

CHAPTER 32

DAIRY PRODUCTS

32.21 Adulterated milk and cream.

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Subdivision 1. **Purchase and sale prohibition.** A person may not sell or knowingly buy adulterated milk or cream.

Subd. 2. **Manufacturer of food for human consumption from adulterated milk or cream prohibited.** An article of food for human consumption may not be manufactured from adulterated milk or cream, except as provided in section 32.22.

Subd. 3. **Adulterated milk or cream.** For purposes of this section and section 32.22, milk or cream is adulterated if:

- (1) milk is drawn in a filthy or unsanitary place;
- (2) milk is drawn from unhealthy or diseased cows;
- (3) milk is drawn from cows that are fed garbage or an unwholesome animal or vegetable substance;
- (4) milk is drawn from cows within 15 days before calving, or five days after calving;
- (5) milk or cream contains a substance that is not a normal constituent of the milk or cream, except as allowed in this chapter;
- (6) milk contains water in excess of that normally present in milk; or
- (7) milk or cream contains antibiotics or other bacterial inhibitory substances in amounts above the actionable levels established by rule or under section 32.415.

Subd. 4. **Penalties.** (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) that the milk producer has violated this section.

(c) A milk producer who violates this section shall be subject to a civil penalty of \$100. The commissioner must notify the person violating this section by certified mail stating:

(1) the milk producer violating this section is on probation for one year after the date of violation; and

(2) the \$100 civil penalty is suspended unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation.

(d) A milk producer who violates this section a second time within a 12-month period is subject to a \$200 civil penalty. The commissioner must notify the milk producer violating this section stating:

(1) the milk producer is still on probation;

(2) the \$200 civil penalty is suspended, unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation; and

(3) the consequences of a third violation.

(e) A milk producer who violates this section three or more times within a 12-month period is subject to a fine of \$300.

(f) Penalties collected under this section shall be deposited in the milk inspection service account created in section 32.394, subdivision 9.

History: 1985 c 93 s 1