

CHAPTER 195

RAW MILK

Referred to in §137D.2A, 137F.1, 159.6, 190.2, 192.103, 194.22

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195.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Dairy animal*” means a cow, goat, or sheep that is actively producing milk.
2. “*Department*” means the department of agriculture and land stewardship.
3. “*Distribute*” means to transfer an item or offer to transfer an item to another person, either free of charge or by sale or exchange.
4. “*Milk*” means the lacteal secretion of a dairy animal.
5. “*Raw milk*” means milk that is not pasteurized or graded as otherwise required in [chapters 190, 192, and 194](#).
6. “*Raw milk dairy*” means an operation, owned or operated by a raw milk producer, where not more than ten dairy animals are maintained to actively produce milk at any one time.
7. “*Raw milk dairy product*” means a product, other than a milk product, manufactured using milk or a milk product as the primary ingredient, and that includes any quantity of raw milk.
8. “*Raw milk producer*” means a milk producer who owns or operates a raw milk dairy, if the milk producer makes the election provided in [section 195.5](#).
9. “*Raw milk product*” means a product manufactured using milk as its exclusive ingredient as described in [21 C.F.R. §1240.3](#) and that includes any quantity of raw milk.
10. “*Recognized bacteria count limit*” means the results of a test measuring the presence of bacteria in raw milk at a level that does not exceed the following:
 - a. For a bacteria coliform count, ten colony forming units per milliliter (10 cfu/mL).
 - b. For a standard plate count, twenty-five thousand colony forming units per milliliter (25,000 cfu/mL).

[2023 Acts, ch 75, §13](#)

NEW section

195.2 Construing this chapter with other applicable chapters.

1. [This chapter](#) shall be construed to supplement applicable provisions in [chapters 190, 191, 192, and 194](#). If there is a conflict between a provision in [this chapter](#) and one of those other chapters, the provision in [this chapter](#) shall prevail but only to the extent of interpreting the provision in [this chapter](#).

2. [This chapter](#) does not apply to the powers and duties of the department to control an infectious or contagious disease that may affect dairy animals within the state as provided in another chapter, including a rule adopted pursuant to that other chapter. The control of an infectious or contagious disease includes the prevention, suppression, or eradication of an infectious or contagious disease among a population of dairy animals as provided in that other chapter. However, the department shall not administer or enforce a provision of the other chapter if it results in treating a raw milk producer differently than producers of milk pasteurized or graded as otherwise required in [chapter 190, 192, or 194](#).

[2023 Acts, ch 75, §14](#)

NEW section

195.3 Exclusions.

[This chapter](#) does not apply to a bulk milk tanker, milk grader, milk hauler, milk plant, milk processing plant, dairy plant, transfer station, or receiving station.

[2023 Acts, ch 75, §15](#)

NEW section

195.4 Rulemaking prohibited.

The department shall not adopt rules to administer or enforce [this chapter](#).

[2023 Acts, ch 75, §16](#)

NEW section

195.5 General — election by raw milk producer.

A raw milk producer may elect to produce, process, market, or distribute raw milk at the raw milk producer's raw milk dairy in compliance with [this chapter](#). A raw milk producer may also elect to use the raw milk to manufacture, market, or distribute a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy in compliance with [this chapter](#).

[2023 Acts, ch 75, §17](#)

Referred to in [§195.1](#), [195.6](#)

NEW section

195.6 Production of raw milk.

If a raw milk producer makes an election described in [section 195.5](#) to produce raw milk, all of the following apply:

1. The raw milk must be produced exclusively from dairy animals maintained at the raw milk dairy.
2. The raw milk must be produced at the raw milk dairy in a manner that ensures the health and safety of persons consuming the raw milk.
3. Each twelve-month period, a licensed veterinarian must examine each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's health status. The examination must at least include a blood test for common diseases afflicting the type of dairy animal being examined.
4.
 - a. The raw milk producer shall, every month, test each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's coliform count and standard plate count.
 - b. The raw milk producer shall not do any of the following:
 - (1) Process, market, or distribute raw milk, if the raw milk exceeds the recognized bacteria count limit.
 - (2) Manufacture, market, or distribute a raw milk product or raw milk dairy product, if raw milk used as an ingredient exceeds the recognized bacteria count limit.
 - c. The raw milk producer shall retain a record of each test conducted at the raw milk dairy for at least three years.
5.
 - a. If a dairy animal maintained at a raw milk dairy is administered with an antibiotic drug, the raw milk producer shall comply with the following health protocols:
 - (1) The antibiotic drug must be all of the following:
 - (a) Approved by the United States food and drug administration for its intended use.
 - (b) Stored in a closed, labeled container as provided by the manufacturer of the antibiotic drug before being administered.
 - (c) Stored and administered as directed by the manufacturer of the antibiotic drug.
 - (2) For a dairy animal subject to a health protocol as provided in subparagraph (1), any raw milk produced from the dairy animal before the expiration of the production waiting period as directed by the manufacturer shall not be used to do any of the following:
 - (a) Process, market, or distribute the raw milk.
 - (b) Manufacture, market, or distribute a raw milk product or raw milk dairy product that uses the raw milk as an ingredient.
 - b. The manufacturer of an antibiotic drug administered to a dairy animal under [this](#)

[subsection](#) may provide directions on the label of the container storing the antibiotic drug or other source of information regarding the use of the antibiotic controlled by the manufacturer.

c. The raw milk producer shall retain records identifying the type and dosage of each antibiotic drug administered to a dairy animal maintained at the raw milk dairy, each dairy animal administered the antibiotic drug, and date and place where the antibiotic drug was administered. The raw milk producer shall retain the records for at least three years.

[2023 Acts, ch 75, §18](#)

Referred to in [§135.16B](#), [137.104](#), [195.8](#), [195.10](#)

NEW section

195.7 Processing and manufacturing of raw milk.

1. Raw milk produced at a raw milk dairy must be processed and manufactured at the raw milk dairy in a manner that ensures the health and safety of persons consuming the processed raw milk, raw milk product, or raw milk dairy product.

2. The raw milk must not be pasteurized or graded.

3. The raw milk must be distributed not later than seven calendar days after it was produced by a dairy animal.

4. The raw milk, raw milk product, or raw milk dairy product, or any other item using raw milk as an ingredient, shall be kept for storage prior to distribution at not more than 45 degrees Fahrenheit.

[2023 Acts, ch 75, §19](#)

NEW section

195.8 Distribution of raw milk or associated products.

1. A raw milk producer shall only take an order for the distribution of raw milk at the raw milk producer's raw milk dairy where the raw milk is produced. The raw milk producer shall only distribute the raw milk to an individual placing the order.

a. (1) The raw milk producer shall post the summary of the test to determine the coliform count and standard plate count of the dairy animals retained at the raw milk dairy as provided in [section 195.6](#). The summary shall be posted at the raw milk dairy's distribution point for the raw milk.

(2) (a) The individual being distributed the raw milk may examine records required to be retained by the raw milk producer as provided in [section 195.6](#), including any of the following:

(i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(b) The individual being distributed the raw milk may examine the records for the three-year period that the records are required to be retained by the raw milk producer under [section 195.6](#).

b. If the raw milk producer distributes raw milk in a container, the container shall be labeled as provided in [section 195.9](#).

c. The raw milk producer shall distribute the raw milk directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk to a place of business where food or food items are distributed on a retail basis, including but not limited to a home food processing establishment regulated under [chapter 137D](#) or a food establishment or farmers market regulated under [chapter 137F](#). The raw milk shall only be used for consumption by the individual, members of the individual's household, and the individual's nonpaying guests or nonpaying employees.

d. A person shall not resell raw milk.

2. A raw milk producer shall only take an order for the distribution of a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy where the raw milk product or raw milk dairy product is manufactured. The raw milk producer shall only distribute the raw milk product or raw milk dairy product to an individual placing the order. The raw milk producer may distribute the raw milk product or raw milk dairy product to the individual without charge or on a retail basis.

a. (1) The raw milk producer shall post the summary of the most recent test to determine

the coliform count and standard plate count of dairy animals as retained at the raw milk dairy as provided in [section 195.6](#). The summary shall be posted at the raw milk dairy’s distribution point for the raw milk products or raw milk dairy products.

(2) (a) The individual being distributed the raw milk product or raw milk dairy product may examine records required to be retained by the raw milk producer as provided in [section 195.6](#), including any of the following:

(i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(b) The individual being distributed the raw milk product or raw milk dairy product may examine the records for the three-year period that the records are required to be retained by the raw milk producer under [section 195.6](#).

b. If the raw milk producer distributes a raw milk product or raw milk dairy product in a container, the container shall be labeled as provided in [section 195.9](#).

c. The raw milk producer shall distribute the raw milk product or raw milk dairy product directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk product or raw milk dairy product to a place of business where food or a food item is distributed on a retail basis, including but not limited to a home food processing establishment regulated under [chapter 137D](#) or a food establishment or farmers market regulated under [chapter 137F](#). The raw milk product or raw milk dairy product shall only be used for consumption by the individual, members of the individual’s household, or the individual’s nonpaying guests or nonpaying employees.

d. A person shall not resell the raw milk product or raw milk dairy product.

[2023 Acts, ch 75, §20](#)

NEW section

195.9 Labeling containers holding raw milk or associated products.

1. A raw milk producer who distributes raw milk, or a manufactured raw milk product or raw milk dairy product, shall label the container holding the raw milk, or the manufactured raw milk product or raw milk dairy product. The label shall be permanently affixed to the container. The words on the label shall be printed using upper case letters in at least twelve point boldface type. If the container includes a main informational or advertising panel, the label shall be part of the panel.

2. a. For a container holding raw milk, the label shall state the following:

Notice to Consumers

This container holds raw milk that is not subject to state inspection
or other public health regulations that require pasteurization and
grading.

b. For a container holding a raw milk product or raw milk dairy product, the label shall state the following:

Notice to Consumers

This container holds a raw milk product or raw milk dairy product
that is not subject to state inspection or other public health
regulations that require pasteurization and grading.

[2023 Acts, ch 75, §21](#)

Referred to in [§191.2, 195.8](#)

NEW section

195.10 Enforcement actions.

1. The department of health and human services acting under [chapter 135](#), or a local board of health acting under [chapter 137](#), may demand that a raw milk producer provide it with all records required to be kept by the raw milk producer as provided in [section 195.6](#), including any of the following:

a. The coliform count and standard plate count of dairy animals maintained by the raw dairy producer at a raw milk dairy.

b. The administration of antibiotic drugs to dairy animals maintained by the dairy producer at a raw milk dairy.

2. A demand described in [subsection 1](#) shall be based on an affidavit signed by a licensed physician certifying that in the physician's opinion an individual contracted an illness as a direct result of consuming raw milk produced at a raw milk dairy, or consuming a raw milk product or a raw milk dairy product manufactured at a raw milk dairy.

[2023 Acts, ch 75, §22](#)

NEW section