

SECOND REGULAR SESSION

# SENATE BILL NO. 861

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Read 1st time January 13, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4779S.011

## AN ACT

To repeal sections 196.931 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to the selling of raw milk or cream.

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

Section A. Sections 196.931 and 196.935, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 196.931 and 196.935, to  
3 read as follows:

196.931. As used in sections 196.931 to 196.953 unless the context clearly  
2 indicates otherwise, the following words and terms shall have the meaning  
3 indicated:

4 (1) "Grade A pasteurized milk", grade A raw milk for pasteurization which  
5 has been pasteurized, cooled, and placed in the final container in a milk plant  
6 and conforming with the sanitation and bacteriological standards authorized by  
7 sections 196.931 to 196.953 and regulations promulgated thereunder;

8 (2) "Grade A raw milk for pasteurization", raw milk for pasteurization  
9 from producer dairies and conforming with all of the sanitation and  
10 bacteriological standards authorized by sections 196.931 to 196.953 and  
11 regulations which are promulgated thereunder;

12 (3) "Grade A retail raw milk or cream", raw milk or cream  
13 produced upon dairy farms conforming to a sanitation standard that  
14 specifies that the bacterial plate count of the milk or cream shall not  
15 exceed fifty thousand per milliliter and not more than one hundred  
16 coliforms per milliliter;

17 [(3)] (4) "Graded fluid milk and fluid milk products", milk products  
18 include cream, light cream, coffee cream, table cream, whipping cream, light

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

19 whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped  
20 light cream, whipped coffee cream, whipped table cream, sour cream, cultured  
21 sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted  
22 or recombined milk and milk products, concentrated milk, concentrated milk  
23 products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products,  
24 vitamin D milk and milk products, homogenized milk, flavored milk or milk  
25 products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk,  
26 cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified  
27 milk and milk products, and other fluid milk and fluid milk products so declared  
28 by the board which are sold, offered for sale, exposed for sale, delivered or  
29 advertised as graded milk and milk products;

30 [(4)] (5) "Manufacturing raw milk", milk that does not meet the  
31 requirements of grade A raw milk for pasteurization as defined in sections  
32 196.931 to 196.959;

33 [(5)] (6) "Milk plant", any place, premises or establishment where graded  
34 fluid milk or fluid milk products are collected, handled, processed, stored, bottled,  
35 pasteurized and prepared for distribution, except an establishment where graded  
36 fluid milk products are sold at retail as purchased from a milk plant;

37 [(6)] (7) "Milk plant operator", any person, firm, corporation or  
38 association operating any milk plant;

39 [(7)] (8) "Milk producer", any person who operates a dairy farm and  
40 provides, sells, or offers milk for sale to a milk plant, receiving station, or  
41 transfer station;

42 [(8)] (9) "Official rating agency", the state milk board;

43 [(9)] (10) "Official rating survey", the survey conducted by the official  
44 state rating agency, as required by sections 196.931 to 196.953;

45 [(10)] (11) "Person" [shall mean], an individual or individuals, or a firm,  
46 partnership, company, corporation, trustee, or association;

47 [(11)] (12) "Political subdivision", any municipality, city, incorporated  
48 town, village, county, township, district or authority, or any portion or  
49 combination of two or more thereof;

50 [(12)] (13) "State department of agriculture", the department of  
51 agriculture of Missouri;

52 [(13)] (14) "State department of health and senior services", the  
53 department of health and senior services of Missouri;

54 [(14)] (15) "State milk board", an appointed state agency functioning as

55 administrator of state milk inspection; [and]

56 [(15)] (16) "State milk inspection", the services of inspection, regulation,  
57 grading, and program evaluation of fluid milk and fluid milk products by agents,  
58 representatives or employees of the state milk board under the terms and  
59 provisions of sections 196.931 to 196.959 and regulations adopted to regulate the  
60 production, transportation, processing, manufacture, distribution and sale of  
61 graded fluid milk and fluid milk products.

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 thereunder. Only  
7 pasteurized graded fluid milk and fluid milk products as defined in subdivision  
8 [(3)] (4) of section 196.931 shall be sold to the final consumer, or to restaurants,  
9 soda fountains, grocery stores, or similar establishments; except **that:**

10 (1) **Grade A retail raw milk or cream produced in Missouri may**  
11 **be sold to grocery stores, restaurants, soda fountains, or similar**  
12 **establishments as long as:**

13 (a) **The grade A retail raw milk or cream is clearly labeled**  
14 **"WARNING: This product has not been pasteurized and, therefore, may**  
15 **contain harmful bacteria that can cause serious illness in children, the**  
16 **elderly, and persons with weakened immune systems.";** and

17 (b) **If the grade A retail raw milk or cream is sold in a manner**  
18 **that does not allow the final consumer to see the product with the label**  
19 **described in paragraph (a) of this subdivision, the label is presented to**  
20 **the consumer through a written notice on the menu or in some other**  
21 **manner; and**

22 (2) **An individual, who is the final consumer,** may purchase and have  
23 delivered to him **or her** for his **or her** own use raw milk or cream from a farm.

24 2. **Any individual who knowingly consumes raw milk or cream,**  
25 **including grade A retail raw milk or cream, that has been provided to**  
26 **the individual in accordance with the requirements of subsection 1 of**  
27 **this section assumes all risk and liability for injury, harm, or death**  
28 **arising out of such consumption.**

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