

1 H.481

2 Introduced by Representatives Strong of Albany and Bock of Chester

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; milk; unpasteurized milk; cooperatives; sale; labeling;
6 reporting

7 Statement of purpose of bill as introduced: This bill proposes to permit the
8 sale of unpasteurized milk at business cooperatives within the State under a
9 pilot program. During a two-year period, the proposed pilot program will
10 assess the current and projected sales of unpasteurized milk at participating
11 cooperatives and will identify any health and safety impacts that may result
12 from increased unpasteurized milk consumption. This bill also proposes to
13 eliminate certain labeling requirements and eliminate certain producer
14 reporting requirements.

15 An act relating to an unpasteurized milk sale pilot program and
16 unpasteurized milk labeling and reporting requirements

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 6 V.S.A. § 2777 is amended to read:

3 § 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

4 MILK

5 * * *

6 (d) Unpasteurized milk shall conform to the following production and
7 marketing standards:

8 (1) Record keeping and reporting.

9 ~~(A)~~ A producer shall collect one composite sample of unpasteurized
10 milk each day and keep the previous 14 days' samples frozen. The producer
11 shall provide samples to the Agency if requested. A producer may request the
12 Agency collect any sample from the producer's facility for a reasonable fee
13 determined by the Secretary.

14 ~~(B) A producer shall maintain a current list of all customers,~~
15 ~~including addresses, telephone numbers, and, when available, e-mail addresses.~~

16 [Repealed.]

17 ~~(C) The producer shall maintain a list of transactions for at least one~~
18 ~~year which shall include customer names, the date of each purchase, and the~~
19 ~~amount purchased. [Repealed.]~~

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

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(E) ~~The words “This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, elders, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn.” on the container’s principal display panel and clearly readable in letters at least one-sixteenth inch in height. [Repealed.]~~

* * *

(6) Customer inspection and notification.

* * *

(B) A sign with the words “Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated.” ~~and “This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, elders, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn.”~~ shall be displayed prominently on the farm in a place where it can be easily seen by customers. The lettering shall be at least one inch in height and shall be clearly readable.

* * *

1 Sec. 2. 6 V.S.A. § 2778 is amended to read:

2 § 2778. DELIVERY OF UNPASTEURIZED (RAW) MILK

3 * * *

4 (d) Prior to delivery at a farmers' market under this section, a producer
5 shall submit to the Agency of Agriculture, Food and Markets written or
6 electronic notice of intent to deliver unpasteurized milk at a farmers' market.

7 The notice shall:

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

9 ~~(2) identify the farmers' market or markets where the producer will~~
10 ~~deliver milk; and~~

11 ~~(3) specify the day or days of the week on which delivery will be made~~
12 ~~at a farmers' market.~~

13 * * *

14 Sec. 3. AGENCY OF AGRICULTURE, FOOD AND MARKETS;

15 UNPASTEURIZED MILK SALE PILOT PROJECT

16 (a) The Agency of Agriculture, Food and Markets, in consultation with the
17 Department of Health and the Agency of Natural Resources, shall establish an
18 Unpasteurized (Raw) Milk Sales and Health Impact Pilot Project in the State of
19 Vermont. The Project's goals will be to conduct a two-year assessment of the
20 current and projected demand and sale of unpasteurized milk at cooperatives
21 throughout the State and to identify potential threats to individual health and

1 safety that may result from increased consumption of unpasteurized milk.

2 Under the Pilot Project:

3 (1) The Agency of Agriculture, Food and Markets shall contract with a
4 qualified economic consultant to conduct an assessment of sales of
5 unpasteurized milk in cooperatives throughout the State. The economic
6 consultant shall issue an assessment report to the Agency identifying the
7 history of sales of unpasteurized milk every six months over the two-year pilot
8 period and categorized by sales at the county level.

9 (2) The Agency of Agriculture, Food and Markets shall contract with a
10 qualified health consultant to conduct an assessment of health and safety
11 impacts resulting from the consumption and use of unpasteurized milk. The
12 health consultant shall issue an assessment report to the Agency identifying
13 any and all health impacts resulting from the increased consumption of
14 unpasteurized milk every six months over the two-year pilot period.

15 (3) On or before January 15, 2021, the Secretary of Agriculture, Food
16 and Markets shall submit to the House Committee on Agriculture and Forestry
17 and the Senate Committee on Agriculture a report summarizing the results of
18 the Unpasteurized (Raw) Milk Sales and Health Impact Pilot Project. The
19 report shall include or make available to the public the assessment reports
20 conducted under the Pilot Project.

1 Sec. 4. 6 V.S.A. § 2779 is added to read:

2 § 2779. SALE OF UNPASTEURIZED MILK IN STATE COOPERATIVES

3 (a) Notwithstanding subsections 2777(a) and 2777(b) of this chapter, a
4 producer meeting the requirements of subsection 2777(f) of this chapter may
5 sell unpasteurized milk produced by the producer to a cooperative located
6 within the State of Vermont primarily engaged in the sale of groceries.

7 (b) Notwithstanding subsections 2777(a) and 2777(b) this chapter, a
8 cooperative may sell unpasteurized milk purchased from a producer to a person
9 for personal consumption. As used in this section, “cooperative” has the same
10 meaning as set forth in 11 V.S.A. § 981.

11 (c) A producer who sells unpasteurized milk to a cooperative shall meet the
12 following requirements:

13 (1) The Agency shall inspect the producer’s facility twice monthly and
14 determine whether the producer is in compliance with the required sanitary
15 standards.

16 (2) Testing shall be done according to subdivision 2777(f)(3) of this
17 title, except that testing shall be done twice monthly and test results shall be
18 made available to customers of the cooperatives.

19 (3) The producer shall develop a written procedure in consultation with
20 the Agency for recalling products. Both the producer and the Agency shall
21 keep this procedure on file.

1 (4) A producer who sells to a cooperative shall first receive a
2 certification from the Secretary certifying that all requirements under this
3 chapter have been met. This certificate shall be renewed annually.

4 (5) During delivery to a cooperative, unpasteurized milk shall be
5 protected from exposure to direct sunlight.

6 (6) During delivery to a cooperative, unpasteurized milk shall be kept at
7 40 degrees Fahrenheit or lower at all times.

8 (d) A cooperative selling unpasteurized milk shall register with the
9 Agency. Annual sale volume of all unpasteurized milk shall be reported to the
10 Agency by December 31. A cooperative selling unpasteurized milk under this
11 section shall comply with all unpasteurized milk temperature, shelf life, and
12 labeling standards under this chapter.

13 (e) The producer and cooperative shall be jointly and severally liable for
14 the production and sale of milk in conformance with this act and chapter 152
15 of this title.

16 Sec. 5. REPEAL

17 6 V.S.A. § 2779 shall be repealed on June 31, 2021.

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect on June 31, 2019.