

SECOND REGULAR SESSION

# SENATE BILL NO. 841

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 27, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 196.540 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to raw milk.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 196.540 and 196.935, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 196.540 and 196.935, to  
3 read as follows:

196.540. 1. The state milk board shall administer the provisions of  
2 sections 196.520 to 196.610, and is hereby authorized to:

3 (1) Promulgate those regulations necessary to fulfill the intent of sections  
4 196.520 to 196.610 as related to the production, transportation, grading, use and  
5 processing of manufacturing milk; to the packaging, labeling and storage of dairy  
6 products made therefrom; and to the measuring, weighing, sampling and testing  
7 of all milk, grade "A" fluid milk and manufacturing milk, at first point of sale;  
8 provided, such regulations are promulgated according to the provisions of this  
9 section and chapter 536;

10 (2) Inspect manufacturing dairy farms and dairy manufacturing plants;

11 (3) Certify dairy farms for the production and sale of manufacturing milk;

12 (4) License dairy manufacturing plants to handle and process  
13 manufacturing milk in conformity with basic requirements and specifications  
14 prescribed by such regulations as may be issued hereunder in effectuation of the  
15 intent hereof;

16 (5) Inspect and license laboratories involved in market testing of milk at  
17 first point of sale;

18 (6) Require the keeping of appropriate books and records by plants, farms,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 and laboratories licensed hereunder; and

20 (7) License qualified milk graders, fieldmen, and bulk milk truck  
21 operators.

22 2. No rule or portion of a rule promulgated under the authority of sections  
23 196.520 to 196.614 shall become effective unless it has been promulgated  
24 pursuant to the provisions of section 536.024.

25 3. Exempt from the provisions of sections 196.520 to 196.610 shall be:

26 (1) Ice cream and frozen desserts which are under the authority of the  
27 department of health and senior services, which administers sections 196.851 to  
28 196.918; and

29 (2) Grade "A" fluid milk products, which are under the authority of the  
30 state milk board pursuant to sections 196.931 to 196.959; and

31 (3) **The sale of raw milk or cream under subsection 2 of section**  
32 **196.935.**

196.935. 1. No person shall sell, offer for sale, expose for sale, transport,  
2 or deliver any graded fluid milk or graded fluid milk products in this state unless  
3 the milk or milk products are graded and produced, transported, processed,  
4 manufactured, distributed, labeled and sold under state milk inspection and the  
5 same has also been produced or pasteurized as required by a regulation  
6 authorized by section 196.939 and under proper permits issued  
7 thereunder. **Except as provided in subsection 2 of this section,** only  
8 pasteurized graded fluid milk and fluid milk products as defined in subdivision  
9 (3) of section 196.931 shall be sold to the final consumer, or to restaurants, soda  
10 fountains, grocery stores, or similar establishments[; except an individual may  
11 purchase and have delivered to him for his own use raw milk or cream from a  
12 farm].

13 2. **Notwithstanding the provisions of subsection 1 of this section**  
14 **to the contrary:**

15 (1) **An individual may purchase and have delivered for his or her**  
16 **own use raw milk or cream from a farm; and**

17 (2) **A person may sell up to one hundred gallons of raw milk or**  
18 **cream per day at a farmer's market, where "farmer's market" as used in**  
19 **this subsection means a public market place where farmers sell their**  
20 **agricultural or horticultural products directly to consumers.**