

House Amendment to  
Senate File 315

S-3125

1 Amend Senate File 315, as passed by the Senate, as follows:

2 1. Page 1, by striking lines 3 through 7 and inserting:

3 <The department of health and human services may demand that  
4 a raw milk producer provide the department with all records  
5 required to be retained by the raw milk producer as provided in  
6 section 195.6, including any of the following:

7 1. The coliform count and standard plate count of dairy  
8 animals maintained at a raw milk dairy owned or operated by the  
9 raw milk producer.

10 2. The administration of antibiotic drugs to dairy animals  
11 maintained at a raw milk dairy owned or operated by the raw  
12 milk producer.>

13 2. Page 1, by striking lines 10 through 13 and inserting:

14 <NEW PARAGRAPH. e. Demand that a raw milk producer provide  
15 the board with all records required to be retained by the raw  
16 milk producer as provided in section 195.6, including any of  
17 the following:

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

21 (2) The administration of antibiotic drugs to dairy animals  
22 maintained at a raw milk dairy owned or operated by the raw  
23 milk producer.>

24 3. Page 2, line 31, by striking <manufacture,> and inserting  
25 <production, processing,>

26 4. Page 3, line 12, by striking <section 195.8> and  
27 inserting <section 195.9>

28 5. Page 4, line 21, by striking <operation> and inserting  
29 <operation, owned or operated by a raw milk producer,>

30 6. Page 4, line 28, by striking <dairy> and inserting  
31 <dairy, if the milk producer makes the election provided in  
32 section 195.5>

33 7. Page 4, after line 31 by inserting:

34 <10. "*Recognized bacteria count limit*" means the results  
35 of a test measuring the presence of bacteria in raw milk at a

1 level that does not exceed the following:

2 a. For a bacteria coliform count, ten colony forming units  
3 per milliliter (10 cfu/mL).

4 b. For a standard plate count, twenty-five thousand colony  
5 forming units per milliliter (25,000 cfu/mL).>

6 8. By striking page 4, line 32, through page 5, line 3, and  
7 inserting:

8 <Sec. \_\_\_\_\_. NEW SECTION. 195.2 Construing this chapter with  
9 other applicable chapters.

10 1. This chapter shall be construed to supplement applicable  
11 provisions in chapters 190, 191, 192, and 194. If there is a  
12 conflict between a provision in this chapter and one of those  
13 other chapters, the provision in this chapter shall prevail  
14 but only to the extent of interpreting the provision in this  
15 chapter.

16 2. This chapter does not apply to the powers and duties of  
17 the department to control an infectious or contagious disease  
18 that may affect dairy animals within the state as provided in  
19 another chapter, including a rule adopted pursuant to that  
20 other chapter. The control of an infectious or contagious  
21 disease includes the prevention, suppression, or eradication  
22 of an infectious or contagious disease among a population of  
23 dairy animals as provided in that other chapter. However, the  
24 department shall not administer or enforce a provision of the  
25 other chapter if it results in treating a raw milk producer  
26 differently than producers of milk pasteurized or graded as  
27 otherwise required in chapter 190, 192, or 194.>

28 9. Page 5, line 13, before <process> by inserting <produce,>

29 10. Page 5, line 14, by striking <produced>

30 11. Page 5, line 20, by striking <and processing>

31 12. Page 5, line 23, by striking <and process>

32 13. By striking page 5, line 27, through page 6, line 8, and  
33 inserting:

34 <2. The raw milk must be produced at the raw milk dairy in a  
35 manner that ensures the health and safety of persons consuming

1 the raw milk.

2 3. Each twelve-month period, a licensed veterinarian must  
3 examine each dairy animal maintained at the raw milk producer's  
4 raw milk dairy to determine the dairy animal's health status.  
5 The examination must at least include a blood test for common  
6 diseases afflicting the type of dairy animal being examined.

7 4. a. The raw milk producer shall, every month, test  
8 each dairy animal maintained at the raw milk producer's raw  
9 milk dairy to determine the dairy animal's coliform count and  
10 standard plate count.

11 b. The raw milk producer shall not do any of the following:

12 (1) Process, market, or distribute raw milk, if the raw milk  
13 exceeds the recognized bacteria count limit.

14 (2) Manufacture, market, or distribute a raw milk product  
15 or raw milk dairy product, if raw milk used as an ingredient  
16 exceeds the recognized bacteria count limit.

17 c. The raw milk producer shall retain a record of each test  
18 conducted at the raw milk dairy for at least three years.

19 5. a. If a dairy animal maintained at a raw milk dairy is  
20 administered with an antibiotic drug, the raw milk producer  
21 shall comply with the following health protocols:

22 (1) The antibiotic drug must be all of the following:

23 (a) Approved by the United States food and drug  
24 administration for its intended use.

25 (b) Stored in a closed, labeled container as provided by the  
26 manufacturer of the antibiotic drug before being administered.

27 (c) Stored and administered as directed by the manufacturer  
28 of the antibiotic drug.

29 (2) For a dairy animal subject to a health protocol as  
30 provided in subparagraph (1), any raw milk produced from the  
31 dairy animal before the expiration of the production waiting  
32 period as directed by the manufacturer shall not be used to do  
33 any of the following:

34 (a) Process, market, or distribute the raw milk.

35 (b) Manufacture, market, or distribute a raw milk product or

1 raw milk dairy product that uses the raw milk as an ingredient.

2     *b.* The manufacturer of an antibiotic drug administered to  
3 a dairy animal under this subsection may provide directions  
4 on the label of the container storing the antibiotic drug or  
5 other source of information regarding the use of the antibiotic  
6 controlled by the manufacturer.

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

13     14. Page 6, before line 9 by inserting:

14     <Sec. \_\_\_\_ . NEW SECTION. 195.7 Processing and manufacturing  
15 of raw milk.

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

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

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

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

27     15. Page 6, line 9, by striking <195.7> and inserting  
28 <195.8>

29     16. Page 6, line 16, after <*a.*> by inserting <(1)>

30     17. Page 6, by striking lines 20 through 23 and inserting  
31 <dairy's distribution point for the raw milk.>

32     18. Page 6, before line 24 by inserting:

33     <(2) (a) The individual being distributed the raw milk  
34 may examine records required to be retained by the raw milk  
35 producer as provided in section 195.6, including any of the

1 following:

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

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

8 (b) The individual being distributed the raw milk may  
9 examine the records for the three-year period that the records  
10 are required to be retained by the raw milk producer under  
11 section 195.6.>

12 19. Page 6, line 26, by striking <section 195.8> and  
13 inserting <section 195.9>

14 20. Page 7, line 13, after <a.> by inserting <(1)>

15 21. Page 7, by striking lines 18 through 21 and inserting  
16 <or raw milk dairy products.>

17 22. Page 7, before line 22 by inserting:

18 <(2) (a) The individual being distributed the raw milk  
19 product or raw milk dairy product may examine records required  
20 to be retained by the raw milk producer as provided in section  
21 195.6, including any of the following:

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

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

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

32 23. Page 7, line 24, by striking <section 195.8> and  
33 inserting <section 195.9>

34 24. Page 8, line 4, by striking <195.8> and inserting  
35 <195.9>

1 25. Page 8, line 27, by striking <195.9> and inserting  
2 <195.10>

3 26. By striking page 8, line 28, through page 9, line 3, and  
4 inserting:

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

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

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

15 2. A demand described in subsection 1 shall be based on an  
16 affidavit signed by a licensed physician certifying that in  
17 the physician's opinion an individual contracted an illness as  
18 a direct result of consuming raw milk produced at a raw milk  
19 dairy, or consuming a raw milk product or a raw milk dairy  
20 product manufactured at a raw milk dairy.>

21 27. By renumbering as necessary.