

By: Flynn

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 and 435.0062 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; or

(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.

(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) any other location where producers customarily sell their products directly to consumers, including a farmers' market, farm stand, flea market, or fair.

(c) The permit holder may deliver the raw milk or raw milk products to the consumer at the point of sale or, except as provided

1 by Subsection (a), any other location in this state the consumer
2 designates.

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

6 (1) the name of the permit holder; and

7 (2) the following statement: "This product contains
8 unpasteurized milk. Please consult with your physician to
9 determine if this product presents a health risk."

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

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