

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.

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

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

5 (2) the person's permit number;

6 (3) the calendar date the raw milk or raw milk product
7 was placed 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 The department on request shall provide the requestor with a record
16 of test results from an inspection of raw milk or raw milk products
17 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 executive
20 commissioner shall adopt rules for the safe storing, handling, and
21 transporting of raw milk and raw milk products produced for sale
22 under Section [435.0061](#).

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

1 (c) 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 45 degrees Fahrenheit at all times except
5 during transfer from one storage area or transportation vehicle to
6 another; and

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

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

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

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19 repealed.

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