

1 Sec. 1. 6 V.S.A. chapter 152 is amended to read:

2 CHAPTER 152. SALE OF UNPASTEURIZED (RAW) MILK

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4 § 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)
5 MILK

6 * * *

7 (b) Unpasteurized milk shall be sold only from the farm on which it was
8 produced except when ~~delivery is arranged in conformance with section 2778~~
9 ~~of authorized by this chapter. Unpasteurized milk shall not be sold or offered~~
10 ~~as free samples at any location other than on the farm on which the milk was~~
11 ~~produced.~~

12 (c) Unpasteurized milk operations shall conform to reasonable sanitary
13 standards, including:

14 (1)(A) Unpasteurized milk shall be derived from healthy animals which
15 are subject to appropriate veterinary care, including ~~tuberculosis and~~
16 ~~brucellosis testing and~~ rabies vaccination; according to accepted ~~testing and~~
17 ~~vaccinations~~ vaccination standards as established by the Agency.

18 (B) A producer shall ensure that all ruminant animals are tested for
19 brucellosis and tuberculosis, according to accepted testing standards
20 established by the Agency, prior to the sale of unpasteurized milk.

1 (d) Unpasteurized milk shall conform to the following production and
2 marketing standards:

3 * * *

4 (2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the
5 label shall contain:

6 * * *

7 (D) The words “Unpasteurized (Raw) Milk. Not pasteurized. Keep
8 Refrigerated.” on the container’s principal display panel, and these words shall
9 be clearly readable in letters at least one-eighth inch in height and prominently
10 displayed.

11 (E) The words ~~“This product has not been pasteurized and therefore~~
12 ~~may contain harmful bacteria that can cause illness particularly in children,~~
13 ~~elders, and persons with weakened immune systems and in pregnant women~~
14 ~~can cause illness, miscarriage, or fetal death, or death of a newborn~~ “Raw
15 Milk. This product has not been pasteurized. Pasteurization destroys
16 organisms that may be harmful to human health, particularly to infants,
17 children, elders, persons with weakened immune systems, and pregnant
18 women. Raw milk must be kept at 40 degrees Fahrenheit or lower at all
19 times.” on the container’s principal display panel and clearly readable in letters
20 at least one-sixteenth inch in height.

21 * * *

1 (6) Customer inspection and notification.

2 (A) ~~Prior to selling milk to a new customer, the new customer shall~~
3 ~~visit the farm and the~~ The producer shall provide the customer with the
4 opportunity to tour the farm and any area associated with the milking
5 operation. The producer shall permit the customer to return to the farm at a
6 reasonable time and at reasonable intervals to reinspect any areas associated
7 with the milking operation.

8 (B) A sign with the words ~~“Unpasteurized (Raw) Milk. Not~~
9 ~~pasteurized. Keep Refrigerated.”~~ and ~~“This product has not been pasteurized~~
10 ~~and therefore may contain harmful bacteria that can cause illness particularly~~
11 ~~in children, elders, and persons with weakened immune systems and in~~
12 ~~pregnant women can cause illness, miscarriage, or fetal death, or death of a~~
13 ~~newborn~~ “RAW MILK. THIS PRODUCT HAS NOT BEEN
14 PASTEURIZED. Pasteurization destroys organisms that may be harmful to
15 human health, particularly to infants, children, elders, persons with weakened
16 immune systems, and pregnant women. Raw milk must be kept at 40 degrees
17 Fahrenheit or lower at all times.” shall be displayed prominently on the farm in
18 a place where it can be easily seen by customers. The lettering shall ~~be at least~~
19 ~~one inch in height~~ have a font size of at least 46-point type and shall be clearly
20 readable with the words “RAW MILK. THIS PRODUCT HAS NOT BEEN

1 PASTEURIZED.” in boldface type on a sign that is at least 8½ by 11 inches in
2 size.

3 (e) ~~Producers~~ A producer selling 87.5 or fewer gallons (350 quarts) of
4 unpasteurized milk per week shall meet the requirements of subsections (a)
5 through (d) of this section and shall sell unpasteurized milk only from the farm
6 on which it was produced. A producer selling 87.5 or fewer gallons of
7 unpasteurized milk may choose to meet the requirements of subsection (f) of
8 this section, in which case the producer may sell or deliver in accordance with
9 section 2778 of this title.

10 (f) ~~Producers~~ A producer selling ~~6~~ more than 87.5 gallons to ~~280~~ 350
11 gallons (more than 350 to ~~1,120~~ 1,400 quarts) of unpasteurized milk per week
12 shall meet the requirements of subsections (a) through (d) of this section as
13 well as the following standards:

14 * * *

15 (3) Testing.

16 (A) A producer shall have unpasteurized milk tested twice per month
17 by a U.S. Food and Drug Administration accredited laboratory using
18 accredited lab approved testing containers. Milk shall be tested for the
19 following and the results shall be below these limits:

20 (i) total bacterial (aerobic) count: 15,000 cfu/ml (cattle and goats);

21 (ii) total coliform count: 10 cfu/ml (cattle and goats);

1 (iii) somatic cell count: 225,000/ml (cattle); 500,000/ml (goats).

2 (B) The producer shall ~~assure~~ ensure that all test results are
3 forwarded to the Agency, by the laboratory, upon completion of testing or
4 within five days of receipt of the results by the producer.

5 * * *

6 (D) The Secretary shall issue a warning to a producer when any two
7 out of four consecutive, monthly tests exceed the limits. The Secretary shall
8 have the authority to suspend unpasteurized milk sales if any three out of five
9 consecutive, monthly tests exceed the limits until an acceptable sample result
10 is achieved. The Secretary shall not require a warning to the consumer based
11 on a high test result.

12 * * *

13 (6) ~~Prearranged~~ Off-farm sale or delivery. ~~Prearranged~~ The sale or
14 delivery of unpasteurized milk is permitted and shall be in compliance with
15 section 2778 of this title.

16 (g) The sale of more than ~~280~~ 350 gallons (~~1,120~~ 1,400 quarts) of
17 unpasteurized milk in any one week is prohibited.

18 § 2778. SALE AND DELIVERY OF UNPASTEURIZED (RAW) MILK

19 (a) ~~Delivery~~ Sale and delivery of unpasteurized milk off the farm is
20 permitted only within the State of Vermont and only of milk produced by ~~those~~

1 ~~producers~~ a producer meeting the requirements of subsection 2777(f) of this
2 chapter.

3 (b) ~~Delivery~~ Sale and delivery shall conform to the following requirements:

4 (1) ~~Delivery shall be to customers who have~~ A producer may sell at a
5 farmers' market, as that term is defined in section 5001 of this title, where the
6 producer is a vendor, provided that:

7 (A) ~~visited the farm as required under subdivision 2777(d)(4) of this~~
8 title the sale is made by the producer or someone with intimate knowledge of
9 the producer's dairy operations and unpasteurized milk; and

10 (B) ~~purchased milk in advance either by a one time payment or~~
11 through a subscription the seller ensures that the consumer is aware that he or
12 she is purchasing unpasteurized milk, including the health risks involved in its
13 consumption.

14 (2) ~~Delivery shall be~~ A producer may deliver directly to the customer:

15 (A) at the customer's home or into a refrigerated unit at the
16 customer's home if such unit is capable of maintaining the unpasteurized milk
17 at 40 degrees Fahrenheit or lower until obtained by the customer;

18 (B) at a farmers' market, as that term is defined in section 5001 of
19 this title, where the producer is a vendor;

20 (3) During sale or delivery, unpasteurized milk shall be protected from
21 exposure to direct sunlight.

1 (4) During sale or delivery, unpasteurized milk shall be kept at 40
2 degrees Fahrenheit or lower at all times.

3 (c) A producer may contract with another individual to deliver the
4 unpasteurized milk in accordance with this section. The producer shall be
5 jointly and severally liable for the delivery of the unpasteurized milk in
6 accordance with this section.

7 (d) Prior to sale or delivery at a farmers' market under this section, a
8 producer shall submit to the Agency of Agriculture, Food and Markets, ~~on a~~
9 ~~form provided by the Agency,~~ written or electronic notice of intent to sell or
10 deliver unpasteurized milk at a farmers' market. The notice shall:

11 (1) include the producer's name and proof of registration;

12 (2) identify the farmers' market or markets where the producer will sell
13 or deliver milk; and

14 (3) specify the day or days of the week on which sale or delivery will be
15 made at a farmers' market.

16 (e) A producer selling or delivering unpasteurized milk at a farmers'
17 market under this section shall display the registration required under
18 subdivision 2777(f)(4) of this title and the sign required under subdivision
19 2777(d)(6) on the farmers' market stall or stand in a prominent manner that is
20 clearly visible to consumers.

(Draft No. 2.1)

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Requested language from H. Agriculture regarding raw milk

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.