ture of 161°F (72°C) for 15 seconds or the equivalent period in
18 bacterial destruction approved by the department.

19 (3) A person shall pasteurize all cheese whey or milk from
20 which the cheese whey is derived before condensing at a tempera-
21 ture of 161°F (72°C) for 15 seconds or the equivalent period in
22 bacterial destruction approved by the department.

23 (4) A person shall use surge tanks or balance tanks between
24 evaporators and a dryer only to hold the minimum amount of con-
25 densed product necessary for a uniform flow to the dryers and
26 shall either ensure each tank holds the condensed product at
27 temperatures specified in section 70 or completely empty and wash

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1 each tank after each 4 hours of operation or less. In either
2 case, the person shall provide alternate tanks to permit continu-
3 ous operation during washing of tanks.

4 (5) Production of a condensed product that exceeds the
5 amount a dryer will take continuously from pans may be bypassed
6 through a cooler into a storage tank at temperatures specified in
7 section 70 and held at that temperature until a dryer is
8 available.

9 (6) A person shall make product cut-off points at least
10 every 24 hours and completely empty, wash, and sanitize a storage
11 tank before reusing the tank.

12 Sec. 152. (1) A person shall operate a dryer at not more
13 than the manufacturer's recommended capacity for the highest
14 quality dry product and may remodel or redesign a dryer after
15 installation upon department approval. A person shall remove dry
16 products from the drying chamber upon completion of each drying
17 cycle.

18 (2) Before packaging and immediately following removal of a
19 dry product from the drying chamber, a person shall cool the dry
20 product to a temperature not exceeding 110°F (43.3°C).

21 (3) A person who packages a dry milk product shall ensure
22 that each package or container used for the packaging of a dry
23 milk product is of a clean, sound, commercially accepted material
24 that will protect the packaged contents to the department's
25 satisfaction. A dry milk product packager shall not package a
26 dry milk product in a container previously used for nonfood items
27 or food deleterious to the dairy product.

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1 (4) A person who packages dry milk shall ensure all of the
2 following:

3 (a) That empty containers are protected at all times from
4 possible contamination.

5 (b) That a lined container is not lined more than 1 hour
6 before the container is filled.

7 (c) That precaution is taken during the filling operation to
8 adequately minimize product dust and spillage.

9 (d) That, when necessary, a mechanical shaker is provided.

10 (e) That the tapping or pounding of containers does not
11 occur.

12 (f) That a container is closed immediately after filling.

13 (g) That a container's exterior is vacuumed or brushed when
14 necessary to render it practically free of product remnants
15 before that container is removed from the filling site.

16 (h) That each dryer, conveyor, sifter, and storage bin is
17 clean and maintained in a sanitary condition.

18 (i) That in addition to a commercial pest control service,
19 if any, a person designated by the packager implements a regu-
20 larly scheduled insect and rodent control program approved by the
21 department.

22 Sec. 153. (1) A person conducting a dry milk product
23 repackaging operation shall do all of the following:

24 (a) Ensure that repackaging occurs in a sanitary manner and
25 take all precautions to prevent contamination and minimize dust.

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1 (b) Ensure that all exterior surfaces of each individual
2 container are practically free of product before the container is
3 wrapped or packaged in shipping containers.

4 (c) Keep the floor of each packaging site free of dust accu-
5 mulation, waste, cartons, liners, or other refuse.

6 (d) Vacuum conveyors, packaging, and carton making equipment
7 throughout each packaging day to prevent the accumulation of
8 dust.

9 (e) Prohibit bottles or glass material of any kind in the
10 repackaging or hopper room.

11 (f) Ensure that the inlet openings of all hoppers and bins
12 are of a size approved by the department, screened, and placed at
13 least 6 inches above the floor level.

14 (g) Clean the packaging site and all packaging equipment as
15 often as necessary to maintain a sanitary operation and thor-
16 oughly examine and clean points of equipment where residues of
17 the dry product may accumulate.

18 (h) Thoroughly clean windows, doors, walls, light fixtures,
19 and ledges of the packaging site as frequently as necessary to
20 maintain department standards of cleanliness and sanitation.

21 (i) Identify and dispose of waste dry milk products at the
22 fillers in a manner that ensures that the waste dry milk product
23 is not used for human consumption.

24 (2) A person packaging a dry milk product shall do all of
25 the following:

26 (a) Store or arrange the packaged dry milk product in
27 aisles, rows, or sections and lots at least 18 inches from any

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1 wall and in an orderly manner that allows easy access for
2 inspection or for cleaning of the site.

3 (b) Place all bags and small containers of product on pal-
4 lets elevated approximately 6 inches from the floor.

5 (c) Keep the storage site clean and dry and all openings to
6 the storage site protected against insects and rodents.

7 (d) Arrange all supplies on dunnage or pallets in an orderly
8 manner for accessibility and cleaning of the storage site.

9 (e) Keep supplies enclosed in their original wrapping mate-
10 rial until used.

11 (f) Keep supplies removed from their original containers in
12 an enclosed metal cabinet, bin, or on shelving, and protected
13 from powder and dust or other contamination.

14 (g) Vacuum the storage site as often as necessary to pre-
15 serve cleanliness and order.

16 (h) Take all necessary precautions throughout the entire
17 operation to prevent the adulteration of 1 product with another.

18 Sec. 154. Dryers, conveyors, sifter, and storage bins shall
19 be cleaned as often as is necessary to maintain such equipment in
20 a clean and sanitary condition. The kind of cleaning procedure
21 either wet or dry and the frequency of cleaning shall be based
22 upon observation of actual operating results and conditions.

23 Sec. 155. A person who owns or operates a plant manufactur-
24 ing, processing, and packaging butter and related products shall
25 comply with all of the following:

26 (a) Contain coolers or freezers, or both, that are each of
27 the following:

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1 (i) Equipped with facilities for maintaining proper
2 temperature and humidity conditions, consistent with good manu-
3 facturing practices for the applicable product, to protect the
4 quality and condition of the products during storage or
5 processing.

6 (ii) Kept clean, orderly, and free from insects, rodents,
7 and mold.

8 (iii) Maintained in good repair.

9 (iv) Adequately lighted.

10 (v) Capable of maintaining proper circulation of air at all
11 times.

12 (vi) Constructed to allow thorough cleaning of the floors,
13 walls, and ceilings.

14 (b) Contain properly constructed and sanitary churn rooms
15 equipped to keep air free from odors and vapors and extreme tem-
16 peratures by means of adequate ventilation and exhaust systems or
17 air conditioning and heating facilities.

18 (c) Provide an atmosphere with no more than 10 mold colonies
19 per cubic foot of air that is free of dust or other airborne con-
20 tamination and maintained at a reasonable room temperature.

21 (d) If the plant has a continuous churn, ensure that all
22 product contact surfaces of the churn are of noncorrosive mate-
23 rial readily accessible for cleaning and inspection and all non-
24 metallic product contact surfaces comply with standards estab-
25 lished or approved by the department.

26 (e) If the plant has a conventional churn, ensure that the
27 churn has tight seals around each door and is constructed of

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1 aluminum, stainless steel, or an equally corrosion resistant
2 material, free from cracks, in good repair, and all gasket mate-
3 rial is fat resistant, nontoxic, and reasonably durable.

4 (f) Ensure that bulk butter trucks, boats, and packers are
5 constructed of aluminum, stainless steel, or an equally corrosion
6 resistant material, are free from cracks and seams, and have sur-
7 faces that are smooth and easily cleanable.

8 (g) Ensure that shavers, shredders, or melting machines used
9 for the rapid melting of butter or frozen or plastic cream are
10 constructed of stainless steel or an equally corrosion resistant
11 material that is sanitary and readily cleanable.

12 (h) Ensure that all printing equipment is designed to
13 readily allow cleaning of product contact surfaces and that all
14 product contact surfaces except conveyors are constructed of alu-
15 minum, stainless steel, or equally corrosion resistant material
16 that meets department standards.

17 (i) Ensure that conveyors are constructed of material that
18 can be properly cleaned and maintained in manner satisfactory to
19 the department.

20 (j) Ensure that each brine tank used for the treating of
21 parchment liners is constructed of noncorrosive material, has an
22 adequate and safe means of heating the salt solution for the
23 treatment of the liners, and has a satisfactory drainage outlet.

24 (k) Ensure that each bulk starter vat is both of the
25 following:

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1 (i) Constructed of stainless steel or an equally corrosion
2 resistant material, in accordance with standards established or
3 approved by the department.

4 (ii) In good repair, equipped with tight-fitting lids, and
5 containing effective temperature controls.

6 Sec. 156. A person shall not sell, offer for sale or expose
7 for sale, or have in possession with intent to sell any butter
8 that does not conform to this act and shall not sell to the con-
9 sumer any butter that has not been churned from wholesome cream
10 and properly labeled.

11 Sec. 157. (1) Only a grader approved by the department
12 shall grade butter.

13 (2) Standards for grading are those described in
14 7 C.F.R. 58.

15 (3) As used in this section, "grade" means the classifica-
16 tion of butter by its examination for flavor, aroma, body and
17 texture, color, salt, package, and such other factors as may be
18 approved by the department.

19 Sec. 158. (1) The department may require a plant to provide
20 chlorinating facilities for butter wash water.

21 (2) A person who owns or operates a plant shall take all
22 necessary precautions to prevent contamination of products.

23 (3) In the packaging of butter and related products, a plant
24 shall use commercially acceptable containers or packaging mate-
25 rial that will protect the quality of the contents in a manner
26 acceptable to the department. All cups or tubs containing
27 2 pounds or less shall have tops or covers that extend over the

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1 lip of the container to protect the product from contamination
2 during subsequent handling.

3 Sec. 159. A person who owns or operates a plant shall pro-
4 tect supplies of parchment liners, wrappers, and other packaging
5 material against dust, mold, and other possible contamination and
6 do each of the following:

7 (a) Prior to use, completely immerse parchment liners or
8 bulk butter packages in a boiling salt solution within a stain-
9 less steel or other equally noncorrosive material for not less
10 than 30 minutes.

11 (b) Ensure that the solution described in subdivision (a)
12 consists of at least 15 pounds of salt for every 85 pounds of
13 water and is strengthened or changed as frequently as necessary
14 to keep the solution full strength and in good condition.

15 (c) Treat or handle liners such as polyethylene and each
16 lined butter container in such a manner as to prevent contamina-
17 tion of the liner prior to filling.

18 (d) Print and package consumer size containers of butter
19 under sanitary conditions.

20 (e) Legibly mark commercial bulk shipping containers with
21 the name of the product, net weight, name and address of manufac-
22 turer, processor or distributor, or an assigned plant identifica-
23 tion number or any other identification that the department may
24 require.

25 (f) Mark packages of plastic or frozen cream with the per-
26 cent of milkfat.

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1 (g) Except as provided in subdivisions (i) through (k), keep
2 all products under refrigeration at temperatures of 40 °F (4.4°C)
3 or lower after packaging and until ready for shipment.

4 (h) Ensure that the products are not placed directly on
5 floors or exposed to foreign odors or conditions such as drippage
6 due to condensation which might cause package or product damage.

7 (i) If plastic cream or frozen cream is to be quick-frozen,
8 place the product in quick freezer rooms immediately after pack-
9 aging, and ensure rapid and complete freezing within 24 hours by
10 doing all of the following:

11 (i) Pile or space the packages in a manner that allows air
12 to freely circulate among and around the packages.

13 (ii) Maintain the rooms at -10 °F (-23°C) or lower.

14 (iii) Equip each room to provide sufficient high-velocity
15 air circulation for rapid freezing.

16 (iv) After the products have been completely frozen, retain
17 them in the quick freezer or transfer them to a freezer storage
18 room for continued storage.

19 (j) Maintain each freezer storage room at a temperature of
20 0 °F (-18°C) or lower and ensure each freezer storage room has
21 adequate air circulation.

22 (k) Place butter intended to be held more than 30 days in a
23 freezer storage room immediately after packaging, and if that
24 butter is not frozen before being placed in the freezer, arrange
25 each unfrozen butter package in a manner that permits rapid
26 freezing, and keep each package in that arrangement until
27 frozen.

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ARTICLE 17

Sec. 170. A person that manufactures or processes cheese shall do all of the following:

(a) Equip and maintain starter rooms or areas for the propagation and handling of starter cultures.

(b) Prevent contamination of starter cultures, starter rooms and equipment, and the air within each starter room.

(c) Ensure that the room in which cheese is manufactured is of adequate size with both of the following:

(i) Vats adequately spaced to permit movement around each vat.

(ii) Presses that are designed for proper cleaning and satisfactory working conditions.

(d) If cheese is to be coated or saturated with paraffin, provide a drying room of adequate size to accommodate the maximum amount of cheese that the plant can produce at its peak of operation and ensure that the drying room has adequate shelving and air circulation for proper drying and suitable temperature and humidity controls.

(e) For production of rind cheese, provide a separate room or compartment for paraffining and boxing the cheese and ensure that the room or compartment is of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

(f) For rindless blocks, provide a suitable space for wrapping and boxing of the cheese and ensure that the area is free from dust, condensation, mold, or other conditions that may

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1 contaminate the surface of the cheese or contribute to an
2 unsatisfactory packaging of the cheese.

3 (g) Maintain clean coolers or curing rooms where cheese is
4 held for curing or storage and ensure each of the following:

5 (i) That the proper uniform temperature and humidity are
6 kept to adequately protect the cheese.

7 (ii) That proper circulation of air is maintained at all
8 times.

9 (iii) That the coolers or rooms are free from rodents,
10 insects, and pests.

11 (iv) That shelves are kept clean and dry.

12 (h) If small packages of cheese are cut and wrapped, provide
13 a separate room for the cleaning and preparation of the bulk
14 cheese, a separate room for the cutting and wrapping operation
15 and ensure that the rooms are well lighted, ventilated, provided
16 with filtered air, and engineered to move air outward.

17 (i) If bulk starter vats are used, ensure that each is con-
18 structed of stainless steel or an equally corrosion resistant
19 material, is in good repair, equipped with a tight-fitting lid,
20 and contains adequate controls such as valves, indicating ther-
21 mometers, and recording thermometers that meet the requirements
22 for vat pasteurization unless pasteurization of the starter cul-
23 ture is completed prior to entry into the bulk starter vat.

24 (j) Ensure that each new bulk starter vat that is used is
25 constructed according to standards established or approved by the
26 department.

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1 (k) Ensure that each vat used for making cheese is of metal
2 construction and meets each of the following requirements:

3 (i) The vat has adequate jacket capacity for uniform
4 heating.

5 (ii) The inner liner of the vat is a minimum 16-gauge stain-
6 less steel or other equally corrosion resistant material, prop-
7 erly pitched from side to center and from rear to front for ade-
8 quate drainage.

9 (iii) The liner of the vat is smooth, free from excessive
10 dents or creases, and extends over the edge of the outer jacket.

11 (iv) The outer jacket of the vat, if metal, is constructed
12 of stainless steel or other material that can be kept clean and
13 sanitary.

14 (v) The junction of the liner and outer jacket of the vat is
15 constructed to prevent milk or cheese from entering the inner
16 jacket.

17 (vi) The vat is equipped with a suitable sanitary outlet
18 valve.

19 (vii) Each vat is equipped with effective valves that are
20 properly maintained to control the application of heat to the
21 vat.

22 (l) Ensure that mechanical agitators are of sanitary con-
23 struction and contain each of the following:

24 (i) A carriage and track constructed to prevent the dropping
25 of dirt or grease into the vat.

26 (ii) Metal blades, forks, or stirrers constructed of
27 stainless steel or of material approved by the department and

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1 free from rough or sharp edges or any surface that may scratch
2 the equipment or remove metal particles.

3 (m) Ensure that curd mill knives, hand rakes, shovels, pad-
4 dles, strainers, and miscellaneous equipment are stainless steel
5 or constructed of a material approved by the department.

6 (n) Ensure that the product contact surfaces of a curd mill,
7 including the wires in curd knives, are stainless steel and that
8 each piece of equipment is constructed so that it may be kept
9 clean.

10 (o) Ensure that curd knives are kept tight and replaced when
11 necessary.

12 (p) Ensure that each hoop, form, and follower is constructed
13 of stainless steel or heavy tinned steel, and that a tinned hoop,
14 form, or follower is kept tinned and free from rust.

15 (q) Ensure that each hoop, form, and follower is kept in
16 good repair and that drums or other special forms used to press
17 and store cheese are clean and sanitary.

18 (r) Ensure that each cheese press is constructed of stain-
19 less steel with all of the following:

20 (i) All joints welded and all surfaces, seams, and openings
21 readily cleanable.

22 (ii) A continuous pressure device.

23 (iii) Press cloths maintained in good repair and in a sani-
24 tary condition.

25 (s) Ensure that single-service cheese press cloths are used
26 only once.

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1 (t) Ensure that the press used to heat seal the wrapper
2 applied to rindless cheese shall have square interior corners and
3 reasonably smooth interior surface and have controls that shall
4 provide uniform pressure and heat equally to all surfaces.

5 (u) Ensure that each paraffin metal tank is adequate in
6 size, has wood rather than metal racks to support cheese, and has
7 heat controls and an indicating thermometer.

8 (v) Ensure that paraffin tank cheese wax is kept clean.

9 Sec. 171. (1) A person that manufactures or processes
10 cheese shall pasteurize milk to be used for making cheese or
11 cheese culture by subjecting every particle of the milk to a min-
12 imum temperature of 161°F (72°C) for not less than 15 seconds or
13 to other pasteurization temperature and time standards listed in
14 section 137, except as provided for in section 138. A person
15 that manufactures or processes cheese shall equip high tempera-
16 ture short-time pasteurization units with the proper controls and
17 equipment to assure pasteurization. Milk held more than 2 hours
18 between time of receipt or pasteurization and culturing shall be
19 cooled to 45°F (7°C) or lower, until the time of culturing.

20 (2) A person that manufactures or processes cheese and
21 engages in vat pasteurization shall use only equipment meeting
22 the requirements of sanitary standards.

23 Sec. 172. In addition to the requirements imposed under
24 section 170, a person that manufactures or processes cheese shall
25 do all of the following:

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1 (a) Provide adequate sanitary facilities for the disposal of
2 whey and take precautions to minimize flies, insects, and the
3 development of objectionable odors at disposal sites.

4 (b) Handle whey or whey products intended for human food at
5 all times in a sanitary manner in accordance with the procedures
6 specified in this act for handling milk and dairy products.

7 (c) Conduct the packaging of rindless cheese or the cutting
8 and repackaging of all styles of bulk cheese under rigid sanitary
9 conditions and ensure that the atmosphere of the packaging rooms,
10 the equipment, and the packaging material are free from mold and
11 bacterial contamination.

12 (d) Legibly mark each bulk cheese with the name of the pro-
13 duct, code or date of manufacture, name and address of manufac-
14 turer, and vat number or code number of the manufacturer.

15 (e) Legibly mark each consumer-sized container with the name
16 and address of the manufacturer, packer, or distributor and legi-
17 bly mark the net weight of the contents, the name of product, and
18 any other information required by the department.

19 (f) Ensure that conveyors are constructed of material
20 approved by the department and maintained in good repair.

21 (g) Ensure that the grinders or shredders used in the prepa-
22 ration of trimmed and cleaned natural cheese for cookers are ade-
23 quate in size, with product contact surfaces of corrosion resis-
24 tant material, and constructed to prevent contamination of the
25 cheese and allow thorough cleaning of all parts and product con-
26 tact surfaces.

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- 1 (h) Ensure that each cooker is all of the following:
- 2 (i) Steam jacketed or of direct steam type.
- 3 (ii) Constructed of stainless steel or other equally corro-
- 4 sion resistant material with all product contact surfaces readily
- 5 accessible for cleaning.
- 6 (iii) Equipped with an indicating thermometer.
- 7 (iv) Equipped with a temperature recording device.
- 8 (v) Equipped with a recording thermometer stem placed in the
- 9 cooker if time charts satisfactory to the department are used or
- 10 placed in the hotwell or filler hopper.
- 11 (i) Ensure either that steam check valves on direct steam
- 12 type cookers are mounted flush with cooker wall, constructed of
- 13 stainless steel, and designed to prevent the backup of product
- 14 into the steam line or that each steam line is constructed of
- 15 stainless steel pipes and fittings that can be readily cleaned.
- 16 (j) If direct steam is applied to the product, ensure that
- 17 only culinary steam is used.
- 18 (k) Ensure each of the following:
- 19 (i) That except for sight ports, the hoppers of all fillers
- 20 are covered.
- 21 (ii) That if the department determines necessary, the hopper
- 22 has an agitator to prevent buildup on side walls.
- 23 (iii) That the filler valves and head are kept in good
- 24 repair and capable of accurate measurements.
- 25 (iv) That natural cheese is cleaned free of all nonedible
- 26 portions.

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1 (v) That paraffin, wrappings, rind surface, mold, or unclean
2 areas or any other part of natural cheese that is by department
3 standards unwholesome or unappetizing is removed.

4 (vi) That each batch of cheese within a cooker, including
5 optional ingredients, is thoroughly commingled and pasteurized at
6 a temperature of at least 161°F (72°C) for not less than
7 30 seconds.

8 (vii) That cheese particles or ingredients do not enter the
9 cooker batch after the cooker batch of cheese has reached the
10 final heating temperature.

11 (viii) After holding for the required period of time, that
12 the hot cheese is emptied from the cooker as quickly as
13 possible.

14 (ix) That containers either lined or unlined are assembled
15 and stored in a sanitary manner to prevent contamination.

16 (x) That filler crews handle containers with extreme care
17 and observance of personal cleanliness.

18 (xi) That preforming and assembling of pouch liners and con-
19 tainers are kept to a minimum and the supply rotated to limit the
20 length of time a product is exposed to possible contamination
21 prior to filling.

22 Sec. 173. Hot fluid cheese from cookers may be held in hot
23 wells or hoppers to assure a constant and even supply of pro-
24 cessed cheese to the filler or slice former. A person that manu-
25 factures or processes cheese shall ensure all of the following:

26 (a) That filler valves effectively measure the desired
27 amount of product into a pouch or container in a sanitary manner

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1 and shall cut off sharply without drip or drag of cheese across
2 the opening.

3 (b) That an effective system is used to maintain accurate
4 and precise weight control.

5 (c) That damaged or unsatisfactory packages are removed from
6 production and that cheese is, at the plant's option, salvaged
7 into sanitary containers and added back to the cookers.

8 (d) That pouches, liners, or containers having product con-
9 tact surfaces after filling are folded or closed and sealed in a
10 sanitary manner approved by the department to prevent
11 contamination.

12 (e) That, in addition to other required labeling, each con-
13 tainer is coded in a manner as to be easily identified as to date
14 of manufacture by lot or subplot number.

15 Sec. 174. (1) A person that manufactures, processes, or
16 packages evaporated, condensed, or sterilized dairy products
17 shall ensure that the equipment and utensils used for processing
18 and packaging evaporated, condensed, or sterilized dairy products
19 comply with sections 135 through 143 and each of the following
20 requirements:

21 (a) All equipment used in the removal of moisture from milk
22 or dairy products for the purpose of concentrating the solids
23 meets sanitary standards.

24 (b) Gravity and vacuum-type fillers are of sanitary design
25 and, except as provided in subdivision (c), all product contact
26 surfaces, if metal, are made of stainless steel or an equally
27 corrosion resistant material approved by the department.

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1 (c) Nonmetallic product contact surfaces meet standards
2 established or approved by the department.

3 (d) Fillers are designed to prevent contamination of, or
4 detraction from, the quality of the product being packaged.

5 (e) Batch or continuous in-container sterilizers are
6 equipped with accurate temperature controls and effective valves
7 for regulating the sterilization process and the equipment is
8 maintained to assure control of the length of time of processing,
9 and to minimize the number of damaged containers.

10 (2) If applicable, a person who owns or operates a plant
11 described in section 140 or 141 shall use homogenizers to reduce
12 the size of fat particles and to evenly disperse those particles
13 in the product and ensure that each homogenizer meets sanitary
14 standards.

15 (3) Pasteurization shall be performed by systems and equip-
16 ment meeting the requirements identified in section 139 .

17 (4) A person shall fill and hermetically seal containers
18 with product in a sanitary manner, and ensure that each container
19 does not contaminate or detract from the quality of the product.

20 (5) A person shall ensure that bulk containers or retail
21 containers for unsterilized product meet department standards to
22 protect a product in storage or transit. Each bulk container,
23 including bulk tankers, shall be cleaned and sanitized before
24 filling and filled and closed in a sanitary manner.

25 (6) A previously sterilized product shall be filled under
26 conditions which prevent contamination of the product by living
27 organisms or spores. Prior to being filled, a container shall be

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1 sterilized and maintained in a sterile condition. A filled
2 container shall be sealed in a manner that prevents contamination
3 of the product.

4 (7) All sterilized or aseptically processed product must
5 comply with the requirements set forth by the scheduled process
6 and the food and drug administration under 21 C.F.R. part 113.

7 Sec. 175. (1) A person who manufactures frozen desserts
8 shall maintain and operate the plant with strict regard for the
9 purity and wholesomeness of the frozen desserts produced.

10 (2) A frozen dessert shall be manufactured, processed, sold,
11 offered for sale, or delivered only if it has been made from a
12 mixture that has been properly pasteurized by heating every par-
13 ticle of the mixture pursuant to subsection (3)(a) or (b).

14 (3) A frozen dessert mixture, including sweeteners, emulsifi-
15 ers, and stabilizers, described in subsection (2) shall be pas-
16 teurized to either of the following:

17 (a) To a temperature and time standard listed in
18 section 137, but not lower than 155°F (69°C) and holding at such
19 temperature continuously for not less than 30 minutes and
20 promptly cooling to a temperature of 45°F (7°C) or lower.

21 (b) To a temperature not lower than 175°F (80°C) for not
22 less than 25 seconds or 180°F (83°C) for 15 seconds in equipment
23 meeting the requirements of the department and those set forth in
24 sanitary standards and promptly cooling to a temperature of 45°F
25 (7°C) or lower.

26 (4) A frozen dessert mixture described in subsection (2)
27 shall be pasteurized in equipment provided with an indicating

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1 thermometer and approved recording thermometer, the charts for
2 which shall be dated and held for a period of at least 180 days.
3 This subsection does not prohibit the use of another pasteuriza-
4 tion process that has been recognized by the department to be
5 equally efficient and that is approved by the department.

6 (5) All frozen dessert mixes shall be pasteurized at the
7 final freezing location unless the pasteurized mix is packaged in
8 approved single service containers of 5 gallons or less, or as
9 approved by the director. Frozen dessert plants that transport
10 pasteurized bulk mix in bulk milk tankers dedicated to hauling
11 pasteurized products on the effective date of this act may con-
12 tinue this practice with the written approval of the director on
13 a case-by-case basis.

14 Sec. 176. A person shall ensure that all new equipment
15 meets applicable sanitary standards. Equipment and utensils
16 coming in contact with milk, dairy products, mix or frozen des-
17 serts, including sanitary pumps, piping, fittings, and connec-
18 tions, shall be constructed of stainless steel or other equally
19 corrosion-resistant material. However, where the use of stain-
20 less steel is not practicable, or in old equipment, other metals
21 properly coated or plated may be approved in writing by the
22 director on a case-by-case basis. Nonmetallic parts having pro-
23 duct contact surfaces shall be of material that meets sanitary
24 standards.

25 Sec. 177. (1) A person shall ensure that milk, cream, and
26 dairy products in fluid form received at a frozen dessert plant
27 for use in mixes are immediately cooled to a temperature of 45 °F

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1 (7°C) or less and maintained at that temperature until
2 pasteurized. Mixes shall be assembled and pasteurized in a dairy
3 plant.

4 (2) A person shall ensure that spilled frozen desserts and
5 ingredients are discarded. Rerun shall be handled in sanitary
6 containers properly covered and stored at or below 45 °F (7°C) or
7 shall be piped directly back to vats. Rerun which has been
8 strained to remove nuts, fruits, or other ingredients shall be
9 repasteurized and shall be used only as mix for products which
10 contain the same ingredients. Frozen desserts that have been
11 distributed shall not be returned to the manufacturer for repas-
12 teurization and processing. Flavoring and bulky ingredients may
13 be added to mix after pasteurization.

14 (3) A person shall ensure that frozen desserts and mix are
15 packaged in commercially acceptable containers and packaging
16 material that will protect the quality of the contents in regular
17 channels of trade. The packaging, cutting, molding, dispensing,
18 and other handling or preparation of mix or frozen desserts and
19 their ingredients shall be done in a sanitary manner. Plastic or
20 rubber gloves shall worn when handling frozen desserts for mold-
21 ing, cutting, or similar hand contact work.

22 (4) Frozen desserts shall be labeled as specified in section
23 143(2), (3), (4), (5), and (6). Bulk ice cream containers with
24 removable lids, such as those used for hand dipping, shall be
25 labeled on the body of the container.

26 Sec. 178. New frozen desserts not conforming to existing
27 standards shall be manufactured in accordance with sanitation

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1 standards established in this act and shall also comply with the
2 bacteria count standards, coliform determinations, and storage
3 temperatures where applicable, set forth in section 70. A
4 person, firm, or corporation, before manufacturing and marketing
5 any frozen dessert or mix which varies from the standards set
6 forth in this act, shall notify the department of its intent to
7 manufacture or market a frozen dessert or mix and shall submit
8 for review and approval a proposed copy of the label for the new
9 frozen dessert or mix.

10 Sec. 179. A person shall ensure that a vehicle including a
11 mobile frozen dessert plant used for the transportation of mix,
12 frozen desserts, and their ingredients is constructed and oper-
13 ated so as to protect the contents from heat, sun, and
14 contamination. The vehicle shall be kept clean, and no substance
15 capable of contaminating mix, frozen desserts, and their ingredi-
16 ents shall be transported in the vehicle. Where applicable, a
17 frozen dessert plant shall provide an area for unloading vehicles
18 that can be maintained in a sanitary condition. This area should
19 be surfaced with concrete or blacktop.

20 Sec. 180. A person that owns or operates a mobile frozen
21 dessert plant shall ensure all of the following:

22 (a) A mobile frozen dessert plant meets all requirements of
23 this act exclusive of toilet facilities.

24 (b) A mobile frozen dessert plant has a potable water supply
25 tank, of sufficient capacity, tilted toward a capped drain cock.
26 The water inlet pipes shall be of removable flexible copper or
27 other approved tubing with the nozzle for the hose connection

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1 capped and fully protected when not being used. A hose for
2 connection to a potable water supply shall be provided and used
3 exclusively for that purpose.

4 (c) A mobile frozen dessert plant has a suitable waste tank
5 with a capacity at least equal to the water supply tank that is
6 tilted toward a drain cock with an adequate method of gauging the
7 contents. It shall be emptied and flushed as often as necessary
8 at an approved location, in order to maintain sanitary
9 conditions.

10 (d) A mobile frozen dessert plant has a refrigerated box of
11 ample capacity for storage of the various ingredients carried
12 that need refrigeration and constructed of noncorrosive material,
13 the floor of which is pitched toward a drain. Temperature shall
14 be maintained at 45°F (7°C) or lower in the refrigerated box, and
15 it shall be equipped with an indicating thermometer.

16 (e) Mix to be frozen in a mobile frozen dessert plant is
17 packaged in a single service container of 5 gallons or less at
18 the place of manufacture.

19 (f) A mobile frozen dessert plant has a refrigerated syrup
20 rail with a holding plate to maintain temperatures of 50 °F (10°C)
21 or below.

22 (g) A mobile frozen dessert plant has a refuse can located
23 within the mobile plant and a waste can or container for deposit
24 of cups, papers, and other refuse by customers outside the mobile
25 plant. Both shall be kept clean and so located as not to create
26 a nuisance.

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1 (h) Utensils, equipment, and multiuse containers in a mobile
2 frozen dessert plant are washed and sanitized in the mobile plant
3 after each day's use.

4 Enacting section 1. This act does not take effect unless
5 House Bill No. 4820 of the 91st Legislature is enacted into law.