

## CHAPTER 194

### GRADES OF MILK

Referred to in [§137D.1](#), [137F.1](#), [192.108](#), [192.111](#)

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#### 194.1 Citation of chapter.

[This chapter](#) may be cited as the “*Iowa Grading Law for Milk Used for Manufacturing Purposes*”.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.1]

#### 194.2 Enforcement — rules.

1. The secretary of agriculture shall enforce the provisions of [this chapter](#), and to this end may adopt such rules and regulations pursuant to [chapter 17A](#) as may appear necessary, but not inconsistent with [this chapter](#).

2. The secretary may adopt by rule requirements recommended by the United States Department of Agriculture for the production and processing of milk for manufacturing purposes, including but not limited to requirements for the inspection and certification of grade “B” dairy farms and grade “B” dairy plants.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.2]

[88 Acts, ch 1152, §7](#); [2018 Acts, ch 1026, §63](#)

#### 194.3 Definitions.

For the purpose of [this chapter](#):

1. “*Bulk milk tanker*” means all of the following:

- a. A bulk milk tanker as defined in [section 192.101A](#).
- b. A vehicle that transports milk stored in milk cans.

2. “*Milk grader*” means the same as defined in [section 192.101A](#).

3. “*Milk hauler*” means the same as defined in [section 192.101A](#).

4. “*Milk processing plant*” means an establishment receiving milk from diverse producers, if the milk is manufactured into butter, cheese, dry milk, or other dairy products for commercial purposes.

5. “*Milk used for manufacturing purposes*” means milk or milk products manufactured into butter, cheese, ungraded dry milk, or other dairy products except milk and milk products as defined in the “Grade ‘A’ Pasteurized Milk Ordinance” provided in [section 192.102](#).

6. “*Organoleptic examination or grading of milk*” means examination by the senses of sight, smell, and taste.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.3]

[86 Acts, ch 1245, §639](#); [92 Acts, ch 1081, §1](#); [2002 Acts, ch 1148, §5, 11](#)

Further definitions, see [§189.1](#)

#### 194.3A Permit requirements.

1. The department shall issue and renew permits under [this chapter](#) as provided by rules adopted by the department. The following persons must receive a permit from and pay a permit fee to the department:

- a. A milk hauler which must obtain a milk hauler permit.

- b. A milk grader which must obtain a milk grader permit.
- c. A bulk milk tanker which must operate pursuant to a bulk milk tanker permit.
- 2. The department shall provide for the issuance and renewal of permits under [this section](#) as provided by rules adopted by the department, in the same manner as provided in [section 192.111](#). The amount of the permit fee shall be the same as provided in [section 192.111](#). A person shall not be required to obtain a milk hauler permit, milk grader permit, or bulk milk tanker permit under [this section](#) if the person has obtained the same permit under [section 192.111](#).
- 3. The department may suspend or revoke a permit issued or renewed under [this section](#) in the same manner that the department may suspend or revoke a permit issued or renewed under [section 192.111](#).
- 4. A person who does any of the following is in violation of [this section](#):
  - a. (1) Acts as a milk hauler or milk grader, unless the person holds a milk hauler permit or milk grader permit as required in [this section](#).
  - (2) Solicits another person to act as a milk hauler or milk grader or procures the services of a person to act as a milk hauler or milk grader, unless the person solicited or from whom the services are procured holds a milk hauler permit or milk grader permit as required in [this section](#).
  - b. (1) Operates a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in [this section](#).
  - (2) Solicits another person to operate a bulk milk tanker or procures the services of a person to operate a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in [this section](#).

[2002 Acts, ch 1148, §6, 11](#)

Referred to in [§194.25](#)

#### **194.4 Physical characteristics.**

- 1. All milk received at a creamery, cheese factory, or milk-processing plant shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the raw milk shall be wholesome and characteristic of normal milk. The flavor and odor of the raw milk shall be fresh and sweet; however, slight feed flavors may be present.
- 2. Any raw milk which shows an abnormal condition including but not limited to curdled, ropy, clotted, and bloody; which contains extraneous matter; which shows significant bacterial deterioration; which contains matter evidencing production from a mastitic cow; or which contains chemicals, medicines, or radioactive agents deleterious to health is unlawful milk and shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products for human consumption.
- 3. At least once within each thirty days a test shall be made of a producer's milk to determine the existence of evidence of production from mastitic cows. The secretary shall determine and adopt the standards and methods of testing the milk for this purpose. The secretary shall be guided by recommendations or regulations established by federal agencies regulating this field.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.4]

[92 Acts, ch 1081, §2; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §64](#)

#### **194.5 Frequency of tests.**

A test shall be made on the first purchase of milk from a new producer and at least once within each thirty-day interval thereafter. One lot of milk from each producer shall be selected at random and tested for extraneous matter by an appropriate method. The secretary shall determine and promulgate the standards and methods of testing the milk for extraneous matter. The method and standards shall be no less strict than those recommended by the agricultural marketing service, U.S. department of agriculture.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.5]

**194.6 Bacterial test.**

1. At least once every thirty days an estimate of the bacterial quality shall be made of each producer's milk by use of a standard plate count or an equivalent plate counting procedure in an officially designated laboratory.

2. For the purpose of quality improvement and payment, the following classifications of milk for bacterial estimate are applicable:

| Bacterial Estimate Classification | Standard Plate Count or Equivalent |
|-----------------------------------|------------------------------------|
| Class 1                           | Not over 100,000 per Milliliter    |
| Class 2                           | Not over 300,000 per Milliliter    |
| Undergrade                        | Over 300,000 per Milliliter        |

[C62, 66, 71, 73, 75, 77, 79, 81, §194.6]

[84 Acts, ch 1120, §1](#); [92 Acts, ch 1081, §3](#)

**194.7 Acceptable milk.**

Milk acceptable from the standpoint of organoleptic examination, containing no excessive extraneous matter and complying with class 1 or 2 for bacterial estimate shall be acceptable for use in the processing and manufacturing of dairy products for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.7]

**194.8 Unacceptable milk.**

1. Milk acceptable from the standpoint of organoleptic examination, containing no excessive extraneous matter and classified in excess of three hundred thousand for bacterial estimate, may be used in the processing and manufacturing of dairy products for human consumption for a period of seven consecutive days.

2. After a week another quality test must be performed on the producer's milk. If two of the last four consecutive bacterial counts exceed the class 2 standard, the department shall deliver, or require the purchaser to deliver, a written notice to the producer. An additional sample shall be taken at least three days after taking the previous sample, but within twenty-one days following delivery of the notice. The department shall immediately suspend the permit of the producer or immediately institute legal proceedings to restrain production if the class 2 standard is violated according to three of the last five bacterial counts.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.8]

[84 Acts, ch 1120, §2](#); [92 Acts, ch 1081, §4](#)

**194.9 Unlawful milk.**

Milk, which from the standpoint of organoleptic examination is not acceptable, or which contains excessive extraneous matter or which by three out of five bacterial estimate tests is classified in excess of three hundred thousand, or which contains material evidencing production from a mastitic cow, or which contains chemicals, medicines, or radioactive agents deleterious to health, is unlawful for the manufacture of dairy products for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.9]

[84 Acts, ch 1120, §3](#); [92 Acts, ch 1081, §5](#)

Referred to in [§194.18](#)

**194.10 Milk purchased on basis of grade.**

All purchases and deliveries of milk and cream for the manufacture of dairy products shall be made on the basis of grades and definitions set forth in [this chapter](#).

[C62, 66, 71, 73, 75, 77, 79, 81, §194.10]

**194.11 Price differential.**

All purchasers and receivers of milk for the manufacture of dairy products for human consumption shall maintain a reasonable price differential between the grades of milk as

defined by the bacterial estimate tests. This price differential shall not be less than five percent of the price for grade one milk.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.11]

**194.12 through 194.16** Repealed by 2002 Acts, ch 1148, §9, 11.

**194.17 Records.**

Each creamery, cheese factory or milk processing plant shall maintain records of all purchases and receipts of milk from individual producers. These records must show:

1. Name of producer.
2. Date of delivery.
3. Quantity delivered.
4. Grade assigned.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.17]

**194.18 Coloring unlawful milk.**

A person who holds a milk hauler permit or a milk grader permit pursuant to [section 192.111](#) may mix a harmless coloring matter in unlawful milk as provided in [section 194.9](#) to prevent the unlawful milk from being processed and used in any form for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.18]

[97 Acts, ch 94, §9](#); [2002 Acts, ch 1148, §7, 11](#)

**194.19 Licenses for collection vehicles — fees.** Repealed by [2002 Acts, ch 1148, §9, 11](#).

**194.20 Inspection fees — grade “B” milk.**

A purchaser of milk from a grade “B” milk producer shall pay an inspection fee not greater than one-half cent per hundredweight. The fee is payable monthly to the department at a time prescribed by the department. Fees collected under [this section](#) shall be deposited and used as required in [section 192.111](#).

[88 Acts, ch 1152, §10](#); [91 Acts, ch 74, §22](#); [92 Acts, ch 1081, §8](#); [92 Acts, ch 1163, §47](#); [94 Acts, ch 1107, §43](#)

Referred to in [§192.111](#)

**194.21 Bulk tanks on farms for milk.**

Any producer using a bulk tank for cooling and storage of milk to be used for manufacturing purposes shall have an enclosed milk room which shall conform to the standards provided by [this section](#). The floor shall be constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage. The walls and ceilings of the room shall be sealed and constructed of smooth easily cleaned material. All windows shall be screened and doors shall be self-closing. It shall be well ventilated and must meet the following requirements:

1. The bulk tank shall not be located over a drain or under a ventilator.
2. The hose port shall be located in an exterior wall and fitted with a tight self-closing door.
3. A two hundred twenty volt lock type electrical connection with ground and weatherproof type receptacle and switchbox shall be provided near the hose port.
4. Each milk room shall have an adequate supply of water readily accessible with facilities for heating the water, to insure the cleaning and sanitizing of the bulk tank, utensils and equipment and the keeping of the milk room clean.
5. No lights shall be placed directly over the bulk tank.
6. The bulk tank shall be properly located in the milk room for easy access to all areas for cleaning and servicing.
7. The enforcement of [this section](#) shall be administered by the department of agriculture and land stewardship.

8. Any person violating any provisions of [this section](#) shall be guilty of a simple misdemeanor.

[C66, §192.43; C71, 73, 75, 77, 79, 81, §192.66]  
CS91, §194.21

**194.22 through 194.24** Reserved.

**194.25 Violations and penalties.**

1. Except as provided in [subsection 2](#), a person who, in person or by an agent or employee, willfully violates any requirement of [this chapter](#) shall be guilty of a simple misdemeanor.

2. A person in violation of [section 194.3A](#) is subject to the same civil penalty as applied to that person as provided in [section 192.113](#).

[C62, 66, 71, 73, 75, 77, 79, 81, §194.20]  
C89, §194.25

[2002 Acts, ch 1148, §8, 11](#)