

# HOUSE BILL No. 4829

May 30, 2001, Introduced by Reps. Vear, Meyer, Ehardt, Van Woerkom, Mortimer, LaSata, DeRossett, Stewart, Bovin, Shackleton, DeVuyst, Pappageorge, Newell, Rocca, Spade and Lemmons and referred to the Committee on Agriculture and Resource Management.

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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promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "manufacturing milk law of 2001".

3                                   ARTICLE 1

4       Sec. 10. As used in this act:

5       (a) "Adulterated" means food or milk products to which any  
6 of the following apply:

7       (i) It bears or contains any poisonous or deleterious sub-  
8 stance that may render it injurious to health except that, if the  
9 substance is not an added substance, the food or milk product is  
10 not considered adulterated if the quantity of that substance in  
11 the food or milk product does not ordinarily render it injurious  
12 to health.

13       (ii) It bears or contains any added poisonous or added dele-  
14 terious substance, other than a substance that is a pesticide  
15 chemical in or on a raw agricultural commodity; a food additive;  
16 or a color additive considered unsafe within the meaning of sub-  
17 paragraph (v).

18       (iii) It is a raw agricultural commodity that bears or con-  
19 tains a pesticide chemical considered unsafe within the meaning  
20 of subparagraph (v).

21       (iv) It bears or contains any food additive considered  
22 unsafe within the meaning of subparagraph (v) provided that where  
23 a pesticide chemical has been used in or on a raw agricultural

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, 21 U.S.C. 512.

24 (vii) It consists in whole or in part of a diseased, contam-  
25 inated, filthy, putrid, or decomposed substance or it is other-  
26 wise unfit for food.

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

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

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

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

18      (xii) It is confectionery and has partially or completely  
19      imbedded in it any nonnutritive object except in the case of any  
20      nonnutritive object if, as provided by rules, the object is of  
21      practical functional value to the confectionery product and would  
22      not render the product injurious or hazardous to health; it bears  
23      or contains any alcohol other than alcohol not in excess of 1/2  
24      of 1% by volume derived solely from the use of flavoring  
25      extracts; or it bears or contains any nonnutritive substance  
26      except a nonnutritive substance such as harmless coloring,  
27      harmless flavoring, harmless resinous glaze not in excess of 4/10

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

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

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

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

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

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

26 (d) "Aseptic processing and packaging" means the filling of  
27 a commercially sterilized cooled product into presterilized

1 containers followed by aseptic hermetical sealing with a  
2 presterilized closure, in an atmosphere free of microorganisms.

3       Sec. 11. As used in this act:

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

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

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

18       (d) "Cheese" means natural cheeses, processed cheeses,  
19 blended cheeses, cheese foods, cheese spreads, nonstandard cheese  
20 products, and related foods described in 21 C.F.R. 133.

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

24       (f) "Commercial sterility of thermally processed food" means  
25 the condition achieved under either of the following  
26 circumstances:

1       (i) By the application of heat which renders the food free  
2 of microorganisms capable of reproducing in the food under normal  
3 nonrefrigerated conditions of storage and distribution and viable  
4 microorganisms, including spores, of public health significance.

5       (ii) By the control of water activity and the application of  
6 heat, which renders the food free of microorganisms capable of  
7 reproduction in the food under normal nonrefrigerated conditions  
8 of storage and distribution.

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

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

12       (ii) Whipping cream containing more than 30% but less than  
13 36% milkfat.

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

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

17       Sec. 12. As used in this act:

18       (a) "Dairy plant" means a milk plant, transfer or receiving  
19 station, cheese plant, frozen desserts plant, or other plant  
20 receiving dairy products or processing dairy products into manu-  
21 factured dairy products.

22       (b) "Dairy product" or "manufactured dairy product" means  
23 products that include, but are not limited to, evaporated milk,  
24 condensed skim milk, condensed milk, condensed buttermilk, con-  
25 densed milk solids, concentrate milk, nonfat dry milk, dry milk,  
26 dry cream, dry whey, dry buttermilk, butter, buttermilk, cheese,  
27 cheese products, ice cream, sherbet, frozen desserts, dairy

1 confections, or novelties, related dairy products with butter fat  
2 or milk solids substitutions, filtered milk components, infant  
3 formula manufactured with dairy ingredients, whey, whey cream,  
4 and other products for human consumption not regulated under the  
5 grade A dairy law or as determined appropriate by the director.

6 (c) "Department" means the Michigan department of  
7 agriculture.

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

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

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

17 (g) "Dryer" means equipment that dries milk or a dairy  
18 product.

19 Sec. 13. As used in this act:

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

23 (b) "First receiving point" means the dairy plant where the  
24 milk is first received for processing and manufacturing. First  
25 receiving point does not include receiving stations and transfer  
26 stations.



1 (c) "Freezer" means mechanical equipment used to lower the  
2 temperature of a mix while, at the same time, incorporating air  
3 into the mix.

4 (d) "Frozen desserts" means desserts made from dairy pro-  
5 ducts described in 21 C.F.R. 135, the mixes, and other similar  
6 frozen dairy products that include, but are not limited to,  
7 frozen yogurt, soft serve ice cream, and quiescently frozen con-  
8 fections unless otherwise specified by the department.

9 (e) "Imminent or substantial health hazard" means a determi-  
10 nation by the director of either or both of the following:

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

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

15 (f) "Label" means a display of written, printed, or graphic  
16 matter upon the immediate container of any article conforming to  
17 a requirement imposed under this act that any word, statement, or  
18 other information appearing on the label also appears on the out-  
19 side container or wrapper of the retail package of the article or  
20 be easily legible through the outside container or wrapper.

21 (g) "Labeling" means all labels and other written, printed,  
22 or graphic matter upon an article or any of its containers or  
23 wrappers or accompanying the article.

24 Sec. 14. As used in this act:

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

1 (b) "Milk buyer" means any milk producer, milk producer  
2 marketing organization, dairy plant, receiving station, transfer  
3 station, or bulk milk hauler that either takes delivery of raw  
4 milk or a raw milk product or manages the sale of the raw milk or  
5 raw milk product, or both.

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

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

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

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

17 (g) "Milk transport tank" means a vehicle, including the  
18 truck and tank, used by a bulk milk hauler/sampler to transport  
19 bulk shipments of milk from a dairy plant, receiving station, or  
20 transfer station to another dairy plant, receiving station, or  
21 transfer station.

22 Sec. 15. As used in this act:

23 (a) "Misbranded" means food to which any of the following  
24 apply:

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

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

1       (iii) It is an imitation of another food unless its label  
2 bears, in type of uniform size and prominence, the word  
3 "imitation" and immediately thereafter the name of the food  
4 imitated.

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

7       (v) It is in package form, unless it bears a label contain-  
8 ing both the name and place of business of the manufacturer,  
9 packer, or distributor and an accurate statement of the quantity  
10 of the contents in terms of weight, measure, or numerical count  
11 subject to reasonable variations as are permitted and exemptions  
12 as to small packages as are established by rules promulgated by  
13 the department.

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

19       (vii) It purports to be or is represented as a food for  
20 which a definition and standard of identity have been prescribed  
21 by rules as provided by this act or under the federal act, unless  
22 it conforms to such definition and standard and its label bears  
23 the name of the food specified in the definition and standard,  
24 and, as may be required by the rules, the common names of  
25 optional ingredients, other than spices, flavoring, and coloring,  
26 present in such food.

1 (viii) It purports to be or is represented to be either of  
2 the following:

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

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

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

20 (x) It bears or contains any artificial flavoring, artifi-  
21 cial coloring, or chemical preservative unless the labeling  
22 states that fact and under other circumstances as established by  
23 rules regarding exemptions based upon practicality.

24 (xi) If a food intended for human consumption and offered  
25 for sale, its label and labeling do not bear the nutrition infor-  
26 mation required under section 403(q) of the federal act, 21  
27 U.S.C. 343.

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

5       (xiii) It is a color additive whose packaging and labeling  
6 are not in conformity with packaging and labeling requirements  
7 applicable to such color additive prescribed under the provisions  
8 of the federal act.

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

13       Sec. 16. As used in this act:

14       (a) "Offering for sale" means selling, offering to sell,  
15 holding for sale, preparing for sale, trading, bartering, offer-  
16 ing as a gift as an inducement for sale of, and advertising for  
17 sale in any media.

18       (b) "Other security" means a mutually acceptable producer  
19 security agreement, acceptable to the director, approved and  
20 signed by the milk buyer and all milk sellers selling milk to  
21 that milk buyer.

22       (c) "Person" means an individual, partnership, company,  
23 limited liability company, cooperative, association, firm, trust-  
24 ee, educational institution, state or local government unit, or  
25 corporation.

26       (d) "Processor" means the owner or operator of a dairy  
27 plant.

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

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

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

12 Sec. 17. As used in this act:

13 (a) "Sample transfer instrument" means any of the  
14 following:

15 (i) Individually wrapped, sterile, single-service sampling  
16 tubes.

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

19 (iii) Sampling devices approved by the director.

20 (b) "Sanitary standards" means the dairy equipment construc-  
21 tion standards or accepted dairy system operating practices for-  
22 mulated by 1 of the following:

23 (i) 3-A sanitary standards committees representing the  
24 international association for food protection, the United States  
25 public health service, the United States department of agricul-  
26 ture, and the dairy industry committee.

1       (ii) Standards for dairy equipment formulated by the United  
2 States department of agriculture or the food and drug  
3 administration.

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

6       (c) "Sanitizing" means the application of any effective  
7 method or sanitizing agent in compliance with the federal food,  
8 drug, and cosmetic act to a clean surface for the destruction of  
9 pathogens and other organisms as far as is practicable.

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

21       (e) "Standard methods" means the seventeenth edition of  
22 standard methods for the examination of dairy products, published  
23 by the American public health association, dated 1992.

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

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

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

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

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

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

(i) "Verified financial statement" means a financial statement that contains a notarized statement, signed and sworn to by an authorized representative of the dairy plant, attesting that the financial statement is correct.

24 ARTICLE 3

25       Sec. 30. (1) A political subdivision of the state shall not  
26 impose any different standards or requirements for manufacturing  
27 milk and manufacturing milk products than those provided for in



1 this act and shall not prohibit the sale of dairy products if  
2 they have been produced and processed as manufacturing milk under  
3 supervision of the department.

4 (2) The director shall furnish copies of its inspection  
5 reports on any dairy farm producing manufacturing milk to a pur-  
6 chaser of manufacturing milk from that farm upon written  
7 request.

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

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

19 (a) 1899 PA 167, MCL 289.61.

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

21 (c) 1911 PA 257, MCL 288.371 to 288.372.

22 (d) 1913 PA 63, MCL 288.251 to 288.257.

23 (e) The manufacturing milk act, 1913 PA 222, MCL 288.101 to  
24 288.117.

25 (f) 1915 PA 93, MCL 288.161 to 288.162.

26 (g) 1923 PA 30, MCL 288.281 to 288.284.

(h) 1935 PA 212, MCL 288.51 to 288.60.

(i) 1939 PA 155, MCL 288.201 to 288.206.

(j) 1945 PA 293, MCL 288.151 to 288.153.

(k) 1955 PA 211, MCL 288.211 to 288.217.

(l) 1967 PA 45, MCL 288.141 to 288.149.

(m) The frozen desserts act of 1968, 1968 PA 298,  
MCL 288.321 to 288.334.

(2) Except as rescinded, rules promulgated under public acts repealed by this act retain authorization under this act. The following rules are rescinded effective 30 days after enactment of this act:

(a) R 285.400.1 of the Michigan administrative code.

(b) R 285.402.1 of the Michigan administrative code.

(c) R 285.404.1 of the Michigan administrative code.

(d) R 285.405.1 to R 285.405.29 of the Michigan administrative code.

(e) R 285.407.1 to R 285.407.6 of the Michigan administrative code.

(f) R 285.409.1 of the Michigan administrative code.

Sec. 32. This act takes effect 30 days after the date of enactment.

## ARTICLE 5

Sec. 50. (1) The department shall administer this act and may promulgate rules for its implementation and enforcement, or adopt revisions of standards adopted by reference in this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) The following standards are incorporated by reference:

(a) The sanitary standards of 7 C.F.R. 58 and the 3-A sanitary standards committees published by the international association for food protection, as referenced in 7 C.F.R. 58.

(b) Standards for dairy equipment construction formulated by the United States department of agriculture, dated 2001, entitled USDA guidelines for the sanitary design and fabrication of dairy processing equipment, and the United States food and drug administration, dated 2000, entitled milk and milk product equipment, a guide for evaluating construction.

(c) The standards for sanitizing agents complying with the federal food, drug, and cosmetic act and listed in 21 C.F.R. 178.1010.

(d) The scheduled process standards for achieving commercial sterility and standards for sterilized or aseptic milk and dairy products processing contained in 21 C.F.R. 113.

(e) The standard methods for the examination of dairy products referenced in 7 C.F.R. 58 and published by the American public health association, seventeenth edition, dated 1992.

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

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

Sec. 51. The director shall foster and encourage the dairy industry of the state and, for that purpose, shall investigate the general conditions of the dairy farms, dairy plants, single service manufacturers, receiving stations, transfer stations, bulk milk haulers/samplers, can milk trucks, milk tank trucks,

1 milk tank truck cleaning facilities, and distributors with full  
2 power to enter upon any premises for such investigation, with the  
3 object of improving the quality and creating and maintaining uni-  
4 formity of the dairy products of the state. If determined neces-  
5 sary by the director, he or she may cause instruction to be given  
6 in any dairy farm, dairy plant, single service manufacturer,  
7 receiving station, transfer station, and distributor or in any  
8 locality in this state, in order to secure the proper feeding and  
9 care of cows, the proper maintenance and sanitation of milk han-  
10 dling equipment, the proper maintenance of milk production facil-  
11 ities, the proper maintenance of milk processing facilities, the  
12 proper maintenance of single service facilities, the proper han-  
13 dling and storage of milk, dairy products, or single service con-  
14 tainers, or the practical operation of any plant producing dairy  
15 products or single service containers for dairy products. In  
16 order to secure a uniform and standard quality of dairy products  
17 in the state, the director shall furnish a sufficient number of  
18 competent and qualified inspectors for that purpose as provided  
19 for in this act.

20 ARTICLE 7

21 Sec. 70. (1) A person shall not directly, through an agent,  
22 or on behalf of another person sell or offer for sale, furnish,  
23 or possess or control with intent to sell or offer for sale, or  
24 furnish an unsanitary, adulterated, or misbranded milk or dairy  
25 product to a person or a processor.

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

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2      Chemical, Physical, Bacteriological, and Temperature Standards

3

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4	MANUFACTURING	Temperature	Bulk milk cooled to 45°F
5	GRADE RAW MILK FOR		(7°C) or less within 2 hours
6	PASTEURIZATION		after milking and maintained
7	(NOT FOR FROZEN		thereat. Provided, that the
8	DESSERTS)		blend temperature after the
9	INCLUDING		first and subsequent milkings
10	ULTRAFILTRATION		does not exceed 50°F (10°C).
11	OR REVERSE		Can milk not to exceed 60°F
12	OSMOSIS RAW		(16°C) if used for cheese
13	MILK CONCENTRATE		making; if delivered to the
14			plant within 2 hours of milk-
15			ing, no temperature limit.
16		Bacterial limits	Not to exceed 500,000 per ml
17			(milk for cheese not to
18			exceed 750,000 per ml).
19			Not to exceed 1,000,000 per
20			ml as commingled milk prior
21			to pasteurization.
22		Somatic cell count	Not to exceed 1,000,000 per
23			ml.
24		Drug residues	No positive results on drug
25			residue detection methods
26			which have been found to be
27			acceptable for use with
28			raw milk.
29		Sediment	Not to exceed a USDA no. 3
30			standard following procedures
31			from standard methods for the
32			examination of milk and milk
33			products.
34		Freezing point	-0.530°H maximum.
35			
36	RAW MILK FOR	Temperature	Bulk milk cooled to 45°F
37	FROZEN DESSERTS		(7°C) or less within 2 hours
38			after milking and maintained
39			thereat. Provided, that the
40			blend temperature after the
41			first and subsequent milkings
42			does not exceed 50°F (10°C).

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1	Bacterial limits	Not to exceed 100,000 per ml
2		for individual supplies, not
3		to exceed 300,000 per ml
4		commingled.
5	Somatic cell counts	Not to exceed 750,000 per
6		ml.
7	Drug residues	No positive results on drug
8		residue detection methods
9		which have been found to be
10		acceptable for use with raw
11		milk.
12	Sediment	Not to exceed a USDA no. 3
13		standard following procedures
14		from standard methods for the
15		examination of milk and milk
16		products.
17		
18	PASTEURIZED	Temperature
19	CONDENSED MILK AND	Cooled to 45°F (7°C) [50°F
20	CONDENSED SKIM	(10°C) if 45% or more
21	MILK	solids] or less, or heated
22		to 145° (63°C) or greater and
23		maintained thereat unless the
24		product is being dried within
		4 hours after condensing.
25	Bacterial limits	Not to exceed 30,000 per
26		gram.
27	Coliform count	Not to exceed 10 per gram.
28		Provided, that in the case of
29		bulk milk transport tank
30		shipments shall not exceed
31		100 per ml.
32	Phosphatase	Less than 1 microgram per ml
33		by the Scharer rapid method;
34		less than 500 milliunits per
35		L by fluorometric procedure
36		or Charm ALP method, or
37		equivalent.
38	Drug residues	No positive results on drug
39		residue detection methods
40		which have been found to be
41		acceptable for use with con-
42		densed milk and condensed
43		skim milk.
44		

1	DRY WHOLE MILK,	No more than:	
2	EXTRA GRADE		
3		Butterfat	Not less than 26% or more
4			than 40%.
5		Moisture	4.50%.
6		Solubility index	1.0 ml spray process; 15.0
7			roller process.
8		Bacterial limit	Not to exceed 50,000 per
9			gram.
10		Coliform count	Not to exceed 10 per gram.
11		Scorched particles	
12		disc B	15.0/gram spray process; 22.5
13			roller process.
14		Drug residues	No positive results on drug
15			residue detection methods
16			which have been found to be
17			acceptable for use with dry
18			whole milk.
19		DMCC count	Less than 100,000,000 per
20			gram.
21			
22	DRY WHOLE MILK,	No more than:	
23	STANDARD GRADE		
24		Butterfat	Not less than 26% or more
25			than 40%.
26		Moisture	5.00%.
27		Titratable acidity	0.15%.
28		Solubility index	1.5 ml spray process; 15.0 ml
29			roller process.
30		Bacterial limit	Not to exceed 100,000 per
31			gram.
32		Coliform count	Not to exceed 10 per gram.
33		Scorched particles	
34		disc B	22.5 per gram spray process;
35			32.5 per gram roller
36			process.
37		Drug residues	No positive results on drug
38			residue detection methods

1			which have been found to be
2			acceptable for use with dry,
3			whole milk.
4		DMCC count	Less than 100,000,000 per
5			gram.
6			
7	NONFAT DRY MILK,	No more than:	
8	EXTRA GRADE		
9		Butterfat	1.25%.
10		Moisture	4.00%.
11		Titratable acidity	0.15%.
12		Solubility index	1.2 ml (2.0 ml high-heat,
13			max) spray process; 15.0 ml
14			roller process.
15		Bacterial limit	Not to exceed 10,000 per gram
16			spray or 50,000 per gram
17			roller process.
18		Coliform count	Not to exceed 10 per gram.
19		Scorched particles	
20		disc B	15.0/gram spray; 22.5/gram
21			roller process.
22		Drug residues	No positive results on drug
23			residue detection methods
24			which have been found to be
25			acceptable for use with
26			nonfat dry milk.
27		DMCC count	Less than 100,000,000 per
28			gram.
29			
30	NONFAT DRY MILK,	No more than:	
31	STANDARD GRADE		
32		Butterfat	1.50%.
33		Moisture	5.00%.
34		Titratable acidity	0.17%.
35		Solubility index	2.5 ml spray process; 15.0 ml
36			roller process.
37		Bacterial estimate	75,000/gram spray;
38			100,000/gram roller process.



1	Coliform count	10 per gram.
2	Scorched particles	
3	disc B	22.5/gram spray; 32.5/gram
4		roller process.
5	Drug residues	No positive results on drug
6		residue detection methods
7		which have been found to be
8		acceptable for use with
9		nonfat dry milk.
10	DMCC count	Less than 100,000,000 per
11		gram.
12		
13	INSTANT NONFAT DRY	No more than:
14	MILK, EXTRA GRADE	
15	Butterfat	1.25%.
16	Moisture	4.50%.
17	Titratable acidity	0.15%.
18	Solubility index	1.0 ml.
19	Bacterial limit	Not to exceed 10,000 per
20		gram.
21	Coliform count	Not to exceed 10 per gram.
22	Scorched particles	
23	disc B	15.0/gram.
24	Drug residues	No positive results on drug
25		residue detection methods
26		which have been found to be
27		acceptable for use with dry
28		whole milk.
29	Dispersibility	85.0%.
30	DMCC count	Less than 40,000,000 per
31		gram.
32		
33	WHEY FOR	Temperature
34	CONDENSING	Maintained at a temperature
35		of 45°F (7°C) or less, or
36		145°F (63°C) or greater,
37		except for acid-type whey
38		with a titratable acidity
39		0.40% or above, or a pH of
		4.6 or below.

1		Drug residues	No positive results on drug
2			residue detection methods
3			which have been found to be
4			acceptable for use with
5			whey.
6			
7	PASTEURIZED	Temperature	Cooled to 45°F (7°C) or less
8	CONDENSED WHEY		during crystallization,
9			within 18 hours of
10			condensing.
11		Bacterial limit	Not to exceed 50,000 per
12			gram.
13		Coliform count	Not to exceed 10 per gram.
14		Phosphatase	Less than 1 microgram per ml
15			by the Scharer rapid method;
16			less than 500 milliunits per
17			L by fluorometric procedure
18			or Charm ALP method, or
19			equivalent.
20		Drug residues	No positive results on drug
21			residue detection methods
22			which have been found to be
23			acceptable for use with con-
24			densed whey.
25			
26	DRY WHEY,	Bacterial limit	Not to exceed 30,000 per
27	EXTRA GRADE		gram.
28		Coliform count	Not to exceed 10 per gram.
29		Milkfat content	Not to exceed 1.5%.
30		Moisture content	Not to exceed 5.0%.
31		Scorched particle	Not to exceed 15.0%.
32		content	
33			
34	DRY WHEY, DRY WHEY	Bacterial limit	Not to exceed 50,000 per
35	PRODUCTS		gram.
36		Coliform count	Not to exceed 10 per gram.
37		Butterfat	Not more than 1.50%.
38		Moisture	Not more than 5%.

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		whey and dry whey products.
6		
7	DRY BUTTERMILK	Butterfat
8	AND DRY BUTTERMILK	
9	PRODUCTS EXTRA	Moisture
10	GRADE	
11		4.5% min.
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27	DRY BUTTERMILK	Butterfat
28	AND DRY BUTTERMILK	
29	PRODUCTS STANDARD	Moisture
30	GRADE	
31		4.5% min.
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		

1			acceptable for use with dry
2			buttermilk and dry buttermilk
3			products.
4			
5	BUTTER, WHIPPED	Percent butterfat	Not less than 80%.
6	BUTTER		
7		Temperature	Maintained at a temperature
8			of 45°F (7°C) or less, when
9			in storage.
10		Proteolytic count	Not more than 50 per gram.
11		Yeast and mold	Not more than 10 per gram.
12		Coliform count	Not more than 10 per gram.
13		Keeping quality	Satisfactory after 7 days at
14			70°F (21°C)
15			
16	PASTEURIZED MILK,	Bacterial limit	Not to exceed 20,000 per ml.
17	CREAM, FLUID DAIRY		
18	PRODUCTS FOR	Coliform count	Not to exceed 10 per gram.
19	FROZEN DESSERTS		Provided, that in the case of
20			bulk milk transport tank
21			shipments shall not exceed
22			100 per ml.
23		Storage temp	No higher than 45°F (7°C).
24			
25	FROZEN DESSERT MIX	Bacterial limit	30,000 per ml.
26		Coliform count	Not to exceed 10 per gram.
27			Provided, that in the case of
28			bulk milk transport tank
29			shipments shall not exceed
30			100 per ml.
31		Storage temp	No higher than 45°F (7°C).
32			(Sterile or aseptic mix has
33			no storage temperature
34			requirement.)
35			
36	FROZEN DESSERTS	Bacterial limit	30,000 per ml.
37		Coliform count	Not to exceed 10 per ml (20
38			per gram for chocolate,
39			fruit, nuts, or other bulky
40			flavored frozen desserts).

1	Storage temp	No higher than 32°F (0°C).
2	Butterfat	Per standards listed in
3		21 C.F.R. 135
4		
5	STERILIZED OR	Bacterial limit
6	ASEPTIC	
7	PRODUCTS	Temperature
8		No temperature standard.
9	Yeast and mold	No viable yeast or mold
10		spores.
11	Drug residues	No positive results on drug
12		residue detection methods
13		which have been found to be
14		acceptable for use with pas-
15		teurized milk.
16	PRIVATE WATER	Coliform count
17	SUPPLIES FOR DAIRY	
18	FARMS AND DAIRY	Less than 1.1 per 100 ml as
19	PLANTS;	MPN or equivalent method
20	RECIRCULATED	less than 1 per 100 ml.
21	COOLING WATER	
22	(SWEET WATER);	
23	GLYCOL FOR COOLING	
24		
25	CONDENSATE	Total plate count
26	RECOVERY WATER	
27	(COW WATER)	Chemical oxygen
28		demand
29		Not to exceed 500 per ml.
30		
31		
32		
33		
34		
35		
36		
37		

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

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

6 ARTICLE 9

7 Sec. 90. (1) The director, after proper identification, is  
8 authorized and shall have the power to enter all dairy farms,  
9 dairy plants, single service manufacturing facilities, milk tank  
10 truck cleaning facilities, receiving stations, transfer stations,  
11 dairy product distribution facilities, vehicles used to transport  
12 milk and milk products or single service manufacturers under its  
13 jurisdiction, for the purpose of inspecting, sampling, and inves-  
14 tigating conditions relating to the enforcement of this act.

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

17 Sec. 91. (1) The director may seize or hold for investiga-  
18 tion any milk, dairy product, or equipment which the director may  
19 have reason to believe constitutes or may be contributing to an  
20 imminent or substantial health hazard or is in violation of this  
21 act. Seized milk, dairy products, or equipment shall not be dis-  
22 posed of until a release is obtained from the director. The  
23 director shall complete his or her action on any such seized item  
24 within a reasonable time, and the farm, plant, or station shall  
25 be promptly notified of the director's decision. The director  
26 may collect and retain evidence to verify the determination of an  
27 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

14       Sec. 110. (1) A person shall not produce, transport, wash  
15 milk tank trucks, process, manufacture, label, or sell manufac-  
16 turing milk and dairy products or manufacture single service con-  
17 tainers and closures unless licensed or permitted under this act  
18 or the grade A law of 2001. A person licensed under the grade A  
19 law of 2001 who is performing activity regulated under that act  
20 is exempt from licensure under this act. A person licensed under  
21 the grade A law of 2001 shall comply with the requirements of  
22 this act and is subject to the penalties set forth in this act,  
23 where applicable. The director may issue a temporary license or  
24 permit. A restricted license is required and may be issued to  
25 correctional facilities that produce, process, or manufacture  
26 milk for use only in the correctional system.

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

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

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

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

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

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

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

26       (4) A dairy plant shall annually renew a license issued  
27 under this act by applying to the department at least 30 days



1 prior to the expiration of the existing license. The anniversary  
2 date of a license for a dairy plant that is providing a financial  
3 statement as a security device shall be 130 days after the close  
4 of the licensee's fiscal year. The dairy plant shall apply for  
5 renewal of a license on a form supplied by the department and  
6 provide a statement containing the following:

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

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

15       (c) The greater of either the value of greatest milk  
16 receipts that the dairy plant received within a consecutive  
17 30-day period during its last license year or the greatest milk  
18 receipts that the dairy plant is anticipated to receive during a  
19 consecutive 30-day period within the licensing period.

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

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

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

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

6       (7) Each milk tank truck cleaning facility shall be licensed  
7 or permitted under this act either as part of a dairy plant,  
8 receiving station or transfer station, or as a stand-alone milk  
9 tank truck cleaning facility, or under the grade A law of 2001.  
10 Any milk tank truck cleaning facility that washes the milk con-  
11 tact surfaces of milk tank trucks used to haul grade A milk shall  
12 be licensed under the grade A law of 2001. Each stand-alone  
13 facility will be licensed or permitted at a rate of \$50.00 per  
14 year. License renewal shall take place on June 30 every year.

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

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

1       (10) The director may issue a temporary license or permit if  
2 the director determines that issuance of the license or permit  
3 will not be detrimental to the protection of the public health,  
4 safety, or welfare or will not cause an imminent threat of finan-  
5 cial loss to producers.

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

11       (12) The director may examine the books, records, and  
12 accounts of a dairy plant if the dairy plant has not responded to  
13 requests from the director regarding a security device described  
14 in sections 117, 118, and 119.

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

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

23       Sec. 112. Upon receipt of an application for licensure by  
24 an unlicensed dairy plant or for a dairy plant previously denied  
25 a license under this act, the department shall investigate the  
26 sanitary conditions of the dairy plant or place of business. The  
27 director shall issue a license under this act upon determining

1 that the sanitary conditions of the applicant's dairy plant or  
2 place of business comply with this act and rules and regulations  
3 promulgated under this act.

4       Sec. 113. (1) The director may revoke or suspend the  
5 license or permit of a licensee or permittee issued under this  
6 act for failure to comply with the requirements of this act or a  
7 rule promulgated under this act. A license or permit may be  
8 revoked or suspended according to the administrative procedures  
9 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

10       (2) The department shall notify in writing each producer  
11 with whom a dairy plant does business regarding the pendency of  
12 the administrative action not less than 5 days before the date of  
13 the formal hearing set under subsection (1).

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

18       (a) Failed to provide supplementary or interim information  
19 or information required to be supplied to the department under  
20 this act or information requested by the director under this  
21 article.

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

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

1 (d) Knowingly provided false or fraudulent information or  
2 made a material misrepresentation in response to a request for  
3 information by the department.

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

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

8 (g) Adulterated or caused to be adulterated milk or dairy  
9 products.

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

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

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

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

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

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

24 (5) A person whose license or permit has been suspended or  
25 revoked is not eligible for reinstatement of the license or  
26 permit until the director determines that all violations have  
27 been corrected.

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

4       (a) Offered for sale or sold milk or dairy products from  
5 diseased animals, or otherwise considered abnormal, that has been  
6 incorporated with milk or dairy products from normal healthy  
7 animals.

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

11       (c) Offered for sale or sold milk or dairy products from  
12 production, transportation, packaging, or storage facilities that  
13 have such an accumulation of trash, rubbish, dirt, insects,  
14 vermin, human or animal wastes, or spoiled milk or dairy products  
15 that precludes the reasonable protection of the milk or dairy  
16 products from contamination.

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

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

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

26       (g) Offered for sale or sold milk or dairy products produced  
27 from cattle with a majority of the milking herd with an excessive

1 accumulation of manure on the flanks, bellies, or udders that  
2 precludes the reasonable protection of the milk from contamina-  
3 tion during the milking process.

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

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

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

10 (k) Maintained dead animals on the premises.

11 (l) Maintained a minimum of 3 of the last 5 official bac-  
12 teria counts illegal.

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

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

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

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

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

1       (3) If the department has provided notice to a licensee or  
2 permittee as required by the administrative procedures act of  
3 1969, 1969 PA 306, MCL 24.201 to 24.328, and subsequently deter-  
4 mines that summary suspension of the license or permit is neces-  
5 sary to prevent an imminent threat of financial loss to 1 or more  
6 producers with whom the licensee or permittee does business, the  
7 director may summarily suspend the license or permit. The direc-  
8 tor shall incorporate the determination in his or her order of  
9 summary suspension. The summary suspension may be ordered effec-  
10 tive on the date specified in the order or the date of service  
11 upon the licensee, whichever is later, and is effective during  
12 the proceedings unless rescinded or otherwise modified. The  
13 department shall promptly commence and determine the  
14 proceedings.

15       Sec. 115. (1) A person purchasing milk for resale or manu-  
16 facture into another product shall pay the producer an advance  
17 payment on or before the twenty-sixth of each month for milk  
18 received during the first 15 days of the month and a final pay-  
19 ment on or before the seventeenth day after the end of the month  
20 for milk received during the preceding month. The department  
21 shall revoke or deny a license issued under this act for a viola-  
22 tion of this subsection.

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

26       Sec. 116. The department shall revoke or deny a license for  
27 a dairy plant that produces manufactured dairy products if the



1 licensee or applicant fails to provide 1 of the security devices  
2 required as a condition to issuance and maintenance of a  
3 license. As a condition to issuance and maintenance of a  
4 license, a dairy plant that produces manufactured dairy products  
5 shall provide 1 or more of the security devices described in  
6 section 117, 118, or 119.

7       Sec. 117. (1) A licensee or applicant for a license as a  
8 dairy plant not providing a security device under section 118 or  
9 119 shall provide an audited financial statement prepared by a  
10 certified public accountant according to generally accepted  
11 accounting principles and a quarterly verified financial state-  
12 ment that verifies the licensee's ability to meet the ratio of  
13 1.2:1 for minimum liquidity requirements of current assets to  
14 current liabilities.

15       (2) The audited financial statement, to be filed by the  
16 licensee not later than 120 days after the close of the  
17 licensee's fiscal year end, shall contain a balance sheet, income  
18 statement, equity statement, statement of cash flow, notes to the  
19 statements, and any other information required by the  
20 department. The department may extend the date for filing the  
21 audited financial statement by up to 30 days only upon the writ-  
22 ten request of the dairy plant or the dairy plant's accountant  
23 preparing the statement if the request is made not less than  
24 10 days before the deadline for the filing of the statement. The  
25 request shall state the reason for the delay.

26       (3) The quarterly verified financial statement shall be  
27 filed within 60 days after the end of the fiscal quarter to which

1 the statement pertains. The quarterly verified financial  
2 statement shall include, but not be limited to, a balance sheet,  
3 income statement, and any other information required by the  
4 department. The department may require a dairy plant that  
5 produces manufactured dairy products to file a supplementary or  
6 interim financial statement or provide additional information at  
7 any time pertaining to the financial statements filed under this  
8 subsection or to specific information requests made by the  
9 department. In determining whether the dairy plant has met the  
10 minimum liquidity requirement described in this subsection in an  
11 audited financial statement or verified financial statement, the  
12 department shall exclude all intangible assets and assets the  
13 department determines to be of doubtful value and may also  
14 exclude nontrade notes; accounts receivable from officers, direc-  
15 tors, employees, partners, or stockholders or from members of  
16 their families; and notes and accounts receivable from parent  
17 organizations, subsidiaries, or affiliates if the department  
18 determines them to be of doubtful value.

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

1       Sec. 118. A licensee or applicant for a license as a dairy  
2 plant not providing a security device under section 117 or 119  
3 shall provide any of the following forms of security, in a form  
4 and subject to terms and conditions considered necessary by the  
5 department, for the benefit of producers who may be damaged by a  
6 default in payment, the value of which shall be in an amount  
7 determined by the department to be the greater of the value of  
8 the greatest milk receipts that the dairy plant has received  
9 within a consecutive 30-day period during that dairy plant's most  
10 recent fiscal year or the value of the greatest milk receipts  
11 that the dairy plant is anticipated to receive during a consecu-  
12 tive 30-day period within the licensing period:

13       (a) A commercial surety bond made payable to the department  
14 and subject to cancellation only after written notice to the  
15 department at least 90 days before cancellation. The commercial  
16 surety bond shall be issued by a surety company authorized to do  
17 business in this state and conditioned upon the faithful and  
18 proper discharge of the duty to pay a producer, when payment is  
19 due as provided for in section 115, for milk received by the  
20 dairy plant.

21       (b) A certificate of deposit or money market certificate  
22 that is issued or endorsed to the department and that cannot be  
23 canceled or redeemed, or from which funds cannot be transferred  
24 or withdrawn, without the written authorization of the  
25 department. The certificate shall be from a financial institu-  
26 tion authorized to do business in this state whose deposits are  
27 federally insured.

1 (c) Stocks, bonds, or securities acceptable to the  
2 department that are issued or endorsed to the department and  
3 readily convertible to cash by the department and subject to  
4 redemption or sale only upon written permission of the  
5 department.

6 (d) An irrevocable letter of credit filed as security with  
7 the department and made payable to the department issued by a  
8 financial institution acceptable to the department and licensed  
9 to do business in this state. The letter of credit shall provide  
10 for automatic renewal unless, at least 90 days before the sched-  
11 uled renewal date, the issuing financial institution gives writ-  
12 ten notice that the letter of credit is not to be renewed. The  
13 department may request information from the office of financial  
14 and insurance services of the department of consumer and industry  
15 services regarding the financial viability of the financial  
16 institution.

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 Sec. 119. A licensee or applicant for licensure as a dairy  
26 plant not providing a security device under section 117 or 118  
27 shall provide an agreement in which the dairy plant prepays for

1 its milk supply by means of cash payments before or at the time  
2 of delivery of dairy products.

3       Sec. 120. (1) A dairy plant that produces manufactured  
4 dairy products shall not cancel or modify a security device  
5 unless written notice is given to the department by the dairy  
6 plant at least 90 days before the date of cancellation or  
7 modification. The dairy plant shall send the notice of cancella-  
8 tion or modification to the department by certified mail.

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

14       (3) This section does not apply to the sale of dairy pro-  
15 ducts or manufactured dairy products in interstate commerce to an  
16 out-of-state purchaser not licensed under this act. The protec-  
17 tion provided by this section is available to a producer in  
18 another state selling dairy products to a licensee in this  
19 state.

20       (4) Except as otherwise provided for in subsection (5),  
21 financial and product information filed by a dairy plant that  
22 produces manufactured dairy products is not subject to disclosure  
23 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
24 15.246.

25       (5) Upon receipt of a written request, the department shall  
26 provide a producer a copy of the most recent audited financial

1 statement of the dairy plant that produces the dairy products of  
2 that producer.

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

16       (7) A dairy plant that requests an independent audit under  
17 subsection (6) shall bear the cost of that audit if the depart-  
18 ment determines that the independent audit establishes the dairy  
19 plant's inability to meet the minimum liquidity requirement  
20 described in section 117. The complainant shall bear the cost of  
21 the audit if the department determines that the audit establishes  
22 that the dairy plant meets the minimum liquidity requirement  
23 described in section 117.

24       (8) If the dairy plant fails to meet the minimum liquidity  
25 requirement described in section 117, the department shall return  
26 to the complainant the fee described in subsection (6) and  
27 suspend or revoke the dairy plant's license in the manner

1 provided for in section 113. The department may reinstate a  
2 suspended license or reissue a revoked license if the dairy plant  
3 provides the department with a security device described in  
4 section 118 or 119. If the department determines that the dairy  
5 plant meets the minimum liquidity requirement described in  
6 section 117, the \$100.00 fee shall be forfeited to the dairy  
7 plant.

8       Sec. 121. (1) A dairy plant that produces manufactured  
9 dairy products may request a change in its security device at any  
10 time. The department shall allow the change in the dairy plant's  
11 security device if all requirements for the new security device  
12 have been met and all producers doing business with the licensee  
13 have been notified by the department.

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

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

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

22       (c) The value of the dairy plant's security device falls  
23 below the requirements due to depreciation in the value of the  
24 security, an increase in the maximum liability to producers, or  
25 the cancellation or change of the security device as specified in  
26 this act.

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

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

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

21       (2) The department shall provide notice of the entry of an  
22 order issued under subsection (1) by posting a copy of the order  
23 on the premises described in the license and by publication in  
24 accordance with the Michigan court rules that govern service of  
25 process by publication. Publication shall be completed at least  
26 30 days before the final date for the filing of claims.



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

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

20       Sec. 123. The department shall notify producers delivering  
21 dairy products to a licensed dairy plant that produces manufac-  
22 tured dairy products of the type of security device used for the  
23 benefit of producers and shall notify producers any time a  
24 license is issued, renewed, or modified. The notice sent by the  
25 department shall substantially conform to the following:  
26 "Michigan law requires dairy plant licensees to demonstrate a  
27 reasonable degree of financial responsibility to the Michigan

1 department of agriculture. This act is designed to provide  
2 reasonable assurance that producers will be paid for their milk;  
3 however, it does not guarantee that producers will be paid. Each  
4 producer has some responsibility for determining the  
5 credit-worthiness of the dairy plant to which the producer is  
6 selling milk. A dairy plant licensee may qualify for a license  
7 by doing 1 of the following:

8 (a) Filing financial statements audited by a certified  
9 public accountant with the department demonstrating that  
10 the dairy plant meets the minimum liquidity requirement.

11 (b) Filing security with the department in an amount  
12 determined by the department to be the greater of the  
13 following:

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

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

20 (c) \_\_\_\_\_, (Name of dairy plant licensee)  
21 is currently licensed on the basis of its audited finan-  
22 cial statement meeting the minimum liquidity requirement  
23 of a current ratio of at least 1.2 to 1 current assets to  
24 current liabilities. The licensee's most recent year-end  
25 financial statement audited by the firm of  
26 \_\_\_\_\_ (auditor's name) meets the following  
27 minimum liquidity requirement,

1 (or)

2 \_\_\_\_\_ (name of dairy plant licensee) has  
3 filed security with the department to secure payment to  
4 producers. The maximum amount of security is the amount  
5 determined to be the greater of the following:

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

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

12 The security filed is in the following form or forms and  
13 in the amount of: \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_".

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

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

23 (b) Provides false or fraudulent information on an applica-  
24 tion or in response to a request from the director.

25 Sec. 125. (1) The director shall impose upon a producer who  
26 violates this act by selling or offering for sale milk which has  
27 been found positive for violative drug residues on a test

1 performed pursuant to sections 131 and 132 the following  
2 sanctions and administrative fines and provide notice and the  
3 opportunity for an administrative hearing:

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

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

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

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

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

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

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

24       (iv) The producer will be required to maintain complete drug  
25 treatment records for all lactating or near lactating dairy  
26 cattle for a minimum of 12 months and must retain records of  
27 these treatments for a minimum of 18 months.

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

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

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

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

25 (iv) The producer will be required to test all milk prior to  
26 shipment with a drug residue test acceptable to the director for

1 a minimum of 12 months and must retain records of these tests for  
2 a minimum of 18 months.

3 (v) The producer will be required to maintain complete drug  
4 treatment records for all lactating or near lactating dairy  
5 cattle for a minimum of 12 months and must retain records of  
6 these treatments for a minimum of 18 months.

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

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

15 (4) The director shall investigate the cause of the viola-  
16 tive drug residue and will discuss drug residue avoidance control  
17 measures with the violative producer.

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

21 (a) When milk is picked up from a milk producer by a milk  
22 tank truck and not commingled with milk from other producers, the  
23 milk becomes subject to possible drug residue penalties at the  
24 point the milk tank truck leaves the farm with the milk.

25 (b) When milk is picked up from a milk producer by a milk  
26 tank truck and commingled with milk from other producers, it

1 becomes subject to possible drug residue penalties at the point  
2 of commingling.

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

7 (a) The producer fails to pay the administrative fine  
8 required by subsection (1) following subsections (8) and (9).

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

11 (7) After notice and an opportunity for an administrative  
12 hearing pursuant to the administrative procedures act of 1969,  
13 1969 PA 306, MCL 24.201 to 24.328, the director may revoke or  
14 suspend a license or permit issued under this act for any viola-  
15 tion of this act or a rule promulgated under this act. Except as  
16 otherwise provided for under subsection (1), upon finding that a  
17 person violated a provision of this act or rule promulgated under  
18 this act, the director may impose an administrative fine of not  
19 more than \$1,000.00 and the actual costs of the investigation of  
20 the violation.

21 (8) The administrative fines imposed under subsection (1) or  
22 (7) shall be paid to the department within 10 days after notifi-  
23 cation of the violation or within 10 days after notification of  
24 adverse findings following a hearing or appeal, or both. The  
25 administrative fines received by the department under  
26 subsection (1) shall be deposited in the general fund and shall  
27 be appropriated for the purpose of the training or education of



1 producers in management procedures to avoid drug residue  
2 contamination, and administrative fines received pursuant to  
3 subsection (7) shall be deposited in the general fund.

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

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

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

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

20 Sec. 126. In addition to the remedies otherwise provided in  
21 this act, the department may apply to circuit court to grant a  
22 temporary or permanent injunction restraining any person from  
23 violating this act or any rule promulgated pursuant to this act,  
24 irrespective of whether there exists an adequate remedy at law.

25 ARTICLE 13

26 Sec. 130. (1) A person who offers milk to the public for  
27 human consumption shall obtain that milk from cows, sheep, or

1 goats that are located in areas under federal or state  
2 supervision for the eradication of tuberculosis and brucellosis  
3 and comply with those requirements for eradication of tuberculo-  
4 sis and brucellosis. Each animal that produces milk for human  
5 consumption shall be properly maintained and fed in a manner con-  
6 sistent with department recommendations for the maintenance of  
7 animals of that kind. Any dairy animals that are officially  
8 classified as tuberculosis reactors as defined in the animal  
9 industry act, 1988 PA 466, MCL 287.701 to 287.745, shall be  
10 milked last or in separate equipment and the milk from these  
11 cattle shall not be used or sold for human or animal  
12 consumption.

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

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

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

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

21 (d) Not normal and fresh in odor or appearance or containing  
22 excessive coarse sediment when examined organoleptically, visual-  
23 ly, or by an accepted test procedure.

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

1 (f) Exceeds legal temperature, bacterial, or somatic cell  
2 limits.

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

6 (4) A milking barn or milking parlor shall be all of the  
7 following:

8 (a) Well-lighted and ventilated.

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

11 (c) Constructed with floors and gutters of concrete or other  
12 impervious material.

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

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

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

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

19 (a) Of ample size to prevent overcrowding.

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

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

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

24 (a) Ensure that the udders and flanks of the animal are kept  
25 clean.

26 (b) Wash and wipe the udders and teats of the animal  
27 immediately before milking with a clean cloth or paper towel that

1 is treated with an approved sanitizing solution and dried with a  
2 clean cloth or paper towel after washing, or use any other method  
3 approved by the department.

4 (c) Wear clean outer clothing.

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

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

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

12 (g) Maintain and properly store milk stools, surcingles, and  
13 antikickers.

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

16 (i) Store feed and concentrates in a tightly covered  
17 container.

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

23 (k) Cool milk that is stored in a dairy farm bulk tank to  
24 50 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less  
25 of the commencement of the first milking, and to 45 degrees  
26 Fahrenheit (7 degrees Celsius) or less within 2 hour s after  
27 milking, provided that the blend temperature after the first

1 milking and subsequent milkings does not exceed 50 degrees  
2 Fahrenheit (10 degrees Celsius).

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

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

12 (b) Located in convenient proximity to a milking barn or  
13 milking parlor.

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

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

18 (ii) Walls and ceiling of a smooth, readily cleanable  
19 material.

20 (iii) A platform or slab constructed of concrete or other  
21 impervious material at the exterior of the milkhouse or milkroom,  
22 centered beneath a suitable opening, fitted with a tight,  
23 self-closing door, located on the exterior wall for milkhouse or  
24 milkroom connections to bulk milk tanks. The platform or slab  
25 shall be a minimum of 4 feet by 4 feet to provide sufficient room  
26 and clean surface for the milk hauler to stand and handle the  
27 milk transfer hose.

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

4 (d) Equipped with a wash and rinse vat, utensil rack, and  
5 milk cooling facilities, for the handling and cooling of milk,  
6 and for the washing, handling, and storage of milking utensils  
7 and equipment.

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

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

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

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

22 (i) Plans for new facilities, remodeled facilities, or new  
23 equipment installations must be submitted to the department for  
24 prior approval.

25 (8) A dairy farm bulk tank shall be located in a milkhouse  
26 or milkroom in a manner that allows access to all areas of the  
27 tank for cleaning and servicing. A dairy farm bulk tank shall

1 not be placed over a floor drain or under a ventilator or  
2 unprotected light fixture. A dairy farm shall ensure that each  
3 new farm bulk tank meets sanitary standards and is installed in  
4 accordance with department specifications.

5 (9) The owner or operator of a milkhhouse or milkroom shall  
6 ensure all of the following:

7 (a) That the milkhhouse or milkroom is clean and free of con-  
8 taminants, animals, and fowl.

9 (b) That a pesticide is not stored in the milkhhouse or  
10 milkroom.

11 (c) That any pesticide used in or near the milkhhouse or  
12 milkroom is used in accordance with label instructions to prevent  
13 the contamination of milk or equipment.

14 (d) That each utensil, milk can, milking machine, pipeline  
15 system associated with a milking machine, and other equipment  
16 used in the handling of milk is maintained in good condition,  
17 free from rust, open seams, milkstone, and any unsanitary  
18 condition.

19 (e) That each utensil and item of equipment used in the han-  
20 dling of milk is of a smooth, noncorrosive material, washed,  
21 rinsed, and drained after each milking, stored in an appropriate  
22 manner, and sanitized immediately before use, by using dairy  
23 cleaners, detergents, sanitizing agents, or other similar materi-  
24 als labeled for dairy or food service use that will not contami-  
25 nate or adversely affect the milk.

1 (f) That each dairy farm tank used on the premises is  
2 constructed of a material or materials approved by the department  
3 and installed in accordance with subsection (1).

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

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

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

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

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

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

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

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



1 (b) A farm tank shall have an accurate indicating  
2 thermometer stored in the milkhouse which may be either an inte-  
3 gral thermometer in the farm tank or an approved thermometer  
4 acceptable to the director.

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

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

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

20 (f) A farm tank shall not be filled to a capacity that  
21 exceeds the calibrated limits as indicated by the conversion  
22 chart. If the producer wishes to fill the tank nearer to the  
23 top, the tank shall be calibrated to an additional height, which  
24 still permits proper agitation without spillage.

25 (g) Milk to be offered for sale shall be cooled and stored  
26 in the farm tank equipped with cooling and agitation. Other

1 cooling and storage facilities may be used when approved in  
2 writing by the director on a case-by-case basis.

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

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

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

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

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

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

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

23 (3) A licensed bulk milk hauler/sampler shall collect sam-  
24 ples of milk from each load of milk he or she receives for trans-  
25 port pursuant to the grade A milk law of 2001. A milk tank truck  
26 driver engaged in direct farm pickup has direct responsibility  
27 for accompanying official samples.

1 (4) A licensed bulk milk hauler/sampler or milk  
2 transportation company shall do each of the following:

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

5 (b) Ensure that the interior shell of each bulk milk pickup  
6 tanker is stainless steel and constructed to prevent buckling,  
7 sagging, or complete drainage.

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

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

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

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

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

23 (5) The dairy plant, transfer station, or receiving station,  
24 or a laboratory selected by the dairy plant, transfer station, or  
25 receiving station that is approved by the department, shall test  
26 each producer's milk for each of the following, in accordance  
27 with standard methods for the examination of dairy products,

1 referenced in 7 C.F.R. 58, adopted by reference, at least 4 out  
2 of every 6 months and report the following results to the  
3 department:

4 (a) The presence of bacteria by standard plate count or  
5 plate-loop count.

6 (b) The presence of a violative drug residue using any test  
7 approved by the department or the food and drug administration  
8 for that purpose.

9 (c) The presence of somatic cells using either a direct  
10 microscopic somatic cell count test or an electronic somatic cell  
11 count test.

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

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

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

21 (2) A load sample shall be taken from the bulk milk pickup  
22 tanker after its arrival at the plant and prior to further com-  
23 mingling or processing. A load sample representing all of the  
24 can milk received on a shipment shall be collected at the plant,  
25 using a sampling procedure that includes milk from every can on  
26 the vehicle. A load sample taken by the processor shall be

1 collected at the plant using a sampling procedure that includes  
2 all milk produced and received.

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

8 (4) When a load sample tests positive for a violative drug  
9 residue, industry personnel shall notify the department immedi-  
10 ately of the positive test result and of the intended disposition  
11 of the shipment of milk containing the violative drug residue.  
12 All milk testing positive for a violative drug residue shall be  
13 disposed of in a manner that removes it from the human or animal  
14 food chain, except when acceptably reconditioned under FDA com-  
15 pliance policy guidelines. Each individual producer sample rep-  
16 resented in the violative drug residue load sample shall be  
17 singly tested as directed by the department to determine the  
18 producer of the milk sample testing positive for a violative drug  
19 residue. Identification of the producer responsible for produc-  
20 ing the milk testing positive for a violative drug residue shall  
21 be reported immediately to the department. Milk shipment from  
22 the producer identified as the source of milk testing positive  
23 for a violative drug residue shall cease immediately and may  
24 resume only after a sample from a subsequent milking does not  
25 test positive for a violative drug residue.

26 (5) The dairy plant or receiving station responsible for a  
27 test described in this section shall deliver a copy of the test

1 result to the department within 10 days after the dairy plant or  
2 receiving station receives the test result. The producer is  
3 required to insure the department is provided the required number  
4 of producer's milk quality test results. The dairy plant or  
5 receiving station shall maintain an original or copy of the test  
6 result for at least 1 year.

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

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

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

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

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

17 (7) If a test under this section or section 131 indicates  
18 the presence of a violative drug residue at a level that exceeds  
19 department limits for drug residue content, the person who pro-  
20 vided the milk for testing shall notify the producer of that milk  
21 and the department of the test result. Upon receipt of a notice  
22 under this subsection, the producer of that milk and any proces-  
23 sor of that milk shall ensure that the milk is not made available  
24 for human consumption and a processor shall not purchase addi-  
25 tional milk from that producer until the department determines  
26 that the producer has eliminated the cause of the violative drug  
27 residue.

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

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

8 (b) If the milk buyer determines that the producer's milk  
9 contains somatic cells, temperature, or bacteria at a level  
10 exceeding department limits for somatic cells, temperature, or  
11 bacteria in 2 of the 4 most recent tests of the producer's milk,  
12 notify the department and the producer of that determination.

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

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

21 (e) The buyer shall examine sediment levels in each  
22 producer's milk using procedures described in standard methods,  
23 referenced in 7 C.F.R. 58. Samples shall be from a bulk milk  
24 tank sample or from 1 or more cans. Sediment content shall be  
25 based on comparison with applicable charts of the United States  
26 department of agriculture sediment standards for milk and milk

1 products, dated 1977, incorporated by reference. The buyer shall  
2 report the results of these sediment tests to the department.

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

21 (10) When a permit suspension has been due to a violation of  
22 the somatic cell count standard, the department may issue a tem-  
23 porary permit whenever a resampling of the herd's milk supply  
24 indicates the milk supply to be within acceptable limits as  
25 listed in section 70. Four samples shall then be taken at the  
26 rate of not more than 2 per week on separate days within a 3-week



1 period, and the department shall reinstate the permit upon  
2 compliance with the appropriate standard listed in section 70.

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

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

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

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

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

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

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

19 (c) Deliver a copy of the completed inspection form to the  
20 owner or operator of the inspected farm, provide a copy of the  
21 completed inspection form to the department, and file a copy of  
22 that form with the records of the dairy plant or receiving  
23 station.

24 (d) If an inspection under this subsection establishes the  
25 existence of a condition that adversely affects milk quality,  
26 conduct a subsequent inspection not later than 30 days after the  
27 original inspection.

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

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

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

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

24       Sec. 135. Incoming raw milk and manufactured dairy products  
25 shall not exceed the standards set forth in section 70. Plants  
26 receiving commingled raw milk, heat treated, or pasteurized milk  
27 will be sampled a minimum of 4 out of every 6 months. If 2 of

1 the last 4 samples exceed the standard given, a warning notice  
2 shall be issued and the plant shall remain on warning notice as  
3 long as any 2 of the last 4 consecutive samples exceed the  
4 limits. Another sample will be collected after 3 days but within  
5 21 days. If any sample so collected exceeds the limit of that  
6 parameter while the plant is on warning notice, the plant permit  
7 will be suspended for the violative product until the problem is  
8 corrected, after being provided notice and an opportunity for an  
9 administrative hearing. Four samples shall then be taken at the  
10 rate of not more than 2 per week on separate days within a 3-week  
11 period, and the department shall reinstate the permit for that  
12 product upon compliance with the appropriate standard.

13 Sterilized or aseptically processed milk and dairy products shall  
14 comply with processing and biological standards established by  
15 the scheduled process under 21 C.F.R. 113.

16       Sec. 136. (1) Only pasteurized milk and dairy products  
17 shall be offered for sale, sold, or provided to the final con-  
18 sumer except as specified in section 138.

19       (2) This section does not prohibit the consumption of unpas-  
20 teurized milk by the on-farm family members of milk producers.

21       Sec. 137. The terms "pasteurization", "pasteurized", and  
22 similar terms mean the process of heating every particle of milk  
23 or dairy products to at least the temperature and time relation-  
24 ships given in this section as follows or by any equivalent pro-  
25 cess approved by the federal food and drug administration and  
26 accepted by the department for that purpose:

1                    Pasteurization Temperature and Time Standards

2	Whole milk; skim milk;	145°F (63°C)	30 min
3	cheese milk; whey;	161°F (72°C)	15 sec
4	other products with less	191°F (89°C)	1.0 sec
5	than 10% butterfat or without	194°F (90°C)	0.5 sec
6	added sweeteners	201°F (94°C)	0.01 sec
7		204°F (96°C)	0.05 sec
8		212°F (100°C)	0.01 sec
9	<hr/>		
10	Cream; condensed products;	150°F (66°C)	30 min
11	other products with 10% or	166°F (75°C)	15 sec
12	more butterfat or with	196°F (92°C)	1.0 sec
13	added sweeteners	199°F (93°C)	0.5 sec
14		206°F (97°C)	0.1 sec
15		209°F (99°C)	0.05 sec
16		217°F (103°C)	0.01 sec
17	<hr/>		
18	Eggnog; frozen dessert mix	155°F (69°C)	30 min
19		175°F (80°C)	25 sec
20		180°F (83°C)	15 sec
21	<hr/>		
22	Cream for butter making	165°F (74°C)	30 min
23		185°F (85°C)	15 sec
24	<hr/>		
25	Milk or cream for plastic or	170°F (77°C)	30 min
26	frozen cream	190°F (88°C)	15 sec

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2 Ultra-pasteurized products                      280°F (138°C)                      2 sec

3        Sec. 138.    Unpasteurized milk may be used in the manufacture  
4 of cheese only as allowed in 21 C.F.R. 133, incorporated by ref-  
5 erence, and if the cheese has been cured or ripened (aged) for  
6 more than 60 days at a controlled temperature of not less than  
7 35 degrees Fahrenheit (2 degrees Celsius), or as specified by  
8 FDA.

9        Sec. 139.    (1) All milk and dairy products shall be pasteur-  
10 ized before entrance of the milk and dairy products into any of  
11 the following:

12        (a) The evaporator or condensing equipment.

13        (b) The cheese-making process.

14        (c) The cheese culture making process.

15        (d) The frozen dessert mix freezing.

16        (e) The cultured product culturing.

17        (2) All dairy by-products from dairy plants used for feeding  
18 purposes for farm animals shall be pasteurized or be derived from  
19 pasteurized products.

20        (3) All milk and dairy products shall be pasteurized at the  
21 plant at which they are processed or dried, except for crystal-  
22 ized condensed whey and other high solids/low water activity pro-  
23 ducts such as sweetened condensed milk, which shall be trans-  
24 ported in tankers or containers dedicated to transporting pas-  
25 teurized products.    This subsection shall not be construed as  
26 banning the transportation in nondedicated tankers of pasteurized

1 milk or dairy products to another processing or drying plant for  
2 repasteurization and processing or drying.

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

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

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

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

16 (b) Prevent the emission of an odor, smoke, or pollutant  
17 that exceeds department guidelines.

18 (c) Construct plant driveways and adjacent vehicular traffic  
19 areas using concrete, asphalt, or other material approved by the  
20 department for minimizing dust and mud and maintain those sites  
21 pursuant to department guidelines.

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

1 (e) Ensure that each plant structure is of sound  
2 construction and kept in good repair to prevent the entering or  
3 harboring of rodents, birds, insects, vermin, dogs, and cats.

4 (f) Ensure that all exterior wall openings for pipes are  
5 effectively sealed around the pipes or fitted with tight metal  
6 collars.

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

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

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

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

20 (k) Ensure that wall, ceiling, partition, and post surfaces  
21 of each room in which a milk or dairy product is stored, or in  
22 which a dairy utensil is washed or stored, are smoothly finished  
23 in a light colored material impervious to moisture.

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

26 (m) Ensure that the floor of each room in which a milk or  
27 dairy product is processed, manufactured, packaged, handled or

1 stored, or in which a dairy utensil is washed or stored, is each  
2 of the following:

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

5 (ii) Maintained in good repair.

6 (iii) Graded to prevent the forming of standing water or  
7 milk.

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

11 (n) Store new containers, supplies, and certain packaged  
12 products in a room or rooms with floors described in  
13 subdivision (m) or, upon department approval, in a room or rooms  
14 with a clean, smooth wood floor.

15 (o) Equip the plant with adequate and well-distributed  
16 lighting.

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

20 (q) Ensure that each room and compartment has adequate heat-  
21 ing, air-conditioning, and ventilation to maintain sanitary con-  
22 ditions and provide exhaust or inlet fans, vents, hoods, and tem-  
23 perature and humidity control facilities as needed to minimize or  
24 eliminate undesirable room temperatures, odors, moisture, conden-  
25 sation, or mold.

26 (r) Install adequate air filtering devices on air inlet fans  
27 to prevent the entrance of dirt and dust and ensure that each



1 exhaust outlet is screened or provided with self-closing louvers  
2 to prevent the entrance of insects when not in use.

3 (s) Clean and maintain in good repair each ventilation  
4 system.

5 (t) Ensure that each room and compartment in which a raw  
6 dairy material, packaging material, ingredient supplies, or dairy  
7 product is manufactured, handled, packaged, or stored is  
8 designed, constructed, and maintained to assure a stable and  
9 appropriate temperature and clean operating conditions.

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

13 (v) Keep processing rooms free from equipment not regularly  
14 used.

15 (w) Maintain coolers and freezers containing milk or dairy  
16 products as follows:

17 (i) At temperature and humidity levels that protect cooler  
18 or freezer contents and minimize mold growth on or within the  
19 cooler or freezer.

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

22 (iii) With shelves that are clean and dry.

23 (iv) With equipment for the collection and disposal of  
24 condensate.

25 (x) Maintain a supply room used for the storing of packaging  
26 materials and miscellaneous ingredients in a clean, dry

1 condition, free from insects, rodents, and mold, and maintained  
2 in good repair.

3 (y) Protect items stored in a supply room from dust, dirt,  
4 or other extraneous matter and arrange those items on racks,  
5 shelves, or pallets to permit cleaning and inspection of the room  
6 and access to the items.

7 (z) Label, segregate, and store insecticides, rodenticides,  
8 cleaning compounds, and other nonfood products in a separate  
9 supply room or cabinet away from milk, dairy products, ingredi-  
10 ents, or packaging supplies.

11 (aa) Separate a boiler room and a shop room from other rooms  
12 where milk and dairy products are processed, packaged, handled,  
13 or stored and keep a boiler room and a shop room orderly and rea-  
14 sonably clean.

15 (bb) Maintain conveniently located and adequate toilet  
16 facilities that comply with the following:

17 (i) Are not open directly into any room in which milk or  
18 dairy products are processed, packaged, or stored.

19 (ii) Have doors that are self-closing and ventilation pro-  
20 vided by mechanical means or screened openings to the outside  
21 air.

22 (iii) Have fixtures that are kept clean and in good repair.

23 (cc) Furnish each employee with a locker or other suitable  
24 facility that is kept clean and orderly.

25 (dd) Conspicuously post signs in each toilet and locker room  
26 directing employees to wash their hands before returning to  
27 work.

1 (ee) Maintain and adequately equip a laboratory consistent  
2 with the size and type of plant and the volume of dairy products  
3 manufactured and staff that laboratory with personnel qualified  
4 and trained for quality control and analytical testing.

5 (ff) Maintain a central laboratory serving more than 1 plant  
6 only if that laboratory is approved by the department and is con-  
7 veniently located to the dairy plants.

8 (gg) Provide adequate sanitary starter facilities for the  
9 handling of starter cultures.

10 (hh) Provide an adequate supply of both hot and cold water  
11 of safe and sanitary quality, protected against contamination and  
12 pollution, with adequate facilities for proper distribution of  
13 water throughout the plant. Upon department approval, water from  
14 other facilities may be used for boiler feed water and condenser  
15 water if water lines are completely separated from the plant  
16 water supply and the equipment constructed and controlled to pre-  
17 clude contamination of product contact surfaces.

18 (ii) Prevent any cross-connection between safe water supply  
19 and either an unsafe or questionable water supply or another  
20 source through which contamination of the safe water supply is  
21 possible.

22 (jj) Make an examination of the sanitary water supply and  
23 recirculated product cooling mediums at least every 6 months or  
24 as often as necessary to determine purity and suitability for use  
25 in manufacturing dairy product systems. Such tests shall be made  
26 and approved by the department except for supplies that are  
27 regularly tested for purity and bacteriological quality. The

1 most recent results of all water and cooling medium tests shall  
2 be kept on file at the plant for which the test was performed.

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

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

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

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

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

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

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

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

26 (pp) Ensure that air under pressure that comes in contact  
27 with milk or dairy products or any product contact surface

1 complies with sanitary standards and ensure that the air under  
2 pressure at the point of application is free from volatile sub-  
3 stances, which may impart any flavor or odor to the products, and  
4 extraneous or harmful substances.

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

10 (rr) Ensure that containers used for the collection and  
11 holding of wastes are constructed of metal, plastic, or other  
12 equally impervious material and kept covered with tight-fitting  
13 lids and ensure that solid wastes are disposed of regularly and  
14 the containers and surroundings kept reasonably clean.

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

18 (tt) Submit detailed plans to the department for approval  
19 before commencing new construction, remodeling, and process or  
20 equipment changes.

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

24 (a) Ensure that the equipment and utensils used for the pro-  
25 cessing of milk and dairy products are constructed to be readily  
26 demountable when the department determines necessary for cleaning  
27 and sanitizing.

1 (b) Ensure that the product contact surfaces of all  
2 equipment and utensils, including holding tanks, pasteurizers,  
3 coolers, vats, agitators, pumps, sanitary piping and fittings,  
4 and any specialized equipment, are constructed of stainless steel  
5 or other equally corrosion-resistant material meeting various  
6 sanitary standards for fabrication of dairy equipment.

7 (c) Ensure that nonmetallic parts having product contact  
8 surfaces meet sanitary standards.

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

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

15 (f) Ensure that all parts or interior surfaces of equipment,  
16 pipes not CIP cleaned, or fittings, including valves and connec-  
17 tions, are accessible for inspection and meet sanitary  
18 standards.

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

21 (h) Ensure that all CIP systems comply with sanitary  
22 standards.

23 (i) Ensure that weigh cans and receiving tanks meet sanitary  
24 standards established or approved by the department, are easily  
25 accessible for interior or exterior cleaning, and are elevated  
26 above the floor and protected sufficiently with the necessary

1 covers to prevent contamination from splash, condensate, and  
2 drippage.

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

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

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

12 (i) Meet sanitary standards.

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

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

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

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

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

1       (vii) Regarding storage tanks and vats intended to hold  
2 dairy products for longer than 8 hours, are equipped with  
3 adequate refrigeration or adequate insulation.

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

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

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

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

22       (ii) Has a recording thermometer that is accurate within  
23 1.0 degree Fahrenheit (0.5 degree Celsius) for the proper temper-  
24 ature range.

25       (iii) Has surface coolers equipped with leak-proof gaskets  
26 and connections and with hinged or removable covers for the  
27 protection of the product and has edges of the covers that are



1 designed to divert condensate on non-product-contact surfaces  
2 away from product contact surfaces. The use of surface coolers  
3 will be allowed only with specific written approval of the direc-  
4 tor on a case-by-case basis.

5 (iv) Use recording thermometers accurate within 2.0 degrees  
6 Fahrenheit (1.0 degree Celsius) to record holding and cooling  
7 time.

8 (v) Provides long-stem or equally acceptable indicating  
9 thermometers that are accurate within 0.5 degree Fahrenheit  
10 (0.25 degree Celsius) for the applicable temperature range, for  
11 checking the temperature of pasteurization and cooling of pro-  
12 ducts in vats and checking the accuracy of recording  
13 thermometers.

14 (o) Ensure that high-temperature, short-time pasteurization  
15 equipment is tested and sealed by the department upon installa-  
16 tion and quarterly thereafter and complies with sanitary stan-  
17 dards and with the following, as applicable:

18 (i) In accordance with manufacturer recommendations, has in  
19 each high-temperature, short-time pasteurizer a short-stem or  
20 equally acceptable indicating thermometer that is accurate within  
21 0.5 degree Fahrenheit (0.25 degree Celsius) for the applicable  
22 temperature range, to be used for checking the accuracy of  
23 recording thermometers.

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

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

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

7       (i) Internal return tubular heat exchangers meet sanitary  
8 standards.

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

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

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

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

18       (vi) A vacuum chamber, if used, is made of stainless steel  
19 or other equally noncorrosive material; is constructed to facili-  
20 tate cleaning with all product contact surfaces accessible for  
21 inspection; is equipped with a vacuum breaker and a check valve  
22 at the product discharge line; uses only steam that meets the  
23 sanitary standards; regulates incoming steam supply by an auto-  
24 matic valve that cuts off the steam supply if the flow diversion  
25 valve of the high-temperature short-time pasteurizer is not in  
26 the forward flow position; and uses only condensers equipped with  
27 a water level control and an automatic safety shutoff valve.

1 (vii) Bulk storage and distribution equipment in dairy  
2 plants for handling liquid sweetening agents, edible oils, or  
3 other ingredients consists of suitable metals, alloys, or other  
4 materials that will withstand corrosive action by the ingredients  
5 and the equipment and ingredients are protected from  
6 contamination. Pipelines containing liquid sweetening agents and  
7 liquid chocolate remain flooded with the ingredient to prevent  
8 mold growth or may be dismantled and washed.

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

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

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

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

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

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

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

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

9 (g) Each employee whose work brings him or her in contact  
10 with the processing or handling of dairy products, containers, or  
11 equipment shall comply with requirements for employee health as  
12 specified under sections 2-201.11 to 2-201.15 of the food code  
13 adopted under the food law of 2000, 2000 PA 92, MCL 289.1101 to  
14 289.8111.

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

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

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

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

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

1 (e) Maintain milk in bulk storage tanks within the dairy  
2 plant in a manner that minimizes bacterial increase and, except  
3 when authorized by the department, maintain that milk at  
4 45 degrees Fahrenheit (7 degrees Celsius) or lower until process-  
5 ing begins.

6 (f) Ensure that the bacteriological content of commingled  
7 raw milk in storage tanks is 1,000,000 or less total bacteria per  
8 milliliter (300,000 per milliliter or less total bacteria in raw  
9 milk for frozen desserts).

10 (g) Ensure the proper pasteurization of each particle of  
11 milk or dairy product.

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

14 (i) Take all necessary precautions to prevent contamination  
15 or adulteration of the milk or dairy products during  
16 manufacturing.

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

21 (k) Ensure that milk or dairy products comply with the stan-  
22 dards in section 70, the federal food, drug, and cosmetic act,  
23 and standards listed for the milk products in 21 C.F.R., if  
24 applicable.

25 (l) Maintain the equipment, sanitary piping, and utensils  
26 used in receiving and processing of the milk and maintain

1 manufacturing and handling of the product in a sanitary  
2 condition.

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

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

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

14 (p) Immediately before use, subject all product contact sur-  
15 faces to an effective sanitizing treatment except where dry  
16 cleaning is permitted.

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

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

25 (s) Ensure that all CIP installations comply with sanitary  
26 procedures and post and follow the established cleaning  
27 procedure.

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

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

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

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

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

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

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

- 1       (i) Plant and specific location where cleaned.
- 2       (ii) Date and time of washing and sanitizing and identifica-  
3       tion number of the tank.
- 4       (iii) The name of each person who washed and name of each  
5       person who sanitized the tank.
- 6       (aa) Maintain on the tank the tag attached pursuant to  
7       subdivision (z) until the tank is again washed and sanitized and  
8       ensure the receiving plant retains the tag for at least 15 days  
9       or as the department may otherwise direct.
- 10       (bb) Wash all windows, glass, partitions, skylights, walls,  
11       ceilings, and doors as often as necessary to keep them clean and  
12       replace cracked or broken glass promptly.
- 13       (cc) Wipe or vacuum shelves and ledges as often as necessary  
14       to keep them free from dust and debris and properly dispose of  
15       the material picked up by a vacuum cleaner to destroy any insect  
16       that may be present.
- 17       (dd) In addition to any commercial pest control service, if  
18       one is utilized, designate an employee to perform a regularly  
19       scheduled insect and rodent control program.
- 20       (ee) Properly label, handle, store, and use poisonous sub-  
21       stances, insecticides, and rodenticides in such a manner as not  
22       to create a public health hazard.
- 23       (ff) Maintain plant records, make those records available at  
24       all reasonable times for department inspection, and, in accord-  
25       ance with each of the following, send producer quality tests con-  
26       tained in those records to the department within 10 days of the  
27       completion of those tests:



1       (i) Retain for 12 months sediment, temperature, drug  
2 residue, somatic cell, and bacterial test results on raw milk  
3 from each producer.

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

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

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

10       (v) Retain for 6 months pasteurization recorder charts.

11       (vi) Retain for at least 6 months CIP recording charts.

12       (vii) Retain the most recent copy of an employee's employee  
13 health certificate until the employee is no longer employed by  
14 the plant.

15       (viii) Retain the most recent water sample and recirculated  
16 cooling medium test results for at least 12 months.

17       (gg) Package milk and dairy products in department-approved  
18 containers and packaging materials that do or are each of the  
19 following:

20       (i) Cover and protect the quality of the contents during  
21 storage and handling under normal conditions.

22       (ii) As uniform in weight and shape within each product size  
23 or style as is practical.

24       (iii) Provide low permeability to air and vapor to prevent  
25 the formation of mold growth and surface oxidation.

1 (iv) Contain a wrapper resistant to puncturing, tearing,  
2 cracking, or breaking under normal conditions of handling,  
3 shipping, and storage.

4 (v) Sealed in conformity with the instructions of the  
5 manufacturer.

6 (hh) Conduct the packaging of each dairy product or the cut-  
7 ting and repackaging of each dairy product under sanitary condi-  
8 tions prescribed by the department and ensure that each packaging  
9 room, item of equipment, and packaging material is practically  
10 free from mold and bacterial contamination by testing the level  
11 of contamination in a manner approved by the department.

12 (ii) Dry store a product requiring dry storage at least  
13 18 inches from any wall in an aisle, row, or section and lot in  
14 an orderly manner rendering the product easily accessible for  
15 inspection.

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

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

22 (ll) Store a finished product requiring refrigeration on  
23 shelves, dunnage, or pallets at a temperature that will best  
24 maintain the initial quality of the product and ensure that the  
25 product is not exposed to any substance from which the product  
26 may absorb a foreign odor or be contaminated by drippage or  
27 condensation.

1 (mm) Purchase and store caps, parchment paper, wrappers,  
2 liners, gaskets, and single-service sticks, spoons, covers, and  
3 containers only in sanitary tubes, wrappings, or cartons that are  
4 kept in a clean, dry place until used and handled in a sanitary  
5 manner.

6 (2) A person who owns or operates a dairy plant shall legi-  
7 bly mark or label each commercial bulk package containing dairy  
8 products manufactured under this act with the name of the pro-  
9 duct, quantity of contents, name and address of processor, manu-  
10 facture, or distributor, ingredients including known allergens,  
11 manufacturer lot number, plant code issued by the department  
12 identifying where the product was manufactured, and with any  
13 other identifying information required by the director. All man-  
14 ufactured dairy products shall meet any applicable definitions  
15 and standards of identity as promulgated under 21 C.F.R. 131 to  
16 135.

17 (3) Retail packages shall be labeled as specified in  
18 21 C.F.R. 101, 9 C.F.R. 317, and 9 C.F.R. 381 subpart N, adopted  
19 by reference, and as specified under sections 3-202.17 and  
20 3-202.18 of the food code adopted by the food law of 2000, 2000  
21 PA 92, MCL 289.1101 to 289.8111.

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

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

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

1 (b) Permit identification of hauler if not an employee of  
2 the shipper.

3 (c) Point of origin of shipment.

4 (d) Tanker identity number.

5 (e) Name of product.

6 (f) Weight of product.

7 (g) Grade of product.

8 (h) Temperature of product.

9 (i) Date of shipment.

10 (j) Name of supervising regulatory agency at the point of  
11 origin.

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

15 (l) Seal number on inlet and outlet.

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

19 ARTICLE 15

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

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

26 (i) Adequate in size.

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

3       (iii) Adequately lighted and ventilated.

4       (iv) Free from structural defects and inaccessible areas  
5 which may harbor insects.

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

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

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

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

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

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

23       (c) Provide either of the following:

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

1       (ii) An area or facility for the transfer of dry milk  
2 products from portable bulk bins if gasketed surfaces or direct  
3 connections are present and substantially eliminate the escape of  
4 product into the area.

5       (d) Provide a separate room for the filling of small pack-  
6 ages that meets the same requirements for construction and facil-  
7 ities of a bulk packaging plant.

8       (e) Ensure that each preheater is of stainless steel or  
9 other equally corrosion resistant material and is cleanable,  
10 accessible for inspection, and equipped with suitable automatic  
11 temperature controls.

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

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

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

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

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

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

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

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

13 (iii) A design that facilitates ease in cleaning and  
14 inspection.

15 (iv) Sight glasses or ports of sufficient size located at  
16 strategic positions.

17 (v) Air intake filters and air intake and exhaust recording  
18 thermometers.

19 (vi) A filter system consisting of filtering media or  
20 devices that will effectively, and in accordance with good manu-  
21 facturing practices, prevent the entrance of foreign substances  
22 into the drying chamber.

23 (l) Clean the filtering system and replace component parts  
24 of a dryer as often as necessary to maintain a clean and adequate  
25 air supply and take precautions to assure complete combustion in  
26 gas fired dryers.

1 (m) Ensure that air is drawn into the dryer from sources  
2 free from odors and smoke, dust, or dirt.

3 (n) Ensure that the drums of a roller dryer are smooth,  
4 readily cleanable, and free of pits and rust.

5 (o) Maintain dryer knives in a manner that prevents scoring  
6 of the dryer drums.

7 (p) Ensure that a dryer has each of the following:

8 (i) End boards that are readily cleanable, have an impervi-  
9 ous surface, and a means of adjustment to prevent leakage and  
10 accumulation of milk solids.

11 (ii) A stack, hood, the drip pan inside of the hood, and  
12 related shields constructed of stainless steel and readily  
13 cleanable.

14 (iii) A lower edge of the hood constructed to prevent con-  
15 densate from entering the product zone.

16 (iv) A hood located in compliance with department  
17 guidelines.

18 (v) A stack that remains closed when the dryer is not in  
19 operation and that removes all vapors when the dryer is in  
20 operation.

21 (vi) Augers of stainless steel or of material approved by  
22 the department and that are readily cleanable.

23 (vii) Auger troughs and related shields of stainless steel  
24 or of other equally acceptable materials approved by the depart-  
25 ment that are readily cleanable.



1 (q) Provide a filtering system approved by the department to  
2 prevent dust, dirt, and all air entering the dryer from entering  
3 the drying room.

4 (r) Clean the filtering system and replace component parts  
5 as often as necessary to maintain a clean and adequate air  
6 supply.

7 (s) Make all dryer adjustments and ensure that the dryer is  
8 operating normally before collecting food grade powder from the  
9 dryer.

10 (t) Ensure that collectors are made of stainless steel or  
11 equally noncorrosive material and constructed to facilitate  
12 cleaning and inspection.

13 (u) Ensure that filter sack collectors, if used, are in good  
14 condition and that the system is constructed to render all parts  
15 accessible for cleaning and inspection.

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

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

22 (x) If bulk bins are used, cool the product to at least 90°F  
23 (32.2°C) and no more than 110°F (43.3°C).

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

26 (z) Ensure that all special equipment, including  
27 instantizing systems, flakers, pulverizers, and hammer mills used

1 to process dry milk products are of sanitary construction and  
2 that all parts are accessible for cleaning and inspection.

3 (aa) Ensure that all newly installed sifters used for dry  
4 milk and dry milk products meet standards established or approved  
5 by the department and that all other sifters are constructed of  
6 stainless steel or other equally noncorrosive material and are of  
7 sanitary construction and accessible for cleaning and  
8 inspection.

9 (bb) Ensure that the mesh size of sifter screen used for  
10 various dry milk products are those recommended in sanitary  
11 standards.

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

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

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

25 (ff) Ensure that a dump hopper is at a height above floor  
26 level to prevent foreign material or spilled product from  
27 entering the hopper.

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

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

7 (ii) Provide persons with clean clothing and shoe covers  
8 exclusively for the purpose of cleaning the interior of the dryer  
9 when it is necessary to enter the dryer to perform the cleaning  
10 operation.

11 (jj) Pasteurize all milk, buttermilk, and whey used in the  
12 manufacture of dry milk products at the plant where dried, except  
13 that condensed whey and acidified buttermilk containing 40% or  
14 more solids may be transported to another plant for drying with-  
15 out repasteurization if it is transported in a milk tank truck  
16 dedicated to hauling pasteurized product.

17 (kk) Pasteurize milk, dairy product blends, or skim milk to  
18 be used in the manufacture of dry milk or dry milk blends prior  
19 to condensing using the temperature and time standards in  
20 section 137. Dry milk blends shall be pasteurized at temperature  
21 and time standards approved for equivalent solids and fat content  
22 dairy products.

23 Sec. 151. (1) A person may transport to a drying plant con-  
24 densed skim made from pasteurized skim milk. Condensed skim  
25 shall be effectively repasteurized at the drying plant, before  
26 drying, at not less than 166°F (75°C) for 15 seconds or the

1 equivalent period in bacterial destruction approved by the  
2 department.

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

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

11       (4) A person shall use surge tanks or balance tanks between  
12 evaporators and a dryer only to hold the minimum amount of con-  
13 densed product necessary for a uniform flow to the dryers and  
14 shall either ensure each tank holds the condensed product at tem-  
15 peratures specified in section 70 or completely empty and wash  
16 each tank after each 4 hours of operation or less. In either  
17 case, the person shall provide alternate tanks to permit continu-  
18 ous operation during washing of tanks.

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

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

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

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

10       (3) A person who packages a dry milk product shall ensure  
11 that each package or container used for the packaging of a dry  
12 milk product is of a clean, sound, commercially accepted material  
13 that will protect the packaged contents to the department's  
14 satisfaction. A dry milk product packager shall not package a  
15 dry milk product in a container previously used for nonfood items  
16 or food deleterious to the dairy product.

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

19       (a) That empty containers are protected at all times from  
20 possible contamination.

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

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

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

26       (e) That the tapping or pounding of containers does not  
27 occur.

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

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

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

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

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

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

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

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

20 (d) Vacuum conveyors, packaging, and carton making equipment  
21 throughout each packaging day to prevent the accumulation of  
22 dust.

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

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

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

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

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

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

13 (a) Store or arrange the packaged dry milk product in  
14 aisles, rows, or sections and lots at least 18 inches from any  
15 wall and in an orderly manner that allows easy access for inspec-  
16 tion or for cleaning of the site.

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

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

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

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

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

1 (g) Vacuum the storage site as often as necessary to  
2 preserve cleanliness and order.

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

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

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

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

15 (i) Equipped with facilities for maintaining proper tempera-  
16 ture and humidity conditions, consistent with good manufacturing  
17 practices for the applicable product, to protect the quality and  
18 condition of the products during storage or processing.

19 (ii) Kept clean, orderly, and free from insects, rodents,  
20 and mold.

21 (iii) Maintained in good repair.

22 (iv) Adequately lighted.

23 (v) Capable of maintaining proper circulation of air at all  
24 times.

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



1 (b) Contain properly constructed and sanitary churn rooms  
2 equipped to keep air free from odors and vapors and extreme  
3 temperatures by means of adequate ventilation and exhaust systems  
4 or air conditioning and heating facilities.

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

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

13 (e) If the plant has a conventional churn, ensure that the  
14 churn has tight seals around each door and is constructed of alu-  
15 minum, stainless steel, or an equally corrosion resistant materi-  
16 al, free from cracks, in good repair, and all gasket material is  
17 fat resistant, nontoxic, and reasonably durable.

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

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

26 (h) Ensure that all printing equipment is designed to  
27 readily allow cleaning of product contact surfaces and that all

1 product contact surfaces except conveyors are constructed of  
2 aluminum, stainless steel, or equally corrosion resistant mate-  
3 rial that meets department standards.

4 (i) Ensure that conveyors are constructed of material that  
5 can be properly cleaned and maintained in manner satisfactory to  
6 the department.

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

11 (k) Ensure that each bulk starter vat is both of the  
12 following:

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

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

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

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

25 (2) Standards for grading are those described in  
26 7 C.F.R. 58.

1 (3) As used in this section, "grade" means the  
2 classification of butter by its examination for flavor, aroma,  
3 body and texture, color, salt, package, and such other factors as  
4 may be approved by the department.

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

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

9 (3) In the packaging of butter and related products, a plant  
10 shall use commercially acceptable containers or packaging mate-  
11 rial that will protect the quality of the contents in a manner  
12 acceptable to the department. All cups or tubs containing  
13 2 pounds or less shall have tops or covers that extend over the  
14 lip of the container to protect the product from contamination  
15 during subsequent handling.

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

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

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

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

4 (d) Print and package consumer size containers of butter  
5 under sanitary conditions.

6 (e) Legibly mark commercial bulk shipping containers with  
7 the name of the product, net weight, name and address of manufac-  
8 turer, processor or distributor, or an assigned plant identifica-  
9 tion number or any other identification that the department may  
10 require.

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

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

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

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

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

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

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

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

4 (j) Maintain each freezer storage room at a temperature of  
5 0°F (-18°C) or lower and ensure each freezer storage room has  
6 adequate air circulation.

7 (k) Place butter intended to be held more than 30 days in a  
8 freezer storage room immediately after packaging, and if that  
9 butter is not frozen before being placed in the freezer, arrange  
10 each unfrozen butter package in a manner that permits rapid  
11 freezing, and keep each package in that arrangement until  
12 frozen.

13 ARTICLE 17

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

16 (a) Equip and maintain starter rooms or areas for the propa-  
17 gation and handling of starter cultures.

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

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

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

24 (ii) Presses that are designed for proper cleaning and sat-  
25 isfactory working conditions.

26 (d) If cheese is to be coated or saturated with paraffin,  
27 provide a drying room of adequate size to accommodate the maximum

1 amount of cheese that the plant can produce at its peak of  
2 operation and ensure that the drying room has adequate shelving  
3 and air circulation for proper drying and suitable temperature  
4 and humidity controls.

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

10 (f) For rindless blocks, provide a suitable space for wrap-  
11 ping and boxing of the cheese and ensure that the area is free  
12 from dust, condensation, mold, or other conditions that may con-  
13 taminate the surface of the cheese or contribute to an unsatis-  
14 factory packaging of the cheese.

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

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

19 (ii) That proper circulation of air is maintained at all  
20 times.

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

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

24 (h) If small packages of cheese are cut and wrapped, provide  
25 a separate room for the cleaning and preparation of the bulk  
26 cheese, a separate room for the cutting and wrapping operation

1 and ensure that the rooms are well lighted, ventilated, provided  
2 with filtered air, and engineered to move air outward.

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

10 (j) Ensure that each new bulk starter vat that is used is  
11 constructed according to standards established or approved by the  
12 department.

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

15 (i) The vat has adequate jacket capacity for uniform  
16 heating.

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

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

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

1 (v) The junction of the liner and outer jackets of the vat  
2 is constructed to prevent milk or cheese from entering the inner  
3 jacket.

4 (vi) The vat is equipped with a suitable sanitary outlet  
5 valve.

6 (vii) Each vat is equipped with effective valves that are  
7 properly maintained to control the application of heat to the  
8 vat.

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

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

13 (ii) Metal blades, forks, or stirrers constructed of stain-  
14 less steel or of material approved by the department and free  
15 from rough or sharp edges or any surface that may scratch the  
16 equipment or remove metal particles.

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

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

24 (o) Ensure that curd knives are kept tight and replaced when  
25 necessary.



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

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

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

9 (i) All joints welded and all surfaces, seams, and openings  
10 readily cleanable.

11 (ii) A continuous pressure device.

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

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

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

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

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

24 Sec. 171. (1) A person that manufactures or processes  
25 cheese shall pasteurize milk to be used for making cheese or  
26 cheese culture by subjecting every particle of the milk to a  
27 minimum temperature of 161°F (72°C) for not less than 15 seconds

1 or to other pasteurization temperature and time standards listed  
2 in section 137, except as provided for in section 138. A person  
3 that manufactures or processes cheese shall equip high tempera-  
4 ture short-time pasteurization units with the proper controls and  
5 equipment to assure pasteurization. Milk held more than 2 hours  
6 between time of receipt or pasteurization and culturing shall be  
7 cooled to 45°F (7°C) or lower, until the time of culturing.

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

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

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

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

20 (c) Conduct the packaging of rindless cheese or the cutting  
21 and repackaging of all styles of bulk cheese under rigid sanitary  
22 conditions and ensure that the atmosphere of the packaging rooms,  
23 the equipment, and the packaging material are free from mold and  
24 bacterial contamination.

25 (d) Legibly mark each bulk cheese with the name of the pro-  
26 duct, code or date of manufacture, name and address of  
27 manufacturer, and vat number or code number of the manufacturer.

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

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

7 (g) Ensure that the grinders or shredders used in the prepa-  
8 ration of trimmed and cleaned natural cheese for cookers are ade-  
9 quate in size, with product contact surfaces of corrosion resis-  
10 tant material, and constructed to prevent contamination of the  
11 cheese and allow thorough cleaning of all parts and product con-  
12 tact surfaces.

13 (h) Ensure that each cooker is all of the following:

14 (i) Steam jacketed or of direct steam type.

15 (ii) Constructed of stainless steel or other equally corro-  
16 sion resistant material with all product contact surfaces readily  
17 accessible for cleaning.

18 (iii) Equipped with an indicating thermometer.

19 (iv) Equipped with a temperature recording device.

20 (v) Equipped with a recording thermometer stem placed in the  
21 cooker if time charts satisfactory to the department are used or  
22 placed in the hotwell or filler hopper.

23 (i) Ensure either that steam check valves on direct steam  
24 type cookers are mounted flush with cooker wall, constructed of  
25 stainless steel, and designed to prevent the backup of product  
26 into the steam line or that each steam line is constructed of  
27 stainless steel pipes and fittings that can be readily cleaned.

1 (j) If direct steam is applied to the product, ensure that  
2 only culinary steam is used.

3 (k) Ensure each of the following:

4 (i) That except for sight ports, the hoppers of all fillers  
5 are covered.

6 (ii) That if the department determines necessary, the hopper  
7 has an agitator to prevent buildup on side walls.

8 (iii) That the filler valves and head are kept in good  
9 repair and capable of accurate measurements.

10 (iv) That natural cheese is cleaned free of all nonedible  
11 portions.

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

15 (vi) That each batch of cheese within a cooker, including  
16 optional ingredients, is thoroughly commingled and pasteurized at  
17 a temperature of at least 161°F (72°C) for not less than  
18 30 seconds.

19 (vii) That cheese particles or ingredients do not enter the  
20 cooker batch after the cooker batch of cheese has reached the  
21 final heating temperature.

22 (viii) After holding for the required period of time, that  
23 the hot cheese is emptied from the cooker as quickly as  
24 possible.

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

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

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

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

11 (a) That filler valves effectively measure the desired  
12 amount of product into a pouch or container in a sanitary manner  
13 and shall cut off sharply without drip or drag of cheese across  
14 the opening.

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

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

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

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

1       Sec. 174. (1) A person that manufactures, processes, or  
2 packages evaporated, condensed, or sterilized dairy products  
3 shall ensure that the equipment and utensils used for processing  
4 and packaging evaporated, condensed, or sterilized dairy products  
5 comply with sections 135 through 143 and each of the following  
6 requirements:

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

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

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

16       (d) Fillers are designed to prevent contamination of, or  
17 detract from, the quality of the product being packaged.

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

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

1 (3) Pasteurization shall be performed by systems and  
2 equipment meeting the requirements identified in section 139(5).

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

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

11 (6) A previously sterilized product shall be filled under  
12 conditions which prevent contamination of the product by living  
13 organisms or spores. Prior to being filled, a container shall be  
14 sterilized and maintained in a sterile condition. A filled con-  
15 tainer shall be sealed in a manner that prevents contamination of  
16 the product.

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

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

23 (2) A frozen dessert shall be manufactured, processed, sold,  
24 offered for sale, or delivered only if it has been made from a  
25 mixture that has been properly pasteurized by heating every par-  
26 ticle of the mixture pursuant to subsection (3)(a) and (b) or  
27 reconstituted from a properly pasteurized dry mix using a potable

1 water source approved by the department of environmental quality  
2 and prepared in a clean, sanitary manner.

3 (3) A frozen dessert mixture described in subsection (2)  
4 shall be pasteurized to either of the following:

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

9 (b) To a temperature not lower than 175°F (80°C) for not  
10 less than 25 seconds or 180°F (83°C) for 15 seconds in equipment  
11 meeting the requirements of the department and those set forth in  
12 sanitary standards and promptly cooling to a temperature of 45°F  
13 (7°C) or lower.

14 (4) A frozen dessert mixture described in subsection (2)  
15 shall be pasteurized in equipment provided with an indicating  
16 thermometer and approved recording thermometer, the charts for  
17 which shall be dated and held for a period of at least 180 days.  
18 This subsection does not prohibit the use of another pasteuriza-  
19 tion process that has been recognized by the department to be  
20 equally efficient and that is approved by the department.

21 (5) All frozen dessert mixes shall be pasteurized at the  
22 final freezing location unless the pasteurized mix is packaged in  
23 approved single service containers of 5 gallons or less, or as  
24 approved by the director. Frozen dessert plants that transport  
25 pasteurized bulk mix in bulk milk tankers dedicated to hauling  
26 pasteurized products on the effective date of this act may



1 continue this practice with the written approval of the director  
2 on a case-by-case basis.

3       Sec. 176. A person shall ensure that all new equipment  
4 meets applicable sanitary standards. Equipment and utensils  
5 coming in contact with milk, dairy products, mix or frozen des-  
6 serts, including sanitary pumps, piping, fittings, and connec-  
7 tions, shall be constructed of stainless steel or other equally  
8 corrosion-resistant material. However, where the use of stain-  
9 less steel is not practicable, or in old equipment, other metals  
10 properly coated or plated may be approved in writing by the  
11 director on a case-by-case basis. Nonmetallic parts having pro-  
12 duct contact surfaces shall be of material that meets sanitary  
13 standards.

14       Sec. 177. (1) A person shall ensure that milk, cream, and  
15 dairy products in fluid form received at a frozen dessert plant  
16 for use in mixes are immediately cooled to a temperature of 45°F  
17 (7°C) or less and maintained at that temperature until  
18 pasteurized. Mixes shall be assembled and pasteurized in a dairy  
19 plant.

20       (2) A person shall ensure that spilled frozen desserts and  
21 ingredients are discarded. Rerun shall be handled in sanitary  
22 containers properly covered and stored at or below 45°F (7°C) or  
23 shall be piped directly back to vats. Rerun which has been  
24 strained to remove nuts, fruits, or other ingredients shall be  
25 repasteurized and shall be used only as mix for products which  
26 contain the same ingredients. Frozen desserts that have been  
27 distributed shall not be returned to the manufacturer for

1 repasteurization and processing. Flavoring ingredients may be  
2 added to mix after pasteurization.

3       (3) A person shall ensure that frozen desserts and mix are  
4 packaged in commercially acceptable containers and packaging  
5 material that will protect the quality of the contents in regular  
6 channels of trade. The packaging, cutting, molding, dispensing,  
7 and other handling or preparation of mix or frozen desserts and  
8 their ingredients shall be done in a sanitary manner. Plastic or  
9 rubber gloves should be worn when handling frozen desserts for  
10 molding, cutting, or similar hand contact work.

11       (4) Frozen desserts shall be labeled as specified in section  
12 143(2), (3), (4), (5), and (6). Bulk ice cream containers with  
13 removable lids, such as those used for hand dipping, shall be  
14 labeled on the body of the container.

15       Sec. 178. New frozen desserts not conforming to existing  
16 standards shall be manufactured in accordance with sanitation  
17 standards established in this act and shall also comply with the  
18 bacteria count standards, coliform determinations, and storage  
19 temperatures where applicable, set forth in section 70. A  
20 person, firm, or corporation, before manufacturing and marketing  
21 any frozen dessert or mix which varies from the standards set  
22 forth in this act, shall notify the department of its intent to  
23 manufacture or market a frozen dessert or mix and shall submit  
24 for review and approval a proposed copy of the label for the new  
25 frozen dessert or mix.

26       Sec. 179. A person shall ensure that a vehicle including a  
27 mobile frozen dessert plant used for the transportation of mix,

1 frozen desserts, and their ingredients is constructed and  
2 operated so as to protect the contents from heat, sun, and  
3 contamination. The vehicle shall be kept clean, and no substance  
4 capable of contaminating mix, frozen desserts, and their ingredi-  
5 ents shall be transported in the vehicle. Where applicable, a  
6 frozen dessert plant shall provide an area for unloading vehicles  
7 that can be maintained in a sanitary condition. This area should  
8 be surfaced with concrete or blacktop.

9       Sec. 180. A person that owns or operates a frozen dessert  
10 plant shall ensure all of the following:

11       (a) A mobile frozen dessert plant meets all requirements of  
12 this act exclusive of toilet facilities.

13       (b) A mobile frozen dessert plant has a potable water supply  
14 tank, of sufficient capacity, tilted toward a capped drain cock.  
15 The water inlet pipes shall be of removable flexible copper or  
16 other approved tubing with the nozzle for the hose connection  
17 capped and fully protected when not being used. A hose for con-  
18 nection to a potable water supply shall be provided and used  
19 exclusively for that purpose.

20       (c) A mobile frozen dessert plant has a suitable waste tank  
21 with a capacity at least equal to the water supply tank that is  
22 tilted toward a drain cock with an adequate method of gauging the  
23 contents. It shall be emptied and flushed as often as necessary  
24 at an approved location, in order to maintain sanitary  
25 conditions.

26       (d) A mobile frozen dessert plant has a refrigerated box of  
27 ample capacity for storage of the various ingredients carried

1 that need refrigeration and constructed of noncorrosive material,  
2 the floor of which is pitched toward a drain. Temperature shall  
3 be maintained at 45°F (7°C) or lower in the refrigerated box, and  
4 it shall be equipped with an indicating thermometer.

5 (e) Mix to be frozen in a mobile frozen dessert plant is  
6 packaged in a single service container of 5 gallons or less at  
7 the place of manufacture.

8 (f) A mobile frozen dessert plant has a refrigerated syrup  
9 rail with a holding plate to maintain temperatures of 50°F (10°C)  
10 or below.

11 (g) A mobile frozen dessert plant has a refuse can located  
12 within the mobile plant and a waste can or container for deposit  
13 of cups, papers, and other refuse by customers outside the mobile  
14 plant. Both shall be kept clean and so located as not to create  
15 a nuisance.

16 (h) Utensils, equipment, and multiuse containers in a mobile  
17 frozen dessert plant are washed and sanitized in the mobile plant  
18 after each day's use.

19 Enacting section 1. This act does not take effect unless  
20 Senate Bill No. \_\_\_\_\_ or House Bill No. 4820 (request  
21 no. 02995'01) of the 91st Legislature is enacted into law.