

Chap. 757 AN ACT RELATING TO MILK STANDARDS, LICENSING AND CONTAINERS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 94 of the General Laws is hereby amended by inserting after the paragraph defining "Gypsum or land plaster", inserted by section 4 of chapter 67 of the acts of 1933, the following paragraph: —

"Half-and-half" shall be a product consisting of a blend of milk and cream which contains not less than ten per cent of milk fat.

SECTION 2. Said chapter 94 is hereby further amended by striking out section 12, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: — *Section 12.* The Massachusetts legal standard for milk shall be milk which upon analysis is shown to contain not less than twelve per cent of milk solids and not less than three and thirty-five hundredths per cent of milk fat. The Massachusetts legal standard for skimmed milk shall be milk containing less than three and thirty-five hundredths per cent of milk fat. The Massachusetts legal standard for non-fat milk shall be skimmed milk which contains not more than one tenth of one per cent of milk fat. The Massachusetts legal standard for cream or ungraded cream shall be cream which upon analysis is shown to contain not less than sixteen per cent of milk fat. The Massachusetts legal standard for the grades to be known as light cream, medium cream, heavy cream and extra heavy cream shall be cream which upon analysis is shown to contain not less than sixteen, twenty-five, thirty-four and thirty-eight per cent, respectively, of milk fat.

Section 12A. "Fortified non-fat milk" shall be non-fat milk which comes from sources approved for sale in the commonwealth to which has been added not more than three per cent by weight of non-fat milk solids. Non-fat milk solids shall be milk solids derived from non-fat milk obtained from milk which comes from sources approved for sale in this commonwealth. The department of public health is hereby authorized to establish reasonable rules and regulations for sanitary standards, and notwithstanding any other provision of law to the contrary the milk regulation board is authorized to establish requirements for labeling of concentrated non-fat milk, non-fat dry milk solids and fortified non-fat milk.

Whoever violates any provision of this section or any rule or regulation of the department of public health or the milk regulation board made hereunder shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offence.

Section 12B. "Standardized milk" shall be milk which is standardized by the addition to it of milk, skimmed milk or cream. Said milk, skimmed milk or cream must be de-

G. L. (Ter. Ed.), 94, § 1, etc., amended.

"Half-and-half" defined.

G. L. (Ter. Ed.), 94, § 12, amended, §§ 12A, 12B, added.

Standard for cream, milk and skimmed milk.

"Fortified non-fat milk" defined, etc.

"Standardized milk" defined, etc.

rived from the same day's reception as the milk which is to be standardized. Said standardization shall not reduce or increase the fat content of said milk by more than one half of one per cent, and it shall meet the standard for milk set forth in section twelve. Milk to be standardized shall come from sources approved for sale in the commonwealth. Said "standardized milk" shall be labeled "standardized" and it shall meet the standard of milk set forth in section twelve.

No person shall prepare, bottle or sell "standardized milk" which does not conform with the above definition for the same or that is prepared from any ingredient other than those prescribed above. Whoever violates any provision of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offence.

SECTION 3. Section 19 of said chapter 94, as appearing in the Tercentenary Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 94, § 19, amended.

Nothing in this section referring to heated milk shall be construed as applying to condensed milk or to milk which has been concentrated to one half its volume or less, or to milk pasteurized by the high-temperature, short-time process or other processes approved by the department of public health. Nothing in this section shall prevent the use of vitamin D in milk, skimmed milk and non-fat milk. Only sources of vitamin D and methods approved by the commissioner of public health shall be used in increasing the vitamin D content of milk, skimmed milk or non-fat milk, and notwithstanding any other provision of law to the contrary, the milk regulation board is hereby authorized to establish requirements for labeling said vitamin D milk.

Use of vitamin D in milk, regulated.

SECTION 4. Section 40 of said chapter 94, as amended by chapter 298 of the acts of 1941, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Whoever in such a town engages in the business of selling milk, skimmed milk or cream from any vehicle shall display conspicuously on the outer side of each vehicle so used the name and principal place of business of the licensee in Gothic letters not less than one and one half inches in height.

G. L. (Ter. Ed.), 94, § 40, etc., amended.

License to sell milk, etc.

SECTION 5. Section 46 of said chapter 94, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence: — Milk handling equipment may be used for handling and processing milk, cream, skimmed milk and other wholesome products in which dairy products constitute the major portion thereof; provided, (1) that all such products conform with sanitary standards adopted by the milk regulation board and the department of public health; and (2) that when equipment is used for the processing and handling of products in which dairy products constitute the major portion thereof, it shall be thoroughly cleaned before it is again used for handling and processing of milk, cream or skimmed milk.

G. L. (Ter. Ed.), 94, § 46, amended.

Milk handling equipment to be clean, etc.

G. L. (Ter. Ed.), 94, § 48, amended.

Placing of offal, etc., in milk cans, etc., prohibited.

Penalty.

G. L. (Ter. Ed.), 94, § 48C, etc., amended.

Manufacture, etc., of milk beverages, regulated.

SECTION 6. Said chapter 94 is hereby further amended by striking out section 48, as so appearing, and inserting in place thereof the following section:— *Section 48.* Whoever himself or by his servant or agent having custody of any vessel used as a container for milk intended for sale, places or causes or permits to be placed therein offal, swill, kerosene, vegetable matter or any article other than milk, skimmed milk, buttermilk, cream, other wholesale products in which dairy products constitute the major portion thereof, or water or other agent used for cleaning said vessel, or sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered to any producer of milk any vessel used as a container for milk and containing any offal, swill, kerosene, vegetable matter or other offensive material, shall be punished by a fine of not more than ten dollars for each such vessel.

SECTION 7. Said chapter 94 is hereby further amended by striking out section 48C, inserted by chapter 317 of the acts of 1939, and inserting in place thereof the following section:— *Section 48C.* For the purposes of this section, flavored milk is hereby defined as consisting of milk to which has been added a syrup or flavor consisting of wholesome ingredients. Flavored dairy drink is defined as consisting of skimmed milk, to which has been added a syrup or flavor consisting of wholesome ingredients. No person, himself or by his agent, shall sell, deliver or distribute, or have in his custody or possession with intent to sell, deliver or distribute, any flavored milk or flavored dairy drink contained in a sealed bottle or other sealed container unless he is licensed under section forty by an inspector of milk, in any town wherein such an inspector is appointed, nor unless the milk or skimmed milk, as the case may be, contained in the flavored milk or flavored dairy drink conforms to the legal standard fixed therefor by section twelve, nor unless said milk shall come from sources approved for sale in the commonwealth, nor unless the container thereof bears a label, cap or tag on which is printed in legible type the words "Flavored Milk" if the product is made from milk, or "Flavored Dairy Drink (Skimmed Milk)" if the product is made from skimmed milk, and the word "Flavored" to be substituted by the word "chocolate", "coffee" or other word as the true name of the flavor may be. The board of health of any city or town may make reasonable regulations pertaining to the manufacture, sale and delivery or distribution therein of any flavored milk or flavored dairy drink. The department of public health is empowered to establish sanitary standards, and to establish requirements for labeling of "Flavored Milk" and "Flavored Dairy Drink". Whoever violates any provision of this section, or any regulation made under authority thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars.

G. L. (Ter. Ed.), 94, new § 48D, added.

SECTION 8. Said chapter 94 is hereby further amended by inserting after section 48C the following section:— *Sec-*

tion 48D. No person shall blend milk and cream for sale except in an establishment licensed for the pasteurization of milk under the provisions of section forty-eight A, and such blends shall meet the standard for "half-and-half" as defined in section one or of "standardized milk" as defined in section twelve B. The department of public health is hereby authorized to establish sanitary standards, and notwithstanding any other provision of law to the contrary the milk regulation board is hereby authorized to establish requirements of labeling for said "half-and-half". Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offence.

Sale of blended milk and cream regulated.

SECTION 9. Subsection (3) of section 2 of chapter 94A of the General Laws, as amended by section 3 of chapter 604 of the acts of 1953, is hereby further amended by adding at the end thereof the following sentence: — In the administration and enforcement of this section, the commission may appoint and consult and advise with representative committees and groups in the milk industry, which persons shall serve voluntarily and without compensation.

G. L. (Ter. Ed.), 94A, § 2, etc., amended.

SECTION 10. Section 9 of said chapter 94A is hereby amended by striking out paragraphs (a) and (b), as so amended, and inserting in place thereof the following two paragraphs: —

G. L. (Ter. Ed.), 94A, § 9, etc., amended.

(a) Each milk dealer required to be licensed under this chapter shall pay an annual license fee, consisting of an amount to be from time to time determined by the commission, but not more than five dollars, which shall accompany his application for license, and, in the case of each milk dealer other than one who is also a producer selling to consumers not more than fifty quarts of milk daily, of such further amount payable to the commission on or before the twenty-fifth day of each month, for the month immediately preceding, as the commission deems equitable for the market or markets involved, equivalent to not more than two cents per hundred weight of the milk which the milk dealer during such month (1) pasteurized, processed, bottled or otherwise packaged for sale, and sold or distributed, or (2) sold or distributed to persons other than milk dealers who are not eligible for exemption under subsection (b) of section four, in any market or markets of the commonwealth, irrespective of where such milk was produced, or upon such portion thereof as the commission by order, rule or regulation determines to be equitable.

Fee for license.

(b) One half of any such payment made by any milk dealer on or before the twenty-fifth day of the month in which such payment is due, on account of milk sold or distributed by him in the highest use classification from time to time determined by the commission for such market, or markets, may be deducted ratably by him from amounts due from him to producers for such milk.

SECTION 11. Chapter 101 of the General Laws is hereby

G. L. (Ter.

Ed.), 101, § 15,
etc., amended.

Limit of
application
of chapter.

amended by striking out section 15, as most recently amended by chapter 333 of the acts of 1937, and inserting in place thereof the following section: — *Section 15.* The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by sample, lists, catalogues or otherwise for future delivery, nor to any dealer regularly engaged in supplying customers with fuel oil for heating or cooking purposes from a fixed place of business within the commonwealth and who does not customarily solicit direct sales from house to house or by means of outcry, sign or signal, nor to any person who peddles only fish obtained by his own labor or that of his family, fruits, vegetables or other farm products raised or produced by himself or his family, nor to persons selling articles for charitable purposes under section thirty-three, nor to persons licensed under section forty of chapter ninety-four with respect to the sale by them of eggs, or milk, skimmed milk, cream, butter, cheese or other milk products, except frozen desserts as defined in section sixty-five G of said chapter ninety-four.

Approved September 10, 1955.

Chap. 758 AN ACT EXTENDING TO CERTAIN PERSONS THE PRIVILEGE OF BECOMING REGISTERED AS PHYSICAL THERAPISTS.

Be it enacted, etc., as follows:

Chapter 656 of the acts of 1951 is hereby amended by striking out section 2 and inserting in place thereof the following section: — *Section 2.* Notwithstanding the provisions of sections twenty-three A to twenty-three P of chapter one hundred and twelve of the General Laws, inserted by section one of this act, the board of registration in medicine shall register as a physical therapist any person who applies for such registration on or before November first, nineteen hundred and fifty-five, who on the effective date of this act is practicing physical therapy in this commonwealth and was so practicing for three years immediately prior to said effective date. Such applicant shall pay the board a fee of five dollars and shall be entitled to a certificate of registration.

Approved September 10, 1955.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, September 14, 1955.

Hon. EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

SIR: — I, Christian A. Herter, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the Constitution, "The Referendum II, Emergency Measure", do declare that in my opinion, the immediate preservation of the public convenience requires that the law signed