

1-1 By: Hall S.B. No. 95  
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,  
 1-3 read first time and referred to Committee on Health & Human  
 1-4 Services; May 16, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 1; May 16, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the regulation of raw milk and raw milk products; adding  
 1-20 a provision subject to a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 435, Health and Safety  
 1-23 Code, is amended by adding Sections 435.0061, 435.0062, and  
 1-24 435.0063 to read as follows:

1-25 Sec. 435.0061. RAW MILK AND RAW MILK PRODUCTS FOR RETAIL  
 1-26 SALE. (a) This section does not authorize the sale of:

1-27 (1) raw milk or raw milk products to or on the premises  
 1-28 of a grocery store, supermarket, or similar retail market;

1-29 (2) raw milk or raw milk products that are a blend of  
 1-30 raw milk purchased from more than one holder of a permit issued  
 1-31 under this chapter; or

1-32 (3) raw milk or raw milk products by a person other  
 1-33 than the permit holder.

1-34 (b) Except as provided by Section 435.013, a permit holder  
 1-35 who is authorized to sell raw milk or raw milk products at retail  
 1-36 may make retail sales of raw milk or raw milk products directly to a  
 1-37 consumer in this state at:

1-38 (1) the permit holder's place of business;

1-39 (2) the consumer's residence; or

1-40 (3) a farmers' market as defined by Section 437.020.

1-41 (c) Raw milk and raw milk products must be maintained in  
 1-42 compliance with Section 435.0063.

1-43 (d) A person who sells raw milk or raw milk products under  
 1-44 this section shall affix to individual raw milk or raw milk product  
 1-45 containers a label that includes:

1-46 (1) the name of the permit holder;

1-47 (2) the permit holder's permit number;

1-48 (3) the calendar date the raw milk or raw milk product  
 1-49 was placed in the container; and

1-50 (4) the following statement: "This product contains  
 1-51 unpasteurized milk. Consuming raw foods, including raw dairy  
 1-52 products, may increase your risk of food-borne illness. Persons at  
 1-53 higher risk for food-borne illness include pregnant and nursing  
 1-54 women, children, the elderly, and people with weakened immune  
 1-55 systems."

1-56 Sec. 435.0062. AVAILABILITY OF RECORDS ON RAW MILK TESTING.  
 1-57 On request, the department shall provide the requestor with a  
 1-58 record of test results from an inspection of raw milk or raw milk  
 1-59 products conducted under Section 435.004 or 435.005.

1-60 Sec. 435.0063. STORING, HANDLING, AND TRANSPORTING RAW MILK  
 1-61 AND RAW MILK PRODUCTS FOR RETAIL SALE. (a) The executive

2-1 commissioner shall adopt rules for the safe storing, handling, and  
2-2 transporting of raw milk and raw milk products produced for sale  
2-3 under Section 435.0061.

2-4 (b) Raw milk and raw milk products produced for retail sale  
2-5 under this chapter must be placed in a sterile or single-use  
2-6 container and sold not later than the fifth day after the date the  
2-7 container was filled.

2-8 (c) Raw milk and raw milk products being transported for  
2-9 delivery must be:

2-10 (1) maintained in air temperatures at or below 45  
2-11 degrees Fahrenheit at all times except during transfer from one  
2-12 storage area or transportation vehicle to another; and

2-13 (2) protected from exposure to direct sunlight.

2-14 (d) The department or a local health authority may not  
2-15 mandate the specific method for complying with a temperature  
2-16 requirement.

2-17 (e) A producer may contract with another person to transport  
2-18 and deliver raw milk and raw milk products in accordance with this  
2-19 section. The producer is jointly and severally liable for  
2-20 transport and delivery of raw milk and raw milk products not  
2-21 conducted in accordance with this chapter and department rules.

2-22 SECTION 2. This Act takes effect September 1, 2017.

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