

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House  
3 Bill No. 218 entitled “An act relating to the sale of unpasteurized milk”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

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

8 CHAPTER 152: SALE OF UNPASTEURIZED (RAW) MILK

9 § 2775. LIMITED SALE OF UNPASTEURIZED (RAW) MILK

10 PERMISSIBLE

11 Notwithstanding section 2701 of this title, the production and sale of  
12 unpasteurized milk to a consumer for personal consumption is permitted within  
13 the State of Vermont only when produced, marketed, and sold in conformance  
14 with this chapter.

15 § 2776. DEFINITIONS

16 ~~As~~ As used in this chapter:

17 (1) “Consumer” means a customer who purchases, barter for, receives  
18 delivery of, or otherwise acquires unpasteurized milk according to the  
19 requirements of this chapter.

20 (2) “Milk” ~~shall have~~ has the same meaning as set forth in section 2672  
21 of this title.

1           (3) “Personal consumption” means the use by a consumer of  
2           unpasteurized milk for food or to create a food product made with or from  
3           unpasteurized milk that is intended to be ingested by the consumer, members  
4           of his or her household, or any nonpaying guests.

5           (4) “Unpasteurized milk” or “unpasteurized (raw) milk” means milk that  
6           is unprocessed.

7           (5) “Unprocessed” means milk that has not been modified from the  
8           natural state it was in as it left the animal, other than filtering, packaging, and  
9           cooling.

10           (6) “Community-supported agriculture organization” or “CSA  
11           organization” means a farm or group of farms subject to regulation under the  
12           Required Agricultural Practices that grow, raise, or produce agricultural  
13           products for consumer shareholders or subscribers who pledge or contract to  
14           buy a portion of the agricultural products of the farm or group of farms.

15           (7) “Farm stand” means a site on a farm subject to the Required  
16           Agricultural Practices where agricultural products principally produced on the  
17           farm are sold to the public.

18           § 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

19           MILK

1           (a) ~~Unpasteurized~~ Except as provided under section 2778 of this title,  
2           unpasteurized milk shall be sold directly from the producer to the consumer for  
3           personal consumption only and shall not be resold.

4           (b) Unpasteurized milk shall be sold only from the farm on which it was  
5           produced except when sale or delivery off the farm is allowed under section  
6           2778 of this chapter. Unpasteurized milk shall not be offered as free samples  
7           at any location other than on the farm on which the milk was produced.

8           (c) Unpasteurized milk operations shall conform to reasonable sanitary  
9           standards, including:

10           (1)(A) Unpasteurized milk shall be derived from healthy animals that  
11           are subject to appropriate veterinary care, including rabies vaccination  
12           administered by a licensed veterinarian according to accepted vaccination  
13           standards established by the Agency.

14           (B) A producer shall ensure that all ruminant animals are tested for  
15           brucellosis and tuberculosis, conducted by a licensed veterinarian according to  
16           accepted testing standards established by the Agency, prior to the sale of  
17           unpasteurized milk.

18           (C) A producer shall ensure that dairy animals entering the  
19           producer's milking herd, including those born on the farm, are tested for  
20           brucellosis and tuberculosis, conducted by a licensed veterinarian according to

1 accepted testing standards established by the Agency, prior to the animal's  
2 milk being sold to consumers, unless:

3 (i) ~~The~~ the dairy animal has a negative U.S. Department of  
4 Agriculture approved test for brucellosis within 30 days prior to importation  
5 into the State, in which case a brucellosis test shall not be required;

6 (ii) ~~The~~ the dairy animal has a negative U.S. Department of  
7 Agriculture approved tuberculosis test within 60 days prior to importation into  
8 the State, in which case a tuberculosis test shall not be required; or

9 (iii) ~~The~~ the dairy animal leaves and subsequently reenters the  
10 producer's herd from a state or Canadian province that is classified as  
11 "certified free" of brucellosis and "accredited free" of tuberculosis or an  
12 equivalent classification, in which case a brucellosis or tuberculosis test shall  
13 not be required.

14 (D) A producer shall post test results and verification of vaccinations  
15 on the farm in a prominent place and make results available to customers and  
16 the Agency.

17 (2) The animal's udders and teats shall be cleaned and sanitized prior to  
18 milking.

19 (3) The animals shall be housed in a clean, dry environment.

20 (4) Milking equipment shall be of sanitary construction, cleaned after  
21 each milking, and sanitized prior to the next milking.

1           (5) Milking shall be conducted in a clean environment appropriate for  
2 maintaining cleanliness.

3           (6) The farm shall have a potable water supply ~~which~~ that is sampled for  
4 bacteriological examination according to Agency standards every three years  
5 and whenever any alteration or repair of the water supply has been made.

6           (7) If an animal is treated with antibiotics, that animal's milk shall be  
7 tested for and found free of antibiotics before its milk is offered for sale.

8           (d) Unpasteurized milk shall conform to the following production and  
9 marketing standards:

10           (1) Record keeping and reporting.

11           (A) A producer shall collect one composite sample of unpasteurized  
12 milk each day and keep the previous 14 days' samples frozen. The producer  
13 shall provide samples to the Agency if requested.

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

16           (C) The producer shall maintain a list of transactions for at least one  
17 year that shall include customer names, the date of each purchase, and the  
18 amount purchased.

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

21           (A) The date the milk was obtained from the animal.

1           (B) The name, address, zip code, and telephone number of the  
2 producer.

3           (C) The common name of the type of animal producing the milk,  
4 such as cattle, goat, sheep, or an image of the animal.

5           (D) The words “Unpasteurized (Raw) Milk. Keep Refrigerated.” on  
6 the container’s principal display panel, and these words shall be clearly  
7 readable in letters at least one-eighth inch in height and prominently displayed.

8           (E) The words “Consuming raw unpasteurized milk may cause  
9 illness, particularly in children, seniors, persons with weakened immune  
10 systems, and pregnant women.” on the container’s principal display panel and  
11 clearly readable in letters at least one-sixteenth inch in height.

12           (3) Temperature. Unpasteurized milk shall be cooled to 40 degrees  
13 Fahrenheit or lower within two hours of the finish of milking and so  
14 maintained until it is obtained by the consumer. All farms shall be able to  
15 demonstrate to the Agency’s inspector that they have the capacity to keep the  
16 amount of milk sold on the highest volume day stored and kept at 40 degrees  
17 Fahrenheit or lower in a sanitary and effective manner.

18           (4) Storage. An unpasteurized milk bulk storage container shall be  
19 cleaned and sanitized after each emptying. Each container shall be emptied  
20 within 24 hours of the first removal of milk for packaging. Milk may be stored  
21 for up to 72 hours, but all storage containers shall be emptied and cleaned at

1 least every 72 hours. Unless milk storage containers are cleaned and sanitized  
2 daily, a written log of dates and times when milking, cleaning, and sanitizing  
3 occur shall be posted in a prominent place and be easily visible to customers.

4 (5) Shelf life. Unpasteurized milk shall not be transferred to a consumer  
5 after four days from the date on the label.

6 (6) Customer inspection and notification.

7 (A) The producer shall provide the customer with the opportunity to  
8 tour the farm and any area associated with the milking operation. The  
9 producer shall permit the customer to return to the farm at a reasonable time  
10 and at reasonable intervals to reinspect any areas associated with the milking  
11 operation.

12 (B)(i) A sign, provided by the Agency of Agriculture, Food and  
13 Markets, that is 8 and one half inches by 11 inches in size with the words  
14 “Unpasteurized (Raw) Milk. Keep Refrigerated.” “Consuming raw  
15 unpasteurized milk may cause illness, particularly in children, seniors, persons  
16 with weakened immune systems, and pregnant women.” shall be displayed  
17 prominently on the farm in a place where it can be easily seen by customers.  
18 The text of the sign required under this subdivision shall be clearly visible and  
19 easily readable to consumers on the farm or at a farmers’ market.

1                   (ii) The Secretary of Agriculture, Food and Markets shall post a  
2 copy of the sign required under subdivision (6)(B)(i) of this section to the  
3 website of the Agency of Agriculture, Food and Markets for use by producers.

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

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

14           (1) Inspection. The Agency shall annually inspect the producer's  
15 facility and determine that the producer is in compliance with the sanitary  
16 standards listed in subsection (c) of this section.

17           (2) Bottling. Unpasteurized milk shall be sold in containers that have  
18 been filled by the producer. Containers shall be cleaned by the producer  
19 except that the producer may allow customers to clean their own containers  
20 only if each customer's container is labeled with the customer's name and

1 address and the customers use their own containers. Producers shall ensure  
2 that only clean bottles are filled and distributed.

3 (3) Testing.

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

8 (i) total bacterial (aerobic) count: 15,000 cfu l (cattle and goats);

9 (ii) total coliform count: 10 cfu l (cattle and goats); and

10 (iii) somatic cell count: 225,000 l (cattle); 500,000 l (goats).

11 (B) The producer shall ensure that all test results are forwarded to the  
12 Agency, by the laboratory, upon completion of testing or within five days of  
13 receipt of the results by the producer.

14 (C) The producer shall keep test results on file for one year and shall  
15 post results on the farm in a prominent place that is easily visible to customers.  
16 The producer shall provide test results to the farm's customers if requested.

17 (D) The Secretary shall issue a warning to a producer when any two  
18 out of four consecutive, monthly tests exceed the limits. The Secretary shall  
19 have the authority to suspend unpasteurized milk sales if any three out of five  
20 consecutive, monthly tests exceed the limits until an acceptable sample result

1 is achieved. The Secretary shall not require a warning to the consumer based  
2 on a high test result.

3 (4) Registration. Each producer operating under this subsection shall  
4 register with the Agency.

5 (5) Reporting. On or before March 1 of each year, each producer shall  
6 submit to the Agency a statement of the total gallons of unpasteurized milk  
7 sold in the previous 12 months.

8 (6) Off-farm sale and delivery. The sale and delivery of unpasteurized  
9 milk is permitted as provided for under section 2778 of this title.

10 (g) The sale of more than 350 gallons (1,400 quarts) of unpasteurized milk  
11 in any one week is prohibited.

12 § 2778. SALE OR DELIVERY OF UNPASTEURIZED (RAW) MILK

13 (a) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or  
14 by a CSA organization is permitted ~~only~~ within the State of Vermont and ~~only~~  
15 of milk produced by a producer meeting the requirements of subsection  
16 2777(f) of this chapter.

17 (b) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or  
18 by a CSA organization shall conform to the following requirements:

19 (1) ~~Vendors~~ Persons selling or delivery unpasteurized milk shall  
20 ~~verbally~~ inform each customer of the need to keep milk refrigerated.

1           (2) A producer may sell or deliver unpasteurized milk directly to the  
2 customer:

3           (A) at the customer’s home or may deliver it to the customer’s home  
4 when delivery is into a refrigerated unit at the customer’s home if such unit is  
5 capable of maintaining the unpasteurized milk at 40 degrees Fahrenheit or  
6 lower until obtained by the customer; or

7           (B) at a farmers’ market, as that term is defined in section 5001 of  
8 this title, where the producer is a vendor.

9           (3) During delivery or storage prior to sale, unpasteurized milk shall be  
10 protected from exposure to direct sunlight.

11           (4) During delivery or storage prior to sale, unpasteurized milk shall be  
12 kept at 40 degrees Fahrenheit or lower at all times.

13           (c)(1) A producer may contract with another individual, a farm stand, or a  
14 CSA to deliver or sell the unpasteurized milk in accordance with this section.

15           (2) The producer shall be jointly and severally liable for the delivery or  
16 sale of the unpasteurized milk in accordance with this section.

17           (3) The producer shall submit to the Agency of Agriculture, Food and  
18 Markets notice of the farm stands or CSAs with whom the producer has  
19 contracted to sell the producer’s unpasteurized milk under this section.

20           (d) Prior to delivery or sale at a farmers’ market under this section, a  
21 producer shall submit to the Agency of Agriculture, Food and Markets written

1 or electronic notice of intent to deliver or sell unpasteurized milk at a farmers’  
2 market. The notice shall:

3 (1) include the producer’s name and proof of registration;

4 (2) identify the farmers’ market or markets where the producer will  
5 deliver milk; and

6 (3) specify the day or days of the week on which delivery or sale will be  
7 made at a farmers’ market.

8 (e) A producer selling or delivering unpasteurized milk at a farmers’  
9 market under this section shall display the registration required under  
10 subdivision 2777(f)(4) of this title and the sign required under subdivision  
11 2777(d)(6) on the farmers’ market stall or stand in a prominent manner that is  
12 clearly visible to consumers.

13 (f) A farm stand or a CSA organization selling unpasteurized milk  
14 produced on a farm other than the farm or farms where the farm stand or CSA  
15 organization is located shall:

16 (1) maintain a list of all customers to whom unpasteurized milk is sold,  
17 including addresses, telephone numbers, and, when available, e-mail  
18 addresses; date of purchase; and amount purchased;

19 (2) submit the records required under subdivision (1) of this section to  
20 the producer weekly;

1           (3) store unpasteurized milk in a refrigerated unit or other adequate  
2           storage that is capable of keeping the milk at 40 degrees Fahrenheit or lower in  
3           a sanitary and effective manner; and

4           (4) display the sign required for producers under subdivision  
5           2777(d)(6)(B) in a place where clearly visible to and easily readable by  
6           customers at the farm stand or CSA.

7           (g) Sale of unpasteurized milk by a farm stand or a CSA organization under  
8           this subsection shall be deemed to be farming under 10 V.S.A. § 6001(22) and  
9           the Required Agricultural Practices.

10           (i) The Secretary may inspect a farm stand or CSA selling unpasteurized  
11           milk under this section during reasonable hours for the purposes of  
12           determining compliance with this section.

13       Sec. 2. EFFECTIVE DATE

14           This act shall take effect on July 1, 2021.

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18           (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE