HOUSE . . . . . No. 710

By Mr. Gallugi of Wakefield, petition of Anthony Michael Gallugi that the milk and cream laws be made uniform with federal law in providing for reciprocal inspection of dairy farms. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT AMENDING THE MILK AND CREAM LAWS TO PROVIDE FOR UNIFORMITY WITH FEDERAL LAW AND RECIPROCAL INSPECTION OF DAIRY FARMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 42 of Chapter 6 of the General Laws is hereby repealed.

SECTION 2. Section 1 of Chapter 94 of the General Laws is hereby amended by striking out the definitions of "Butter", "Cheese", "Cream Cheese", "Half and Half", "Heated Milk", and "Pasteurized Milk".

SECTION 3. Section 16 of said Chapter 94 of the General Laws as amended is hereby repealed and in place thereof is inserted the following new section 16:

For the purposes of Chapter 94, the following words shall have the following meanings:

"Dairy Farm", a place or premises where more than two cows are kept and a part of all the milk produced thereon is sold or delivered for sale to any person.

"Commissioner" shall mean the Commissioner of the Department of Food and Agriculture.

SECTION 4. Chapter 94 is hereby amended by striking the word "director" and inserting in place thereof the word "Commissioner". The words "established by the board" are

hereby deleted and inserted in place thereof are the wrods "as provided in section 12." The word "Board" in said chapter is also deleted and the words "Commissioner of Food and Agriculture" are inserted in place thereof.

SECTION 5. Section 16B of said Chapter 94 as amended is hereby repealed and in place thereof is inserted the following new section 16B:

Applications for the registration of dairy farms under section sixteen c shall be made upon blanks furnished by the Commissioner and shall contain such reasonable information as may be required by the Commissioner in order to assure the health and safety of all milk within and milk without the Commonwealth.

SECTION 6. Said Chapter 94 is hereby further amended by striking out section 12, as most recently amended by section 1 of Chapter 425 of the Acts of 1967, and inserting in place thereof the following section:—

Section 12. The Department of Public Health is hereby authorized to promulgate and adopt standards of identity and labelling requirements for milk and cream consistent with such standards which have been and may be adopted, by the United States Food and Drug Administration of the United States Department of Health, Education and Welfare or any successor of said agency. The Department of Public Health is further authorized to promulgate and adopt sanitation regulations for milk plants, receiving stations within or without the Commonwealth and for pasteurization plants located without the Commonwealth that ship milk into the Commonwealth provided that said regulations shall be consistent with the rules, regulations or ordinances of the United States Public Health Service or the Food and Drug Administration of the United States Department of Health, Education and Welfare or any successors of said agencies.

The Department of Public Health is hereby authorized to promulgate and adopt sanitary regulations for dairy farms within the Commonwealth and for dairy farms located without the Commonwealth who ship milk that they produce into the

Commonwealth for use as fluid milk. Said regulations shall be consistent with the provisions of the rules, regulations or ordinances of the Public Health Service and the Food and Drug Administration of the Department of Health, Education and Welfare or any successor of said agencies.

The above shall not preclude the establishment of more stringent bacteriological standards for raw or pasteurized milk or cream by the Department of Public Health.

Whoever violates any provision of any rule or regulations promulgated under authority of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

SECTION 7. Section 13E of Chapter 94 of the General Laws, as amended is hereby repealed and in place thereof is inserted the following new section 13E:

Boards of health of cities and towns may adopt bacterial standards for any grade of milk established under section twelve by the Department of Public Health, which shall be numerically less but not greater than such standards established by the Department of Public Health, for any such grade. The establishment of any grade of milk shall not be construed to prevent the exercise by such boards of the powers and duties conferred and imposed upon them by sections forty-one and forty-three, nor shall it be construed to prevent the sale of milk the production of which is regulated under authority of sections twenty to twenty-five inclusive of chapter one hundred and eighty; but this section shall not be deemed to authorize the sale or delivery of any milk designated as any grade established under said section twelve and not conforming to the standard so established for such grade, nor to authorize any violation of any rule or regulation adopted and approved, or amended, under said section.

SECTION 8. Said Chapter 94 is hereby further amended by striking out section 16C, as most recently amended by section 1 of Chapter 632 of the Acts of 1965, and inserting in place thereof the following section:—

Section 16C. The Commissioner of Food and Agriculture

6 shall issue a certificate of registration for a dairy farm which,
7 upon inspection made by him within thirty days prior to the date
8 of issuance of such certificate, clearly indicates satisfactory
9 compliance with the requirements as to milk standards and dairy
10 farm inspection provided for in section 12. The certificates of
11 registration for any given registration year shall be plainly
12 distinguishable by color from those issued during immediately
13 preceding years. Each dairy farm registered by the Commissioner
14 of Food and Agriculture shall receive without cost a numbered
15 certificate of registration which shall while in effect, be posted in
16 a conspicuous place at all times on said farm. Each certificate of
17 registration shall expire on the following June thirtieth. An
18 annual application for renewal thereof shall be made to the
19 Commissioner not later than the preceding May thirty-first on
20 forms furnished by the Commissioner. If a certificate of
21 registration is lost a duplicate copy may be obtained from the
22 Commissioner of Food and Agriculture upon written application
23 and at a cost of fity cents each. The Commissioner of Food and
24 Agriculture shall also from time to time renew a certificate of
25 registration; provided that he has made, in the case of each
26 renewal, at least two inspections of the dairy farm involved within
27 one year prior thereto and has thereby determined that
28 continuing complaince with the requirements of section 12 is
29 being maintained. The Commissioner of Food and Agriculture
30 may accept, as a basis for the issuance or renewal of certificates of
31 registration, the inspection reports of milk inspectors within the
32 Commonwealth with respect to farms inspected by them;
33 provided that such reports certify that such farms maintain
34 compliance with said requirements.
35 Any other provision of law to the contrary notwithstanding, in
36 the case of farms located without the Commonwealth, the
37 Commissioner of Food and Agriculture shall issue certificates of
38 registration to farms that are certified to him as being in
39 compliance with the requirements of section 12 by a state agency
40 having authority similar to his in the state in which the farm is
41 located, provided that said state agency is certified by the Public
42 Health Service of the United States Department of Health,
43 Education and Welfare as being qualified to participate in the
44 National Conference on Interstate Milk Shipments, and provided

45 further that said duly authorized state regulatory agency has first
46 stipulated in writing to the Commissioner that it will, in the
47 issuance and renewal of certificates of registration or like
48 authorization under its own dairy farm inspection program,
49 similarly accept inspection reports made by the Commissioner of
50 Food and Agriculture with respect to farms located within the
51 Commonwealth.
52 The Commissioner of Food and Agriculture may, based upon
53 reasonable information alleging violations by a dairy farm, of the
54 regulations adopted pursuant to the provisions of section 12 of
55 this chapter, cause an investigation to be made to determine the
56 validity of the violations. If the Commissioner determines that the
57 violation of the regulations constitutes a hazard to health on the
58 basis of reasonable evidence, he shall forthwith withdraw,
59 pursuant to appropriate procedures, the registration of said diary
60 farm. He shall immediately notify the Department of Public
61 Health of the alleged violations and the results of the subsequent
62 investigation which he may have instituted.
63 If the dairy farm from which the registration has been
64 withdrawn is located without the Commonwealth, the Com-
65 missioner may accept information for re-registration as provided
66 for registration in this section or he may cause an inspection to be
67 made by an investigator of his department to determine if said
68 farm has been brought into compliance with the regulations.

1 SECTION 9. Section 16J of said chapter 94 as amended is
2 hereby amended by deleting the words, "milk regulation board"
3 and inserting thereof, the words "Department of Public Health".

1 SECTION 10. Chapter 94, Section 16L of the General Laws,
2 is hereby repealed and the following new section inserted in place
3 thereof:—
4 *Section 16L.* No person shall sell, exchange, deliver or have in
5 his possession with intent to sell, exchange or deliver milk
6 shipped into the Commonwealth from a milk plant, receiving
7 station or pasteurization plant, unless said milk plant receiving
8 station or pasteurization plant has been licensed by the
9 Department of Public Health.
10 Whoever sells, exchanges or delivers or has in his possession

11 with intent to sell, exchange or deliver milk shipped into the
12 Commonwealth from a milk plant, receiving station or
13 pasteurization plant, which has not been licensed by the
14 Department of Public Health, shall be punished for a first offense
15 by a fine of not less than five hundred nor more than one
16 thousand dollars, for a second offense by a fine of not less than
17 one thousand nor more than five thousand dollars or for a
18 subsequent offense by a fine of five thousand dollars or by
19 imprisonment of not less than six months.
20 The Department of Public Health may accept as a basis for
21 licensing such plants located without the Commonwealth
22 certification that said establishments are in compliance with the
23 requirements of section 12 by a state agency having authority
24 similar to it in the state in which said establishment is located,
25 provided that said state agency is certified by the United States
26 Public Health Service of the United States Department of Health,
27 Education and Welfare as being qualified to participate in the
28 National Conference on Interstate Milk Shipments.

1 SECTION 11. Said Chapter 94 is hereby further amended by
2 striking out section 48D, inserted by section 8 of Chapter 757 of
3 the Acts of 1955, and inserting in place thereof the following
4 section:—
5 *Section 48D.* No person shall blend milk and cream for sale
6 except in an establishment holding a pasteurization plant license.
7 Whoever violates any provision of this section shall be punished
8 by a fine of not less than twenty-five dollars nor more than one
9 hundred dollars for each offense.

1 SECTION 12. Sections twelve A, twelve B, thirteen, thirteen
2 B, thirteen C, thirteen C, sixteen H, sixteen K, seventeen,
3 seventeen A, eighteen, nineteen, twenty, twenty-one, twenty-two,
4 twenty-three, twenty-four, forty-six, forty-seven, forty-eight B,
5 forty-eight C, and forty-eight E of said chapter ninety-four are
6 hereby repealed.