S-5045

1 Amend Senate File 2309 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. **NEW SECTION.** <u>137D.2A</u> **Raw milk, raw milk**

4 **products, and raw milk dairy products.**

5 A home bakery shall not advertise for sale, offer for sale,

6 sell or otherwise distribute, or use raw milk, a raw milk

7 product, or a raw milk dairy product as provided in section

8 192.145.

9 Sec. ___. Section 137F.1, subsection 8, Code 2022, is

10 amended by adding the following new paragraph:

11 <u>NEW PARAGRAPH.</u> *o.* (1) The premises of a raw milk dairy

12 where raw milk is produced, processed, labeled, marketed, or

13 distributed by a raw milk producer in compliance with section

14 192.145.

15 (2) The premises of a raw milk dairy where a raw milk

16 product or a raw milk dairy product is manufactured, labeled,

17 marketed, or distributed by a raw milk producer in compliance

18 with section 192.145.

19 Sec. ___. Section 137F.1, subsection 9, Code 2022, is

20 amended by adding the following new paragraph:

21 <u>NEW PARAGRAPH.</u> *d.* (1) The premises of a raw milk dairy

22 where raw milk is produced, processed, labeled, marketed, or

23 distributed by a raw milk producer in compliance with section

24 192.145.

25 (2) A premises of a raw milk dairy where a raw milk product

26 or raw milk dairy product is manufactured, labeled, marketed,

27 or distributed by a raw milk producer in compliance with

28 section 192.145.

29 Sec. ___. **NEW SECTION.** <u>137F.8B</u> **Raw milk, raw milk products,**

30 **and raw milk dairy products.**

31 A food establishment or farmers market shall not advertise

32 for sale, offer for sale, sell or otherwise distribute, or use

33 raw milk, a raw milk product, or a raw milk dairy product,

34 regardless of whether the food establishment or farmers market

35 is regulated by the department under this chapter or another

1 chapter, another state agency, or a municipality.>

2　　2. Page 1, by striking lines 8 through 10 and inserting:

3　　*<a.* The production, processing, labeling, marketing, or

4 distribution of raw milk by a raw milk producer in compliance

5 with section 192.145.>

6　　3. Page 1, by striking lines 11 through 13 and inserting:

7　　*<b.* The manufacture, labeling, marketing, or distribution

8 of a raw milk product or raw milk dairy product by a raw milk

9 producer in>

10　　4. By striking page 2, line 34, through page 3, line 1, and

11 inserting:

12　　<NEW SUBSECTION.　5A. *Raw milk, raw milk products, and*

13 *raw milk dairy products.* A container holding raw milk, a raw

14 milk product, or a raw milk dairy product sold by a raw milk

15 producer shall be labeled as required in>

16　　5. Page 3, line 3, by striking **<Dairy farms>** and inserting

17 **<Raw milk dairies>**

18　　6. Page 3, by striking line 4 and inserting **<raw milk, raw**

19 **milk products, and raw milk dairy products.>**

20　　7. Page 3, by striking lines 5 through 10 and inserting:

21　　<1. A raw milk producer who sells raw milk, a raw milk

22 product, or a raw milk dairy product to an individual in

23 compliance with section 192.145 shall label the container

24 holding the raw milk, raw milk product, or raw milk dairy

25 product. The label shall be permanently affixed to the>

26　　8. Page 3, line 15, by striking <unpasteurized> and

27 inserting <raw>

28　　9. Page 3, line 21, by striking <milk product or> and

29 inserting <raw milk product or raw milk>

30　　10. Page 3, line 24, before <dairy> by inserting <raw milk>

31　　11. Page 3, line 25, by striking <includes raw milk> and

32 inserting <is>

33　　12. Page 4, by striking lines 3 and 4 and inserting:

34　　*<b.* A raw milk producer may sell raw milk, a raw milk

35 product, or a raw milk dairy product to an individual in

1 compliance with section>

2   13. Page 4, after line 16 by inserting:

3   <1. *"Dairy animal"* means a cow, goat, or sheep that is

4 actively producing milk.>

5   14. Page 4, line 17, by striking <1.> and inserting <2.>

6   15. Page 4, line 24, by striking <2.> and inserting <3.>

7   16. Page 4, after line 27 by inserting:

8   <___. *"Raw milk"* means milk that is not pasteurized or

9 graded.

10   ___. *"Raw milk dairy"* means an operation where not more than

11 a total of ten dairy animals are maintained, and milk produced

12 from any of those animals is not pasteurized or graded.

13   ___. *"Raw milk dairy product"* means a dairy product that

14 includes raw milk or a raw milk product.

15   ___. *"Raw milk producer"* means a person who owns or operates

16 a raw milk dairy.

17   ___. *"Raw milk product"* means a milk product that includes

18 raw milk.>

19   17. By striking page 4, line 28, through page 5, line 27,

20 and inserting:

21   <Sec. ___. NEW SECTION. **192.145 Raw milk dairies ——**

22 **production, processing, marketing, and distribution.**

23   1. A raw milk producer may elect to process, market,

24 or distribute raw milk produced at the raw milk producer's

25 raw milk dairy in compliance with this section. A raw milk

26 producer may also elect to use the raw milk to manufacture,

27 market, or distribute a raw milk product or raw milk dairy

28 product at the raw milk producer's raw milk dairy in compliance

29 with this section. If a raw milk producer makes either

30 election, all of the following apply:

31   *a.* The raw milk producer shall not pasteurize or grade milk

32 produced from dairy animals maintained at the raw milk dairy.

33   *b.* The raw milk producer shall ensure the health and safety

34 of consumers of the raw milk produced from dairy animals

35 maintained at the raw milk dairy by doing all of the following:

1   (1) Each month, test each dairy animal to determine a
2 coliform count and standard plate count. The raw milk producer
3 shall maintain a record of each test. The raw milk producer
4 shall retain the record at the raw milk dairy for at least
5 three years.
6   (2) Each twelve-month period, employ a licensed
7 veterinarian to examine each dairy animal to determine the
8 dairy animal's health status. The examination must at least
9 include a blood test for common diseases afflicting the type
10 of dairy animal being examined.
11   2. A raw milk producer shall only take an order for the
12 distribution of raw milk at the raw milk producer's raw milk
13 dairy where the raw milk was produced. The raw milk producer
14 shall only distribute the raw milk to an individual placing the
15 order. The raw milk producer may distribute the raw milk to
16 the individual without charge or on a retail basis.
17   *a.* The raw milk producer shall post the summary of the test
18 to determine the coliform count and standard plate count of
19 the dairy animals maintained at the raw milk dairy as provided
20 in subsection 1. The summary shall be posted at the raw milk
21 dairy's distribution point for the raw milk. The individual
22 being distributed the raw milk may examine the records for the
23 three-year period that the records are required to be retained
24 by the raw milk producer under subsection 1.
25   *b.* If the raw milk producer sells raw milk in a container,
26 the container shall be labeled as provided in section 191.9A.
27   *c.* The raw milk producer shall distribute the raw milk
28 directly to the individual at the raw milk dairy or to a
29 location specified by the individual. However, a person shall
30 not deliver the raw milk to a place of business where food
31 items are distributed on a retail basis, including but not
32 limited to a home bakery regulated under chapter 137D or a
33 food establishment or farmers market regulated under chapter
34 137F. The raw milk shall only be used for consumption by the
35 individual, members of the individual's household, and the

1 individual's nonpaying guests or nonpaying employees.

2 *d.* A person shall not resell raw milk.

3 3. A raw milk producer shall only take an order for the
4 distribution of a raw milk product or raw milk dairy product
5 at the raw milk producer's raw milk dairy where the raw milk
6 product or raw milk dairy product is manufactured. The raw
7 milk producer shall only distribute the raw milk product or raw
8 milk dairy product to an individual placing the order. The raw
9 milk producer may distribute the raw milk product or raw milk
10 dairy product to the individual without charge or on a retail
11 basis.

12 *a.* The raw milk producer shall post the summary of the most
13 recent test to determine the coliform count and standard plate
14 count of dairy animals maintained at the raw milk dairy as
15 provided in subsection 1. The summary shall be posted at the
16 raw milk dairy's distribution point for the raw milk products
17 or raw milk dairy products. The individual being distributed
18 the raw milk product or raw milk dairy product may examine the
19 records for the three-year period that the records are required
20 to be retained by the raw milk producer under subsection 1.

21 *b.* If the raw milk producer sells a raw milk product or
22 raw milk dairy product in a container, the container shall be
23 labeled as provided in section 191.9A.

24 *c.* The raw milk producer shall distribute the raw milk
25 product or raw milk dairy product directly to the individual
26 at the raw milk dairy or to a location specified by the
27 individual. However, a person shall not deliver the raw milk
28 product or raw milk dairy product to a place of business where
29 food items are distributed on a retail basis, including but
30 not limited to a home bakery regulated under chapter 137D or a
31 food establishment or farmers market regulated under chapter
32 137F. The raw milk product or raw milk dairy product shall
33 only be used for consumption by the individual, members of the
34 individual's household, or the individual's nonpaying guests
35 or nonpaying employees.

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

3   4. Based on an affidavit signed by a licensed physician
4 certifying that in the physician's opinion an individual
5 contracted an illness as a direct result of consuming raw milk
6 produced at a raw milk dairy, or consuming a raw milk product
7 or a raw milk dairy product manufactured at a raw milk dairy,
8 the Iowa department of public health acting under chapter 135
9 or a local board of health acting under chapter 137 may demand
10 that the raw milk producer provide it with all records of tests
11 to determine the coliform count and standard plate count of
12 dairy animals maintained at the raw milk dairy as required in
13 subsection 1.

14   5. The department shall not adopt rules to administer or
15 enforce this section.

16   6. This chapter does not apply to a receiving station,
17 transfer station, milk handler, milk grader, or milk plant. A
18 raw milk dairy is not a food establishment, food processing
19 plant, or other person regulated under chapter 137F or other
20 chapter regulating such entities.>

21   18. Page 5, line 28, by striking <**On-farm**> and inserting
22 <**Raw milk dairies ——**>

23   19. Page 5, line 29, by striking <**and marketing ——**
24 **exception**> and inserting <**marketing, and distribution ——**
25 **exceptions**>

26   20. Page 5, by striking lines 31 and 32 and inserting:
27 <1. The production, processing, marketing, and distribution
28 of raw milk, if the raw milk is produced by a raw milk producer
29 at a raw milk dairy in>

30   21. By striking page 5, line 34, through page 6, line 1, and
31 inserting:
32 <2. The manufacture, marketing, and distribution of a
33 raw milk product or raw milk dairy product, if the raw milk
34 product or raw milk dairy product is manufactured by a raw milk
35 producer at a raw milk dairy in compliance with section>

1   22. Title page, line 3, by striking <by operators of> and
2 inserting <to individuals by milk producers owning or operating
3 certain>
4   23. Title page, line 4, by striking <unpasteurized and
5 ungraded milk and> and inserting <raw milk and associated>
6   24. By renumbering, redesignating, and correcting internal
7 references as necessary.

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JASON SCHULTZ