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By:  Hall S.B. No. 80

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)  A person who holds a permit to sell raw milk or raw milk products at retail may sell raw milk or raw milk products directly to a consumer in this state at:

(1)  the person's place of business;

(2)  the consumer's residence; or

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

(c)  A person who sells raw milk or raw milk products under this section shall maintain the raw milk or raw milk products in compliance with Section 435.0063.

(d)  A person who sells raw milk or raw milk products under this section shall affix to each raw milk or raw milk product container a label that includes:

(1)  the person's name or business name;

(2)  the person's permit number;

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

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

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

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

(b)  A person who produces raw milk or raw milk products for retail sale under this chapter shall place the raw milk or raw milk products in a sterile or single-use container and sell the raw milk or raw milk products not later than the fifth day after the date the container is filled.

(c)  A producer or other person who transports raw milk or raw milk products for delivery shall:

(1)  maintain the raw milk or raw milk products in air temperatures at or below 45 degrees Fahrenheit at all times except during transfer from one storage area or transportation vehicle to another; and

(2)  protect the raw milk or raw milk products from exposure to direct sunlight.

(d)  The department or a local health authority may not mandate the specific method for complying with a temperature requirement under Subsection (c).

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

SECTION 2.  Section 435.013, Health and Safety Code, is repealed.

SECTION 3.  This Act takes effect September 1, 2019.