

SECOND REGULAR SESSION

# SENATE BILL NO. 1214

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WESTFALL.

Read 1st time February 26, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3798S.011

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## AN ACT

To repeal sections 196.949 and 196.951, RSMo, and to enact in lieu thereof two new sections relating to the regulation of dairy products.

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

Section A. Sections 196.949 and 196.951, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 196.949 and 196.951, to read as follows:

196.949. Graded fluid milk or fluid milk products not inspected under state milk inspection may be sold, offered for sale, exposed for sale, and delivered in the state of Missouri, or any municipality thereof, if approved [jointly] by the director of the department of agriculture [and the director of the department of health and senior services] as provided for by regulations adopted [jointly] by the [two agencies] **agency** and the state milk board; provided that, the graded fluid milk or fluid milk products from other states shall be produced and processed under the supervision of a duly authorized governmental agency operating under the provisions of an ordinance, statute, or regulation substantially equivalent to the regulations promulgated and adopted by the state milk board and enforced with equal effectiveness as determined by an official rating survey, and products meet applicable temperature, bacteriological and composition standards when sampled on arrival at point of retail sale. Nothing in this section shall prohibit the state or local health officer from satisfying himself that the governmental agency having jurisdiction over the production and processing is properly enforcing such provisions.

196.951. The department of [health and senior services] **agriculture** is hereby designated as the official rating agency. At least annually, or as often as necessary, the department of health and senior services shall make an official rating survey to determine if

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

there is appropriate and effective enforcement of the standards and provisions of sections 196.931 through 196.953 and such other surveys as may be necessary to assure enforcement of sections 196.931 through 196.953 throughout the state. Unsatisfactory conditions shall be deemed to exist when a rating below the minimum acceptable rating established by the director of the department of agriculture [and the director of the department of health and senior services] is found by the official rating survey. Violation of sections 196.931 through 196.953 shall be deemed to exist when the unsatisfactory conditions causing the rating to fall below the minimum acceptable rating are not corrected within ninety days. The minimum acceptable rating shall be ninety percent for the pasteurized milk supply as determined by rating methods recognized by the United States Public Health Service Food and Drug Administration. The director of the department of agriculture and the [director of the department of health and senior services] **milk board** shall jointly promulgate and adopt a single method of making official rating surveys of all milksheds. Official surveys shall be made by a method substantially equivalent to procedures outlined in United States Governmental Printing Office Publication Number 678, titled "Methods of Making Sanitation Ratings of Milksheds".

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