

1-1 By: Seliger S.B. No. 1714
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read
1-3 first time and referred to Subcommittee on Agriculture, Rural
1-4 Affairs and Coastal Resources; April 19, 2007, reported favorably
1-5 from Committee on Natural Resources by the following vote: Yeas 9,
1-6 Nays 0; April 19, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to regulation of dairy products.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Section 435.003, Health and
1-12 Safety Code, is amended to read as follows:

1-13 Sec. 435.003. [~~GRADE "A"~~] MILK SPECIFICATIONS.

1-14 SECTION 2. Subsection (a), Section 435.003, Health and
1-15 Safety Code, is amended to read as follows:

1-16 (a) The board by rule may:

1-17 (1) define what constitutes Grade "A" raw milk, Grade
1-18 "A" raw milk products, Grade "A" pasteurized milk, [~~and~~] Grade "A"
1-19 pasteurized milk products, milk for manufacturing purposes, and
1-20 dairy products; and

1-21 (2) provide specifications for the production and
1-22 handling of milk and milk products listed in Subdivision (1)
1-23 according to the safety and food value of the milk or milk products
1-24 and the sanitary conditions under which they are produced and
1-25 handled.

1-26 SECTION 3. Subsections (a) and (c), Section 435.004, Health
1-27 and Safety Code, are amended to read as follows:

1-28 (a) The board or its representative shall sample, test, or
1-29 inspect Grade "A" pasteurized milk and milk products, [~~and~~] Grade
1-30 "A" raw milk and milk products for pasteurization, milk for
1-31 manufacturing purposes, and dairy products that are offered for
1-32 sale [~~delivered to a milk plant or other place of delivery~~].

1-33 (c) Sampling, testing, and inspection of Grade "A"
1-34 pasteurized milk and milk products and Grade "A" raw milk and milk
1-35 for pasteurization shall include, in addition to any other tests
1-36 that may be required, tests for:

1-37 (1) plate count or direct microscopic count;

1-38 (2) antibiotics;

1-39 (3) sediments;

1-40 (4) phosphatase [~~phosphotase~~]; and

1-41 (5) water and any elements foreign to the natural
1-42 contents of Grade "A" pasteurized milk and milk products and Grade
1-43 "A" raw milk and milk products for pasteurization.

1-44 SECTION 4. Subsections (b) and (d), Section 435.009, Health
1-45 and Safety Code, are amended to read as follows:

1-46 (b) The department shall impose the following fees only:

1-47 (1) a permit fee of \$200 every two years [~~\$50 a year~~]
1-48 for a producer dairy farm;

1-49 (2) a permit fee of \$800 every two years [~~\$200 a year~~]
1-50 for a processing or bottling plant;

1-51 (3) a permit fee of \$800 every two years [~~\$200 a year~~]
1-52 for a receiving and transfer station;

1-53 (4) a permit fee of \$200 every two years [~~\$100 a year~~]
1-54 for a milk transport tanker;

1-55 (5) a fee of 4-1/2 [~~two~~] cents for each 100 pounds of
1-56 milk or milk products processed and distributed in this state by a
1-57 processing or bottling plant in this state, or processed by an
1-58 out-of-state processing or bottling plant and sold in this state;
1-59 and

1-60 (6) a fee of 1-1/2 cents for each 100 pounds of dairy
1-61 products processed by a processing or bottling plant in this state
1-62 [~~for the actual cost of analyzing samples of milk or milk products~~
1-63 ~~for an out-of-state processing or bottling plant~~].

1-64 (d) A permit [~~Annual permits~~] issued under this chapter is

2-1 valid for two years and must be renewed not later than September 1
2-2 of the [each] year in which the permit expires.

2-3 SECTION 5. Subsection (b), Section 435.002, and Subsection
2-4 (d), Section 435.004, Health and Safety Code, are repealed.

2-5 SECTION 6. The change in law made by this Act to fees
2-6 charged under Section 435.009, Health and Safety Code, applies only
2-7 to a permit that expires on or after the effective date of this Act.

2-8 SECTION 7. This Act takes effect September 1, 2007.

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