

[First Reprint]

ASSEMBLY, No. 518

STATE OF NEW JERSEY
215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

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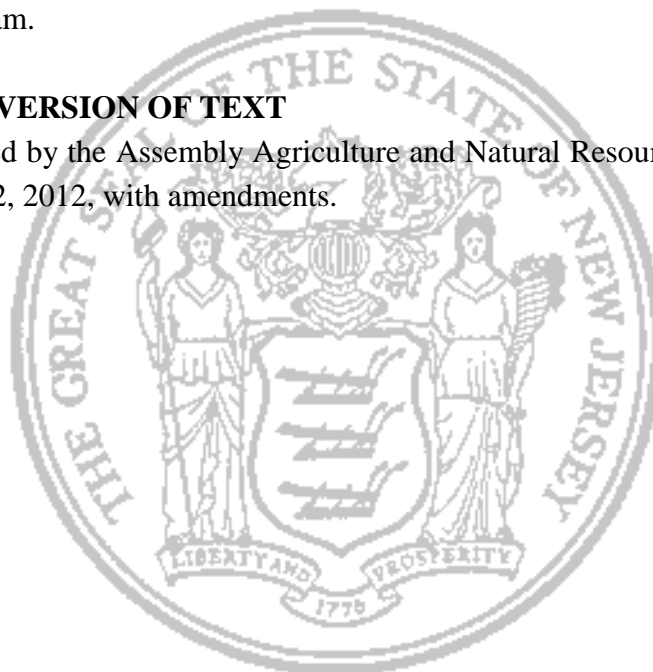
Assemblywoman McHose, Assemblymen Peterson, Giblin, Eustace and Space

SYNOPSIS

Permits sale of raw milk under certain conditions and establishes raw milk permit program.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee on February 2, 2012, with amendments.



(Sponsorship Updated As Of: 6/25/2013)

1 AN ACT permitting the sale of raw milk, amending P.L.1964, c.62
2 and supplementing Title 24 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 17 of P.L.1964, c.62 (C.24:10-57.17) is amended to
8 read as follows:

9 17. No person shall sell, offer for sale, or distribute to **the**
10 **ultimate** **a** consumer any milk or cream that is not pasteurized
11 unless the person is a holder of a valid raw milk permit issued
12 pursuant to section 3 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 (cf: P.L.1987, c.302, s.2)

15

16 2. Section 18 of P.L.1964, c.62 (C.24:10-57.18) is amended to
17 read as follows:

18 18. No milk products nor fluid milk products shall be
19 manufactured, shipped, transported, or imported for use or sale
20 within this State unless the milk and fluid milk products used in the
21 manufacture of such food products are pasteurized before or during
22 manufacture into milk products or fluid milk products, provided,
23 however, that this shall not apply to cheese which has been kept for
24 at least 60 days after manufacture at a temperature no lower than 35
25 degrees Fahrenheit. This section shall not apply to milk products or
26 fluid milk products produced by a holder of a valid raw milk permit
27 issued pursuant to section 3 of P.L. , c. (C.) (pending before
28 the Legislature as this bill).

29 (cf: P.L.1964, c.62, s.18)

30

31 3. (New section) a. The Department of Agriculture, in
32 consultation with the Department of Health and Senior Services,
33 shall establish a raw milk permit program. The raw milk permit
34 program shall allow the holder of a raw milk permit to sell, offer for
35 sale or otherwise make available raw milk directly to consumers but
36 only at the farm or property where the raw milk is produced. The
37 Department of Agriculture shall issue a raw milk permit to an
38 applicant after the Department of Agriculture and the Department of
39 Health and Senior Services have each received, reviewed, and
40 approved a permit application from the applicant, pursuant to the
41 provisions of this section and any rules and regulations adopted
42 pursuant thereto.

43 b. The raw milk permit program shall require: (1) the applicant
44 to be in compliance and, once a permit has been issued, to continue

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted February 2, 2012.

1 to be in compliance with all applicable provisions of the New Jersey
2 dairy laws, rules and regulations; (2) the permit holder to submit to,
3 and the Department of Agriculture, in consultation with the
4 Department of Health and Senior Services, to conduct ^{1,1}
5 inspections ^{1[.]} in conjunction with any other inspections
6 currently conducted by the Department of Health and Senior
7 Services or Department of Agriculture at dairy farms, to ensure
8 compliance with the requirements prescribed in this section; (3) the
9 permit holder to post a notice conspicuously on the permit holder's
10 property stating that raw milk does not provide the protection of
11 pasteurization, and to comply with the labeling and signage
12 requirements established by subsection c. of this section; and (4) the
13 applicant to sign an affidavit agreeing that the applicant will not use
14 growth hormones or cows that are given growth hormones in the
15 production of raw milk. The Department of Agriculture, in
16 consultation with the Department of Health and Senior Services,
17 shall establish standards for proper packaging of raw milk with the
18 exception of single serve containers of hand filled milk, which shall
19 be permissible within the milk room.

20 c. Wherever raw milk is advertised, sold, or dispensed, the
21 permit holder shall ¹affix on the container from which raw milk is
22 dispensed, and on each container of raw milk or raw milk product
23 sold, a label that reads: "Raw Milk Is Not Pasteurized and May
24 Contain Organisms that Cause Human Disease." The permit holder
25 shall also¹ post at least one sign that can easily be observed by
26 anyone entering the place where the raw milk is advertised, sold, or
27 dispensed. Each sign shall be no less than eight by 11 inches in
28 total dimension and shall state, in letters not less than one inch in
29 height: "Raw Milk Is Not Pasteurized and May Contain Organisms
30 that Cause Human Disease."

31 d. The Department of Agriculture, in consultation with the
32 Department of Health and Senior Services, shall establish a raw
33 milk permit fee to be collected by the Department of Agriculture in
34 an amount estimated to cover the costs of administering the raw
35 milk permit program incurred by the Department of Agriculture and
36 the Department of Health and Senior Services. The Department of
37 Agriculture shall transfer to the Department of Health and Senior
38 Services the appropriate portion of collected fees in accordance
39 with an appropriate schedule established and agreed to by the
40 departments. This fee shall be in addition to any other fee required
41 by law for the production or sale of milk in the State.

42 e. The Department of Agriculture, in consultation with the
43 Department of Health and Senior Services, shall conduct cattle
44 health tests, for those cattle used in the production of raw milk, for
45 evidence of tuberculosis, brucellosis, Johnes disease and any other
46 disease the Department of Agriculture, in consultation with the
47 Department of Health and Senior Services, determines poses a

1 danger to public health on an initial basis and continuing basis as
2 required.

3 f. Raw milk for sale, pursuant to this section, shall be cooled to
4 40 degrees Fahrenheit or less within two hours after milking, and
5 during milking the blended milk shall not exceed 50 degrees
6 Fahrenheit.

7 g. A permit holder shall test the raw milk produced to
8 demonstrate compliance with standards established in this
9 subsection. Raw milk shall: (1) contain a bacterial count not in
10 excess of 10,000 colonies standard plate count per milliliter; (2)
11 contain a coliform count not in excess of 10 per milliliter; (3)
12 contain a somatic cell count not in excess of 300,000 per milliliter
13 of retail raw milk; and (4) contain no antibiotic residue according to
14 current accepted standards. Testing to establish the standards
15 required under this subsection shall be conducted on a bimonthly
16 basis, at the permit holder's expense, by an independent laboratory
17 approved by the Department of Agriculture, in consultation with the
18 Department of Health and Senior Services. Each permit holder
19 shall maintain a log of the test results on a rolling thirteen month
20 schedule. Test results that fail to meet the standards established in
21 this subsection shall be reported to the Department of Agriculture
22 and to the Department of Health and Senior Services by the permit
23 holder and the independent laboratory that performed the test.

24 h. If testing results fail to meet the compliance requirements
25 established in subsection g. of this section, then a second test shall
26 be conducted. If the second test results fail to meet the compliance
27 requirements established in subsection g. of this section, then the
28 sale of milk from the failing facility shall be suspended. Sale of
29 raw milk from the failing facility may resume only upon a showing
30 of two consecutive tests, within a ten day period, meeting the
31 compliance requirements established in subsection g. of this
32 section. If a permit holder receives two suspensions within a one
33 year period for failure to meet the compliance requirements
34 established in subsection g. of this section, then the permit holder's
35 permit shall be revoked.

36 i. Raw milk products such as yogurt, kefir, butter, cottage
37 cheese, and raw milk cheese may be produced and sold by a permit
38 holder provided they are in compliance with all of the requirements
39 of this section.

40 j. Nothing in this section, nor any other law, shall preclude a
41 consumer, for the purpose of obtaining raw milk, and a farmer from
42 entering into a contract for shared ownership of a cow and
43 contractually prescribing the terms and conditions of milk
44 production. If a contract is entered into pursuant to this subsection,
45 no raw milk permit shall be required.

46 k. For the purposes of this section:

1 “Applicant” means a person who owns, and produces milk or
2 milk products from, one cow or goat or more and is seeking a raw
3 milk permit pursuant to this section.

4 “Permit holder” means a person in possession of a valid raw milk
5 permit issued pursuant to this section.

6 “Raw milk” means milk that has not been pasteurized.

7
8 4. This act shall take effect on the 180th day after the date of
9 enactment, but the Secretary of Agriculture and the Commissioner
10 of Health and Senior Services may take such anticipatory
11 administrative action in advance thereof as shall be necessary for
12 the implementation of this act.