

2016 -- H 7817 AS AMENDED

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LC005092
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO FOOD AND DRUGS - MILK SANITATION CODE

Introduced By: Representatives Canario, Johnston, Chippendale, Edwards, and Fogarty

Date Introduced: March 02, 2016

Referred To: House Health, Education & Welfare

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-2-2 and 21-2-3 of the General Laws in Chapter 21-2 entitled
2 "Milk Sanitation Code" are hereby amended to read as follows:

3 **21-2-2. Declaration of policy.** -- Milk is recognized to be one of the most perfect foods
4 afforded by nature. It is unique in that its consumption in adequate quantities is essential to the
5 nutritional well being of the individual; but if its production and distribution are not properly
6 safeguarded, it may be instrumental in the transmission of diseases infectious to people. It is
7 declared to be the policy of the state that for the protection of the health and welfare of the people
8 of the state of Rhode Island the environmental conditions surrounding the production, handling,
9 transportation, distribution, and sale of milk and milk products shall be to protect the public
10 health and to provide consumers with products which are identified in such a way as to promote
11 honesty and fair dealing in the best interests of the consumers. Specifically, it is declared to be the
12 policy of the state to provide:

13 (1) That the people of Rhode Island shall have a supply of milk adequate to their needs
14 and demands under all conditions.

15 (2) That milk provided for consumers within the state of Rhode Island shall be of good
16 quality, shall be safe for human consumption, shall contain no live bacteria capable of
17 transmitting disease to people, shall contain adequate nutritional components, and shall be free of
18 adulteration.

19 (3) That milk sold or produced in Rhode Island shall come from healthy cows or goats.

1 (4) That milk sold or produced in Rhode Island shall be produced on farms having
2 standards and conditions of sanitation adequate to ensure production of milk that is safe and of
3 good quality.

4 (5) That milk sold or produced in Rhode Island shall be produced, processed, and
5 handled by personnel free from any communicable disease.

6 (6) That milk to be consumed in the state of Rhode Island shall at all stages in its travel
7 from animal to ultimate consumer is transported in equipment and/or packages which shall be
8 designed, filled, operated, maintained, and emptied to prevent the introduction and/or propagation
9 of bacteria, dirt or any other foreign substances.

10 (7) That all milk sold in Rhode Island shall be handled and processed under conditions of
11 good sanitation and shall be finally packaged free from contamination, dirt, or any other foreign
12 substances and/or adulteration.

13 (8) That all milk sold within the state of Rhode Island shall be except as specifically
14 authorized by this chapter, pasteurized by a recognized method of pasteurizing adequate to
15 destroy bacteria capable of transmitting disease to people. Provided, that a physician may
16 authorize an individual sale of goat milk directly from producer to consumer by written, signed
17 prescription.

18 (9) That the branding or labeling of packages in which all milk sold in the state of Rhode
19 Island shall be delivered to the consumer shall state the grade of milk packaged, may state any
20 special attributes of the milk, and that all statements made on any packaging labels shall not be
21 false or misleading.

22 (10) That this state shall cooperate in the preparation and promulgation of any set of
23 standards, regulations, statutes, or other means of control of sanitation in the production,
24 transportation, handling, processing, and distribution of milk, or any one or more of them,
25 according to a uniform system of requirements to be adopted alike by all or a majority of the
26 states which contribute milk to the Rhode Island market.

27 **21-2-3. Definitions.** -- (a) "Cream" means the liquid milk product high in fat from milk,
28 which may have been adjusted by adding to it: milk, concentrated milk, dry whole milk, skim
29 milk, or nonfat dry milk.

30 (b) "Director" means the director of the department of health unless otherwise specified.

31 (c) "Goat milk" is the lacteal secretion, practically free from colostrum, obtained by the
32 complete milking of healthy goats. The word "milk" is interpreted to include goat milk.

33 (d) "Grade A" means milk, cream, and products of milk and cream which comply with
34 the applicable provisions of regulations established by the director.

1 (e) "Milk" means the lacteal secretion, practically free from colostrum, obtained by
2 complete milking of one or more healthy cows. Milk that is in final package form for beverage
3 use shall contain not less than eight and one-fourth percent (8.25%) milk solids not fat and not
4 less than three and one-fourth percent (3.25%) milk fat. Milk may have been adjusted by
5 separating part of the milk fat from it or by adding cream, concentrated milk, dry whole milk,
6 skim milk, concentrated skim milk, or nonfat dry milk to it. The milk may be homogenized.

7 (f) "Raw milk for pasteurization" means grade "A" milk for pasteurization and raw
8 products of milk which comply with the sanitary standards for their production, transportation,
9 receiving, handling, storage, processing, distribution, and sale as established by the director.

10 (g) "Raw milk cheese" means any ~~aged hard~~ cheese manufactured from raw milk which
11 [meets United States food and drug administration \(USFDA\) standards for cheeses set forth in 21](#)
12 [C.F.R. 133 and](#) has not undergone the process of pasteurization and which contains, [as](#)
13 [appropriate for the cheese,](#) generally recognized [as](#) safe [\(GRAS\)](#) and suitable ingredients as
14 defined in 21 CFR 184.

15 SECTION 2. Chapter 21-2 of the General Laws entitled "Milk Sanitation Code" is hereby
16 amended by adding thereto the following section:

17 **21-2-7.1. Rhode Island raw milk cheese.** -- [It shall be lawful to produce in this state for](#)
18 [sale raw milk cheese, as defined in §21-2-3, provided that for the facility for making of such raw](#)
19 [milk cheese, an in-state processors permit is obtained pursuant to §21-2-7. The fee for such](#)
20 [permit shall be in accordance with the provisions of §23-1-54 for permits issued pursuant to §21-](#)
21 [2-7\(g\)\(1\), and the facility where the cheese is made shall comply with applicable standards,](#)
22 [administered by the director, for a food business, which are reasonable and appropriate for a](#)
23 [facility of this type and nature.](#)

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO FOOD AND DRUGS - MILK SANITATION CODE

- 1 This act would allow the production of raw milk cheese in Rhode Island in accordance
- 2 with US FDA standards and under a permit issued by the director of the department of health.
- 3 This act would take effect upon passage.

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