

By: Smithee

H.B. No. 2959

A BILL TO BE ENTITLED

AN ACT

relating to regulation of dairy products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 435.003, Health and Safety Code, is amended to read as follows:

Sec. 435.003. [~~GRADE "A"~~] MILK SPECIFICATIONS.

SECTION 2. Section 435.003(a), Health and Safety Code, is amended to read as follows:

(a) The board by rule may:

(1) define what constitutes Grade "A" raw milk, Grade "A" raw milk products, Grade "A" pasteurized milk, [~~and~~] Grade "A" pasteurized milk products, milk for manufacturing purposes, and dairy products; and

(2) provide specifications for the production and handling of milk and milk products listed in Subdivision (1) according to the safety and food value of the milk or milk products and the sanitary conditions under which they are produced and handled.

SECTION 3. Sections 435.004(a) and (c), Health and Safety Code, are amended to read as follows:

(a) The board or its representative shall sample, test, or inspect Grade "A" pasteurized milk and milk products, [~~and~~] Grade "A" raw milk and milk products for pasteurization, milk for manufacturing purposes, and dairy products that are offered for

1 sale [~~delivered to a milk plant or other place of delivery~~].

2 (c) Sampling, testing, and inspection of Grade "A"  
3 pasteurized milk and milk products and Grade "A" raw milk and milk  
4 for pasteurization shall include, in addition to any other tests  
5 that may be required, tests for:

- 6 (1) plate count or direct microscopic count;
- 7 (2) antibiotics;
- 8 (3) sediments;
- 9 (4) phosphatase [~~phosphotase~~]; and
- 10 (5) water and any elements foreign to the natural  
11 contents of Grade "A" pasteurized milk and milk products and Grade  
12 "A" raw milk and milk products for pasteurization.

13 SECTION 4. Sections 435.009(b) and (d), Health and Safety  
14 Code, are amended to read as follows:

15 (b) The department shall impose the following fees only:

16 (1) a permit fee of \$200 every two years [~~\$50 a year~~]  
17 for a producer dairy farm;

18 (2) a permit fee of \$800 every two years [~~\$200 a year~~]  
19 for a processing or bottling plant;

20 (3) a permit fee of \$800 every two years [~~\$200 a year~~]  
21 for a receiving and transfer station;

22 (4) a permit fee of \$200 every two years [~~\$100 a year~~]  
23 for a milk transport tanker;

24 (5) a fee of 4-1/2 [~~two~~] cents for each 100 pounds of  
25 milk or milk products processed and distributed in this state by a  
26 processing or bottling plant in this state, or processed by an  
27 out-of-state processing or bottling plant and sold in this state;

1 and

2 (6) a fee of 1-1/2 cents for each 100 pounds of dairy  
3 products processed by a processing or bottling plant in this state  
4 ~~[for the actual cost of analyzing samples of milk or milk products~~  
5 ~~for an out-of-state processing or bottling plant].~~

6 (d) A permit ~~[Annual permits]~~ issued under this chapter is  
7 valid for two years and must be renewed not later than September 1  
8 of the ~~[each]~~ year in which the permit expires.

9 SECTION 5. Sections 435.002(b) and 435.004(d), Health and  
10 Safety Code, are repealed.

11 SECTION 6. The change in law made by this Act to fees  
12 charged under Section 435.009, Health and Safety Code, applies only  
13 to a permit that expires on or after the effective date of this Act.

14 SECTION 7. This Act takes effect September 1, 2007.