

House File 2431

S-5174

1 Amend House File 2431, as amended, passed, and reprinted by
2 the House, as follows:

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

4 <DIVISION I

5 RAW MILK

6 Section 1. NEW SECTION. 137D.2A Raw milk, raw milk
7 products, and raw milk dairy products.

8 A home food processing establishment shall not advertise
9 for sale, offer for sale, sell or otherwise distribute, or use
10 raw milk, a raw milk product, or a raw milk dairy product as
11 provided in section 192.145.

12 Sec. _____. Section 137F.1, subsection 8, Code 2022, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. c. (1) The premises of a raw milk dairy
15 where raw milk is produced, processed, labeled, marketed, or
16 distributed by a raw milk producer in compliance with section
17 192.145.

18 (2) The premises of a raw milk dairy where a raw milk
19 product or a raw milk dairy product is manufactured, labeled,
20 marketed, or distributed by a raw milk producer in compliance
21 with section 192.145.

22 Sec. _____. Section 137F.1, subsection 9, Code 2022, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. d. (1) The premises of a raw milk dairy
25 where raw milk is produced, processed, labeled, marketed, or
26 distributed by a raw milk producer in compliance with section
27 192.145.

28 (2) A premises of a raw milk dairy where a raw milk product
29 or raw milk dairy product is manufactured, labeled, marketed,
30 or distributed by a raw milk producer in compliance with
31 section 192.145.

32 Sec. _____. NEW SECTION. 137F.8B Raw milk, raw milk products,
33 and raw milk dairy products.

34 A food establishment or farmers market shall not advertise
35 for sale, offer for sale, sell or otherwise distribute, or use

1 raw milk, a raw milk product, or a raw milk dairy product,
2 regardless of whether the food establishment or farmers market
3 is regulated by the department under this chapter or another
4 chapter, another state agency, or a municipality.

5 Sec. _____. Section 159.6, subsection 6, Code 2022, is amended
6 to read as follows:

7 6. Regulation and inspection of foods, drugs, and other
8 articles, as provided in ~~Title V, subtitle 4, but.~~ However,
9 chapter 205 of that subtitle shall be enforced as provided in
10 that chapter. Except as expressly authorized in subtitle 4,
11 the department shall not regulate any of the following:

12 a. The production, processing, labeling, marketing, or
13 distribution of raw milk by a raw milk producer in compliance
14 with section 192.145.

15 b. The manufacture, labeling, marketing, or distribution
16 of a raw milk product or raw milk dairy product by a raw milk
17 producer in compliance with section 192.145.

18 Sec. _____. Section 191.2, subsection 5, Code 2022, is amended
19 to read as follows:

20 5. ~~All bottles, containers, and packages~~ Bottles,
21 containers, and packages. Except as provided in subsection
22 5A, a container or package enclosing milk or a milk products
23 product shall be conspicuously labeled or marked with all of
24 the following:

25 a. The name of the contents as given in the definitions of
26 this chapter and chapters 190 and 192.

27 b. The word "reconstituted" or "recombined" if the product
28 is made by reconstitution or recombination.

29 c. The grade of the contents.

30 d. The word "pasteurized" if the contents are pasteurized
31 and the identity of. The package or container shall identify
32 the plant where the milk or milk product is pasteurized.

33 e. The word "raw" if the contents are raw and the name or
34 other identity of the producer.

35 f. e. The designation vitamin "D" and the number of

1 U.S.P. units per quart in the case of vitamin "D" milk or milk
2 products.

3 ~~g.~~ f. The volume or proportion of water to be added for
4 recombining in the case of concentrated milk or milk products.

5 ~~h.~~ g. The words "nonfat milk solids added" and the
6 percentage added if such solids have been added, except that
7 this requirement shall not apply to reconstituted or recombined
8 milk and milk products.

9 ~~i.~~ h. The words "artificially sweetened" in the name if
10 nonnutritive or artificial sweeteners or both are used.

11 ~~j.~~ i. The common name of stabilizers, distillates, and
12 ingredients, provided that:

13 (1) Only the identity of the milk producer shall be required
14 on cans delivered to a milk plant as provided in [chapter 192](#)
15 ~~which that~~ receives only grade "A" raw milk for pasteurization,
16 and ~~which that~~ immediately dumps, washes, and returns the cans
17 to the milk producer.

18 (2) The identity of both milk producer and the grade shall
19 be required on cans delivered to a milk plant as provided in
20 chapter 192 ~~which that~~ receives both grade "A" raw milk for
21 pasteurization and ungraded raw milk and ~~which that~~ immediately
22 dumps, washes, and returns the cans to the milk producer.

23 (3) In the case of concentrated milk products, the specific
24 name of the product shall be substituted for the generic term
25 "concentrated milk products", e.g., "homogenized concentrated
26 milk", "concentrated skim milk", "concentrated chocolate milk",
27 "concentrated chocolate flavored low fat milk".

28 (4) In the case of flavored milk or flavored reconstituted
29 milk, the name of the principal flavor shall be substituted for
30 the word "flavored".

31 (5) In the case of cultured milk and milk products,
32 the special type culture used may be substituted for the
33 word "cultured", e.g., "acidophilus buttermilk", "Bulgarian
34 buttermilk", and "yogurt".

35 Sec. _____. Section 191.2, Code 2022, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 5A. *Raw milk, raw milk products, and raw*
3 *milk dairy products.* A container holding raw milk, a raw
4 milk product, or a raw milk dairy product sold by a raw milk
5 producer shall be labeled as required in section 191.9A.

6 Sec. _____. NEW SECTION. 191.9A **Raw milk dairies — sale of**
7 **raw milk, raw milk products, and raw milk dairy products.**

8 1. A raw milk producer who sells raw milk, a raw milk
9 product, or a raw milk dairy product to an individual in
10 compliance with section 192.145 shall label the container
11 holding the raw milk, raw milk product, or raw milk dairy
12 product. The label shall be permanently affixed to the
13 container. The words on the label shall be printed using upper
14 case letters in at least twelve point boldface type. If the
15 container includes a main informational or advertising panel,
16 the label shall be part of the panel.

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

19 Notice to Consumers

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

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

25 Notice to Consumers

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

29 Sec. _____. Section 192.103, subsections 1 and 2, Code 2022,
30 are amended to read as follows:

31 1. Only grade "A" pasteurized milk and milk products
32 shall be sold to the final consumer, or to restaurants, soda
33 fountains, grocery stores, or similar establishments. ~~However,~~
34 in an except as follows:

35 a. In an emergency, the sale of pasteurized milk and milk

1 products ~~which~~ that have not been graded, or the grade of which
2 is unknown, may be authorized by the secretary, in which case,
3 such products shall be labeled "ungraded".

4 b. A raw milk producer may sell raw milk, a raw milk
5 product, or a raw milk dairy product to an individual in
6 compliance with section 192.145.

7 2. ~~No~~ A person shall not within the state produce, provide,
8 sell, offer, or expose for sale, or have in possession
9 with intent to sell, any milk or milk product ~~which~~ that is
10 adulterated or misbranded. However, in an emergency, the sale
11 of pasteurized milk and milk products ~~which~~ that have not been
12 graded, or the grade of which is unknown, may be authorized by
13 the secretary, in which case such products shall be labeled
14 "ungraded".

15 Sec. ____ . NEW SECTION. 192.144 Definitions.

16 As used in this subchapter, unless the context otherwise
17 requires:

18 1. "*Dairy animal*" means a cow, goat, or sheep that is
19 actively producing milk.

20 2. "*Dairy product*" means a product, other than a milk
21 product, in which milk is the principal ingredient at any
22 temperature and in either a manufactured or unmanufactured
23 state. To the extent that it is not classified as a milk
24 product, a dairy product includes but is not limited to butter,
25 cheese, cream, cottage cheese, ricotta cheese, kefir, or ice
26 cream.

27 3. "*Manufacture*" means to convert or condition personal
28 property by changing the form, composition, quality, or
29 character of a product, and includes activities associated with
30 a creamery or cheese factory.

31 4. "*Raw milk*" means milk that is not pasteurized or graded.

32 5. "*Raw milk dairy*" means an operation where not more than
33 a total of ten dairy animals are maintained, and milk produced
34 from any of those animals is not pasteurized or graded.

35 6. "*Raw milk dairy product*" means a dairy product that

1 includes raw milk or a raw milk product.

2 7. "*Raw milk producer*" means a person who owns or operates
3 a raw milk dairy.

4 8. "*Raw milk product*" means a milk product that includes raw
5 milk.

6 Sec. _____. NEW SECTION. 192.145 **Raw milk dairies —**
7 **production, processing, marketing, and distribution.**

8 1. A raw milk producer may elect to process, market,
9 or distribute raw milk produced at the raw milk producer's
10 raw milk dairy in compliance with this section. A raw milk
11 producer may also elect to use the raw milk to manufacture,
12 market, or distribute a raw milk product or raw milk dairy
13 product at the raw milk producer's raw milk dairy in compliance
14 with this section. If a raw milk producer makes either
15 election, all of the following apply:

16 a. The raw milk producer shall not pasteurize or grade milk
17 produced from dairy animals maintained at the raw milk dairy.

18 b. The raw milk producer shall ensure the health and safety
19 of consumers of the raw milk produced from dairy animals
20 maintained at the raw milk dairy by doing all of the following:

21 (1) Each month, test each dairy animal to determine a
22 coliform count and standard plate count. The raw milk producer
23 shall maintain a record of each test. The raw milk producer
24 shall retain the record at the raw milk dairy for at least
25 three years.

26 (2) Each twelve-month period, employ a licensed
27 veterinarian to examine each dairy animal to determine the
28 dairy animal's health status. The examination must at least
29 include a blood test for common diseases afflicting the type
30 of dairy animal being examined.

31 2. A raw milk producer shall only take an order for the
32 distribution of raw milk at the raw milk producer's raw milk
33 dairy where the raw milk was produced. The raw milk producer
34 shall only distribute the raw milk to an individual placing the
35 order. The raw milk producer may distribute the raw milk to

1 the individual without charge or on a retail basis.

2 *a.* The raw milk producer shall post the summary of the test
3 to determine the coliform count and standard plate count of
4 the dairy animals maintained at the raw milk dairy as provided
5 in subsection 1. The summary shall be posted at the raw milk
6 dairy's distribution point for the raw milk. The individual
7 being distributed the raw milk may examine the records for the
8 three-year period that the records are required to be retained
9 by the raw milk producer under subsection 1.

10 *b.* If the raw milk producer sells raw milk in a container,
11 the container shall be labeled as provided in section 191.9A.

12 *c.* The raw milk producer shall distribute the raw milk
13 directly to the individual at the raw milk dairy or to a
14 location specified by the individual. However, a person shall
15 not deliver the raw milk to a place of business where food
16 items are distributed on a retail basis, including but not
17 limited to a home food processing establishment regulated
18 under chapter 137D or a food establishment or farmers market
19 regulated under chapter 137F. The raw milk shall only be used
20 for consumption by the individual, members of the individual's
21 household, and the individual's nonpaying guests or nonpaying
22 employees.

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

24 3. A raw milk producer shall only take an order for the
25 distribution of a raw milk product or raw milk dairy product
26 at the raw milk producer's raw milk dairy where the raw milk
27 product or raw milk dairy product is manufactured. The raw
28 milk producer shall only distribute the raw milk product or raw
29 milk dairy product to an individual placing the order. The raw
30 milk producer may distribute the raw milk product or raw milk
31 dairy product to the individual without charge or on a retail
32 basis.

33 *a.* The raw milk producer shall post the summary of the most
34 recent test to determine the coliform count and standard plate
35 count of dairy animals maintained at the raw milk dairy as

1 provided in subsection 1. The summary shall be posted at the
2 raw milk dairy's distribution point for the raw milk products
3 or raw milk dairy products. The individual being distributed
4 the raw milk product or raw milk dairy product may examine the
5 records for the three-year period that the records are required
6 to be retained by the raw milk producer under subsection 1.

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

10 *c.* The raw milk producer shall distribute the raw milk
11 product or raw milk dairy product directly to the individual
12 at the raw milk dairy or to a location specified by the
13 individual. However, a person shall not deliver the raw milk
14 product or raw milk dairy product to a place of business where
15 food items are distributed on a retail basis, including but
16 not limited to a home food processing establishment regulated
17 under chapter 137D or a food establishment or farmers market
18 regulated under chapter 137F. The raw milk product or raw
19 milk dairy product shall only be used for consumption by the
20 individual, members of the individual's household, or the
21 individual's nonpaying guests or nonpaying employees.

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

24 4. Based on an affidavit signed by a licensed physician
25 certifying that in the physician's opinion an individual
26 contracted an illness as a direct result of consuming raw milk
27 produced at a raw milk dairy, or consuming a raw milk product
28 or a raw milk dairy product manufactured at a raw milk dairy,
29 the Iowa department of public health acting under chapter 135
30 or a local board of health acting under chapter 137 may demand
31 that the raw milk producer provide it with all records of tests
32 to determine the coliform count and standard plate count of
33 dairy animals maintained at the raw milk dairy as required in
34 subsection 1.

35 5. The department shall not adopt rules to administer or

1 enforce this section.

2 6. This chapter does not apply to a receiving station,
3 transfer station, milk handler, milk grader, or milk plant. A
4 raw milk dairy is not a food establishment, food processing
5 plant, or other person regulated under chapter 137F or other
6 chapter regulating such entities.

7 Sec. ____ . NEW SECTION. 194.22 Raw milk dairies —
8 production, processing, manufacturing, marketing, and
9 distribution — exceptions.

10 This chapter does not apply to any of the following:

11 1. The production, processing, marketing, and distribution
12 of raw milk, if the raw milk is produced by a raw milk producer
13 at a raw milk dairy in compliance with section 192.145.

14 2. The manufacture, marketing, and distribution of a
15 raw milk product or raw milk dairy product, if the raw milk
16 product or raw milk dairy product is manufactured by a raw
17 milk producer at a raw milk dairy in compliance with section
18 192.145.

19

DIVISION ____

20 HOME FOOD PROCESSING ESTABLISHMENTS AND OTHER HOME-BASED
21 BUSINESSES>

22 2. Title page, line 1, after <of> by inserting <raw milk
23 dairies and>

24 3. Title page, line 3, by striking <civil>

25 4. By renumbering as necessary.

TONY BISIGNANO