

By: Flynn, Bonnen of Brazoria, Laubenberg,
Zedler, et al.

H.B. No. 46

Substitute the following for H.B. No. 46:

By: Kolkhorst

C.S.H.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of raw milk and raw milk products.

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

SECTION 1. Subchapter A, Chapter 435, Health and Safety Code, is amended by adding Sections 435.0061, 435.0062, and 435.0063 to read as follows:

Sec. 435.0061. RAW MILK AND RAW MILK PRODUCTS FOR RETAIL SALE. (a) This section does not authorize the sale of:

(1) raw milk or raw milk products to or on the premises of a grocery store, supermarket, or similar retail market;

(2) raw milk or raw milk products that are a blend of raw milk purchased from more than one holder of a permit issued under this chapter; or

(3) raw milk or raw milk products by a person other than the permit holder.

(b) Except as provided by Section 435.013, a person who holds a permit that authorizes the person to sell raw milk or raw milk products at retail may make retail sales of raw milk or raw milk products directly to a consumer in this state at:

(1) the permit holder's place of business;

(2) the consumer's residence; or

(3) a farmers' market as defined by Section 437.0201.

(c) Raw milk and raw milk products must be maintained in compliance with Section 435.0063.

1 (d) A person who sells raw milk or raw milk products under
2 this section shall affix to individual raw milk or raw milk product
3 containers a label that includes:

4 (1) the name of the permit holder;

5 (2) the permit holder's permit number;

6 (3) the calendar date the raw milk or raw milk product
7 was packaged in the container; and

8 (4) the following statement: "This product contains
9 unpasteurized milk. Consuming raw foods, including raw dairy
10 products, may increase your risk of food-borne illness. Persons at
11 higher risk for food-borne illness include pregnant and nursing
12 women, children, the elderly, and people with weakened immune
13 systems."

14 Sec. 435.0062. AVAILABILITY OF RECORDS ON RAW MILK TESTING.
15 On request, the department shall provide the requestor with a
16 record of test results from an inspection of raw milk or raw milk
17 products conducted under Section 435.004 or 435.005.

18 Sec. 435.0063. STORING, HANDLING, AND TRANSPORTING RAW MILK
19 AND RAW MILK PRODUCTS FOR RETAIL SALE. (a) The department shall
20 adopt rules for the safe storing, handling, and transporting of raw
21 milk and raw milk products produced for sale under Section
22 435.0061.

23 (b) Raw milk and raw milk products produced for sale under
24 this chapter must be placed in a sterile or single-use container and
25 sold not later than the fifth day after the date the container was
26 filled.

27 (c) Raw milk and raw milk products being transported for

1 delivery must be:

2 (1) maintained in air temperatures at or below 45
3 degrees Fahrenheit at all times except during transfer from one
4 storage area or transportation vehicle to another; and

5 (2) protected from exposure to direct sunlight.

6 (d) The department or a local health authority may not
7 mandate the specific method for complying with a temperature
8 requirement.

9 (e) A producer may contract with another person to transport
10 and deliver raw milk and raw milk products in accordance with this
11 section. The producer is jointly and severally liable for
12 transport and delivery of raw milk and raw milk products not
13 conducted in accordance with this chapter and department rules.

14 SECTION 2. This Act takes effect September 1, 2013.