

By: Flynn

H.B. No. 503

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 or an employee or agent of the permit holder.

(b) A person who holds a permit to sell raw milk or raw milk products at retail or an employee or agent of the person 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

1 compliance with Section 435.0063.

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

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

6 (2) the person's permit number;

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

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

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

19 Sec. 435.0063. HANDLING AND TRANSPORTING RAW MILK AND RAW
20 MILK PRODUCTS FOR RETAIL SALE. (a) A person who produces raw milk
21 or raw milk products for retail sale under this chapter shall:

22 (1) place the raw milk or raw milk products in an
23 aseptic or single-use container; and

24 (2) sell the raw milk or raw milk products not later
25 than the fifth day after the date the container is filled, unless
26 the raw milk or raw milk product is frozen and remains frozen until
27 sold.

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

3 (1) maintain the raw milk or raw milk products in air
4 temperatures at or below 41 degrees Fahrenheit; and

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

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

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

15 SECTION 2. Section [435.013](#), Health and Safety Code, is
16 repealed.

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