

OVERVIEW

Interactive Map on State Regulations -> <https://www.farmtoconsumer.org/raw-milk-nation-interactive-map/>

<u>State</u>	<u>Type of Sales Permitted</u>	<u>Licensing/ Labeling</u>	<u>Inspection/ Testing</u>	<u>Added-Value Products</u>
ME	Raw milk sales only permitted off-farm / at "Eating Establishments" if heat-treated above 35°F for at least 60 days prior to sale.	Permits required for milk producers. Raw milk products must be labeled "not pasteurized".	Consistent with standards set forth by PMO.	Only sold at own farm, farmstand, or farmer's market. Cheeses must be heat-treated above 35°F for at least 60 days prior to sale. Adopts language of 21 C.F.R. 133.
NH	The Food Protection Section Administrative Rule He-P 2300 requires that all food sold in stores come from an approved source. All raw milk sold in stores must come from a licensed facility regardless of the volume of milk sold.	No license needed if under 20 gal/day. Those who qualify for licensing exception must clearly label the name of product, their farm name, address & phone#, and include: "This product is made with raw milk and is exempt from NH licensing and inspection." License required for anyone wishing to sell in stores.	Exempt if under 20 gal/day.	RSA 184:30-a allows for "the sale, within the state, of cheese made from raw milk when such cheese has been aged a minimum of 60 days above 35° F, and is clearly labeled as unpasteurized." Adopts language of 21 C.F.R. 133. Yogurt permitted if clearly labeled as having been made with raw milk. All other added value products permitted for those who qualify for raw milk exemption.
MA	The licensed on-farm sale of raw milk is legal, however, cities and towns have the power to ban the production and sale of raw	Farmers selling up to twenty (20) quarts of milk per day are exempt from the licensing	Cannot legally test more frequently than every	Yes?

	milk within their boundaries.	requirement but still must obtain a certificate of registration from the Commissioner of Food and Agriculture.	two months.	
CT	Raw milk sales are legal on the farm and in retail stores. Towns and cities have the power to ban the sale of retail raw milk.	In order to operate legally farmers must obtain producer permits and raw milk retailer permits from the State Agriculture Commissioner. Additionally, they must obtain a milk dealer license from the public health board of the town or city where their farms are located.	"Routinely sampled by labs".	Yes, raw cheese.

MAINE

Pertinent Regulations: MRS Title 7, Chapter 601. **§2900** and MRS Title 7, Chapter 601. **§2902-B**

"Retail sale of raw milk and milk products is legal, but the products **must be labeled as not pasteurized**. Licenses are required for "milk distributors" (defined as any person who offers for sale or sells to another any milk or milk products in its final form), and permits are required for "milk producers" (defined as any person who operates a dairy farm and provides, sells, or offers milk or milk product(s) for sale)". ([Farm to Consumer Defense Fund](#))

Maine uses restrictive language to limit sale of raw milk products to only on-farm (including at a farmstand), as long as it is disclosed using the words "not pasteurized" on label. However, 'raw' cheese may be sold or served at "Eating Establishments" as defined above if it "has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale".

Conflicting Language around "Heat Treated Cheese" -

§2900, Definitions. states: "Heat treated" or "heat-treated" means processed by heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes.

§2902-B, notes that “a person may not sell unpasteurized milk or a product made from unpasteurized milk, **including heat-treated cheese**, unless the label on that product contains the words “not pasteurized.” The statute then states that it does not apply to “This section does not apply to cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale”. This is contradictory to the requirement that even heat-treated cheese must be disclosed as “not pasteurized”.

Maine prohibits the sale of raw milk at “Eating Establishment”. Maine’s language for “Eating Establishment”: [Title 22, section 2491, subsection 7](#) - “Eating establishment” means any place where food or drink is prepared and served or served to the public for consumption on the premises or prepared and served or served ready to eat to the public for consumption off the premises. “Eating establishment” includes places in the entertainment, hospitality, recreation, restaurant and tourism industries; catering establishments; correctional facilities; hospital cafeterias; mobile eating places; public and private schools; retail frozen dairy product establishments; and workplace eating establishments and places where food is prepared for vending machines dispensing food other than in original sealed packages.

“Eating establishment” does not include:

C. A farm stand that offers only whole, uncut fresh fruits and vegetables.

Exception. This section (regarding the prohibition of raw milk sales at “Eating Establishments”) does not apply to cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale. Thus, cheese that has been heat-treated in such a way may be sold and/or consumed at “Eating Establishments”, providing that *“the menu identifies items on the menu that contain or are made with heat-treated cheese and provides notice that heat-treated cheese is not pasteurized using the words “not pasteurized” on the menu”*. 

TESTING REQUIREMENTS - The milk laboratory operated by the department has tested unpasteurized milk products and determined that they do not meet the standards for unpasteurized milk products established by rules adopted pursuant to **section 2910**.

§2910 establishes that the standards for milk and milk product quality are set by the commissioner. It states that “The standards must be consistent with the requirements of the official standards, known as the Pasteurized Milk Ordinance, as issued by the Secretary of the United States Department of Health and Human Services, Food and Drug Administration, except that the standards may not prohibit the sale of unpasteurized milk and milk products in the State”. Amendments may also not prohibit the sale of unpasteurized milk / milk products. (*Per Adoption clause of PMO: “In the interest of national uniformity, it is recommended that not any changes be made in this Ordinance when adopted by a State, unless changes are necessary to avoid conflict with State law”.*)

For farms that are not pasteurizing products, the whole herd needs to be tested for TB every three years. For pasteurized and non-pasteurized products, herds need to be tested for brucellosis two times a year. ([Lancaster Farming](#))

Maine’s Progressive Food Sovereignty Legislation -

S.P. 242 - L.D. 725, “[An Act To Recognize Local Control Regarding Food Systems](#)”. “The law does not cover sales outside a given city or town that has a food sovereignty ordinance in place. Neither does the law preempt federal law.” Upwards of 40 towns have FSOs. ([Reason Article](#))

Sedgwick, ME [passed the first FSO in the country](#). Voters unanimously rejected all outside regulation of food by explicitly protecting the rights of town residents to "produce, process, sell, purchase, and consume local foods of their choosing."

- Relies on (1) the **US Constitution**; (2) Maine Constitution **Article I, § 2**, which declares that all power of government is inherent in the people, who may alter, change or reform it if their happiness requires; and (3) **Maine Revised Statutes §3001 of Title 30-A which grants municipalities the right to regulate health, safety, and welfare** and **§211 of Title 7** which states "*it is the policy of the State to encourage food self-sufficiency for the State.*"

["An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"](#)

Under this Act, a person may sell raw milk or raw milk products without a license if:

- The person daily produces for sale less than 20 gallons of raw milk or processes for sale less than 20 gallons of raw milk into cheese aged less than 60 days, yogurt, cream, butter or kefir; or
- The raw milk or raw milk product is sold only directly from the person's own farm or farm stand or at a farmers' market within the State; or
- The raw milk or raw milk product is labeled pursuant to subsection 3; and
- The person places a clearly visible sign at the point of sale for the raw milk or raw milk product that contains the name, address and telephone number of the person's farm and the following statement: "Products from this farm made from raw milk are exempt from State of Maine licensing and inspection."

[The Future of Maine's Food Sovereignty Movement \(2020\)](#)

[Local Food and Community Self-Governance Ordinance of 2011 \(Template\)](#)

[UMaine Extension Raw Milk Publication](#)

NEW HAMPSHIRE

New Hampshire offers similar language to Maine, except does not require licensing for small-scale raw milk (& raw milk product) producers. *"a milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers market to the food consumers within the state of New Hampshire only."* The dairy amendment creates an opportunity for producers to increase their income by selling value-added products, something very few other states allow.

Licensing:

If less than an average of 80 quarts (20 gallons) of raw milk are sold per day and the milk is only sold directly from the producer to the consumer from the producer's own farm, farm stand or at a farmer's market and if the milk is not sold to or used by a licensed milk plant, then no license or permit is necessary.

RSA 184:84 V exempts milk producer-distributors who process less than 20 gallons of raw milk per day into raw milk cheese aged at least 60 days, cream, yogurt, butter or kefir from licensing

provided they only sell their products directly to the consumer from their own farm or farm stand or at a farmer's market within the State of New Hampshire. Producer-distributors who qualify for this exemption are required to clearly label their product with the name of the product, their farm name, address and phone number and the following statement: "This product is made with raw milk and is exempt from New Hampshire licensing and inspection."

Value-Added Products:

Sale of cheese, yogurt, butter or other dairy products made from raw or heat treated milk: RSA 184:30-a allows for "the sale, within the state, of cheese made from raw milk when such cheese **has been aged a minimum of 60 days at a temperature above 35 degrees Fahrenheit, and is clearly labeled as unpasteurized.**" This matches the language in **section 21 of the Code of Federal Regulations part 133**, the federal cheese laws.

RSA 184:30-a also states that "**This section shall not prohibit the direct sale of yogurt made with raw milk by the producer in this state, provided that such yogurt is clearly labeled as having been made with raw milk.**" This is contrary to federal requirements for yogurt and applies only to raw milk yogurt made within the state and sold directly to consumers within the state.

Fresh cheeses and all other processed dairy products, except for kefir and butter made by a producer-distributor who is exempt from licensing under RSA 184:84 V, must be made with pasteurized milk. New Hampshire has no provisions for the use of heat treated milk in making products that will not be aged.

[Why does N.H. forbid raw milk ice cream but not raw milk yogurt?](#)