

1 S.207

2 Introduced by Senator Starr

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; dairy operations; definition of milk; dairy products

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the
7 sale of a food product labeled as milk or labeled as a dairy product unless the
8 product conforms to the State definition of “milk” or “dairy product” or
9 conforms to a federal standard of identity.

10 An act relating to the sale or distribution of milk and dairy products

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

12 Sec. 1. 6 V.S.A. § 2672 is amended to read:

13 § 2672. DEFINITIONS

14 As used in this chapter, the following terms have the following meanings:

15 (1) “Secretary” means Secretary of Agriculture, Food and Markets or his
16 or her authorized agent.

17 (2) “Milk producer” or “producer” is means a person, partnership,
18 unincorporated association, or corporation who owns or controls one or more
19 cows, dairy goats, dairy sheep, or water buffalo and sells or offers for sale a
20 part or all of the milk produced by the animals.

1 (3) “Dairy farm” is any place or premise where one or more cows, dairy
2 goats, dairy sheep, or water buffalo are kept and where a part or all of the milk
3 from the animals is sold or offered for sale.

4 (4) “Milk plant” is any place, premise, or establishment where milk or
5 dairy products are collected, assembled, handled, processed, stored,
6 pasteurized, packaged, or prepared for distribution.

7 (5) “Milk handler” or “handler” is a person, firm, unincorporated
8 association, or corporation engaged in the business of buying, selling,
9 assembling, packaging, or processing milk or other dairy products, for sale
10 within or without the State of Vermont. “Milk handler” or “handler” shall not
11 mean a milk producer.

12 (6) “Milk handler license” is a license issued by the Secretary which
13 authorizes the licensee to carry on the business of a milk handler.

14 (7) “Milk,” unless preceded or succeeded by an explanatory term, means
15 the pure lacteal secretion of dairy cattle or other livestock listed in this
16 subdivision. Milk from other dairy livestock listed in this subdivision shall be
17 preceded by the common name for the type of livestock that produced the
18 milk. ~~Such milk~~ Milk may be standardized by the addition of pure, fresh skim
19 milk or cream as defined by regulation.

20 (A) “Cows’ milk” is the colostrum-free, pure, lacteal product of
21 healthy cattle ~~which~~ that contains not less than 11.50 percent of total milk

1 solids (to which nothing has been added or taken away). Cows' milk sold in
2 retail packages shall contain not less than 3.25 percent milk fat, and not less
3 than 8.25 percent nonfat milk solids.

4 (B) "Goats' milk" is the colostrum-free, pure, lacteal product of
5 healthy goats ~~which~~ that contains not less than 10 percent of total milk solids
6 (to which nothing has been added or taken away). Goats' milk sold in retail
7 packages shall contain not less than 2.5 percent milk fat and not less than
8 7.5 percent nonfat milk solids.

9 (C) "Sheep's milk" is the colostrum-free, pure, lacteal product of
10 healthy sheep ~~which~~ that contains no less than 11.50 percent of total milk
11 solids (to which nothing has been added or taken away).

12 (D) "Water buffalo's milk" is the colostrum-free, pure, lacteal
13 product of healthy water buffalo ~~which~~ that contains no less than 11.50 percent
14 of total milk solids (to which nothing has been added or taken away).

15 (8) "Retail package of dairy product" is a package to be sold to a
16 consumer.

17 (9) "Dairy product" is milk, or a product derived therefrom, ~~which~~ that
18 conforms to the appropriate legal standard or definition for the specific product
19 as defined in this part and regulations made under this part.

1 (10) “Fluid dairy products” are milk and fluid dairy products derived
2 from milk, including cultured products, as defined by regulations adopted by
3 federal entities and published in the Code of Federal Regulations.

4 * * *

5 (13) “Adulteration” means an adulterated dairy product containing
6 noxious, unwholesome, or deleterious material, preservative, drugs, or
7 chemical in a quantity injurious to health; or ~~which~~ that does not conform to
8 the definition of the product; or ~~which~~ that is not produced, processed, or
9 distributed according to the provisions of this part.

10 * * *

11 (16) “Distributor” means any person who sells milk to consumers within
12 the State, except those who sell milk for consumption on the premises.

13 * * *

14 Sec. 2. 10 V.S.A. § 2682 is added to read:

15 § 2682. SALE OF DAIRY PRODUCTS LABELED AS MILK

16 (a) A person shall not sell or distribute a food product labeled as milk or
17 labeled as a dairy product unless:

18 (1) the product conforms to the definition of “milk” or “dairy product”
19 under this chapter; or

1 (2) the product conforms to a standard of identity adopted by the U.S.
2 Food and Drug Administration under the Federal Food, Drug, and Cosmetic
3 Act.

4 (b) A person who violates the requirements of this section shall upon
5 conviction be subject to imprisonment for more than two years or a fine of not
6 more than \$10,000.00, or both, and shall be liable for a civil penalty not to
7 exceed \$10,000.00 for each product found to be in violation.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2020.