

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4654

(SENATE AUTHORS: BAHR)

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OFFICIAL STATUS
Introduction and first reading
Referred to Agriculture, Broadband, and Rural Development

1.1 A bill for an act
1.2 relating to agriculture; permitting sales of unpasteurized milk; amending Minnesota
1.3 Statutes 2022, sections 32D.01, by adding subdivisions; 32D.02, subdivisions 5,
1.4 8, 10; 32D.13, subdivision 8, by adding a subdivision; 32D.15; 32D.16; 32D.20;
1.5 proposing coding for new law in Minnesota Statutes, chapter 32D.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 32D.01, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 17. **Unpasteurized butter.** "Unpasteurized butter" means butter intended for
1.10 direct consumer retail sales that is made with cream that is not pasteurized.

1.11 Sec. 2. Minnesota Statutes 2022, section 32D.01, is amended by adding a subdivision to
1.12 read:

1.13 Subd. 18. **Unpasteurized milk.** "Unpasteurized milk" means milk intended for direct
1.14 consumer retail sales that is not pasteurized.

1.15 Sec. 3. Minnesota Statutes 2022, section 32D.01, is amended by adding a subdivision to
1.16 read:

1.17 Subd. 19. **Unpasteurized milk producer.** "Unpasteurized milk producer" means a dairy
1.18 farmer with an unpasteurized milk producer permit.

1.19 Sec. 4. Minnesota Statutes 2022, section 32D.02, subdivision 5, is amended to read:

1.20 Subd. 5. **Inspection service.** To ensure compliance with the laws and rules governing
1.21 the production, handling, processing, and sale of milk and dairy products, the commissioner

2.1 is authorized, through a duly trained and qualified milk inspector, to inspect milk and milk
 2.2 products and the premises and plants where milk ~~and~~, milk products, unpasteurized milk,
 2.3 and unpasteurized butter are produced, handled, and processed. Inspection services must
 2.4 acquaint the processor and producers with the requirements for a Grade A ~~or~~, a manufacturing
 2.5 grade, or an unpasteurized milk supply for preliminary inspection to determine if a processor
 2.6 has brought the processor's farms and plants to the state of compliance that qualifies the
 2.7 processor's products for the Grade A ~~or~~, manufacturing grade, unpasteurized milk, or
 2.8 unpasteurized butter label, and for continuous inspection to ensure that a farm or plant and
 2.9 all products from a farm or plant are in compliance with this chapter.

2.10 Sec. 5. Minnesota Statutes 2022, section 32D.02, subdivision 8, is amended to read:

2.11 Subd. 8. **Rules.** (a) The commissioner shall by rule adopt identity, production, and
 2.12 processing standards for ~~both~~ Grade A milk, unpasteurized milk, unpasteurized butter, and
 2.13 manufacturing grade milk and dairy products.

2.14 (b) In the exercise of the authority to establish requirements for Grade A milk and milk
 2.15 products, the commissioner adopts definitions, standards of identity, and requirements for
 2.16 production and processing contained in the most current version of the Grade A Pasteurized
 2.17 Milk Ordinance, and its associated documents, of the United States Department of Health
 2.18 and Human Services in a manner provided for and not in conflict with law.

2.19 (c) Producers of milk, other than Grade A or unpasteurized milk producers, shall conform
 2.20 to the standards contained in subparts B, C, D, E, and F of the United States Department of
 2.21 Agriculture Agricultural Marketing Service Recommended Requirements for Milk for
 2.22 Manufacturing Purposes and its Production and Processing, except that the commissioner
 2.23 shall develop methods by which producers are able to comply with the standards without
 2.24 violation of religious beliefs.

2.25 (d) Unpasteurized milk producers must conform to the standards contained in the most
 2.26 current version of the Grade A Pasteurized Milk Ordinance, except for any requirements
 2.27 for pasteurization.

2.28 Sec. 6. Minnesota Statutes 2022, section 32D.02, subdivision 10, is amended to read:

2.29 Subd. 10. **Fees; dairy services account; appropriation.** (a) All fees and penalties
 2.30 collected under this chapter must be deposited in the dairy services account in the agricultural
 2.31 fund. Money in the account, including interest, is appropriated to the commissioner for
 2.32 purposes of administering this chapter.

3.1 (b) Unless otherwise noted, all fees are payable by a processor or marketing organization
 3.2 and are invoiced on July 1 of each year for Grade A and unpasteurized milk producers, and
 3.3 January 1 of each year for manufacturing grade, and if not paid within 30 days of the due
 3.4 date, inspection service may be discontinued. If a farm discontinues the production of milk
 3.5 within six months of the billing date, a request for a refund based on inspection services
 3.6 not received may be made by the processor or by the marketing organization on behalf of
 3.7 its patrons. This request must be made in writing by June 30 for manufacturing grade or by
 3.8 December 31 for Grade A or unpasteurized milk. Upon approval by the commissioner,
 3.9 refunds must be made to the processor or marketing organization.

3.10 Sec. 7. **[32D.065] UNPASTEURIZED MILK PRODUCER PERMITTING.**

3.11 Any producer selling unpasteurized milk or unpasteurized butter must have an
 3.12 unpasteurized milk producer permit issued by the commissioner.

3.13 Sec. 8. **[32D.066] UNPASTEURIZED MILK PRODUCER INSPECTION; FEES.**

3.14 (a) As provided in section 32D.02, the commissioner shall provide inspection service
 3.15 to any milk producer who wishes to market unpasteurized milk or unpasteurized butter and
 3.16 is in compliance with the requirements for the production of unpasteurized milk.
 3.17 Unpasteurized milk producer inspections must be completed once every six months.

3.18 (b) An unpasteurized milk producer's herd must be tested for brucellosis and tuberculosis
 3.19 annually by a licensed veterinarian. Results of testing must be available to the commissioner
 3.20 for review during inspections. If an unpasteurized milk producer's herd tests positive for
 3.21 either brucellosis or tuberculosis, the milk producer must cease sales of unpasteurized milk
 3.22 and unpasteurized butter immediately.

3.23 (c) The fee for inspections must be no more than \$..... per farm and must be paid
 3.24 annually by the producer.

3.25 Sec. 9. Minnesota Statutes 2022, section 32D.13, subdivision 8, is amended to read:

3.26 Subd. 8. **Somatic cell count.** (a) The somatic cell count, as determined by a direct
 3.27 microscopic somatic cell count or an electronic somatic cell count, must not exceed 750,000
 3.28 cells per milliliter for Grade A raw milk, unpasteurized milk, and raw milk other than Grade
 3.29 A. Notwithstanding any federal standard, the somatic cell count of goat milk must not exceed
 3.30 1,500,000 cells per milliliter.

3.31 (b) The commissioner may prescribe standards and rules adopted in accordance with
 3.32 law more stringent than those imposed by this subdivision.

4.1 Sec. 10. Minnesota Statutes 2022, section 32D.13, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 12. **Unpasteurized milk.** (a) The bacterial count of unpasteurized milk must not
4.4 exceed 15,000 bacteria per milliliter.

4.5 (b) The coliform count of unpasteurized milk must not exceed ten bacteria per milliliter.

4.6 (c) Unpasteurized milk must be stored at 45 degrees Fahrenheit.

4.7 Sec. 11. Minnesota Statutes 2022, section 32D.15, is amended to read:

4.8 **32D.15 MONTHLY REPORTING.**

4.9 (a) In at least four out of every six months, the dairy plant that procures milk from the
4.10 producer or an unpasteurized milk producer must report to the commissioner at least one
4.11 representative test result for bacteria, somatic cell count, temperature, and antibiotic residues.
4.12 The result shall be reported within seven days after the laboratory obtains the test results.

4.13 (b) A laboratory that performs the tests required under this section for a dairy plant or
4.14 an unpasteurized milk producer may report the test results for the dairy plant or unpasteurized
4.15 milk producer.

4.16 (c) A dairy plant, an unpasteurized milk producer, or a laboratory shall report test results
4.17 under this section in an electronic form approved by the department or using an approved
4.18 alternative.

4.19 Sec. 12. Minnesota Statutes 2022, section 32D.16, is amended to read:

4.20 **32D.16 ENFORCEMENT.**

4.21 The commissioner shall suspend a producer's permit or certification if three of the last
4.22 five official producer samples exceed the applicable standard. The commissioner shall
4.23 provide warning of a pending suspension when two of the last four producer samples exceed
4.24 the applicable standard. This section also applies to unpasteurized milk producers.

4.25 Sec. 13. Minnesota Statutes 2022, section 32D.20, is amended to read:

4.26 **32D.20 LIMITATION ON SALE.**

4.27 Subdivision 1. **Pasteurization.** No milk or fluid milk products shall be sold, offered or
4.28 exposed for sale, or held in possession for sale for the purpose of human consumption in
4.29 fluid form in this state unless the milk or fluid milk product has been pasteurized, as defined
4.30 in section 32D.01, subdivision 15, and cooled, ~~provided~~ except that this section shall not

5.1 apply to ~~milk, cream, or skim milk occasionally secured or purchased for personal use by~~
5.2 ~~a consumer at the place or farm where the milk is produced~~ sales made under subdivision
5.3 3.

5.4 Subd. 2. **Pasteurized milk labels.** (a) Pasteurized milk or fluid milk products offered
5.5 or exposed for sale or held in possession for sale shall be labeled or otherwise designated
5.6 as pasteurized milk or pasteurized fluid milk products, and in the case of fluid milk products
5.7 the label shall also state the name of the specific product.

5.8 (b) Milk and dairy products must be labeled (1) with the plant number where the product
5.9 was produced; or (2) if produced in a state where official plant numbers are not assigned,
5.10 with the name and address of the manufacturer or distributor.

5.11 Subd. 3. **Unpasteurized milk sales.** Unpasteurized milk and unpasteurized butter may
5.12 be sold by a permitted unpasteurized milk producer directly to an end consumer on the
5.13 producer's farm, at a farmer's market, or delivered by the producer directly to the consumer.

5.14 Subd. 4. **Unpasteurized milk labels.** Unpasteurized milk and unpasteurized butter
5.15 offered or exposed for sale or held in possession for sale must be labeled with the following:

5.16 (1) the name and address of the farmer or producer;

5.17 (2) a description of the container contents and product ingredients; and

5.18 (3) the following statement: "This product contains unpasteurized (raw) milk. Products
5.19 containing unpasteurized (raw) milk may contain disease-causing microorganisms that cause
5.20 serious illness."