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H.338

Introduced by Representatives Pellett of Chester, Canfield of Fair Haven, Copeland-Hanzas of Bradford, Darrow of Dummerston, Emmons of Springfield, Head of S. Burlington, Johnson of South Hero, Marek of Newfane, Masland of Thetford, McCullough of Williston, Mook of Bennington and Zuckerman of Burlington

Referred to Committee on

Date:

Subject: Agriculture; dairy products; raw milk

Statement of purpose: This bill proposes to allow and establish standards for the sale of Grade A raw milk to consumers in Vermont.

AN ACT RELATING TO STANDARDS FOR THE SALE OF GRADE A RAW MILK IN VERMONT

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 2701(a) is amended to read:

(a) The secretary, in accordance with chapter 25 of Title 3, shall ~~promulgate~~ adopt, and may amend and rescind, dairy sanitation regulations relating to dairy products and imitation dairy products to enforce this chapter including but not limited to: labeling, weighing, measuring and testing facilities, buildings, equipment, methods, procedures, health of animals, health and capability of personnel and quality standards. In addition, the uniform regulation for sanitation requirements, as adopted by the National Conference on Interstate Milk Shippers, and published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Grade A Pasteurized Milk Ordinance, together with amendments, supplements, and revisions thereto, are adopted as part of this chapter, except as modified or rejected by regulation. The secretary shall adopt by rule standards and sanitation requirements for the sale of Grade A raw milk in Vermont.

Published by:

The Vermont General Assembly
115 State Street
Montpelier, Vermont



www.leg.state.vt.us

H.616

Introduced by Representatives Pellett of Chester, Hutchinson of Randolph,
Ancel of Calais, Anderson of Montpelier, Bostic of St.
Johnsbury, Botzow of Pownal, Cheney of Norwich, Clarkson of
Woodstock, Copeland-Hanzas of Bradford, Davis of
Washington, Devereux of Mount Holly, Donaghy of Poultney,
Donahue of Northfield, Dostis of Waterbury, Edwards of
Brattleboro, Emmons of Springfield, Evans of Essex, Fallar of
Tinmouth, Fisher of Lincoln, Frank of Underhill, French of
Randolph, Gilbert of Fairfax, Haas of Rochester, Head of S.
Burlington, Heath of Westford, Helm of Castleton, Hosford of
Waitsfield, Howard of Rutland City, Howrigan of Fairfield,
Hube of Londonderry, Jewett of Ripton, Johnson of South Hero,
Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of
East Montpelier, Komline of Dorset, Larson of Burlington,
Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg,
Lorber of Burlington, Manwaring of Wilmington, Marek of
Newfane, Martin of Springfield, Martin of Wolcott, Masland of
Thetford, McCullough of Williston, Milkey of Brattleboro,
Miller of Shaftsbury, Morley of Barton, Mrowicki of Putney,
Nease of Johnson, Nuovo of Middlebury, Obuchowski of

1 Rockingham, Orr of Charlotte, Pearson of Burlington, Peltz of
2 Woodbury, Potter of Clarendon, Randall of Troy, Rodgers of
3 Glover, Shand of Weathersfield, Sharpe of Bristol, Smith of
4 Morristown, Sweaney of Windsor, Trombley of Grand Isle and
5 Weston of Burlington

6 Referred to Committee on

7 Date:

8 Subject: Agriculture; dairy operations; sale of unpasteurized milk

9 Statement of purpose: This bill proposes to provide for the certification of
10 dairy farmers to allow unlimited direct sales of unpasteurized milk.

11 AN ACT RELATING TO FARM-FRESH MILK

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. SHORT TITLE

14 This act shall be known and may be cited as the Farm-Fresh Milk
15 Restoration Act of 2008.

16 Sec. 2. GOAL; INTENT

17 The general assembly declares its goal to support programs and policies that
18 foster the development of a diversified agricultural sector that:

19 (1) Offers farmers an opportunity to sell their products to a marketplace
20 that pays them a reasonable rate of return for their labor and capital

1 investments;

2 (2) Offers the public nutritious and safe foods;

3 (3) Produces, markets, and distributes agricultural products in a
4 sustainable manner that conserves energy and the environment;

5 (4) Provides economic stability to preserve the necessary infrastructure
6 of the agricultural industry;

7 (5) Expands the market opportunities for agricultural products;

8 (6) Enables agricultural operations of diverse sizes and producing a
9 wide array of products to prosper in Vermont and contribute to the state and
10 regional economy;

11 (7) Assures continued stewardship of the land with respect for the
12 environment and efficient use of energy.

13 Sec. 3. FINDINGS

14 The general assembly finds:

15 (1) Commodity foods travel far, and most of the consumer dollar spent
16 goes toward processing, transport, marketing, and packaging of these foods.
17 Farmers receive only \$0.10 for every consumer dollar spent in the commodity
18 market. Direct sales by the farmer to the consumer often provide the best
19 return to the farm. Sale of farm-fresh milk can yield as much as \$10.00 per
20 gallon for Vermont family farmers.

21 (2) Locally grown food supports the local economy. Farmers support

1 the local economy by spending their money in the community and providing
2 jobs and training for beginning farmers and farm workers. Also, farmers keep
3 land open and managed. Providing Vermont farmers with additional income
4 possibilities will help to keep farms viable in our state.

5 (3) There is now a consumer demand for local products, and it is
6 growing. Vermont's current rules on selling raw milk are restrictive, and
7 Vermont farmers should be allowed to take advantage of the growing local
8 market, which provides them with a stable income source.

9 (4) Farmers who sell their products directly to consumers are very
10 concerned with product safety and consumer health. Farm-fresh milk farmers
11 want to produce a safe, healthy product for direct sale to consumers and should
12 be supported in their efforts by the state of Vermont.

13 (5) The number of dairy farms in Vermont is decreasing, and it is
14 difficult for young dairy farmers to get started. The ability to sell products
15 directly to consumers can break down the barriers to entry for new farmers and
16 keep farmers in business because of the stable price and loyal customer base.

17 Sec. 4. 6 V.S.A. chapter 152 is added to read:

18 CHAPTER 152. SALE OF UNPASTEURIZED MILK

19 § 2775. DEFINITIONS

20 For the purposes of this chapter:

1 (1) "Farm-fresh milk" is unpasteurized raw milk which conforms to the
2 regulations and standards set forth in this chapter for the production and
3 distribution directly from the farm to the end-user in the state of Vermont of
4 unpasteurized milk and is sold by farm-fresh milk farmers.

5 (2) A "farm-fresh milk farmer" (FFMF) is an individual farmer that has
6 been certified by a local certification committee in accordance with this
7 chapter to sell farm-fresh milk within the state of Vermont.

8 (3) A "local certification committee" (LCC) is a committee composed of
9 at least three dairy farmers, two consumers of farm-fresh milk, and one health
10 care professional approved by the state certification board to carry out this
11 chapter in a particular geographical area within the state of Vermont.

12 (4) A "health care professional" is a person who is licensed in the state
13 of Vermont to practice medicine, including medical doctors, naturopathic
14 physicians, veterinarians, and osteopathic physicians.

15 (5) "Prepurchased milk" is farm-fresh milk that is scheduled to be
16 delivered to a customer.

17 § 2776. STATE CERTIFICATION BOARD

18 (a) A state certification board (SCB) of six members is created for the
19 purpose of carrying out the goals and purposes of this chapter and overseeing
20 LLCs, which will have the authority to certify FFMFs for the sale of
21 farm-fresh milk in Vermont. The members of the board shall be:

1 (1) the state veterinarian ex officio;

2 (2) two farmers selected jointly by the speaker of the house, the
3 president pro tempore of the senate, and the governor who shall be;

4 (A) for the initial appointment term of one year, two farmers who
5 have sold unpasteurized milk in Vermont pursuant to 6 V.S.A. § 2723(3) for a
6 period of at least three years; and

7 (B) for the subsequent terms of three years, two other farmers who
8 are or have been members of an LCC;

9 (3) a member of the board of the Vermont grass farms association
10 (VGFA), selected by the VGFA board initially for a term of two years; and

11 (4) two members of the public from different regions of the state,
12 selected by a majority vote of the four members first appointed. The initial
13 members shall meet within 30 days of the appointment of the board for the sole
14 purpose of selecting the two public members. The initial and subsequent terms
15 for public members shall be three years;

16 (5) all members shall serve for a term of three years, except in some
17 cases the initial appointees;

18 (6) vacancies shall be filled in the same manner as the original
19 appointment for the unexpired portion of the term vacated;

20 (7) each year, the SCB shall meet at least once. The state veterinarian
21 shall be responsible for scheduling the first meeting.

1 **(b) The SCB shall:**

2 **(1) Elect one of its members as chair and adopt appropriate rules to**
3 **govern the time and place of its meetings, its rules of procedure, and its**
4 **record-keeping and other internal operations.**

5 **(2) No later than June 30, 2009, adopt rules governing the creation and**
6 **operation of LCCs, which shall certify FFMFs in accordance with this chapter.**

7 **The rules shall include:**

8 **(A) A process for an LCC to be formed and recognized by the SCB,**
9 **including how an LCC will define its geographic coverage area so that no two**
10 **LCCs serve the same area.**

11 **(B) Record-keeping, inspection, and reporting requirements for the**
12 **LCCs to the SCB, and how the LCCs will document compliance with this**
13 **chapter and the rules adopted under this chapter. LCCs shall inspect each farm**
14 **at least two times each year.**

15 **(C) Certification fees for FFMFs, to be paid to the LCCs.**

16 **(D) Stipend amounts and mileage reimbursement rates for the LCC**
17 **members for meetings and inspection tours and other related costs.**

18 **(E) Procedures for collecting certification fees by the LCCs, as well**
19 **as procedures for stipend payment, mileage reimbursement, and farmer**
20 **assistance from these fees.**

1 (F) A procedure for ensuring that LCCs are carrying out their duties
2 properly, including enforcement protocol for the SCB if an LCC is not carrying
3 out its duties.

4 (G) an enforcement procedure to be followed if an FFMF is found to
5 be out of compliance with the standards. The procedure shall include a
6 notification, with a suggested schedule of compliance, to the FFMF and the
7 SCB from the LCC. The LCC will check with the FFMF to determine whether
8 the schedule of compliance has been met and then report to the SCB. After
9 receiving the report, the SCB will determine whether enforcement action will
10 be taken.

11 (H) An application form and process for FFMFs to apply for
12 certification and renew their certificates through the LCCs.

13 (I) A plan for responding when a sample of milk tests positive for
14 pathogens. The LCC will be notified of the test result by the FFMF and the
15 testing laboratory immediately upon receiving the information of the result.
16 The LCC will then immediately notify the SCB. The response plan will be
17 implemented by the SCB and shall include procedures for the following:

18 (i) inspection of the farm by the LCC within 48 hours of the
19 notice;

20 (ii) stopping the sale of milk from the FFMF until the milk is
21 determined to be free of pathogens;

- 1 (iii) notifying customers;
- 2 (iv) any enforcement measures recommended by the LCC and
- 3 deemed appropriate by the SCB; and
- 4 (v) collecting the frozen milk samples from the FFMF and having
- 5 them tested at a state-approved laboratory, as well as testing every day until the
- 6 farmer's milk is free from pathogens for three consecutive days, at which time
- 7 sales may resume.

8 § 2777. PERMITS FOR PRODUCTION AND MARKETING OF

9 FARM-FRESH MILK

10 (a) Every person before engaging in the business of producing and

11 marketing farm-fresh milk shall obtain a permit from the LCC designated by

12 the SCB for that region. Upon receipt of an application for a permit, the LCC

13 shall inspect the applicant's milking animals and the farm, facility, or other

14 place of business from which milk is produced or distributed. If the

15 application meets the standards set forth in this chapter and the regulations

16 promulgated by the SCB, a permit shall be issued for a period not to exceed

17 one year and shall be renewable annually.

18 (b) Notwithstanding any other provision of Vermont law, regulation, or

19 federal regulation adopted by the secretary of agriculture, food and markets, a

20 person holding a permit from an LCC who is not otherwise in violation of any

21 regulation or standard set by the SCB and whose milk and farm or other

1 production facility have passed the most recent inspection by the LCC for that
2 region shall be authorized to:

3 (1) sell unlimited quantities of farm-fresh milk directly from the FFMF
4 to the end-user within the state of Vermont, but this authorization does not
5 include resale;

6 (2) advertise the sale of milk by hanging a sign on the farm property
7 with the words "Certified Farm-Fresh Milk for Sale Here" or placing an
8 advertisement with the words "Certified Farm-Fresh Milk for Sale" with
9 contact information and the location of the farm, provided that such
10 advertisement does not state or imply particular health benefits associated with
11 farm-fresh milk; and

12 (3) deliver prepurchased milk. The customer must arrange with the
13 FFMF prior to the delivery to pay for the milk in advance, either as a one-time
14 purchase or through a subscription.

15 § 2778. STANDARDS

16 In order to be certified by an LCC, an FFMF shall demonstrate
17 procedures and practices in place to meet the following standards:

18 (1) Farm-fresh milk shall be bottled on the premises where
19 produced.

20 (2) Farm-fresh milk shall be sold in containers which have been
21 filled by the FFMF, with the pouring lip completely protected from

1 contamination, and which have been thoroughly cleaned in compliance
2 with subdivisions (A)–(C) of this subdivision (2).

3 (A) Containers shall be cleaned by the FFMF. FFMFs may
4 allow customers to clean their own containers only if each customer's
5 container is labeled with the customer's name and address, and the
6 customers always use their own containers.

7 (B) Farm-fresh milk shall be cooled to 40 degrees Fahrenheit
8 within two hours of finishing milking and so maintained until it is
9 delivered to the consumer.

10 (C) Farm-Fresh Milk shall be labeled as such, and the label
11 shall contain:

12 (i) the date the milk was obtained from the cow or goat;

13 (ii) the name, address, zip code, and telephone number of
14 the producing FFMF;

15 (iii) the common name of the type of animal producing the
16 milk or a picture of the animal;

17 (iv) the words "Farm-Fresh Milk. not pasteurized. Keep
18 Refrigerated."

19 (D) Farm-fresh milk must be obtained from the milking
20 animal by the FFMF who sells the milk or another regular worker on
21 the farm. In either case, the milker shall thoroughly wash and dry his

1 or her hands before milking. The milker shall examine each teat before
2 milking and ensure that it is healthy, clean, and dry. If a quarter or half
3 section of the udder is compromised, each compromised section shall
4 be milked separately, and that milk shall not be sold for human
5 consumption.

6 (E) Milking equipment shall be made of food-grade material
7 and shall be thoroughly cleaned and air-dried after each use and
8 sanitized before each use.

9 (F) The milking area shall be kept free of manure.

10 (G) Clean, dry bedding shall be provided at all times.

11 (H) An FFMF shall have a health care plan for the animals
12 producing farm-fresh milk. This plan shall include provisions for the
13 following:

14 (i) A preventive health care plan;

15 (ii) A sickness treatment plan;

16 (iii) A feeding and grazing plan;

17 (iv) A low stress environment.

18 (3) An FFMF shall have the milk produced on that farm tested
19 once per week in a state-approved laboratory for the following, and the
20 results must be below these limits:

1 (A) Total bacterial (aerobic) count: 15,000 cfu/ml (cows);
2 20,000 cfu/ml (goats);

3 (B) Total coliform count: 10 cfu/ml (cows and goats);

4 (C) Somatic cell count: 400,000/ml (cows); 750,000/ml
5 (goats).

6 (4) No FFMF shall sell milk which:

7 (A) Contains any drug or drugs in excess of tolerances established by
8 the United States Food and Drug Administration (FDA) in the Code of Federal
9 Regulations;

10 (B) Is contaminated, meaning milk that is unsaleable or unfit for
11 human consumption following treatment of the animal with veterinary
12 products, including antibiotics, which have withhold requirements, or
13 treatment with medicines or insecticides not approved for use on dairy animals
14 by the FDA or the Environmental Protection Agency (EPA) or meaning
15 adulterated milk, which means milk containing noxious, unwholesome, or
16 deleterious material, preservative, drugs, or chemical in a quantity injurious to
17 health;

18 (C) Does not conform to the definition of the product; or

19 (D) Is not produced, processed, or distributed according to the
20 provisions of this chapter.

1 (5) An FFMF shall also collect one composite sample of milk
2 each day, and keep 14 days' worth of samples frozen.

3 (6) An FFMF shall keep the farm's test result records for one
4 year and shall provide them to the farm's customers or the LCC if
5 asked.

6 (7) An FFMF shall provide each new customer with the
7 following information:

8 (A) The price that farm-fresh milk will be sold for and in
9 what sizes it will be available;

10 (B) Contact information for the FFMF;

11 (C) Acceptable procedures for the customer to obtain milk
12 from the farm;

13 (D) Names and contact information for LCC members;

14 (E) Procedures for arranging a farm visit upon customer
15 request;

16 (F) Procedures for obtaining milk test results from the FFMF
17 upon request by the customer.

18 (8) An FFMF shall have a list of all of its customers, including
19 their telephone numbers or e-mail addresses. In order to be certified,
20 the FFMF shall describe his or her method of keeping this list up to
21 date. The FFMF shall provide this list if asked by the LCC or the SCB.
22

1 § 2779. DELIVERY OF PREPURCHASED MILK

2 (a) Delivery of farm-fresh milk shall be permitted within the state
3 of Vermont:

4 (1) Only to customers who have prepurchased milk from an
5 FFMF;

6 (2) Directly to customers at a prearranged location; or

7 (3) To a predetermined common drop-off point that is outfitted
8 with refrigerated storage.

9 (b) A certified FFMF may deliver certified farm-fresh milk, or
10 contract with another individual to deliver milk to customers who have
11 prepurchased the milk. Before an FFMF may deliver farm-fresh milk
12 to a customer, the following criteria shall be met:

13 (1) The FFMF shall receive payment for the milk from the
14 customer.

15 (2) The FFMF shall have the customer's contact information as
16 provided for in this chapter.

17 (3) The customer shall receive the information required by this
18 chapter.

19 (c) In order to deliver certified farm-fresh milk, an FFMF or the
20 individual contracted to do the delivery shall ensure the following:

1 (1) A customer list is posted at the drop-off location with the
2 names of the customers to receive the milk. Customers shall sign and
3 date this list when they pick up their milk. The FFMF shall keep these
4 lists on file for one month.

5 (2) The drop-off location shall have a sign indicating that the
6 farm-fresh milk is for prepurchase customers only.

7 (3) The drop-off location shall have refrigerated storage at 40
8 degrees Fahrenheit or lower.

9 (4) During delivery, farm-fresh milk shall be protected from
10 exposure to direct sunlight.

11 (5) During delivery, farm-fresh milk shall be kept at 40 degrees
12 Fahrenheit or lower at all times.

13 (6) The number of filled containers in the delivery vehicle and at
14 the drop-off points shall match the number of containers indicated on
15 the customer lists.

16 Sec. 5. 6 V.S.A. § 2723 is amended to read:

17 § 2723. EXEMPTIONS

18 Handlers' licenses shall not be required from the following persons:

19

1 (1) Producers, ~~except~~ and farm-fresh milk farmers certified pursuant to
2 chapter 152 of this title. All other producers who sell fluid dairy products at
3 retail in Vermont shall obtain handlers' licenses.

4 * * *

NO. 101. AN ACT RELATING TO FARM-FRESH RAW MILK.

(H.616)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 2723(3) is amended to read:

(3) A person who produces and sells or offers for sale less than 25 50 quarts of milk in any one day, but in such case an inspection may be made and reasonable sanitary requirements shall be complied with.

Sec. 2. 6 V.S.A. § 2672(26) and (27) are added to read:

(26) "Vermont fresh milk" means milk consisting entirely of fresh milk produced in Vermont.

(27) "Northeastern fresh milk" means milk consisting entirely of fresh milk produced in Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, or Maine.

Sec. 3. 6 V.S.A. § 2680 is added to read:

§ 2680. LABELING MILK AS FRESH

Milk shall not be labeled as "fresh milk," "Vermont fresh milk," or "northeastern fresh milk" unless the milk meets the definitions in section 2672 of this chapter.

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: April 22, 2008

H.125

Introduced by Representatives Pellett of Chester, Ancel of Calais, Atkins of Winooski, Bohi of Hartford, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Davis of Washington, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Haas of Rochester, Head of S. Burlington, Heath of Westford, Helm of Castleton, Howard of Rutland City, Howrigan of Fairfield, Hube of Londonderry, Jewett of Ripton, Johnson of S. Hero, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Larson of Burlington, Lenex of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Lorber of Burlington, Manwaring of Wilmington, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Milkey of Brattleboro, Minter of Waterbury, Mitchell of Barnard, Morley of Barton, Mrowicki of Putney, Obuchowski of Rockingham, Orr of Charlotte, Peltz of Woodbury, Potter of Clarendon, Rodgers of Glover, Shand of

1 Weathersfield, Sharpe of Bristol, South of St. Johnsbury,
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3 Windsor, Townsend of Randolph, Trombley of Grand Isle,
4 Weston of Burlington, Wizowaty of Burlington and Zuckerman
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6 Referred to Committee on

7 Date:

8 Subject: Agriculture; dairy operations; sale of unpasteurized milk

9 Statement of purpose: This bill proposes to provide for the certification of
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1 investments;

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3 land open and managed. Providing Vermont farmers with additional income
4 possibilities will help to keep farms viable in our state.

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7 Vermont farmers should be allowed to take advantage of the growing local
8 market, that provides them with a stable income source.

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8 (3) A "health care professional" is a person who is licensed in the state
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7 (B) for the subsequent terms of three years, two other farmers who
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13 members shall meet within 30 days of the appointment of the board for the sole
14 purpose of selecting the two public members. The initial and subsequent terms
15 for public members shall be three years.

16 (b) All members shall serve for a term of three years, except in some cases
17 the initial appointees pursuant to subdivision (a)(2)(A) of this section.

18 Vacancies shall be filled in the same manner as the original appointment for
19 the unexpired portion of the term vacated. Each year, the SCB shall meet at
20 least once. The state veterinarian shall be responsible for scheduling the first
21 meeting.

1 (c) The SCB shall:

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11 (B) Record-keeping, inspection, and reporting requirements for the
12 LCCs to the SCB, and how the LCCs will document compliance with this
13 chapter and the rules adopted under this chapter. LCCs shall inspect each farm
14 at least two times each year.

15 (C) Certification fees for FFMFs to be paid to the LCCs.

16 (D) Stipend amounts and mileage reimbursement rates for the LCC
17 members for meetings and inspection tours and other related costs.

18 (E) Procedures for collecting certification fees by the LCCs, as well
19 as procedures for stipend payment, mileage reimbursement, and farmer
20 assistance from these fees.

1 (F) A procedure for ensuring that LCCs are carrying out their duties
2 properly, including enforcement protocol for the SCB if an LCC is not carrying
3 out its duties.

4 (G) An enforcement procedure to be followed if an FFMF is found to
5 be out of compliance with the standards. The procedure shall include a
6 notification, with a suggested schedule of compliance, to the FFMF and the
7 SCB from the LCC. The LCC will check with the FFMF to determine whether
8 the schedule of compliance has been met and then report to the SCB. After
9 receiving the report, the SCB will determine whether enforcement action will
10 be taken.

11 (H) An application form and process for FFMFs to apply for
12 certification and renew their certificates through the LCCs.

13 (I) A plan for responding when a sample of milk tests positive for
14 pathogens. The LCC will be notified of the test result by the FFMF and the
15 testing laboratory immediately upon receiving the information of the result.
16 The LCC will then immediately notify the SCB. The response plan will be
17 implemented by the SCB and shall include procedures for the following:

18 (i) inspection of the farm by the LCC within 48 hours of the
19 notice;

20 (ii) stopping the sale of milk from the FFMF until the milk is
21 determined to be free of pathogens;

1 (iii) notifying customers;

2 (iv) any enforcement measures recommended by the LCC and
3 deemed appropriate by the SCB; and

4 (v) collecting the frozen milk samples from the FFMF and having
5 them tested at a state-approved laboratory, as well as testing every day until the
6 farmer's milk is free from pathogens for three consecutive days, at which time
7 sales may resume.

8 § 2777. PERMITS FOR PRODUCTION AND MARKETING OF

9 FARM-FRESH MILK

10 (a) Every person, before engaging in the business of producing and
11 marketing farm-fresh milk, shall obtain a permit from the designated LCC for
12 his or her region. Upon receipt of an application for a permit, the LCC shall
13 inspect the applicant's milking animals and the farm, facility, or other place of
14 business from which milk is produced or distributed. If the application meets
15 the standards set forth in this chapter and the rules adopted by the SCB, a
16 permit shall be issued for a period not to exceed one year and shall be
17 renewable annually.

18 (b) A person holding a permit from an LCC who is not otherwise in
19 violation of any rule or procedure set by the SCB and whose milk, milking
20 animals, farm, and facility or other place of business from which milk is

1 produced or distributed have passed the most recent inspection by the LCC for
2 that region shall be authorized to:

3 (1) sell unlimited quantities of farm-fresh milk directly from the FFMF
4 to the end-user within the state of Vermont; however, this authorization does
5 not include resale;

6 (2) advertise the sale of milk by hanging a sign on the farm property
7 with the words "Certified Farm-Fresh Milk for Sale Here" or placing an
8 advertisement with the words "Certified Farm-Fresh Milk for Sale" with
9 contact information and the location of the farm, provided that such
10 advertisement does not state or imply particular health benefits associated with
11 farm-fresh milk; and

12 (3) deliver prepurchased milk. The customer must arrange with the
13 FFMF prior to the delivery to pay for the milk in advance, either as a one-time
14 purchase or through a subscription.

15 (c) Nothing in this section shall be read to limit the ability of a farmer to
16 produce and sell or offer for sale milk pursuant to subdivision 2723(3) of this
17 title.

18 § 2778. STANDARDS

19 In order to be certified by an LCC, an FFMF shall demonstrate
20 procedures and practices in place to meet the following standards:

1 (1) Farm-fresh milk shall be bottled on the premises where
2 produced.

3 (2) Farm-fresh milk shall be sold in containers which have been
4 filled by the FFMF, with the pouring lip completely protected from
5 contamination, and which have been thoroughly cleaned in compliance
6 with subdivisions (A)-(C) of this subdivision (2).

7 (A) Containers shall be cleaned by the FFMF. FFMFs may
8 allow customers to clean their own containers only if each customer's
9 container is labeled with the customer's name and address, and the
10 customers always use their own containers.

11 (B) Farm-fresh milk shall be cooled to 40 degrees Fahrenheit
12 within two hours of finishing milking and so maintained until it is
13 delivered to the consumer.

14 (C) Farm-fresh milk shall be labeled as such, and the label
15 shall contain:

16 (i) the date the milk was obtained from the animal;

17 (ii) the name, address, zip code, and telephone number of
18 the producing FFMF;

19 (iii) the common name of the type of animal producing the
20 milk or a picture of the animal;

1 (iv) the words "Farm-Fresh Milk. Not pasteurized. Keep
2 Refrigerated."

3 (D) Farm-fresh milk must be obtained from the milking
4 animal by the FFMF who sells the milk or another regular worker on
5 the farm. In either case, the milker shall thoroughly wash and dry his
6 or her hands before milking. The milker shall examine each teat before
7 milking and ensure that it is healthy, clean, and dry. If a quarter or half
8 section of the udder is compromised, each compromised section shall
9 be milked separately, and that milk shall not be sold for human
10 consumption.

11 (E) Milking equipment shall be made of food-grade material
12 and shall be thoroughly cleaned and air-dried after each use and
13 sanitized before each use.

14 (F) The milking area shall be kept free of manure.

15 (G) Clean, dry bedding shall be provided at all times.

16 (H) An FFMF shall have a health care plan for the animals
17 producing farm-fresh milk. This plan shall include provisions for the
18 following:

19 (i) A preventive health care plan;

20 (ii) A sickness treatment plan;

21 (iii) A feeding and grazing plan;

1 (iv) A low stress environment.

2 (3) An FFMF shall have the milk produced on that farm tested
3 once per week in a state-approved laboratory for the following, and the
4 results must be below these limits:

5 (A) Total bacterial (aerobic) count: 15,000 cfu/ml (cows);
6 20,000 cfu/ml (goats);

7 (B) Total coliform count: 10 cfu/ml (cows and goats);

8 (C) Somatic cell count: 400,000/ml (cows); 750,000/ml
9 (goats).

10 (4) No FFMF shall sell milk which:

11 (A) Contains any drug or drugs in excess of tolerances established by
12 the United States Food and Drug Administration (FDA) in the Code of Federal
13 Regulations;

14 (B) Is contaminated, meaning milk that is unsaleable or unfit for
15 human consumption following treatment of the animal with veterinary
16 products, including antibiotics, which have withhold requirements, or
17 treatment with medicines or insecticides not approved for use on dairy animals
18 by the FDA or the Environmental Protection Agency (EPA) or meaning
19 adulterated milk, which means milk containing noxious, unwholesome, or
20 deleterious material, preservative, drugs, or chemical in a quantity injurious to
21 health;

1 (C) Does not conform to the definition of the product; or

2 (D) Is not produced, processed, or distributed according to the
3 provisions of this chapter.

4 (5) An FFMF shall also collect one composite sample of milk
5 each day, and keep 14 days' worth of samples frozen.

6 (6) An FFMF shall keep the farm's test result records for one
7 year and shall provide them to the farm's customers or the LCC if
8 asked.

9 (7) An FFMF shall provide each new customer with the
10 following information:

11 (A) The price that farm-fresh milk will be sold for and in
12 what size containers it will be available;

13 (B) Contact information for the FFMF;

14 (C) Acceptable procedures for the customer to obtain milk
15 from the farm;

16 (D) Names and contact information for LCC members;

17 (E) Procedures for arranging a farm visit upon customer
18 request;

19 (F) Procedures for obtaining milk test results from the FFMF
20 upon request by the customer.

1 (8) An FFMF shall have a list of all of its customers, including
2 their telephone numbers or e-mail addresses. In order to be certified,
3 the FFMF shall describe his or her method of keeping this list up to
4 date. The FFMF shall provide this list if asked by the LCC or the SCB.

5 § 2779. DELIVERY OF PREPURCHASED MILK

6 (a) Delivery of farm-fresh milk shall be permitted within the state
7 of Vermont:

8 (1) Only to customers who have prepurchased milk from an
9 FFMF;

10 (2) Directly to customers at a prearranged location; or

11 (3) To a predetermined common drop-off point that is outfitted
12 with refrigerated storage.

13 (b) A certified FFMF may deliver certified farm-fresh milk, or
14 contract with another individual to deliver milk to customers who have
15 prepurchased the milk. Before an FFMF may deliver farm-fresh milk
16 to a customer, the following criteria shall be met:

17 (1) The FFMF shall receive payment for the milk from the
18 customer.

19 (2) The FFMF shall have the customer's contact information as
20 provided for in this chapter.

1 (3) The customer shall receive the information required by this
2 chapter.

3 (c) In order to deliver certified farm-fresh milk, an FFMF or the
4 individual contracted to do the delivery shall ensure the following:

5 (1) A customer list is posted at the drop-off location with the
6 names of the customers to receive the milk. Customers shall sign and
7 date this list when they pick up their milk. The FFMF shall keep these
8 lists on file for one month.

9 (2) The drop-off location shall have a sign indicating that the
10 farm-fresh milk is for prepurchase customers only.

11 (3) The drop-off location shall have refrigerated storage at 40
12 degrees Fahrenheit or lower.

13 (4) During delivery, farm-fresh milk shall be protected from
14 exposure to direct sunlight.

15 (5) During delivery, farm-fresh milk shall be kept at 40 degrees
16 Fahrenheit or lower at all times.

17 (6) The number of filled containers in the delivery vehicle and at
18 the drop-off points shall match the number of containers indicated on
19 the customer lists.

1 Sec. 5. 6 V.S.A. § 2723 is amended to read:

2 § 2723. -EXEMPTIONS

3 Handlers' licenses shall not be required from the following persons:

4 (1) Producers, except producers who sell fluid dairy products at retail in
5 Vermont.

6 (2) A hotel, restaurant, or other public eating place that sells fluid dairy
7 products for consumption on the premises, or a store which sells packaged
8 dairy products, provided the entire supply of fluid dairy products is purchased
9 from licensed milk handlers.

10 (3) A person who produces and sells or offers for sale ~~less~~ fewer
11 than 50 quarts of milk in any one day; but in such case, an inspection
12 may be made and reasonable sanitary requirements shall be complied
13 with.

14 (4) Farm-fresh milk farmers certified pursuant to chapter 152 of this
15 title.

View the [complete text](#) of this act

Act No. 62

(H.125)

Agriculture; dairy operations; sale of unpasteurized (raw) milk

This act regulates the sale of unpasteurized (raw) cow, goat, sheep, or other milk for fluid consumption. This act does not apply to milk that will be pasteurized or to raw milk used in manufacturing dairy products other than fluid milk.

Under previous law, the daily sale of up to 50 quarts (12.5 gallons) of unpasteurized milk was permitted without regulation. This act allows daily sales of up to 40 gallons (160 quarts) of raw milk but imposes new regulations. All producers must sell raw milk only from the farm, must meet basic sanitary standards, must properly label milk, must permit customer inspection of the production facilities, and must maintain certain records.

The act divides raw milk production into two tiers. The first tier covers the sale of 12.5 gallons or fewer in a single day. Producers operating under this tier are only required to meet the standards listed in the paragraph above. Farmers intending to sell 12.6 to 40 gallons per day and farmers intending to deliver raw milk must meet the requirements of tier two, which include registration with the agency of agriculture, food and markets, inspection by the agency, bottling standards, and twice monthly milk testing.

Only tier-two producers may deliver milk directly to a customer at the customer's home or to a refrigerated unit at the customer's home. The farmer may only deliver milk that has been purchased in advance of the delivery.

Raw milk producers are not required to obtain a handler's license for the sale of their raw milk.

Date Signed by the Governor: June 8, 2009

Effective Date: July 1, 2009

MUNICIPAL ACTS

No. 62. An act relating to the sale of unpasteurized milk.

(H.125)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

(a) Vermont farmers who currently sell unpasteurized (raw) milk directly to consumers operate in a largely unregulated environment that fails to address a full range of food safety issues, and in which restricted supply is the primary method of addressing food safety concerns.

(b) There are widely divergent views on unpasteurized milk's benefits and risks.

(c) Vermont's current unpasteurized milk law also limits economic development opportunities. Farmers sell their unpasteurized milk for \$5.00 to \$10.00 per gallon, which represents an economic opportunity.

(d) The purpose of this act is to allow farmers to sell larger quantities of unpasteurized milk while at the same time creating new sanitary production, marketing, and consumer education standards.

Sec. 2. 6 V.S.A. § chapter 152 is added to read:

CHAPTER 152. SALE OF UNPASTEURIZED (RAW) MILK

§ 2775. LIMITED SALE OF UNPASTEURIZED (RAW) MILK

PERMISSIBLE

The production and sale of unpasteurized milk for fluid consumption is permitted within the state of Vermont only when produced, marketed, and sold

in conformance with this chapter. Such production and sale is not subject to rules adopted pursuant to section 2701 of this title.

§ 2776. DEFINITIONS

For the purposes of this chapter, “unpasteurized milk” or “unpasteurized (raw) milk” means unpasteurized milk sold for fluid consumption and does not include unpasteurized milk to be pasteurized or unpasteurized milk produced for use in manufacturing of milk products other than fluid milk.

§ 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

MILK

(a) Unpasteurized milk for fluid consumption shall be sold directly from the producer to the end user and shall not be resold.

(b) Unpasteurized milk shall be sold only from the farm on which it was produced except when delivery is arranged in conformance with section 2778 of this chapter. Unpasteurized milk shall not be sold or offered as free samples at any location other than on the farm on which the milk was produced.

(c) Unpasteurized milk operations shall conform to reasonable sanitary standards, including:

(1) Unpasteurized milk shall be derived from healthy animals which are subject to appropriate veterinary care, including tuberculosis and brucellosis testing and rabies vaccination, according to accepted testing and vaccinations standards as established by the agency. Test results and verification of

vaccinations shall be posted on the farm in a prominent place and be easily visible to customers.

(2) The animal's udders and teats shall be cleaned and sanitized prior to milking.

(3) The animals shall be housed in a clean, dry environment.

(4) Milking equipment shall be of sanitary construction, cleaned after each milking, and sanitized prior to the next milking.

(5) Milking shall be conducted in a clean environment appropriate for maintaining cleanliness.

(6) The farm shall have a potable water supply which is sampled for bacteriological examination according to agency standards every three years and whenever any alteration or repair of the water supply has been made.

(7) If an animal is treated with antibiotics, that animal's milk shall be tested for and found free of antibiotics before its milk is offered for sale.

(d) Unpasteurized milk shall conform to the following production and marketing standards:

(1) Record keeping and reporting.

(A) A producer shall collect one composite sample of unpasteurized milk each day and keep the previous 14 days' samples frozen. The producer shall provide samples to the agency if requested.

(B) A producer shall maintain a current list of all customers, including addresses, telephone numbers, and e-mail addresses when available.

(C) The producer shall maintain a list of transactions for at least one year which shall include customer names, the date of each purchase, and the amount purchased.

(2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the label shall contain:

(A) The date the milk was obtained from the animal.

(B) The name, address, zip code, and telephone number of the producer.

(C) The common name of the type of animal producing the milk (e.g. cattle, goat, sheep) or an image of the animal.

(D) The words "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated." on the container's principal display panel, and these words shall be clearly readable in letters at least one-eighth inch in height and prominently displayed.

(E) The words "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, the elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage or fetal death, or death of a newborn." on the container's principal

display panel and clearly readable in letters at least one-sixteenth inch in height.

(3) Temperature. Unpasteurized milk shall be cooled to 40 degrees Fahrenheit within two hours of the finish of milking and so maintained until it is obtained by the consumer.

(4) Customer inspection and notification.

(A) Prior to selling milk to a new customer, the producer shall provide the customer with a tour of the farm and any area associated with the milking operation. Customers are encouraged and shall be permitted to return to the farm at a reasonable time and at reasonable intervals to re-inspect any areas associated with the milking operation.

(B) A sign with the words "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated," and "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, the elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage or fetal death, or death of a newborn." shall be displayed prominently on the farm in a place where it can be easily seen by customers. The lettering shall be at least one inch in height and shall be clearly readable.

(e) Producers selling 12.5 or fewer gallons (50 quarts) of unpasteurized milk per day shall meet the requirements of subsections (a) through (d) of this

section and shall sell unpasteurized milk only from the farm on which it was produced. A producer selling 12.5 or fewer gallons of unpasteurized milk may choose to meet the requirements of subsection (f) of this section, in which case the producer may deliver in accordance with section 2778 of this chapter.

(f) Producers selling 12.6 to 40 gallons (50.4 to 160 quarts) of unpasteurized milk per day shall meet the requirements of subsections (a) through (d) of this section as well as the following standards:

(1) Inspection. The agency shall annually inspect the producer's facility and determine that the producer is in compliance with the sanitary standards listed in subsection (c) of this section.

(2) Bottling. Unpasteurized milk shall be sold in containers which have been filled by the producer. Containers shall be cleaned by the producer except that the producer may allow customers to clean their own containers only if each customer's container is labeled with the customer's name and address and the customers use their own containers. Producers shall ensure that only clean bottles are filled and distributed.

(3) Testing.

(A) A producer shall have unpasteurized milk tested twice per month by a U.S. Food and Drug Administration accredited laboratory. Milk shall be tested for the following and the results shall be below these limits:

(i) Total bacterial (aerobic) count: 15,000 cfu/ml (cattle and goats);

(ii) Total coliform count: 10 cfu/ml (cattle and goats);

(iii) Somatic cell count: 225,000/ml (cattle); 500,000/ml (goats).

(B) The producer shall assure that all test results are forwarded to the agency, by the laboratory, upon completion of testing or within five days of receipt of the results by the producer.

(C) The producer shall keep test results on file for one year and shall post results on the farm in a prominent place that is easily visible to customers. The producer shall provide test results to the farm's customers if requested.

(4) Registration. Each producer operating under this subsection shall register with the agency.

(5) Reporting. On or before March 1 of each year, each producer shall submit to the agency a statement of the total gallons of unpasteurized milk sold in the previous 12 months.

(6) Prearranged delivery of unpasteurized milk is permitted and shall be in compliance with section 2778 of this chapter.

(g) The sale of more than 40 gallons (160 quarts) of unpasteurized milk in any one day is prohibited.

§ 2778. DELIVERY OF UNPASTEURIZED (RAW) MILK

(a) Delivery of unpasteurized milk is permitted only within the state of Vermont and only of milk produced by those producers meeting the requirements of subsection 2777(f) of this chapter.

(b) Delivery shall conform to the following requirements:

(1) Delivery shall be to customers who have purchased milk in advance either by a one-time payment or through a subscription.

(2) Delivery shall be directly to the customer at the customer's home or into a refrigerated unit at the customer's home if such unit is capable of maintaining the unpasteurized milk at 40 degrees Fahrenheit until obtained by the customer.

(3) During delivery, milk shall be protected from exposure to direct sunlight.

(4) During delivery, milk shall be kept at 40 degrees Fahrenheit or lower at all times.

(c) A producer may contract with another individual to deliver the milk in accordance with this section. The producer shall be jointly and severally liable for the delivery of the milk in accordance with this section.

Sec. 3. 6 V.S.A. § 2723 is amended to read:

§ 2723. -EXEMPTIONS

Handlers' licenses shall not be required from the following persons:

(1) Producers, except producers who sell fluid dairy products at retail in Vermont.

(2) A hotel, restaurant, or other public eating place that sells fluid dairy products for consumption on the premises, or a store which sells packaged dairy products, provided the entire supply of fluid dairy products is purchased from licensed milk handlers.

(3) ~~A person who produces and sells or offers for sale less than 50 quarts of milk in any one day, but in such case an inspection may be made and reasonable sanitary requirements shall be complied with~~ A person producing unpasteurized milk under chapter 152 of this title, with respect to the sale of that unpasteurized milk only.

Approved: June 8, 2009

Committee Appointed

Pursuant to the provisions of S.R. 2, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Shumlin
Senator Mullin

Report of Committee

Senator Shumlin, of Windham District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

Rules Suspended; Bill Delivered

On motion of Senator Shumlin, the rules were suspended, and the following bill was ordered delivered to the Governor forthwith:

S. 48.

Senate Resolution Adopted

Senate resolution of the following title was offered, read and adopted, and is as follows:

By Senator Shumlin,

S.R. 4. Senate resolution relating to H. 125, An act relating to the sale of unpasteurized (raw) milk.

Whereas, during the course of the first year of the 2009-2010 biennium, a certain House bill, H. 125, was passed by the House, considered by the Senate Committee on Agriculture, and passed by the Senate on May 7 in concurrence with proposals of amendment, and

Whereas, the House concurred in the Senate proposals of amendment on May 8, and

Whereas, following adjournment of the 2009 session of the General Assembly on May 9 it was discovered that a House amendment to H. 125 before third reading had been inadvertently omitted from the text of the bill when it was received by the Senate, and

Whereas, because of the inadvertent omission of the House amendment to H. 125, the version of H. 125 as passed by the Senate differs from the version of H. 125 as passed by the House, and

Whereas, in order for legislation to be enacted in accordance with the Constitution of the State of Vermont, the exact wording of bills as passed by the Senate and the House must be the same in each chamber, and

Whereas, the wording of H. 125 that must be approved by the Senate is the addition to Sec. 2, 6 V.S.A. §2777(d)(5)(B), as passed by the House, of the following language:

“and in pregnant women can cause illness, miscarriage or fetal death of a newborn” following the words “weakened immune systems”, *now therefore be it*

Resolved by the Senate:

That the Vermont Senate does hereby approve and does hereby concur with the House that in Sec. 2 of H. 125, 6 V.S.A. §2777(d)(5)(B) should read as follows:

(B) A sign with the words “Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated.” and “This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, the elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage or fetal death, or death of a newborn.” shall be displayed prominently on the farm in a place where it can be easily seen by customers. The lettering shall be at least one inch in height and shall be clearly readable.

Rules Suspended; Report of Committee of Conference Not Accepted and Adopted on the Part of the Senate; Second Committee of Conference Requested; Second Committee of Conference Appointed; Bill Messaged

H. 442.

Pending entry on the Calendar for notice, on motion of Senator Shumlin, the rules were suspended and Senate bill entitled:

An act relating to miscellaneous tax provisions.

Was taken up for immediate consideration.

Senator Cummings, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to miscellaneous tax provisions.

S.70

Introduced by Senator Rodgers

Referred to Committee on

Date:

Subject: Agriculture; milk and milk products; limited sale of unpasteurized
milk; farmers' markets

Statement of purpose of bill as introduced: This bill proposes to permit the
sale of unpasteurized milk at farmers' markets.

An act relating to the sale of raw milk at farmers' markets

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 2776 is amended to read:

§ 2776. DEFINITIONS

In this chapter:

(1) "Consumer" means a customer who purchases, barter for, or
otherwise acquires unpasteurized milk from the farm, ~~or delivered by delivery~~
from the farm, or from a farmers' market as defined in section 5001 of this
title.

* * *

1 Sec. 2. 6 V.S.A. § 2777 is amended to read:

2 § 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)
3 MILK

4 (a) Unpasteurized milk shall be sold directly from the producer to the
5 consumer for personal consumption only and shall not be resold.

6 (b) ~~Unpasteurized milk shall be sold only from the farm on which it was~~
7 ~~produced except when delivery is arranged in conformance with section 2778~~
8 ~~of this chapter. Unpasteurized milk shall not be sold or offered as free samples~~
9 ~~at any location other than on the farm on which the milk was produced~~ may
10 only be sold:

11 (1) from the farm on which the milk was produced; or

12 (2) by a person licensed under subsection (f) of this section:

13 (A) upon delivery according to the requirements of section 2778 of
14 this chapter; or

15 (B) at a farmers' market as defined in section 5001 of this title.

16 * * *

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2013.

Act No. 149 (S.70). Agriculture; milk and milk products; raw milk; delivery at farmers' markets

An act relating to the delivery of raw milk at farmers' markets

This act authorizes a producer of raw milk to deliver raw milk to customers at farmers' markets, provided the producer complies with all other requirements for the sale of raw milk, the customer visits the farm prior to delivery, and the producer notifies the Agency of Agriculture, Food and Markets of intent to deliver raw milk at a farmers' market. In addition, the act changes the daily limits on the production of raw milk to weekly limits. The act also requires all raw milk producers to meet specified temperature storage and sanitization requirements.

Effective Date: July 1, 2014

No. 149. An act relating to the delivery of raw milk at farmers' markets.

(S.70)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 2776 is amended to read:

§ 2776. DEFINITIONS

In this chapter:

(1) "Consumer" means a customer who purchases, barter for, receives delivery of, or otherwise acquires unpasteurized milk ~~from the farm or~~ delivered from the farm according to the requirements of this chapter.

* * *

Sec. 2. 6 V.S.A. § 2777 is amended to read:

§ 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

MILK

(a) Unpasteurized milk shall be sold directly from the producer to the consumer for personal consumption only and shall not be resold.

(b) Unpasteurized milk shall be sold only from the farm on which it was produced except when delivery is arranged in conformance with section 2778 of this chapter. Unpasteurized milk shall not be sold or offered as free samples at any location other than on the farm on which the milk was produced.

(c) Unpasteurized milk operations shall conform to reasonable sanitary standards, including:

(1) Unpasteurized milk shall be derived from healthy animals which are subject to appropriate veterinary care, including tuberculosis and brucellosis testing and rabies vaccination, according to accepted testing and vaccinations

standards as established by the agency. Test results and verification of vaccinations shall be posted on the farm in a prominent place and be easily visible to customers.

(2) The animal's udders and teats shall be cleaned and sanitized prior to milking.

(3) The animals shall be housed in a clean, dry environment.

(4) Milking equipment shall be of sanitary construction, cleaned after each milking, and sanitized prior to the next milking.

(5) Milking shall be conducted in a clean environment appropriate for maintaining cleanliness.

(6) The farm shall have a potable water supply which is sampled for bacteriological examination according to agency standards every three years and whenever any alteration or repair of the water supply has been made.

(7) If an animal is treated with antibiotics, that animal's milk shall be tested for and found free of antibiotics before its milk is offered for sale.

(d) Unpasteurized milk shall conform to the following production and marketing standards:

(1) Record keeping and reporting.

(A) A producer shall collect one composite sample of unpasteurized milk each day and keep the previous 14 days' samples frozen. The producer shall provide samples to the ~~agency~~ Agency if requested.

(B) A producer shall maintain a current list of all customers, including addresses, telephone numbers, and ~~email~~, when available, e-mail addresses ~~when available~~.

(C) The producer shall maintain a list of transactions for at least one year which shall include customer names, the date of each purchase, and the amount purchased.

(2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the label shall contain:

(A) The date the milk was obtained from the animal.

(B) The name, address, zip code, and telephone number of the producer.

(C) The common name of the type of animal producing the milk (~~e.g., such as~~ cattle, goat, sheep) or an image of the animal.

(D) The words "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated." on the container's principal display panel, and these words shall be clearly readable in letters at least one-eighth inch in height and prominently displayed.

(E) The words "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, the elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn." on the

container's principal display panel and clearly readable in letters at least one-sixteenth inch in height.

(3) Temperature. Unpasteurized milk shall be cooled to 40 degrees Fahrenheit or lower within two hours of the finish of milking and so maintained until it is obtained by the consumer. All farms shall be able to demonstrate to the Agency's inspector that they have the capacity to keep the amount of milk sold on the highest volume day stored and kept at 40 degrees Fahrenheit or lower in a sanitary and effective manner.

(4) Storage. An unpasteurized milk bulk storage container shall be cleaned and sanitized after each emptying. Each container shall be emptied within 24 hours of the first removal of milk for packaging. Milk may be stored for up to 72 hours, but all storage containers must be emptied and cleaned at least every 72 hours. Unless milk storage containers are cleaned and sanitized daily, a written log of dates and times when milking, cleaning, and sanitizing occur shall be posted in a prominent place and be easily visible to customers.

(5) Shelf life. Unpasteurized milk shall not be transferred to a consumer after four days from the date on the label.

~~(4)~~(6) Customer inspection and notification.

(A) Prior to selling milk to a new customer, the new customer shall visit the farm and the producer shall provide the customer with a the opportunity to tour of the farm and any area associated with the milking operation. ~~Customers are encouraged and shall be permitted~~ The producer

shall permit the customer to return to the farm at a reasonable time and at reasonable intervals to ~~re-inspect~~ reinspect any areas associated with the milking operation.

(B) A sign with the words “Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated.” and “This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, the elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn.” shall be displayed prominently on the farm in a place where it can be easily seen by customers. The lettering shall be at least one inch in height and shall be clearly readable.

(e) Producers selling ~~12.5~~ 87.5 or fewer gallons (~~50~~ 350 quarts) of unpasteurized milk per ~~day~~ week shall meet the requirements of subsections (a) through (d) of this section and shall sell unpasteurized milk only from the farm on which it was produced. A producer selling ~~12.5~~ 87.5 or fewer gallons of unpasteurized milk may choose to meet the requirements of subsection (f) of this section, in which case the producer may deliver in accordance with section 2778 of this ~~chapter~~ title.

(f) Producers selling ~~12.6~~ more than 87.5 gallons to ~~40~~ 280 gallons (~~50.4~~ more than 350 to ~~160~~ 1120 quarts) of unpasteurized milk per ~~day~~ week shall meet the requirements of subsections (a) through (d) of this section as well as the following standards:

(1) Inspection. The ~~agency~~ Agency shall annually inspect the producer's facility and determine that the producer is in compliance with the sanitary standards listed in subsection (c) of this section.

(2) Bottling. Unpasteurized milk shall be sold in containers which have been filled by the producer. Containers shall be cleaned by the producer except that the producer may allow customers to clean their own containers only if each customer's container is labeled with the customer's name and address and the customers use their own containers. Producers shall ensure that only clean bottles are filled and distributed.

(3) Testing.

(A) A producer shall have unpasteurized milk tested twice per month by a U.S. Food and Drug Administration accredited laboratory. Milk shall be tested for the following and the results shall be below these limits:

(i) ~~Total~~ total bacterial (aerobic) count: 15,000 cfu/ml (cattle and goats);

(ii) ~~Total~~ total coliform count: 10 cfu/ml (cattle and goats);

(iii) ~~Somatic~~ somatic cell count: 225,000/ml (cattle); 500,000/ml (goats).

(B) The producer shall assure that all test results are forwarded to the ~~agency~~ Agency, by the laboratory, upon completion of testing or within five days of receipt of the results by the producer.

(C) The producer shall keep test results on file for one year and shall post results on the farm in a prominent place that is easily visible to customers. The producer shall provide test results to the farm's customers if requested.

(4) Registration. Each producer operating under this subsection shall register with the ~~agency~~ Agency.

(5) Reporting. On or before March 1 of each year, each producer shall submit to the ~~agency~~ Agency a statement of the total gallons of unpasteurized milk sold in the previous 12 months.

(6) Prearranged delivery. Prearranged delivery of unpasteurized milk is permitted and shall be in compliance with section 2778 of this ~~chapter~~ title.

(g) The sale of more than ~~40~~ 280 gallons (~~160~~ 1120 quarts) of unpasteurized milk in any one ~~day~~ week is prohibited.

Sec. 3. 6 V.S.A. § 2778 is amended to read:

§ 2778. DELIVERY OF UNPASTEURIZED (RAW) MILK

(a) Delivery of unpasteurized milk is permitted only within the ~~state~~ State of Vermont and only of milk produced by those producers meeting the requirements of subsection 2777(f) of this chapter.

(b) Delivery shall conform to the following requirements:

(1) Delivery shall be to customers who have:

(A) visited the farm as required under subdivision 2777(d)(4) of this title; and

(B) purchased milk in advance either by a one-time payment or through a subscription.

(2) Delivery shall be directly to the customer;

(A) at the customer's home or into a refrigerated unit at the customer's home if such unit is capable of maintaining the unpasteurized milk at 40 degrees Fahrenheit until obtained by the customer;

(B) at a farmers' market, as that term is defined in section 5001 of this title, where the producer is a vendor.

(3) During delivery, milk shall be protected from exposure to direct sunlight.

(4) During delivery, milk shall be kept at 40 degrees Fahrenheit or lower at all times.

(c) A producer may contract with another individual to deliver the milk in accordance with this section. The producer shall be jointly and severally liable for the delivery of the milk in accordance with this section.

(d) Prior to delivery at a farmers' market under this section, a producer shall submit to the Agency of Agriculture, Food and Markets, on a form provided by the Agency, notice of intent to deliver unpasteurized milk at a farmers' market. The notice shall:

(1) include the producer's name and proof of registration;

(2) identify the farmers' market or markets where the producer will deliver milk; and

(3) specify the day or days of the week on which delivery will be made at a farmers' market.

(e) A producer delivering unpasteurized milk at a farmers' market under this section shall display the registration required under subdivision 2777(f)(4) of this title on the farmers' market stall or stand in a prominent manner that is clearly visible to consumers.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Date Governor signed bill: May 27, 2014