

ASSEMBLY, No. 518

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblywoman CONNIE WAGNER

District 38 (Bergen and Passaic)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman McHose, Assemblymen Peterson, Giblin and Diegnan

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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
45 to be in compliance with all applicable provisions of the New Jersey

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.

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

19 c. Wherever raw milk is advertised, sold, or dispensed, the
20 permit holder shall post at least one sign that can easily be observed
21 by anyone entering the place where the raw milk is advertised, sold,
22 or dispensed. Each sign shall be no less than eight by 11 inches in
23 total dimension and shall state, in letters not less than one inch in
24 height: "Raw Milk Is Not Pasteurized and May Contain Organisms
25 that Cause Human Disease."

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

37 e. The Department of Agriculture, in consultation with the
38 Department of Health and Senior Services, shall conduct cattle
39 health tests, for those cattle used in the production of raw milk, for
40 evidence of tuberculosis, brucellosis, Johnes disease and any other
41 disease the Department of Agriculture, in consultation with the
42 Department of Health and Senior Services, determines poses a
43 danger to public health on an initial basis and continuing basis as
44 required.

45 f. Raw milk for sale, pursuant to this section, shall be cooled to
46 40 degrees Fahrenheit or less within two hours after milking, and

1 during milking the blended milk shall not exceed 50 degrees
2 Fahrenheit.

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

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

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

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

42 k. For the purposes of this section:

43 "Applicant" means a person who owns, and produces milk or
44 milk products from, one cow or goat or more and is seeking a raw
45 milk permit pursuant to this section.

46 "Permit holder" means a person in possession of a valid raw milk
47 permit issued pursuant to this section.

