

HOUSE BILL No. 5585

December 13, 2007, Introduced by Reps. Espinoza, Mayes, Polidori, Brown and Robert Jones and referred to the Committee on Agriculture.

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 10, 11, 12, 13, 15, 16, 17, 70, 90, 110, 110a, 111, 113, 114, 115, 116, 119, 125, 130, 131, 136, 137, 139, 140, 141, 142, 143, 152, and 159 (MCL 288.570, 288.571, 288.572, 288.573, 288.575, 288.576, 288.577, 288.630, 288.650, 288.670, 288.670a, 288.671, 288.673, 288.674, 288.675, 288.676, 288.679, 288.685, 288.690, 288.691, 288.696, 288.697, 288.699, 288.700, 288.701, 288.702, 288.703, 288.712, and 288.719), section 110a as added by 2004 PA 282.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. As used in this act:

2 (a) "Adulterated" means food or milk products to which any
3 of the following apply:

1 (i) It bears or contains any poisonous or deleterious
2 substance that may render it injurious to health except that, if
3 the substance is not an added substance, the food or milk product
4 is not considered adulterated if the quantity of that substance
5 in the food or milk product does not ordinarily render it
6 injurious to health.

7 (ii) It bears or contains any added poisonous or added
8 deleterious substance, other than a substance that is a pesticide
9 chemical in or on a raw agricultural commodity; a food additive;
10 or a color additive considered unsafe within the meaning of
11 subparagraph (v).

12 (iii) It is a raw agricultural commodity that bears or
13 contains a pesticide chemical considered unsafe within the
14 meaning of subparagraph (v).

15 (iv) It bears or contains any food additive considered unsafe
16 within the meaning of subparagraph (v) provided that where a
17 pesticide chemical has been used in or on a raw agricultural
18 commodity in conformity with an exemption granted or tolerance
19 prescribed under subparagraph (v) and the raw agricultural
20 commodity has been subjected to processing the residue of that
21 pesticide chemical remaining in or on that processed food is,
22 notwithstanding the provisions of subparagraph (v) and this
23 subdivision, not be considered unsafe if that residue in or on
24 the raw agricultural commodity has been removed to the extent
25 possible in good manufacturing practice and if the concentration
26 of that residue in the processed food when ready to eat is not
27 greater than the tolerance prescribed for the raw agricultural

1 commodity.

2 (v) Any added poisonous or deleterious substance, any food
3 additive, and pesticide chemical in or on a raw agricultural
4 commodity, or any color additive is considered unsafe for the
5 purpose of application of this definition, unless there is in
6 effect a federal regulation or exemption from regulation under
7 the federal act, meat inspection act, poultry product inspection
8 act, or other federal acts, or a rule adopted under this act
9 limiting the quantity of the substance, and the use or intended
10 use of the substance, and the use or intended use of the
11 substance conforms to the terms prescribed by the rule.

12 (vi) It is or contains a new animal drug or conversion
13 product of a new animal drug that is unsafe within the meaning of
14 section 512 of the federal act, **21 USC 360B**.

15 (vii) It consists in whole or in part of a diseased,
16 contaminated, filthy, putrid, or decomposed substance or it is
17 otherwise unfit for food.

18 (viii) It has been produced, prepared, packed, or held under
19 insanitary conditions in which it may have become contaminated
20 with filth or in which it may have been rendered diseased,
21 unwholesome, or injurious to health.

22 (ix) It is the product of a diseased animal or an animal that
23 has died other than by slaughter or that has been fed uncooked
24 garbage or uncooked offal from a slaughterhouse.

25 (x) Its container is composed, in whole or in part, of any
26 poisonous or deleterious substance that may render the contents
27 injurious to health.

1 (xi) A valuable constituent has been in whole or in part
2 omitted or abstracted from the food; a substance has been
3 substituted wholly or in part for the food; damage or inferiority
4 has been concealed in any manner; or a substance has been added
5 to the food or mixed or packed with the food so as to increase
6 its bulk or weight, reduce its quality or strength, or make it
7 appear better or of greater value than it is.

8 (xii) It is confectionery and has partially or completely
9 imbedded in it any nonnutritive object except in the case of any
10 nonnutritive object if, as provided by rules, the object is of
11 practical functional value to the confectionery product and would
12 not render the product injurious or hazardous to health; it bears
13 or contains any alcohol other than alcohol not in excess of 1/2
14 of 1% by volume derived solely from the use of flavoring
15 extracts; or it bears or contains any nonnutritive substance
16 except a nonnutritive substance such as harmless coloring,
17 harmless flavoring, harmless resinous glaze not in excess of 4/10
18 of 1%, harmless natural wax not in excess of 4/10 of 1%, harmless
19 natural gum and pectin or to any chewing gum by reason of its
20 containing harmless nonnutritive masticatory substances which is
21 in or on confectionery by reason of its use for some practical
22 functional purpose in the manufacture, packaging, or storage of
23 such confectionery if the use of the substance does not promote
24 deception of the consumer or otherwise result in adulteration or
25 misbranding in violation of the provisions of this act. For the
26 purpose of avoiding or resolving uncertainty as to the
27 application of this subdivision, the director may issue rules

1 allowing or prohibiting the use of particular nonnutritive
2 substances.

3 (xiii) It is or bears or contains any color additive that is
4 unsafe within the meaning of subparagraph (v).

5 (xiv) It has been intentionally subjected to radiation,
6 unless the use of the radiation was in conformity with a rule or
7 exemption under this act or a regulation or exemption under the
8 federal act.

9 (xv) It is bottled water that contains a substance at a level
10 higher than allowed under this act.

11 (B) "ADVERTISE" OR "ADVERTISEMENT" MEANS A REPRESENTATION
12 DISSEMINATED IN ANY MANNER OR BY ANY MEANS, OTHER THAN BY
13 LABELING, FOR THE PURPOSE OF INDUCING, OR IS LIKELY TO INDUCE,
14 DIRECTLY OR INDIRECTLY, THE PURCHASE OF MILK OR MILK PRODUCTS.

15 (C) "APPROVED LABORATORY" MEANS A LABORATORY THAT HAS BEEN
16 EVALUATED BY THE DEPARTMENT AND IS APPROVED TO PERFORM TESTS ON
17 MANUFACTURING MILK AND MILK PRODUCTS.

18 (D) ~~(b)~~—"Approved sample container" means a presterilized,
19 suitable nontoxic single service container of adequate size that
20 complies with the requirements of standard methods.

21 (E) ~~(e)~~—"Audited financial statement" means a fiscal year
22 end financial statement prepared by a certified public accountant
23 according to generally accepted accounting principles.

24 (F) ~~(d)~~—"Aseptic processing and packaging" means the filling
25 of a commercially sterilized cooled product into presterilized
26 containers followed by aseptic hermetical sealing with a
27 presterilized closure, in an atmosphere free of microorganisms.

1 Sec. 11. As used in this act:

2 (a) "Bulk milk hauler/sampler" means any person who collects
3 official samples and may transport raw milk from a farm and/or
4 raw milk products to or from a dairy plant, receiving station, or
5 transfer station and has in his or her possession a license or
6 permit to sample such products.

7 (b) "Bulk milk pickup tanker" means a vehicle including a
8 truck, tank, and those appurtenances necessary for its use used
9 by a bulk milk hauler/sampler to transport bulk raw milk for
10 pasteurization from a dairy farm to a dairy plant, receiving
11 station, or transfer station.

12 (c) "Butter" means the product usually known as butter that
13 is made exclusively from wholesome milk or cream, or both, with
14 or without common salt, and with or without additional coloring
15 matter and containing not less than 80% by weight of milk fat.

16 **(D) "CASH PAYMENTS", REGARDING THE PRODUCER SECURITY**
17 **REQUIREMENTS OF THIS ACT, MEANS A PAYMENT IN CASH OR BY CHECK,**
18 **MONEY ORDER, WIRE TRANSFER, OR DRAFT FOR A SALE IN WHICH THE**
19 **TITLE TO FARM MILK IS TRANSFERRED.**

20 **(E) ~~(d)~~**"Cheese" means natural cheeses, processed cheeses,
21 blended cheeses, cheese foods, cheese spreads, nonstandard cheese
22 products, and related foods described in 21 ~~C.F.R.~~**CFR** part 133.

23 **(F) ~~(e)~~**"CIP" or "cleaned-in-place" means the procedure by
24 which sanitary pipelines or pieces of dairy equipment are
25 mechanically cleaned in place by circulation.

26 **(G) ~~(f)~~**"Commercial sterility of thermally processed food"
27 means the condition achieved under either of the following

1 circumstances:

2 (i) By the application of heat which renders the food free of
3 microorganisms capable of reproducing in the food under normal
4 nonrefrigerated conditions of storage and distribution and viable
5 microorganisms, including spores, of public health significance.

6 (ii) By the control of water activity and the application of
7 heat, which renders the food free of microorganisms capable of
8 reproduction in the food under normal nonrefrigerated conditions
9 of storage and distribution.

10 (H) ~~(g)~~ "Cream" means any of the following:

11 (i) Light cream containing not less than 18% but not more
12 than 30% milkfat.

13 (ii) Whipping cream containing more than 30% but less than
14 36% milkfat.

15 (iii) Heavy cream containing more than 36% milkfat.

16 (iv) Cream obtained from cheese whey only if sold or labeled
17 as whey cream.

18 Sec. 12. As used in this act:

19 (A) "DAIRY ANIMAL" MEANS ANY DOMESTICATED LACTATING MAMMAL,
20 INCLUDING A COW, GOAT, SHEEP, WATER BUFFALO, OR OTHER HOVED
21 MAMMAL, WHICH IS MANAGED AND MILKED TO OBTAIN MILK FOR HUMAN
22 CONSUMPTION.

23 (B) "DAIRY FARM" MEANS ANY PLACE OR PREMISES WHERE 1 OR MORE
24 DAIRY ANIMALS ARE KEPT FOR MILKING PURPOSES, AND FROM WHICH A
25 PART OR ALL OF THE MILK IS PROVIDED, SOLD, OR OFFERED FOR SALE.

26 (C) ~~(a)~~ "Dairy plant" means ~~a milk plant, transfer or~~
27 ~~receiving station, cheese plant, frozen desserts plant, or other~~

1 ~~plant receiving dairy products or processing dairy products into~~
 2 ~~manufactured dairy products~~ OR "MILK PLANT" MEANS ANY PLACE,
 3 PREMISES, OR ESTABLISHMENT WHERE MILK OR DAIRY PRODUCTS ARE
 4 COLLECTED, HANDLED, PROCESSED, STORED, PASTEURIZED, ASEPTICALLY
 5 PROCESSED, PACKAGED, OR PREPARED FOR DISTRIBUTION.

6 (D) ~~(b)~~—"Dairy product", ~~or~~—"manufactured dairy product", OR
 7 "MILK PRODUCT" means products that include, but are not limited
 8 to, evaporated milk, condensed skim milk, condensed milk,
 9 condensed buttermilk, condensed milk solids, concentrate milk,
 10 nonfat dry milk, dry milk, dry cream, dry whey, dry buttermilk,
 11 butter, buttermilk, cheese, cheese products, ice cream, sherbet,
 12 frozen desserts, dairy confections, or novelties, related dairy
 13 products with butter fat or milk solids substitutions, filtered
 14 milk components, infant formula manufactured with dairy
 15 ingredients, whey, whey cream, and other products for human
 16 consumption not regulated under the grade A ~~dairy~~ MILK law OF
 17 2001 or as determined appropriate by the director.

18 (E) ~~(e)~~—"Department" means the Michigan department of
 19 agriculture.

20 (F) ~~(d)~~—"Director" means the director of the Michigan
 21 department of agriculture or his or her designee.

22 (G) ~~(e)~~—"Distributor" means a person other than a producer
 23 or processor who offers for sale, **HOLDS FOR SALE**, or sells ~~to~~
 24 ~~another for resale at retail,~~ **AT WHOLESALE** milk or dairy
 25 products. A distributor's facilities include warehousing,
 26 refrigerated storage, and refrigerated distribution vehicles.

27 (H) ~~(f)~~—"Dry milk product" means a product resulting from

1 the drying of milk or a dairy product.

2 (I) ~~(g)~~ "Dryer" means equipment that dries milk or a dairy
3 product.

4 Sec. 13. As used in this act:

5 (a) "Farm tank" means the farm bulk milk tank, milk tank
6 truck, or silo used for the storage or cooling of milk, or both,
7 before pickup and transport from the farm.

8 (b) "Federal act" means the federal food, drug, and cosmetic
9 act, ~~chapter 675, 52 Stat. 1040, 21 U.S.C. USC 301 to 321, 331 to~~
10 ~~333, 334 to 343 3, 344 to 346a, 347, 348 to 356e, 358 to 360,~~
11 ~~360b to 360dd, 360hh to 360oo, 360rr to 363, 371 to 376, and 378~~
12 ~~to 397 399.~~

13 (c) "First receiving point" means the dairy plant where the
14 milk is first received for processing and manufacturing. First
15 receiving point **FOR PRODUCER SECURITY REQUIREMENTS** does not
16 include receiving stations and transfer stations.

17 (D) "FOOD LAW OF 2000" MEANS THE FOOD LAW OF 2000, 2000 PA
18 92, MCL 289.1101 TO 289.8111.

19 (E) "FOOD SERVICE ESTABLISHMENT" MEANS A FIXED OR MOBILE
20 RESTAURANT, COFFEE SHOP, CAFETERIA, SHORT ORDER CAFE,
21 LUNCHEONETTE, GRILL, TEAROOM, SANDWICH SHOP, SODA FOUNTAIN,
22 TAVERN, BAR, COCKTAIL LOUNGE, NIGHTCLUB, DRIVE-IN, INDUSTRIAL
23 FEEDING ESTABLISHMENT, PRIVATE ORGANIZATION SERVING THE PUBLIC,
24 RENTAL HALL, CATERING KITCHEN, DELICATESSEN, THEATER, COMMISSARY,
25 FOOD CONCESSION, OR SIMILAR PLACE IN WHICH FOOD OR DRINK IS
26 PREPARED FOR DIRECT CONSUMPTION THROUGH SERVICE ON THE PREMISES
27 OR ELSEWHERE, AND ANY OTHER EATING OR DRINKING ESTABLISHMENT OR

1 OPERATION WHERE FOOD IS SERVED OR PROVIDED FOR THE PUBLIC. FOOD
2 SERVICE ESTABLISHMENT DOES NOT INCLUDE ANY OF THE FOLLOWING:

3 (i) A MOTEL THAT SERVES CONTINENTAL BREAKFASTS ONLY.

4 (ii) A BED AND BREAKFAST THAT HAS 10 OR FEWER SLEEPING ROOMS,
5 INCLUDING SLEEPING ROOMS OCCUPIED BY THE INNKEEPER, 1 OR MORE OF
6 WHICH ARE AVAILABLE FOR RENT TO TRANSIENT TENANTS.

7 (iii) A BED AND BREAKFAST THAT HAS AT LEAST 11 BUT FEWER THAN
8 15 ROOMS FOR RENT, IF THE BED AND BREAKFAST SERVES CONTINENTAL
9 BREAKFASTS ONLY.

10 (iv) A CHILD CARE ORGANIZATION REGULATED UNDER 1973 PA 116,
11 MCL 722.111 TO 722.128, UNLESS THE ESTABLISHMENT IS CARRYING OUT
12 AN OPERATION CONSIDERED BY THE DIRECTOR TO BE A FOOD SERVICE
13 ESTABLISHMENT.

14 (F) ~~(d)~~—"Freezer" means mechanical equipment used to lower
15 the temperature of a mix while, at the same time, incorporating
16 air into the mix.

17 (G) ~~(e)~~—"Frozen desserts" means desserts made from dairy
18 products described in 21 ~~C.F.R.~~ **CFR** part 135, the mixes, and
19 other similar frozen dairy products that include, but are not
20 limited to, frozen yogurt, soft serve ice cream, and quiescently
21 frozen confections unless otherwise specified by the department.

22 (H) "GRADE A MILK LAW OF 2001" MEANS THE GRADE A MILK LAW OF
23 2001, 2001 PA 266, MCL 288.471 TO 288.540.

24 (I) ~~(f)~~—"Imminent or substantial health hazard" means a
25 determination by the director of either or both of the following:

26 (i) A condition that exists at a dairy farm or dairy plant
27 requiring immediate action to prevent endangering the public

1 health or safety.

2 (ii) A milk or dairy product may be unwholesome or unsafe.

3 (J) ~~(g)~~—"Label" means a display of written, printed, or
4 graphic matter upon the immediate container of any article
5 conforming to a requirement imposed under this act that any word,
6 statement, or other information appearing on the label also
7 appears on the outside container or wrapper of the retail package
8 of the article or be easily legible through the outside container
9 or wrapper.

10 (K) ~~(h)~~—"Labeling" means all labels and other written,
11 printed, or graphic matter upon an article or any of its
12 containers or wrappers or accompanying the article.

13 Sec. 15. As used in this act:

14 (a) "Misbranded" means food to which any of the following
15 apply:

16 (i) Its labeling is false or misleading in any particular.

17 (ii) It is offered for sale under the name of another food.

18 (iii) It is an imitation of another food unless its label
19 bears, in type of uniform size and prominence, the word
20 "imitation" and immediately thereafter the name of the food
21 imitated.

22 (iv) Its container is so made, formed, or filled as to be
23 misleading.

24 (v) It is in package form, unless it bears a label
25 containing both the name and place of business of the
26 manufacturer, packer, or distributor and an accurate statement of
27 the quantity of the contents in terms of weight, measure, or

1 numerical count subject to reasonable variations as are permitted
2 and exemptions as to small packages as are established by rules
3 ~~promulgated~~**PRESCRIBED** by the department.

4 (vi) Any word, statement, or other labeling required by this
5 act is not prominently placed on the label or labeling
6 conspicuously and in such terms as to render it likely to be read
7 and understood by the ordinary individual under customary
8 conditions of purchase and use.

9 (vii) It purports to be or is represented as a food for which
10 a definition and standard of identity have been prescribed by
11 rules as provided by this act or under the federal act, unless it
12 conforms to such definition and standard and its label bears the
13 name of the food specified in the definition and standard, and,
14 **INSOFAR** as may be required by the rules, the common names of
15 optional ingredients, other than spices, flavoring, and coloring,
16 present in such food.

17 (viii) It purports to be or is represented to be either of the
18 following:

19 (A) A food for which a standard of quality has been
20 prescribed by this act or rules and its quality falls below such
21 standard unless its label bears, in such manner and form as such
22 rules specify, a statement that it falls below such standard.

23 (B) A food for which a standard or standards of fill of
24 container have been prescribed by this act or rules and it falls
25 below the standard of fill of container applicable unless its
26 label bears, in such manner and form as the rules specify, a
27 statement that it falls below the standard.

1 (ix) It does not bear labeling clearly giving the common or
2 usual name of the food, if one exists, and if fabricated from 2
3 or more ingredients, the common or usual name of each ingredient
4 except that spices, flavorings, and colorings, other than those
5 sold as such, may be designated as spices, flavorings, and
6 colorings, without naming each and under other circumstances as
7 established by rules regarding exemptions based upon
8 practicality, potential deception, or unfair competition.

9 (x) It bears or contains any artificial flavoring,
10 artificial coloring, or chemical preservative unless the labeling
11 states that fact and under other circumstances as established by
12 rules regarding exemptions based upon practicality.

13 (xi) If a food intended for human consumption and offered for
14 sale, its label and labeling do not bear the nutrition
15 information required under section 403(q) of the federal act,
16 ~~chapter 675, 52 Stat. 1047, 21 U.S.C. USC 343.~~

17 (xii) It is a product intended as an ingredient of another
18 food and, when used according to the directions of the purveyor,
19 will result in the final food product being adulterated or
20 misbranded.

21 (xiii) It is a color additive whose packaging and labeling are
22 not in conformity with packaging and labeling requirements
23 applicable to such color additive prescribed under the provisions
24 of the federal act.

25 (b) "Mix" means ice cream mix, yogurt mix, sherbet mix, and
26 any other unfrozen pasteurized liquid mixture which is to be
27 manufactured into a frozen dessert including a liquid mixture

1 intended for processing into quiescently frozen confections.

2 Sec. 16. As used in this act:

3 (a) "Offering for sale" means selling, offering to sell,
4 holding for sale, preparing for sale, trading, bartering,
5 offering as a gift as an inducement for sale of, and advertising
6 for sale in any media.

7 (b) "Other security" means a mutually acceptable producer
8 security agreement, acceptable to the director, approved and
9 signed by the milk buyer and all milk sellers selling milk to
10 that milk buyer.

11 (c) "Person" means an individual, partnership, company,
12 limited liability company, cooperative, association, firm,
13 trustee, educational institution, state or local government unit,
14 or corporation.

15 (d) "Processor" means the owner or operator of a dairy
16 plant.

17 (e) "Producer" means a person who owns or operates a dairy
18 farm and sells or distributes milk produced on that farm
19 including a person who markets milk on behalf of ~~another~~**A**
20 producer pursuant to a marketing agreement.

21 (f) "Receiving station" means any place, premise, or
22 establishment where raw milk is received, collected, handled,
23 stored, or cooled and is prepared for further transporting.

24 **(G) "REGISTERED NAME" MEANS EITHER A NAME THAT IS REGISTERED**
25 **AS "DOING BUSINESS AS" AT THE COUNTY CLERK'S OFFICE IN THE COUNTY**
26 **IN WHICH THE PRODUCER OR PROCESSOR RESIDES OR THAT IS REGISTERED**
27 **WITH THE STATE OF MICHIGAN AS A LEGAL ENTITY REGISTERED TO DO**

1 BUSINESS WITHIN THE STATE UNDER AN ASSUMED NAME. REGISTERED NAME
2 INCLUDES, BUT IS NOT LIMITED TO, INCORPORATIONS, CORPORATIONS,
3 LIMITED LIABILITY COMPANIES, LIMITED LIABILITY PARTNERSHIPS, AND
4 SIMILAR ENTITIES.

5 (H) ~~(g)~~-"Rerun" means a frozen dessert that is not placed in
6 its final container immediately after passing through the
7 freezing process and is intended to be melted and reprocessed or
8 refrozen.

9 (I) "RETAIL" MEANS SELLING OR OFFERING FOR SALE DAIRY
10 PRODUCTS DIRECTLY TO A CONSUMER.

11 (J) "RETAIL FOOD ESTABLISHMENT" MEANS AN OPERATION THAT
12 SELLS OR OFFERS TO SELL FOOD DIRECTLY TO A CONSUMER. RETAIL FOOD
13 ESTABLISHMENT INCLUDES BOTH A RETAIL GROCERY AND A FOOD SERVICE
14 ESTABLISHMENT BUT DOES NOT INCLUDE A FOOD PROCESSING PLANT.

15 Sec. 17. As used in this act:

16 (a) "Sample transfer instrument" means any of the following:

17 (i) Individually wrapped, sterile, single-service sampling
18 tubes.

19 (ii) Stainless steel metal dippers, with long handles having
20 capacities of 10 ml. or greater.

21 (iii) Sampling devices approved by the director.

22 (b) "Sanitary standards" means the dairy equipment
23 construction standards or accepted dairy system operating
24 practices formulated by 1 of the following:

25 (i) 3-A sanitary standards committees representing the
26 international association for food protection, the United States
27 public health service, the United States department of

1 agriculture, and the dairy industry committee.

2 (ii) ~~Standards~~ **IF SANITARY STANDARDS ARE NOT AVAILABLE FOR A**
3 **PARTICULAR PIECE OF EQUIPMENT, GENERAL SANITARY CONSTRUCTION**
4 **STANDARDS** for dairy equipment formulated by the United States
5 department of agriculture or the food and drug administration.

6 (iii) The equipment or practice approved by the director on a
7 case-by-case basis.

8 (c) "Sanitizing" means the application of any effective
9 method or sanitizing agent in compliance with the federal act to
10 a clean surface for the destruction of pathogens and other
11 organisms as far as is practicable.

12 (d) "Scheduled process" means the aseptic process selected
13 by the processor as adequate under the conditions of manufacture
14 for a given product to be free of viable microorganisms having a
15 public health significance as well as microorganisms of nonhealth
16 significance capable of reproducing in the food under normal
17 nonrefrigerated conditions. Scheduled process includes an aseptic
18 process that may be in excess of that necessary to ensure
19 destruction of microorganisms of public health significance but
20 at least equivalent to the process established by a competent
21 processing authority to achieve commercial sterility under 21
22 ~~C.F.R.~~ **CFR** part 113.

23 (e) "Standard methods" means the sixteenth edition of
24 "Standard Methods for the Examination of Dairy Products",
25 published by the American public health association, dated 1992,
26 incorporated by reference.

27 (f) "Sterilization or aseptic processing" means the complete

1 destruction of living organisms by 1 of the following methods:

2 (i) Heating a container and its contents to a temperature
3 between 212°F (100°C) to 280°F (138°C) for a period of time
4 established by the scheduled process or by the department.

5 (ii) Creating a continuous product flow above a temperature
6 of 280°F (138°C) for a period of time established by the
7 scheduled process or by the department.

8 (iii) Employing a process described in subdivision (i) or (ii),
9 and following packaging of the sterilized product, applying a
10 heat treatment approved by the department.

11 (g) "Sterilized or aseptic milk and dairy products" means
12 products hermetically sealed in a container and thermally
13 processed or otherwise processed so as to render the product free
14 of microorganisms capable of reproducing in the product under
15 normal nonrefrigeration conditions of storage and distribution
16 and free of viable microorganisms including spores of public
17 health significance.

18 (h) "Transfer station" means any place, premises, or
19 establishment where milk or dairy products are transferred
20 directly from 1 milk tank truck to another.

21 (i) "Verified financial statement" means a financial
22 statement that contains a notarized statement, signed and sworn
23 to by an authorized representative of the dairy plant, attesting
24 that the financial statement is correct.

25 **(J) "WHOLESALE" MEANS SELLING OR OFFERING TO SELL DAIRY**
26 **PRODUCTS TO RETAILERS, JOBBERS, OR DISTRIBUTORS RATHER THAN**
27 **DIRECTLY TO A CONSUMER.**

1 Sec. 70. (1) A person shall not directly, through an agent,
 2 or on behalf of another person sell or offer for sale, furnish,
 3 or possess or control with intent to sell or offer for sale, or
 4 furnish an unsanitary, adulterated, or misbranded milk or dairy
 5 product to a person or a processor.

6 (2) Dairy products made or sold in Michigan shall comply
 7 with the requirements of this act and the standards as follows:

8 Chemical, Physical, Bacteriological, and Temperature Standards

<p>9 MANUFACTURING GRADE RAW 10 MILK FOR PASTEURIZATION 11 (NOT FOR FROZEN 12 DESSERTS) INCLUDING 13 ULTRAFILTRATION OR 14 REVERSE OSMOSIS RAW MILK 15 CONCENTRATE 16 17 18 19 20 21 22 23 24</p>	<p>Temperature</p>	<p>Bulk milk cooled to 45°F (7°C) or less within 2 hours after milking and maintained thereat. Provided that the blend temperature after the first and subsequent milkings does not exceed 50°F (10°C). Can milk not to exceed 60°F (16°C) if used for cheese making; if delivered to the plant within 2 hours of milking, no temperature limit.</p>
<p>25 26 27 28 29</p>	<p>Bacterial limits</p>	<p>Not to exceed 500,000 per ml (milk for cheese not to exceed 750,000 per ml). Not to exceed 1,000,000 per ml as</p>

1		commingled milk prior
2		to pasteurization.
3		
4	Somatic cell	Not to exceed 1,000,000
5	count	per ml.
6		
7	Drug residues	No positive results on
8		drug residue detection
9		methods which have been
10		found to be acceptable
11		for use with raw milk.
12		
13	Sediment	Not to exceed a USDA no.
14		3 standard following
15		procedures from standard
16		methods for the
17		examination of milk and
18		milk products.
19		
20	Freezing point	-0.530°H maximum.
21		
22	RAW MILK FOR FROZEN	Temperature
23	DESSERTS	Bulk milk cooled to 45°F
24		(7°C) or less within 2
25		hours after milking and
26		maintained thereat.
27		Provided, that the blend
28		temperature after the
29		first and subsequent
30		milking does not exceed
31		50°F (10°C).

1	Bacterial	Not to exceed 100,000
2	limits	per ml for individual
3		supplies, not to exceed
4		300,000 per ml
5		commingled.
6		
7	Somatic cell	Not to exceed 750,000
8	counts	per ml.
9		
10	Drug residues	No positive results on
11		drug residue detection
12		methods which have been
13		found to be acceptable
14		for use with raw milk.
15		
16	Sediment	Not to exceed a USDA
17		no. 3 standard following
18		procedures from standard
19		methods for the
20		examination of milk and
21		milk products.
22		
23	FREEZING POINT	-0.530°H MAXIMUM.
24		
25	PASTEURIZED CONDENSED	Temperature Cooled to 45°F (7°C)
26	MILK AND CONDENSED	[50°F (10°C) if 45% or
27	SKIM MILK	more solids] or less,
28		or heated to 145° (63°C)
29		or greater and
30		maintained thereat
31		unless the product is

1 being dried within 4
2 hours after condensing.

3
4 Bacterial Not to exceed 30,000
5 limits per gram.

6
7 Coliform count Not to exceed 10 per
8 gram. Provided, that in
9 the case of bulk milk
10 transport tank shipments
11 shall not exceed 100 per
12 ml.

13
14 ~~Phosphatase Less than 1 microgram~~
15 ~~per ml by the Scharer~~
16 ~~rapid method, less than~~
17 ~~500 milliunits per L by~~
18 ~~fluorometric procedure~~
19 ~~or Charm ALP method,~~
20 ~~or equivalent.~~

21
22 Drug residues No positive results on
23 drug residue detection
24 methods which have been
25 found to be acceptable
26 for use with condensed
27 milk and condensed skim
28 milk.

29

30 DRY WHOLE MILK, EXTRA
31 GRADE

No more than:

1		
2	Butterfat	Not less than 26% or
3		more than 40%.
4		
5	Moisture	4.50%.
6		
7	Solubility	1.0 ml spray process;
8	index	15.0 roller process.
9		
10	Bacterial limit	Not to exceed 50,000
11		per gram.
12		
13	Coliform count	Not to exceed 10 per
14		gram.
15		
16	Scorched	15.0/gram spray process;
17	particles	22.5 roller process.
18	disc B	
19		
20	Drug residues	No positive results on
21		drug residue detection
22		methods which have been
23		found to be acceptable
24		for use with dry whole
25		milk.
26		
27	DMCC count	Less than 100,000,000
28		per gram.
29		

30 DRY WHOLE MILK, STANDARD

31 GRADE No more than:

1		
2	Butterfat	Not less than 26% or
3		more than 40%.
4		
5	Moisture	5.00%.
6		
7	Titratable	0.15%.
8	acidity	
9		
10	Solubility	1.5 ml spray process;
11	index	15.0 ml roller process.
12		
13	Bacterial limit	Not to exceed 100,000
14		per gram.
15		
16	Coliform count	Not to exceed 10 per
17		gram.
18		
19	Scorched	22.5 per gram spray
20	particles	process; 32.5 per gram
21	disc B	roller process.
22		
23	Drug residues	No positive results on
24		drug residue detection
25		methods which have been
26		found to be acceptable
27		for use with dry, whole
28		milk.
29		
30	DMCC count	Less than 100,000,000
31		per gram.

1	<hr/>	
2	NONFAT DRY MILK, EXTRA	
3	GRADE	No more than:
4		
5	Butterfat	1.25%.
6		
7	Moisture	4.00%.
8		
9	Titratable	0.15%.
10	acidity	
11		
12	Solubility	1.2 ml (2.0 ml high-
13	index	heat, max) spray process;
14		15.0 ml roller process.
15		
16	Bacterial limit	Not to exceed 10,000 per
17		gram spray or 50,000 per
18		gram roller process.
19		
20	Coliform count	Not to exceed 10 per
21		gram.
22		
23	Scorched	15.0/gram spray;
24	particles	22.5/gram roller
25	disc B	process.
26		
27	Drug residues	No positive results on
28		drug residue detection
29		methods which have been
30		found to be acceptable
31		for use with nonfat dry

1			milk.
2			
3		DMCC count	Less than 100,000,000
4			per gram.
5	<hr/>		
6	NONFAT DRY MILK,		
7	STANDARD GRADE	No more than:	
8			
9		Butterfat	1.50%.
10			
11		Moisture	5.00%.
12			
13		Titratable	0.17%.
14		acidity	
15			
16		Solubility	2.5 ml spray process;
17		index	15.0 ml roller process.
18			
19		Bacterial	75,000/gram spray;
20		estimate	100,000/gram roller
21			process.
22			
23		Coliform count	10 per gram.
24			
25		Scorched	22.5/gram spray;
26		particles	32.5/gram roller
27		disc B	process.
28			
29		Drug residues	No positive results on
30			drug residue detection
31			methods which have been

1 found to be acceptable
 2 for use with nonfat dry
 3 milk.

4
 5 DMCC count Less than 100,000,000
 6 per gram.

7

8 INSTANT NONFAT DRY

9 MILK, EXTRA GRADE No more than:

10

11 Butterfat 1.25%.

12

13 Moisture 4.50%.

14

15 Titratable 0.15%.
 16 acidity

17

18 Solubility 1.0 ml.
 19 index

20

21 Bacterial limit Not to exceed 10,000 per
 22 gram.

23

24 Coliform count Not to exceed 10 per
 25 gram.

26

27 Scorched 15.0/gram.
 28 particles

29

disc B

30

31 Drug residues No positive results on

1 drug residue detection
 2 methods which have been
 3 found to be acceptable
 4 for use with **NONFAT** dry
 5 ~~whole~~-milk.

6
 7 Dispersibility 85.0%.

8
 9 DMCC count Less than 40,000,000
 10 per gram.

11
 12 **WHEY FOR CONDENSING** Temperature Maintained at a
 13 temperature of 45°F (7°C)
 14 or less, or ~~145°F (63°C)~~
 15 **135°F (57°C)** or greater,
 16 except for acid-type
 17 whey with a titratable
 18 acidity 0.40% or
 19 above, or a pH of 4.6
 20 or below.

21
 22 Drug residues No positive results on
 23 drug residue detection
 24 methods which have been
 25 found to be acceptable
 26 for use with whey.

27
 28 **PASTEURIZED CONDENSED** Temperature Cooled to ~~45°F (7°C)~~
 29 **WHEY AND WHEY PRODUCTS** **50°F (10°C)** or less
 30 during crystallization,
 31 within ~~18-72~~ hours of

1			condensing.
2			
3		Bacterial	Not to exceed 50,000 per
4		limit	gram.
5			
6		Coliform count	Not to exceed 10 per
7			gram.
8			
9		Phosphatase	Less than 1 microgram per
10			ml by the Scharer rapid
11			method, less than 500
12			milliunits per L by
13			fluorometric procedure
14			or Charm ALP method, or
15			equivalent.
16			
17		Drug residues	No positive results on
18			drug residue detection
19			methods which have been
20			found to be acceptable
21			for use with condensed
22			whey.
23			
24	DRY WHEY, EXTRA GRADE	Bacterial	Not to exceed 30,000 per
25		limit	gram.
26			
27		Coliform	Not to exceed 10 per
28		count	gram.
29			
30		Milkfat	Not to exceed 1.5%.
31		content	

1			
2		Moisture	Not to exceed 5.0%.
3		content	
4			
5		Scorched	Not to exceed 15.0%.
6		particle	
7		content	
8			
9	DRY WHEY, DRY WHEY	Bacterial	Not to exceed 50,000 per
10	PRODUCTS	limit	gram.
11			
12		Coliform	Not to exceed 10 per
13		count	gram.
14			
15		Butterfat	Not more than 1.50%.
16			
17		Moisture	Not more than 5%.
18			
19		Drug	No positive results on
20		residues	drug residue detection
21			methods which have been
22			found to be acceptable
23			for use with dry whey
24			and dry whey products.
25			
26	DRY BUTTERMILK AND DRY	Butterfat	4.5% min.
27	BUTTERMILK PRODUCTS,		
28	EXTRA GRADE	Moisture	4.0% max.
29			
30		Titratable	0.10-0.18%.
31		acidity	

1			
2		Solubility	1.25 ml spray process;
3		index	15.0 roller process.
4			
5		Bacterial	Not to exceed 20,000 per
6		limit	gram.
7			
8		Coliform	Not to exceed 10 per
9		count	gram.
10			
11		Scorched	15.0 mg spray process;
12		particles	22.5 mg roller process.
13		disc B	
14			
15		Drug	No positive results on
16		residues	drug residue detection
17			methods which have been
18			found to be acceptable
19			for use with dry
20			buttermilk and dry
21			buttermilk products.
22			
23	DRY BUTTERMILK AND DRY	Butterfat	4.5% min.
24	BUTTERMILK PRODUCTS,		
25	STANDARD GRADE		
26			
27		Moisture	5.0% max.
28			
29		Titratable	0.10-0.20%.
30		acidity	
31			

1	Solubility	2.0 ml spray process;
2	index	15.0 roller process.
3		
4	Bacterial	Not to exceed 75,000 per
5	limit	gram.
6		
7	Coliform	Not to exceed 10 per
8	count	gram.
9		
10	Scorched	22.5 mg spray process;
11	particles	32.5 mg roller process.
12	disc B	
13		
14	Drug residues	No positive results on
15		drug residue detection
16		methods which have been
17		found to be acceptable
18		for use with dry
19		buttermilk and dry
20		buttermilk products.
21		
<hr/>		
22	BUTTER, WHIPPED	Percent
23	BUTTER	butterfat
24		
25		Temperature
26		Maintained at a
27		temperature of 45°F (7°C)
28		or less, when in storage.
29		
29	Proteolytic	Not more than 50 per
30	count	gram.
31		

1		Yeast and mold	Not more than 10 per
2			gram.
3			
4		Coliform	Not more than 10 per
5		count	gram.
6			
7		Keeping	Satisfactory after 7
8		quality	days at 70°F (21°C).
9			
10	PASTEURIZED MILK,	Bacterial	Not to exceed 20,000
11	CREAM, FLUID DAIRY	limit	per ml.
12	PRODUCTS FOR FROZEN		
13	DESSERTS	Coliform	Not to exceed 10 per
14		count	gram. Provided, that in
15			the case of bulk milk
16			transport tank shipments
17			shall not exceed 100
18			per ml.
19			
20		Storage temp	No higher than 45°F
21			(7°C).
22			
23	FROZEN DESSERT MIX	Bacterial	30,000 per ml.
24		limit	
25			
26		Coliform	Not to exceed 10 per
27		count	gram. Provided, that in
28			the case of bulk milk
29			transport tank shipments
30			shall not exceed 100
31			per ml.

1			
2		Storage temp	No higher than 45°F
3			(7°C). (Sterile or
4			aseptic mix has no
5			storage temperature
6			requirement.)
7			
8	FROZEN DESSERTS	Bacterial	30,000 per ml.
9		limit	
10			
11		Coliform	Not to exceed 10 per ml
12		count	(20 per gram for
13			chocolate, fruit, nuts,
14			or other bulky flavored
15			frozen desserts).
16			
17		Storage temp	No higher than 32°F
18			(0°C).
19			
20		Butterfat	Per standards listed in
21			21 C.F.R. 135.
22			
23	STERILIZED OR ASEPTIC	Bacterial	No viable bacteria. REFER
24	PRODUCTS	limit	TO 21 CFR 113.3 (E) (1) .
25			
26		Temperature	No temperature standard.
27			NONE.
28			
29		Yeast and	No viable yeast or mold
30		mold	spores.
31			

1	Drug	No positive results on
2	residues	drug residue detection
3		methods which have been
4		found to be acceptable
5		for use with pasteurized
6		ASEPTICALLY PROCESSED
7		milk AND MILK PRODUCTS.
8		
9	PRIVATE WATER SUPPLIES	Coliform
10	FOR DAIRY FARMS AND	count
11	DAIRY PLANTS;	Less than 1.1 per 100 ml
12	RECIRCULATED COOLING	as MPN or equivalent
13	WATER (SWEET WATER);	method less than 1 per
14	GLYCOL FOR COOLING	100 ml.
15		
16	CONDENSATE RECOVERY	Total plate
17	WATER (COW WATER)	count
18		Not to exceed 500 per ml.
19		Chemical
20		Not to exceed 12 mg per
21		oxygen demand L.
22		Turbidity
		Not to exceed 5 units.

23 Sec. 90. (1) The director, after proper identification, is
24 authorized and shall have the power to enter all dairy farms,
25 dairy plants, single service manufacturing facilities, milk tank
26 truck cleaning facilities, receiving stations, transfer stations,
27 dairy product distribution facilities, vehicles used to transport
28 milk and milk products or single service manufacturers under its
29 jurisdiction, for the purpose of inspecting, sampling, and

1 investigating conditions relating to the enforcement of this act.

2 (2) The department shall, at a minimum, inspect all dairy
3 farms every 12 months and dairy plants, **RECEIVING STATIONS, AND**
4 **TRANSFER STATIONS** every 6 months, **OR AT TIME INTERVALS AS**
5 **SPECIFIED BY THE DIRECTOR.**

6 Sec. 110. ~~(1) A person shall not produce, transport, wash~~
7 ~~milk tank trucks, process, manufacture, label, or sell~~
8 ~~manufacturing milk and dairy products or manufacture single~~
9 ~~service containers and closures unless licensed or permitted~~
10 ~~under this act or the grade A law of 2001. A person licensed~~
11 ~~under the grade A law of 2001 who is performing activity~~
12 ~~regulated under that act is exempt from licensure under this act.~~
13 ~~A person licensed under the grade A law of 2001 shall comply with~~
14 ~~the requirements of this act and is subject to the penalties set~~
15 ~~forth in this act, where applicable. The director may issue a~~
16 ~~temporary license or permit. State agencies operating dairy~~
17 ~~facilities under a memorandum of understanding with the~~
18 ~~department are not required to be licensed or permitted or to~~
19 ~~provide producer security under this act.~~

20 (1) **A PERSON SHALL NOT DO ANY OF THE FOLLOWING WITHOUT BEING**
21 **LICENSED UNDER THIS ACT OR THE GRADE A MILK LAW OF 2001:**

22 (A) **PRODUCE MILK THAT IS OFFERED FOR SALE.**

23 (B) **COLLECT MILK SAMPLES FOR REGULATORY PURPOSES.**

24 (C) **OPERATE A MILK TRANSPORTATION COMPANY THAT OWNS OR**
25 **OPERATES A CAN MILK TRUCK.**

26 (D) **PROCESS, LABEL, OR SELL MILK OR MANUFACTURED DAIRY**
27 **PRODUCTS, EXCEPT THAT A PERSON OPERATING A RETAIL FOOD**

1 ESTABLISHMENT IS EXEMPT FROM LICENSURE UNDER THIS ACT IF HE OR
2 SHE COMPLIES WITH SECTION 111 AND IS LICENSED UNDER THE FOOD LAW
3 OF 2000. THIS SUBDIVISION DOES NOT PREVENT THE SALE AT WHOLESALE
4 OR RETAIL AT A RETAIL FOOD ESTABLISHMENT LICENSED UNDER THE FOOD
5 LAW OF 2000 OF MILK OR MILK PRODUCTS THAT ARE PACKAGED IN FINAL
6 CONSUMER PACKAGES AT A FACILITY LICENSED UNDER THIS ACT.

7 (E) WASH MILK TANK TRUCKS.

8 (2) A PERSON LICENSED UNDER THE GRADE A MILK LAW OF 2001 AND
9 ENGAGED IN ACTIVITIES REGULATED UNDER THAT ACT AND ACTIVITIES
10 REGULATED UNDER THIS ACT IS EXEMPT FROM LICENSURE UNDER THIS ACT.

11 (3) A PERSON LICENSED UNDER THE GRADE A MILK LAW OF 2001 OR
12 THIS ACT SHALL COMPLY WITH THE REQUIREMENTS OF THIS ACT, WHERE
13 APPLICABLE, AND IS SUBJECT TO THE PENALTIES SET FORTH IN THIS
14 ACT, WHERE APPLICABLE.

15 (4) THE DIRECTOR MAY ISSUE A TEMPORARY LICENSE OR PERMIT FOR
16 ACTIVITIES REGULATED UNDER THIS ACT.

17 (5) STATE AGENCIES OPERATING DAIRY FACILITIES UNDER A
18 MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT ARE NOT REQUIRED
19 TO BE LICENSED OR PERMITTED, OR TO PROVIDE PRODUCER SECURITY
20 UNDER THIS ACT, BUT ARE OTHERWISE REQUIRED TO BE IN COMPLIANCE
21 WITH THIS ACT.

22 (6) ~~(2)~~—An applicant for an initial manufacturing grade
23 dairy farm permit shall complete education on drug residue
24 avoidance control measures acceptable to the director before
25 receiving the permit.

26 (7) ~~(3)~~—An applicant for an initial license as a dairy plant
27 shall apply to the department on a form supplied by the

1 department and provide a statement containing the following:

2 (a) The dairy plant's correct legal name and any name by
3 which the dairy plant is doing business. If the dairy plant is a
4 person not an individual, the name of each officer and director,
5 and partner, member, or owner owning in excess of 35% of equity
6 or stock.

7 (b) The location of the dairy plant to which the statement
8 pertains and the name of the responsible person who may be
9 contacted at that location.

10 (c) The anticipated value of greatest milk receipts the
11 dairy plant expects to receive during a consecutive 30-day period
12 within the licensing period.

13 (d) A list of producers, including names, mailing addresses,
14 and department producer permit number, with whom the dairy plant
15 intends to do business except that not later than 90 days after
16 becoming licensed for the first time, the dairy plant shall send
17 an updated list to the department.

18 (e) The name of the financial institution through which milk
19 checks are to be issued to producers.

20 (8) ~~(4)~~—A dairy plant shall annually renew a license issued
21 under this act by applying to the department at least 30 days
22 prior to the expiration of the existing license. The anniversary
23 date of a license for a dairy plant that is providing a financial
24 statement as a security device shall be 130 days after the close
25 of the licensee's fiscal year. The dairy plant shall apply for
26 renewal of a license on a form supplied by the department and
27 provide a statement containing the following:

1 (a) The dairy plant's correct legal name and any name by
2 which the dairy plant is doing business. If the dairy plant is a
3 person not an individual, the name of each officer and director,
4 and partner, member, or owner owning in excess of 35% of equity
5 or stock.

6 (b) The location of the dairy plant to which the statement
7 pertains and the name of the responsible person who may be
8 contacted at that location.

9 (c) The greater of either the value of greatest milk
10 receipts that the dairy plant received within a consecutive 30-
11 day period during its last license year or the greatest milk
12 receipts that the dairy plant is anticipated to receive during a
13 consecutive 30-day period within the licensing period.

14 (d) A complete list of producers, including names, mailing
15 addresses, and department producers permit number, with whom the
16 dairy plant is doing business.

17 (e) The name of the financial institution through which milk
18 checks are issued to producers.

19 (9) ~~(5)~~—Each dairy plant shall pay a \$50.00 annual licensing
20 or permitting fee.

21 (10) ~~(6)~~—Each receiving station or transfer station shall be
22 licensed or permitted either as part of a dairy plant or as a
23 stand-alone facility. Each stand-alone facility will be licensed
24 or permitted at a rate of \$50.00 per year. License renewal shall
25 take place on June 30 every year.

26 (11) ~~(7)~~—Each milk tank truck cleaning facility shall be
27 licensed or permitted under this act either as part of a dairy

1 plant, receiving station or transfer station, or as a stand-alone
2 milk tank truck cleaning facility, or under the grade A law of
3 2001. Any milk tank truck cleaning facility that washes the milk
4 contact surfaces of milk tank trucks used to haul grade A milk
5 shall be licensed under the grade A law of 2001. Each stand-alone
6 facility will be licensed or permitted at a rate of \$50.00 per
7 year. License renewal shall take place on June 30 every year.

8 (12) ~~(8)~~—Each single service containers and closures
9 manufacturer shall be licensed or permitted under this act either
10 as part of a dairy plant or as a stand-alone manufacturer. Each
11 stand-alone facility will be licensed at a rate of \$50.00 per
12 year. License renewal shall take place on June 30 every year.

13 (13) ~~(9)~~—A person shall not pick up manufacturing grade milk
14 in a farm pickup milk tank from a farm bulk milk tank without a
15 hauler/sampler license issued by the department under the grade A
16 law of 2001. Each milk tank truck or can milk truck shall be
17 licensed or permitted under this act or as required under the
18 grade A milk law of 2001 at a rate of \$10.00 per year. License or
19 permit renewal shall take place on June 30 every year.

20 (14) ~~(10)~~—The director may issue a temporary license or
21 permit if the director determines that issuance of the license or
22 permit will not be detrimental to the protection of the public
23 health, safety, or welfare or will not cause an imminent threat
24 of financial loss to producers.

25 (15) ~~(11)~~—A political subdivision of the state shall not
26 levy special license fees or taxes on 1 or more of the persons or
27 businesses described in this section except for taxes or fees

1 that are generally levied on persons or businesses other than
2 dairy plants and dairy plant operators.

3 (16) ~~(12)~~—The director shall examine the books, records, and
4 accounts of a dairy plant if the dairy plant has not responded to
5 requests from the director regarding a security device described
6 in sections 117, 118, and 119. All examinations of books,
7 records, and accounts required under this subsection shall be
8 made within this state.

9 (17) ~~(13)~~—All applicants for a permit or license must
10 complete an application provided by the department and meet the
11 minimum requirements of this act or the grade A law of 2001, and
12 rules promulgated under this act.

13 (18) ANY FEES, ASSESSMENTS, CIVIL OR ADMINISTRATIVE FINES,
14 AND MONEY FROM ANY OTHER SOURCE COLLECTED BY THE DEPARTMENT SHALL
15 BE DEPOSITED INTO THE DAIRY AND FOOD SAFETY FUND CREATED IN
16 SECTION 4117 OF THE FOOD LAW OF 2000, MCL 289.4117, AND SHALL BE
17 USED TO ENFORCE AND ADMINISTER THIS ACT.

18 (19) THE DEPARTMENT MAY IMPOSE A LATE FEE OF \$10.00 FOR A
19 RENEWAL APPLICATION FOR EACH BUSINESS DAY THE APPLICATION IS
20 LATE. THE TOTAL LATE FEE SHALL NOT EXCEED \$100.00. THE DEPARTMENT
21 SHALL NOT ISSUE OR RENEW A LICENSE UNTIL ANY FEES AND FINES HAVE
22 BEEN PAID. A HEARING IS NOT REQUIRED REGARDING THE DEPARTMENT'S
23 REFUSAL TO ISSUE OR RENEW A LICENSE UNDER THIS SUBSECTION EXCEPT
24 AS ALLOWED UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
25 PA 306, MCL 24.201 TO 24.328. THE DEPARTMENT MAY CHARGE A
26 CONVENIENCE FEE AND COLLECT FROM THE APPLICANTS ANY ADDITIONAL
27 COSTS ASSOCIATED WITH THE METHOD OF FEE PAYMENT FOR THE LICENSE

1 OR PERMIT FEES DESCRIBED IN THIS SECTION AND SECTION 110A, NOT TO
2 EXCEED THE COSTS TO THE DEPARTMENT.

3 Sec. 110a. (1) Beginning ~~the effective date of the~~
4 ~~amendatory act that added this subsection~~ **JULY 23, 2004** and
5 notwithstanding the license and permit fees imposed under section
6 110, the department shall issue an initial or renewal license or
7 permit for regulated activities described in section 110 other
8 than a manufacturing grade dairy farm **OR A BULK MILK**
9 **HAULER/SAMPLER**, not later than 90 days after the applicant files
10 a completed application. Receipt of the application is considered
11 the date the application is received by any agency or department
12 of the state of Michigan. If the application is considered
13 incomplete by the department, the department shall notify the
14 applicant in writing, or make the information electronically
15 available, within 30 days after receipt of the incomplete
16 application, describing the deficiency and requesting the
17 additional information. The 90-day period is tolled upon
18 notification by the department of a deficiency until the date the
19 requested information is received by the department. The
20 determination of the completeness of an application does not
21 operate as an approval of the application for the license or
22 permit and does not confer eligibility of an applicant determined
23 otherwise ineligible for issuance of a license or permit.

24 (2) If the department fails to issue or deny a license or
25 permit within the time required by this section, the department
26 shall return the license or permit fee and shall reduce the
27 license or permit fee for the applicant's next renewal

1 application, if any, by 15%. The failure to issue a license or
2 permit within the time required under this section does not allow
3 the department to otherwise delay the processing of the
4 application, and that application, upon completion, shall be
5 placed in sequence with other completed applications received at
6 that same time. The department shall not discriminate against an
7 applicant in the processing of the application based upon the
8 fact that the license fee was refunded or discounted under this
9 subsection.

10 (3) Beginning October 1, 2005, the director shall submit a
11 report by December 1 of each year to the standing committees and
12 appropriations subcommittees of the senate and house of
13 representatives concerned with agricultural and food issues. The
14 director shall include all of the following information in the
15 report concerning the preceding fiscal year:

16 (a) The number of initial and renewal applications the
17 department received and completed within the 90-day time period
18 described in subsection (1).

19 (b) The number of applications denied.

20 (c) The number of applicants not issued a license or permit
21 within the 90-day time period and the amount of money returned to
22 licensees and permittees under subsection (2).

23 (4) As used in this section, "completed application" means
24 an application complete on its face and submitted with any
25 applicable licensing or permit fees as well as any other
26 information, records, approval, security, or similar item
27 required by law or rule from a local unit of government, a

1 federal agency, or a private entity but not from another
2 department or agency of the state of Michigan. Under appropriate
3 circumstances, completed application includes the completion of
4 construction or renovation of any facility and the passing of a
5 satisfactory inspection.

6 Sec. 111. ~~Frozen desserts manufactured from pasteurized mix~~
7 ~~in the soft form at retail food establishments licensed pursuant~~
8 ~~to the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111,~~
9 ~~are exempt from this act.~~ **MILK PRODUCTS MANUFACTURED AT RETAIL**
10 **FOOD ESTABLISHMENTS LICENSED UNDER THE FOOD LAW OF 2000 ARE**
11 **EXEMPT FROM THIS ACT IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:**

12 **(A) ALL INGREDIENTS CONTAINED IN THESE PRODUCTS COMPLY WITH**
13 **THE REQUIREMENTS OF THE FOOD LAW OF 2000.**

14 **(B) THE MILK PRODUCTS MANUFACTURED ARE NOT SOLD WHOLESALE OR**
15 **TO ANOTHER BUSINESS ENTITY.**

16 Sec. 113. (1) The director may revoke or suspend the license
17 or permit of a licensee or permittee issued under this act or
18 impose an administrative fine under section 125 for failure to
19 comply with the requirements of this act or a rule promulgated
20 under this act. A license or permit may be revoked or suspended
21 according to the administrative procedures act of 1969, 1969 PA
22 306, MCL 24.201 to 24.328.

23 (2) The department shall notify in writing each producer
24 with whom a dairy plant does business regarding the pendency of
25 the administrative action not less than 5 days before the date of
26 the formal hearing set under subsection (1).

27 (3) The director may revoke or suspend a license or permit

1 issued under this act, or impose an administrative fine pursuant
2 to section 125, upon determining that the licensee or permittee
3 has done 1 or more of the following:

4 (a) Failed to provide supplementary or interim information
5 or information required to be supplied to the department under
6 this act or information requested by the director under this
7 article.

8 (b) Failed to provide a security device in the amount and
9 manner required by the director under this article.

10 (c) Knowingly provided false or fraudulent information or
11 made a material misrepresentation on an application.

12 (d) Knowingly provided false or fraudulent information or
13 made a material misrepresentation in response to a request for
14 information by the department.

15 (e) Failed to pay a producer in the manner provided for in
16 section 115.

17 (f) In the case of a dairy plant, failed to provide a
18 security device described in article 11.

19 (g) Adulterated or caused to be adulterated milk or dairy
20 products.

21 (h) Knowingly possessed, sold, offered for sale, or
22 purchased any milk or ~~cream-dairy~~ **MILK** product for use in a human
23 food product that has been condemned under this act.

24 (i) Failed to provide the required number of milk quality
25 sample results as established by the department.

26 (j) Failed to correct violations of this act noted on
27 inspection reports after being given written instructions to

1 correct the violations in a reasonable length of time.

2 (k) Failed to pay a final civil or administrative fine
3 issued under this act.

4 (l) Violated this act or a rule promulgated under this act.

5 (4) A person whose license or permit has been suspended,
6 revoked, or denied shall immediately discontinue operation of the
7 business or activity for which the license or permit was issued.

8 (5) A person whose license or permit has been suspended or
9 revoked is not eligible for reinstatement of the license or
10 permit until the director determines that all violations have
11 been corrected.

12 Sec. 114. (1) The director may summarily suspend a license
13 or permit issued under this act upon determining that the
14 licensee or permittee had done 1 or more of the following:

15 (a) Offered for sale or sold milk or dairy products from
16 diseased animals, or otherwise considered abnormal, that has been
17 incorporated with milk or dairy products from normal healthy
18 animals.

19 (b) Offered for sale or sold milk or dairy products **THAT ARE**
20 **NOT PASTEURIZED ACCORDING TO THE REQUIREMENTS SET FORTH IN**
21 **SECTION 137, EXCEPT AS ALLOWED IN SECTION 138, OR THAT ARE**
22 suspected of ~~contamination~~ **BEING CONTAMINATED** with any substance
23 considered by the department to be an imminent or substantial
24 health hazard.

25 (c) Offered for sale or sold milk or dairy products from
26 production, transportation, packaging, or storage facilities that
27 have such an accumulation of trash, rubbish, dirt, insects,

1 vermin, human or animal wastes, or spoiled milk or dairy products
2 that precludes the reasonable protection of the milk or dairy
3 products from contamination.

4 (d) Offered for sale or sold milk or dairy products produced
5 in equipment with a significant portion of the milk contact
6 surfaces covered with an accumulation of residues that were left
7 after having gone through a cleaning regimen and that are thick
8 enough that they may be easily scraped to form a body of solids.

9 (e) Offered for sale or sold milk or dairy products stored
10 in a container of unapproved construction.

11 (f) Received or picked up milk or dairy products stored in a
12 container of unapproved construction.

13 (g) Offered for sale or sold milk or dairy products produced
14 from dairy animals with a majority of the milking herd with an
15 excessive accumulation of manure on the flanks, bellies, or
16 udders that precludes the reasonable protection of the milk from
17 contamination during the milking process.

18 (h) Offered for sale or sold milk or dairy products that was
19 of inadequate volume to properly agitate after the first milking.

20 (i) Offered for sale or sold milk or dairy products produced
21 with excessive sediment.

22 (j) Interfered with inspection conducted by the department.

23 (k) Maintained dead animals on the premises in a manner
24 inconsistent with 1982 PA 239, MCL 287.651 to 287.683.

25 (l) Maintained a minimum of 3 of the last 5 official bacteria
26 counts illegal.

27 (m) Maintained a minimum of 3 of the last 5 official somatic

1 cell counts illegal.

2 (n) Maintained a minimum of 3 of the last 5 official milk or
3 dairy product cooling temperatures illegal.

4 (o) Failed to provide milk or dairy products free of
5 violative drug residues based on tests approved by the United
6 States food and drug administration.

7 **(P) OFFERED FOR SALE OR SOLD MILK OR MILK PRODUCTS THAT**
8 **PRESENT AN IMMINENT HEALTH HAZARD DUE TO IMPROPER OR UNKNOWN**
9 **STORAGE TEMPERATURE.**

10 **(Q) OFFERED FOR SALE OR SOLD MILK OR MILK PRODUCTS THAT**
11 **PRESENT AN IMMINENT HEALTH HAZARD DUE TO IMPROPER ALLERGEN**
12 **LABELING.**

13 **(R)** ~~(p)~~ Any other condition that creates an imminent or
14 substantial threat to the public health, safety, or welfare.

15 (2) If the director summarily suspends a license or permit
16 under subsection (1), the licensee or permittee shall be allowed
17 a minimum of 72 hours to demonstrate compliance and obtain
18 reinstatement of the license or permit before scheduling an
19 administrative hearing.

20 (3) If the department has provided notice to a licensee or
21 permittee as required by the administrative procedures act of
22 1969, 1969 PA 306, MCL 24.201 to 24.328, and subsequently
23 determines that summary suspension of the license or permit is
24 necessary to prevent an imminent threat of financial loss to 1 or
25 more producers with whom the licensee or permittee does business,
26 the director may summarily suspend the license or permit. The
27 director shall incorporate the determination in his or her order

1 of summary suspension. The summary suspension may be ordered
2 effective on the date specified in the order or the date of
3 service upon the licensee, whichever is later, and is effective
4 during the proceedings unless rescinded or otherwise modified.
5 The department shall promptly commence and determine the
6 proceedings.

7 Sec. 115. (1) A person purchasing milk for resale or
8 manufacture into another product shall pay the producer in a
9 manner and on dates ~~set by the United States department of~~
10 ~~agriculture milk market administrator or~~ as mutually agreed to by
11 the producers, the dairy plant, and the department. The
12 department shall revoke or deny a license issued under this act
13 for a violation of this subsection.

14 (2) A dairy plant that produces manufactured dairy products
15 shall not issue a check to the producer unless the name of the
16 person issuing the check is noted on the check.

17 Sec. 116. The department shall revoke or deny a license for
18 a dairy plant that produces manufactured dairy products if the
19 licensee or applicant fails to provide 1 of the security devices
20 required as a condition to issuance and maintenance of a license.
21 As a condition to issuance and maintenance of a license, a dairy
22 plant that produces manufactured dairy products shall provide 1
23 or more of the security devices described in section 117, 118, or
24 119. Milk plants that receive milk only from dairy farms under
25 the same **SOLE PROPRIETORSHIP, THE SAME REGISTERED PARTNERSHIP, OR**
26 **THE SAME CORPORATE** ownership **HAVING THE SAME REGISTERED NAME** as
27 the milk plant are exempt from the requirements of this section.

1 Sec. 119. A licensee or applicant for licensure as a dairy
2 plant not providing a security device under section 117 or 118
3 shall provide an agreement in which the dairy plant prepays for
4 its milk supply by means of cash payments before or at the time
5 ~~of delivery of dairy products~~ **THE MILK IS RECEIVED AT THE PLANT.**

6 Sec. 125. (1) The director shall impose upon a producer who
7 violates this act by selling or offering for sale milk which has
8 been found positive for violative drug residues on a test
9 performed pursuant to sections 131 and 132 the following
10 sanctions and administrative fines and provide notice and the
11 opportunity for an administrative hearing:

12 (a) The following in the case of a first violative drug
13 residue within a 12-month period:

14 (i) The producer's milk shall not be offered for sale until a
15 subsequent sample of the producer's milk tests negative for
16 violative drug residues at an approved laboratory.

17 (ii) The producer shall pay an administrative fine equal to
18 the lost value of the milk on the entire contaminated load and
19 any costs associated with the disposition of that load. The
20 administrative fine shall be paid directly to the milk buyer. The
21 department shall be provided with written notification of the
22 payment. Written notification shall also be provided to the
23 department of the date and location of the disposal of the entire
24 contaminated load. Where a producer markets their own load of
25 milk, the producer shall provide written notification to the
26 department of the date and location of the disposal of the entire
27 contaminated load. If the producer's violative shipment did not

1 cause partial or total loss of a load of milk as determined by an
2 approved drug residue test, the producer shall pay an
3 administrative fine of \$50.00 to the department. The milk buyer
4 may pay the administrative fine, if a like amount has been
5 deducted from the producer's milk check.

6 (b) The following in the case of a second violative drug
7 residue within a 12-month period:

8 (i) The producer's milk shall not be offered for sale until a
9 subsequent sample of the producer's milk tests negative for
10 violative drug residues at an approved laboratory.

11 (ii) The producer shall pay an administrative fine equal to
12 the lost value of the milk on the entire contaminated load and
13 any costs associated with the disposition of that load. The
14 administrative fine shall be paid directly to the milk buyer. The
15 department shall be provided with written notification of the
16 payment. Written notification shall also be provided to the
17 department of the date and location of the disposal of the entire
18 contaminated load. Where a producer markets their own load of
19 milk, the producer shall provide written notification to the
20 department of the date and location of the disposal of the entire
21 contaminated load. If the producer's violative shipment did not
22 cause partial or total loss of a load of milk as determined by an
23 approved drug residue test, the producer shall pay an
24 administrative fine of \$200.00 to the department. The milk buyer
25 may pay the administrative fine, if a like amount has been
26 deducted from the producer's milk check.

27 (iii) The producer will be required to test all milk prior to

1 shipment with a drug residue test acceptable to the director for
2 a minimum of 12 months and must retain records of these tests for
3 a minimum of 18 months.

4 (iv) The producer will be required to maintain complete drug
5 treatment records for all lactating or near lactating dairy
6 animals for a minimum of 12 months and must retain records of
7 these treatments for a minimum of 18 months.

8 (c) The following in the case of a third or any additional
9 violative drug residue within a 12-month period:

10 (i) The producer's milk shall not be offered for sale until a
11 subsequent sample of the producer's milk tests negative for
12 violative drug residues at an approved laboratory.

13 (ii) The producer shall pay an administrative fine equal to
14 the lost value of the milk on the entire contaminated load and
15 any costs associated with the disposition of that load. The
16 administrative fine shall be paid directly to the milk buyer. The
17 department shall be provided with written notification of the
18 payment. Written notification shall also be provided to the
19 department of the date and location of the disposal of the entire
20 contaminated load. Where a producer markets its own load of milk,
21 the producer shall provide written notification to the department
22 of the date and location of the disposal of the entire
23 contaminated load. If the producer's violative shipment did not
24 cause partial or total loss of a load of milk as determined by an
25 approved drug residue test, the producer shall pay an
26 administrative fine of \$500.00 to the department. The milk buyer
27 may pay the administrative fine, if a like amount has been

1 deducted from the producer's milk check.

2 (iii) The suspension of the producer's permit for a period not
3 to exceed 60 days after notice and the opportunity for an
4 administrative hearing before the department.

5 (iv) The producer will be required to test all milk prior to
6 shipment with a drug residue test acceptable to the director for
7 a minimum of 12 months and must retain records of these tests for
8 a minimum of 18 months.

9 (v) The producer will be required to maintain complete drug
10 treatment records for all lactating or near lactating dairy
11 animals for a minimum of 12 months and must retain records of
12 these treatments for a minimum of 18 months.

13 (2) The director may accept verification, on forms
14 acceptable to the director, from the violative producer's milk
15 marketing cooperative or purchaser of milk as satisfying the
16 penalty requirements and may verify the information.

17 (3) The disposal method and location of disposal for
18 violative drug residue milk on the milk tank truck shall be
19 immediately reported to the director, by the party making the
20 disposal, on forms provided by and acceptable to the director.

21 (4) The director shall investigate the cause of the
22 violative drug residue and shall discuss drug residue avoidance
23 control measures with the violative producer.

24 (5) Selling or offering for sale milk which has been found
25 violative for drug residues is determined by either of the
26 following criteria:

27 (a) When milk is picked up from a milk producer by a milk

1 tank truck and not commingled with milk from other producers, the
2 milk becomes subject to possible drug residue penalties at the
3 point the milk tank truck leaves the farm with the milk.

4 (b) When milk is picked up from a milk producer by a milk
5 tank truck and commingled with milk from other producers, it
6 becomes subject to possible drug residue penalties at the point
7 of commingling.

8 (6) Section 124 applies to a producer who violates this act
9 by selling or offering for sale milk which tests positive for
10 violative drug residues on a test performed pursuant to sections
11 131 and 132 only under the following circumstances:

12 (a) The producer fails to pay the administrative fine
13 required by subsection (1) in compliance with subsections (8) and
14 (9).

15 (b) The producer has been fined under subsection (1) within
16 the preceding 12-month period 3 or more times.

17 (7) After notice and an opportunity for an administrative
18 hearing pursuant to the administrative procedures act of 1969,
19 1969 PA 306, MCL 24.201 to 24.328, the director may revoke or
20 suspend a license or permit issued under this act for any
21 violation of this act or a rule promulgated under this act.
22 Except as otherwise provided for under subsection (1), upon
23 finding that a person violated a provision of this act or rule
24 promulgated under this act, the director may impose an
25 administrative fine of not more than \$1,000.00 and the actual
26 costs of the investigation of the violation.

27 (8) The administrative fines imposed under subsection (1) or

1 (7) shall be paid to the department within 10 days after
2 notification of the violation or within 10 days after
3 notification of adverse findings following a hearing or appeal,
4 or both. The administrative fines received by the department
5 under ~~subsection (1) shall be deposited in the general fund and~~
6 ~~shall be appropriated for the purpose of the training or~~
7 ~~education of producers in management procedures to avoid drug~~
8 ~~residue contamination, and administrative fines received pursuant~~
9 ~~to subsection (7) shall be deposited in the general fund~~ **THIS**
10 **SECTION SHALL BE DEPOSITED INTO THE DAIRY AND FOOD SAFETY FUND AS**
11 **PROVIDED FOR IN SECTION 110(18).**

12 (9) Failure to pay a load contamination or any other
13 administrative fine imposed under this section within 120 days
14 without making acceptable arrangements for payment of the fine
15 may result in license revocation or permit suspension or court
16 action, following notice and the opportunity for an
17 administrative hearing.

18 (10) The director shall advise the attorney general of the
19 failure of any person to pay an administrative fine imposed under
20 this section. The attorney general shall bring an action in court
21 of competent jurisdiction to recover the fine.

22 (11) A decision of the director under this section is
23 subject to judicial review as provided by law.

24 (12) This section does not require the director to issue an
25 administrative fine or initiate court action for minor violations
26 of this act whenever the department believes that the public
27 interest will be adequately served under the circumstances by a

1 suitable written notice or warning.

2 Sec. 130. (1) A person who offers milk to the public for
3 human consumption shall obtain that milk from ~~cows, sheep, or~~
4 ~~goats~~ **DAIRY ANIMALS** that are located in areas under federal or
5 state supervision for the eradication of tuberculosis and
6 brucellosis and comply with those requirements for eradication of
7 tuberculosis and brucellosis. Each animal that produces milk for
8 human consumption shall be properly maintained and fed in a
9 manner consistent with department recommendations for the
10 maintenance of animals of that kind. Any dairy animals that are
11 officially classified as tuberculosis reactors as defined in the
12 animal industry act, 1988 PA 466, MCL 287.701 to 287.745, shall
13 be milked last or in separate equipment and the milk from these
14 dairy animals shall not be used or sold for human or animal
15 consumption.

16 (2) A person shall not sell or offer for human consumption
17 milk that is known to the person to be any of the following:

18 (a) Infected with mastitis or showing signs of being bloody,
19 ropy, or clumpy.

20 (b) Carrying a violative drug residue in an amount that
21 exceeds the maximum permitted under state or federal law.

22 (c) Containing a pesticide or other chemical in excess of
23 the maximum amount permitted under state or federal law.

24 (d) Not normal and fresh in odor or appearance or containing
25 excessive coarse sediment when examined organoleptically,
26 visually, or by an accepted test procedure.

27 (e) Containing excessive sediment as determined by sediment

1 test methods provided in standard methods for the examination of
2 dairy products and classified to USDA sediment standards as more
3 than a no. 3.

4 (f) Exceeds legal temperature, bacterial, or somatic cell
5 limits.

6 (3) A person in possession of milk described in subsection
7 (2) shall dispose of that milk in the manner directed by the
8 department.

9 (4) A milking barn or milking parlor shall be all of the
10 following:

11 (a) Well-lighted and ventilated.

12 (b) Of a size and arrangement adequate to provide for
13 sanitary milking operations.

14 (c) Constructed with floors and gutters of concrete or other
15 impervious material.

16 (d) Kept clean, with manure removed daily and stored out of
17 reach of the animals that are subject to milking.

18 (e) Kept free of swine or fowl at all times.

19 (f) Constructed with a dust-tight ceiling.

20 (5) The yard and loafing area for dairy animals shall be all
21 of the following:

22 (a) Of ample size to prevent overcrowding.

23 (b) Drained to prevent the formation of standing pools.

24 (c) Kept as clean as is practicably possible.

25 (6) A person who obtains milk from a dairy animal shall do
26 all of the following:

27 (a) Ensure that the udders and flanks of the animal are kept

1 clean.

2 (b) Wash and wipe the udders and teats of the animal
3 immediately before milking with a clean cloth or paper towel that
4 is treated with an approved sanitizing solution and dried with a
5 clean cloth or paper towel after washing, or use any other method
6 approved by the department.

7 (c) Wear clean outer clothing.

8 (d) Maintain clean and dry hands during milking.

9 (e) Refrain from handling the animal, milk containers,
10 milking utensils, and equipment at any time the person has an
11 infected cut or open sore on either of his or her hands or arms.

12 (f) Milk last or with separate equipment those animals that
13 secrete abnormal milk and exclude that abnormal milk from the
14 milk that will be offered for human consumption.

15 (g) Maintain and properly store milk stools, surcingles, and
16 antikickers.

17 (h) Refrain from conducting an activity that raises dust in
18 the milking area immediately before or during milking.

19 (i) Store feed and concentrates in a tightly covered
20 container.

21 (j) Except for milk that is delivered to a processing plant
22 within 2 hours after the milking, cool and store milk that is
23 contained in cans and that will be used exclusively for cheese
24 manufacturing at 60 degrees Fahrenheit (16 degrees Celsius) or
25 lower at the farm within 2 hours after the milking.

26 (k) Cool milk that is stored in a dairy farm bulk tank to 50
27 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less of

1 the commencement of the first milking, and to 45 degrees
2 Fahrenheit (7 degrees Celsius) or less within 2 hours after
3 milking, provided that the blend temperature after the first
4 milking and subsequent milkings does not exceed 50 degrees
5 Fahrenheit (10 degrees Celsius).

6 (7) A milkhouse or milkroom shall be all of the following:

7 (a) Well-lighted and ventilated. Lighting in the milkhouse
8 shall be adequate for milkhouse operations. A minimum of 1 light
9 for the wash vat and a light for each bulk tank opening shall be
10 provided. Nonelectric farms shall have the minimum of 1 battery-
11 operated light for each bulk tank opening. Lights shall not be
12 positioned directly over bulk tank openings. Fuels used for
13 milkhouse operations shall not cause odors that may impart off-
14 flavors to the milk.

15 (b) Located in convenient proximity to a milking barn or
16 milking parlor.

17 (c) Constructed in accordance with applicable building
18 codes, with each of the following:

19 (i) A floor of concrete or other impervious material, graded
20 to provide appropriate drainage.

21 (ii) Walls and ceiling of a smooth, readily cleanable
22 material.

23 (iii) A platform or slab constructed of concrete or other
24 impervious material at the exterior of the milkhouse or milkroom,
25 centered beneath a suitable opening, fitted with a tight, self-
26 closing door, located on the exterior wall for milkhouse or
27 milkroom connections to bulk milk tanks. The platform or slab

1 shall be a minimum of 4 feet by 4 feet to provide sufficient room
2 and clean surface for the milk hauler to stand and handle the
3 milk transfer hose.

4 (iv) A truck approach to the milkhouse or milkroom, properly
5 graded and surfaced to prevent mud or pooling of water at the
6 milk loading point.

7 (d) Equipped with a wash and rinse vat, utensil rack, and
8 milk cooling facilities, for the handling and cooling of milk,
9 and for the washing, handling, and storage of milking utensils
10 and equipment.

11 (e) Free of any product that the department determines is
12 likely to contaminate milk or create a public health hazard.

13 (f) Equipped with a supply of hot water adequate for
14 cleaning milk utensils and equipment.

15 (g) Designed without a direct opening, and with a solid,
16 tight-fitting, self-closing door, at any entrance to a barn,
17 stable, or milking parlor.

18 (h) Designed with screens at all outside openings, unless
19 another means is provided to prevent the entrance of insects or
20 rodents into the milkhouse or milkroom. Screen doors shall be
21 tight-fitting and self-closing and open outward. Toilet
22 facilities located adjacent to the milkhouse or milking
23 facilities shall have self-closing doors and all outside openings
24 shall be screened.

25 (i) Plans for new facilities, remodeled facilities, or new
26 equipment installations must be submitted to the department for
27 prior approval.

1 (8) A dairy farm bulk tank shall be located in a milkhouse
2 or milkroom in a manner that allows access to all areas of the
3 tank for cleaning and servicing. A dairy farm bulk tank shall not
4 be placed over a floor drain or under a ventilator or unprotected
5 light fixture. A dairy farm shall ensure that each new farm bulk
6 tank meets sanitary standards and is installed in accordance with
7 department specifications.

8 (9) The owner or operator of a milkhouse or milkroom shall
9 ensure all of the following:

10 (a) That the milkhouse or milkroom is clean and free of
11 contaminants, animals, and fowl.

12 (b) That an unapproved pesticide is not stored in the
13 milkhouse or milkroom.

14 (c) That any pesticide used in or near the milkhouse or
15 milkroom is used in accordance with label instructions to prevent
16 the contamination of milk or equipment.

17 (d) That each utensil, milk can, milking machine, pipeline
18 system associated with a milking machine, and other equipment
19 used in the handling of milk is maintained in good condition,
20 free from rust, open seams, milkstone, and any unsanitary
21 condition.

22 (e) That each utensil and item of equipment used in the
23 handling of milk is of a smooth, noncorrosive material, washed,
24 rinsed, and drained after each milking, stored in an appropriate
25 manner, and sanitized immediately before use, by using dairy
26 cleaners, detergents, sanitizing agents, or other similar
27 materials labeled for dairy or food service use that will not

1 contaminate or adversely affect the milk.

2 (f) That each dairy farm tank used on the premises is
3 constructed of a material or materials approved by the department
4 and installed in accordance with subsection (11).

5 (g) That each item that is designed for a single use is
6 properly stored and is not reused.

7 (h) That the dairy farm water supply complies with the safe
8 drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, or, if
9 the water supply is not new or reconstructed after April 1, 1994,
10 the water supply is annually tested by a laboratory approved by
11 the department and found to be of safe and satisfactory quality
12 and in compliance with guidelines established by the department
13 of community health.

14 (i) That waste products are disposed of in a manner that
15 will not pollute the soil surface, contaminate a feed, milk, or
16 water supply, or be exposed to insects.

17 (10) A producer who ships milk in cans shall do each of the
18 following:

19 (a) Ensure that each milk can used in transporting milk from
20 dairy farm to plant is seamless with an umbrella lid for easy
21 cleaning.

22 (b) Inspect, repair, and replace milk cans as necessary to
23 prevent the use of cans and lids with open seams, cracks, rust,
24 milkstone, or any unsanitary condition.

25 (11) A producer who ships milk from a farm bulk tank shall
26 comply with the following:

27 (a) A farm tank on a dairy farm shall be installed so as to

1 remain level at all times.

2 (b) A farm tank shall have an accurate indicating
3 thermometer stored in the milkhouse which may be either an
4 integral thermometer in the farm tank or an approved thermometer
5 acceptable to the director.

6 (c) A farm tank shall have a calibrated means of measurement
7 and an accurate and legible volume to weight conversion chart,
8 unless the farm tank is mounted on an accurate scale. All
9 measuring devices must be in compliance with the weights and
10 measures act, ~~of 1964,~~ 1964 PA 283, MCL 290.601 to 290.634.

11 (d) A conversion chart shall bear the same serial number as
12 that found on the farm tank and measuring rod.

13 (e) The producer is responsible for recalibrating a farm
14 tank that does not have an accurate conversion chart. A
15 recalibration must be in compliance with the weights and measures
16 act, ~~of 1964,~~ 1964 PA 283, MCL 290.601 to 290.634. A person shall
17 not adjust, alter, or change a conversion chart unless the
18 change, alteration, or adjustment is made strictly according to
19 the requirements of the weights and measures act, ~~of 1964,~~ 1964
20 PA 283, MCL 290.601 to 290.634.

21 (f) A farm tank shall not be filled to a capacity that
22 exceeds the calibrated limits as indicated by the conversion
23 chart. If the producer wishes to fill the tank nearer to the top,
24 the tank shall be calibrated to an additional height, which still
25 permits proper agitation without spillage.

26 (g) Milk to be offered for sale shall be cooled and stored
27 in the farm tank equipped with cooling and agitation. Other

1 cooling and storage facilities may be used when approved in
2 writing by the director on a case-by-case basis.

3 (h) Milk production shall be of sufficient quantity so that
4 it can be properly agitated not later than at the completion of
5 the first milking into the farm tank.

6 (i) Facilities for effectively sanitizing farm tanks shall
7 be provided by the producer.

8 Sec. 131. (1) The department shall issue a license or permit
9 to haul cans of milk to the owner or operator of a truck or
10 vehicle used for hire to transport milk in cans from the farm to
11 the dairy plant.

12 (2) The owner of all trucks used to transport milk in cans
13 shall ensure that vehicles used comply with each of the
14 following:

15 (a) Each vehicle is enclosed, constructed, and operated to
16 protect the product from extreme temperature, dust, or other
17 adverse conditions and is kept clean.

18 (b) If more than 1 tier of cans is carried, the vehicle
19 contains decking boards or racks.

20 (c) Each vehicle contains cans that are used solely for the
21 transportation of milk from the farm to the plant and for no
22 other purpose.

23 (3) A licensed bulk milk hauler/sampler shall collect
24 samples of milk from each load of milk he or she receives for
25 transport pursuant to the grade A milk law of 2001. A milk tank
26 truck driver engaged in direct farm pickup has direct
27 responsibility for accompanying official samples.

- 1 (4) A licensed bulk milk hauler/sampler or milk
2 transportation company shall do each of the following:
- 3 (a) Ensure that the exterior shell of each bulk milk pickup
4 tanker is clean and free from open seams or cracks.
- 5 (b) Ensure that the interior shell of each bulk milk pickup
6 tanker is stainless steel and constructed to prevent buckling,
7 sagging, or incomplete drainage.
- 8 (c) Ensure that all product contact surfaces are smooth,
9 easily cleaned, and maintained in good repair.
- 10 (d) Fully enclose the pump and hose cabinet with tight-
11 fitting doors and provide inlet and outlet dust covers to give
12 adequate protection from road dust.
- 13 (e) Ensure that each new and replacement bulk milk pickup
14 tanker complies with sanitary standards. Each licensed or
15 permitted milk tank truck shall be used solely for the
16 transportation of milk or dairy products or for other food or
17 potable commodities approved by the department.
- 18 (f) Deliver producer samples collected pursuant to this
19 section to the dairy plant or receiving station as specified by
20 the department.
- 21 (g) License or permit the milk tank truck pursuant to the
22 grade A milk law of 2001.
- 23 **(H) ENSURE THAT MILK OVER 96 HOURS OLD IS NOT PICKED UP FROM**
24 **A DAIRY FARM, WITH THE EXCEPTION OF GOAT MILK, WHICH MAY BE**
25 **STORED FOR 7 DAYS, AND SHEEP MILK, WHICH MAY BE FROZEN FOR**
26 **EXTENDED STORAGE AND TRANSPORTATION.**
- 27 (5) The dairy plant, transfer station, or receiving station,

1 or a laboratory selected by the dairy plant, transfer station, or
2 receiving station that is approved by the department, shall test
3 each producer's milk for each of the following, in accordance
4 with standard methods for the examination of dairy products,
5 referenced in 7 ~~C.F.R.~~ **CFR PART** 58, adopted by reference, at
6 least 4 out of every 6 months and report the following results to
7 the department:

8 (a) The presence of bacteria by standard plate count or
9 plate-loop count.

10 (b) The presence of a violative beta lactam drug residue
11 using any test approved by the department or the food and drug
12 administration for that purpose.

13 (c) The presence of somatic cells using either a direct
14 microscopic somatic cell count test or an electronic somatic cell
15 count test.

16 (d) Temperature at time of bulk hauler pickup on the farm or
17 temperature of milk in cans when delivered to the dairy plant,
18 transfer station, or receiving station.

19 (e) Sediment as described in section 132(8)(e).

20 Sec. 136. **(1)** Only pasteurized milk and dairy products shall
21 be offered for sale or sold, directly or indirectly, to the final
22 consumer or to restaurants, grocery stores, or similar
23 establishments except as specified in section 138.

24 **(2) MILK AND DAIRY PRODUCTS MAY BE ASEPTICALLY PROCESSED AS**
25 **LOW-ACID FOODS PROVIDED THEY COMPLY WITH THE FOLLOWING**
26 **REQUIREMENTS:**

27 **(A) ALL THERMALLY PROCESSED MILK AND MILK PRODUCTS THAT ARE**

1 PACKAGED IN HERMETICALLY SEALED CONTAINERS ARE PROCESSED IN A
 2 MILK PROCESSING FACILITY LICENSED UNDER THIS ACT, THE GRADE A
 3 MILK LAW OF 2001, OR THE FOOD LAW OF 2000.

4 (B) ALL PROCESSORS OF ACIDIFIED MILK AND MILK PRODUCTS
 5 PACKAGED IN HERMETICALLY SEALED CONTAINERS COMPLY WITH THE
 6 REGULATIONS OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN
 7 21 CFR PART 108, 21 CFR PART 110, AND 21 CFR PART 114.

8 (C) ALL THERMALLY PROCESSED MILK AND MILK PRODUCTS THAT ARE
 9 PACKAGED IN HERMETICALLY SEALED CONTAINERS COMPLY WITH THE
 10 REGULATIONS OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN
 11 21 CFR PART 108, 21 CFR PART 110, AND 21 CFR PART 113.

12 (D) HERMETICALLY SEALED PACKAGES ARE HANDLED TO MAINTAIN
 13 PRODUCT AND CONTAINER INTEGRITY.

14 Sec. 137. The terms "pasteurization", "pasteurized", and
 15 similar terms mean the process of heating every particle of milk
 16 or dairy products to at least the temperature and time
 17 relationships given in this section as follows or by any
 18 equivalent process approved by the federal food and drug
 19 administration and accepted by the department for that purpose:

<u>Pasteurization Temperature and Time Standards</u>		
21 Whole milk; skim milk;	145°F (63°C)	30 min
22 cheese milk; whey;	161°F (72°C)	15 sec
23 other products with less	191°F (89°C)	1.0 sec
24 than 10% butterfat or without	194°F (90°C)	0.5 sec
25 added sweeteners	201°F (94°C)	0.1 sec
26 _____	204°F (96°C)	0.05 sec
27 _____	212°F (100°C)	0.01 sec

1			
2	Cream; condensed products;	150°F (66°C)	30 min
3	other products with 10% or	166°F (75°C)	15 sec
4	more butterfat or with	196°F (92°C)	1.0 sec
5	added sweeteners	199°F (93°C)	0.5 sec
6		206°F (97°C)	0.1 sec
7		209°F (99°C)	0.05 sec
8		217°F (103°C)	0.01 sec
9			
10	Eggnog; frozen dessert mix	155°F (69°C)	30 min
11		175°F (80°C)	25 sec
12		180°F (83°C)	15 sec
13			
14	Cream for butter making	165°F (74°C)	30 min
15		185°F (85°C)	15 sec
16			
17	Milk or cream for plastic or	170°F (77°C)	30 min
18	frozen cream	190°F (88°C)	15 sec
19			
20	Ultra pasteurized products	280°F (138°C)	2 sec

21 **MINIMUM VAT PASTEURIZATION TEMPERATURE AND TIME STANDARDS**

22	WHOLE MILK; SKIM MILK; CHEESE MILK;		
23	WHEY; OTHER PRODUCTS WITH LESS THAN 10%		
24	BUTTERFAT OR WITHOUT ADDED SWEETENERS	145°F (63°C)	30 MIN
25			
26	CREAM; CONDENSED PRODUCTS; OTHER		
27	PRODUCTS WITH 10% OR MORE BUTTERFAT		
28	OR WITH ADDED SWEETENERS	150°F (66°C)	30 MIN
29			

1	EGGNOG; FROZEN DESSERT MIX	155 °F (69 °C)	30 MIN
2			
3	CREAM FOR BUTTER MAKING	165 °F (74 °C)	30 MIN
4			
5	MILK OR CREAM FOR PLASTIC OR		
6	FROZEN CREAM	170 °F (77 °C)	30 MIN
7			
8	MINIMUM HIGH TEMPERATURE SHORT TIME (HTST) ,		
9	HIGHER HEAT SHORT TIME (HHST) AND		
10	ASEPTIC PASTEURIZATION TEMPERATURE AND TIME STANDARDS		
11		161 °F (72 °C)	15 SEC
12		191 °F (89 °C)	1.0 SEC
13	WHOLE MILK; SKIM MILK; CHEESE MILK;	194 °F (90 °C)	0.5 SEC
14	WHEY; OTHER PRODUCTS WITH LESS THAN 10%	201 °F (94 °C)	0.1 SEC
15	BUTTERFAT OR WITHOUT ADDED SWEETENERS	204 °F (96 °C)	0.05 SEC
16		212 °F (100 °C)	0.01 SEC
17			
18		166 °F (75 °C)	15 SEC
19		196 °F (92 °C)	1.0 SEC
20	CREAM; CONDENSED PRODUCTS; OTHER	199 °F (93 °C)	0.5 SEC
21	PRODUCTS WITH 10% OR MORE BUTTERFAT	206 °F (97 °C)	0.1 SEC
22	OR WITH ADDED SWEETENERS	209 °F (99 °C)	0.05 SEC
23		217 °F (103 °C)	0.01 SEC
24			
25	EGGNOG; FROZEN DESSERT MIX	175 °F (80 °C)	25 SEC
26		180 °F (83 °C)	15 SEC
27			
28	CREAM FOR BUTTER MAKING	185 °F (85 °C)	15 SEC
29			

1	MILK OR CREAM FOR PLASTIC OR		
2	FROZEN CREAM	190°F (88°C)	15 SEC
3			
4	ULTRA-PASTEURIZED PRODUCTS	280°F (138°C)	2 SEC
5			

6 Sec. 139. (1) Except as provided in section 138, all milk
7 and dairy products shall be pasteurized before entrance of the
8 milk and dairy products into any of the following:

9 (a) The evaporator or condensing equipment.

10 (b) The cheese-making process.

11 (c) The cheese culture making process.

12 (d) The frozen dessert mix freezing.

13 (e) The cultured product culturing.

14 (2) All dairy by-products from dairy plants used for feeding
15 purposes for farm animals shall be pasteurized or be derived from
16 pasteurized products **WHEN SPECIFIED BY THE DIRECTOR.**

17 (3) All milk and dairy products shall be pasteurized at the
18 plant at which they are processed or dried, except for
19 crystalized condensed whey and other high solids/low water
20 activity products such as sweetened condensed milk, which shall
21 be transported in tankers or containers dedicated to transporting
22 pasteurized products. This subsection shall not be construed as
23 banning the transportation in nondedicated tankers of pasteurized
24 milk or dairy products to another processing or drying plant for
25 repasteurization and processing or drying.

26 (4) All pasteurized milk and dairy products, except those to
27 be cultured and those to receive immediate additional heat

1 treatment in subsequent processes of manufacturing, shall be
2 cooled immediately in approved equipment to temperature criteria
3 specified in section 70 or maintained at or above 145 degrees
4 Fahrenheit (63 degrees Celsius).

5 (5) All pasteurization equipment shall comply with sanitary
6 standards and shall be tested by the department every 3 months
7 for proper construction and operation.

8 (6) The airspace temperature in a vat pasteurizer shall be
9 maintained at least 5°F (2.8°C) above the minimum pasteurization
10 temperature for the product being pasteurized during the entire
11 30-minute vat pasteurization cycle.

12 (7) ALL MILK AND MILK PRODUCTS (I.E., MILK SOLIDS, WHEY,
13 NONFAT DRY MILK, CONDENSED MILK, CREAM, SKIM MILK, ETC.), EGGS,
14 EGG PRODUCTS, COCOA, COCOA PRODUCTS, EMULSIFIERS, STABILIZERS,
15 VITAMINS, AND LIQUID SWEETENERS SHALL BE ADDED PRIOR TO
16 PASTEURIZATION. ALL SUCH ADDITIONS SHALL BE MADE IN A SANITARY
17 MANNER, WHICH PREVENTS THE CONTAMINATION OF THE ADDED INGREDIENT
18 OR THE MILK OR MILK PRODUCT. INGREDIENTS THAT MAY BE ADDED AFTER
19 PASTEURIZATION ARE THOSE FLAVORING INGREDIENTS AND OTHER
20 INGREDIENTS THAT HAVE BEEN FOUND TO BE SAFE AND SUITABLE AND
21 INCLUDE:

22 (A) INGREDIENTS PERMITTED BY THE CFR STANDARDS OF IDENTITY
23 WHEN CONSIDERING A STANDARDIZED MILK OR MILK PRODUCT.

24 (B) FRESH FRUITS AND VEGETABLES ADDED TO CULTURED MILK AND
25 MILK PRODUCTS PROVIDED THE RESULTANT EQUILIBRIUM PH LEVEL (4.6 OR
26 BELOW WHEN MEASURED AT 24°C (75°F)) OF THE FINISHED PRODUCT IS
27 REACHED WITHOUT UNDUE DELAY AND IS MAINTAINED DURING THE SHELF

1 LIFE OF THE PRODUCT.

2 (C) INGREDIENTS SUBJECTED TO PRIOR HEATING OR OTHER
3 TECHNOLOGY THAT HAS BEEN DEMONSTRATED TO THE UNITED STATES FOOD
4 AND DRUG ADMINISTRATION TO BE SUFFICIENT TO DESTROY OR REMOVE
5 PATHOGENIC MICROORGANISMS.

6 (D) INGREDIENTS HAVING A WATER ACTIVITY (AW) OF 0.85 OR
7 LESS.

8 (E) INGREDIENTS HAVING A HIGH ACID CONTENT (PH LEVEL OF 4.6
9 OR BELOW WHEN MEASURED AT 24°C (75°F)) OR HIGH ALKALINITY (PH
10 LEVEL GREATER THAN 11 WHEN MEASURED AT 24°C (75°F)).

11 (F) ROASTED NUTS.

12 (G) DRY SUGARS AND SALTS.

13 (H) FLAVOR EXTRACTS HAVING A HIGH ALCOHOL CONTENT.

14 (I) SAFE AND SUITABLE BACTERIAL CULTURES AND ENZYMES.

15 (J) INGREDIENTS THAT HAVE BEEN FOUND TO BE SAFE AND SUITABLE
16 BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

17 (8) ALL MILK AND MILK PRODUCTS SHALL BE PASTEURIZED, PRIOR
18 TO THE ENTRANCE INTO RO, UF, EVAPORATOR, OR CONDENSING EQUIPMENT,
19 AND SHALL BE PERFORMED IN THE MILK PLANT WHERE THE PROCESSING IS
20 DONE, EXCEPT THAT THE FOLLOWING APPLY:

21 (A) IF THE PRODUCT IS WHEY, PASTEURIZATION IS NOT REQUIRED
22 IF THE PRODUCT IS ACID WHEY (PH LESS THAN 4.7) OR IF IT IS
23 PROCESSED IN RO OR UF EQUIPMENT AT TEMPERATURES AT OR BELOW 7°C
24 (45°F).

25 (B) IF THE PRODUCT IS RAW MILK FOR PASTEURIZATION, THE
26 PRODUCT MAY BE CONCENTRATED BY THE USE OF RO OR UF MEMBRANE
27 FILTRATION WITHOUT PASTEURIZATION, PRIOR TO ENTRANCE INTO THE

1 EQUIPMENT, PROVIDED THAT THE FOLLOWING SAMPLING, TESTING, DESIGN,
2 INSTALLATION, AND OPERATIONAL CRITERIA ARE MET:

3 (i) PRIOR TO PROCESSING, ALL RAW MILK SUPPLIES ARE SAMPLED
4 AND TESTED FOR ANTIBIOTIC RESIDUES IN ACCORDANCE WITH THE
5 PROVISIONS OF THIS LAW.

6 (ii) THE RO OR UF FILTRATION SYSTEM IS DESIGNED AND OPERATED
7 TO ASSURE THAT MILK OR MILK PRODUCT TEMPERATURE IS MAINTAINED AT
8 OR BELOW 7°C (45°F) THROUGHOUT THE PROCESS, PROVIDED THAT THE
9 PRODUCT TEMPERATURE MAY RISE ABOVE 7°C (45°F) FOR A PERIOD OF NOT
10 MORE THAN 15 MINUTES, FURTHER PROVIDED THAT SHOULD THE PRODUCT
11 TEMPERATURE RISE ABOVE 10°C (50°F), THE PRODUCT SHALL BE
12 IMMEDIATELY DIVERTED UNTIL THE PRODUCT IS AGAIN BELOW 7°C (45°F).
13 DIVERTED PRODUCT SHALL BE DISCARDED, IMMEDIATELY COOLED TO BELOW
14 7°C (45°F), OR IMMEDIATELY PASTEURIZED.

15 (iii) THE RO OR UF SYSTEM MUST BE EQUIPPED WITH TEMPERATURE
16 MONITORING AND RECORDING DEVICES THAT COMPLY WITH THE APPLICABLE
17 SPECIFICATIONS OUTLINED IN THE GRADE A MILK LAW OF 2001. AT A
18 MINIMUM, MILK OR MILK PRODUCT TEMPERATURE SHALL BE MONITORED AND
19 RECORDED PRIOR TO ENTERING THE SYSTEM, PRIOR TO ENTERING EACH
20 STAGE OF THE MODULES IN SERIES THAT CONTAIN COOLING, AND THE
21 RETENTATE STREAM PRIOR TO ANY FINAL COOLER AND UPON EXITING THE
22 SYSTEM.

23 (iv) IF THE RO OR UF SYSTEM IS NOT DESIGNED, INSTALLED, AND
24 OPERATED IN ACCORDANCE WITH THE ABOVE NOTED CRITERIA, THE RAW
25 MILK OR MILK PRODUCT MUST BE PASTEURIZED PRIOR TO ENTERING THE RO
26 OR UF SYSTEM.

27 (9) ALL CONDENSED MILK AND MILK PRODUCTS TRANSPORTED TO A

1 MILK PLANT FOR DRYING SHALL BE REPASTEURIZED AT THE MILK PLANT
2 WHERE THEY ARE DRIED.

3 (10) IF CONDENSED WHEY CONTAINING AT LEAST 40% TOTAL SOLIDS
4 HAS BEEN PARTIALLY CRYSTALLIZED BY COOLING, IT MAY BE TRANSPORTED
5 TO A SEPARATE MILK PLANT FOR DRYING WITHOUT REPASTEURIZATION,
6 PROVIDED THAT THE FOLLOWING CONDITIONS ARE COMPLIED WITH:

7 (A) THE CONDENSED, PARTIALLY CRYSTALLIZED WHEY IS COOLED AND
8 MAINTAINED AT 7°C (45°F) OR LESS.

9 (B) MILK TANK TRUCKS USED TO TRANSPORT THE CONDENSED,
10 PARTIALLY CRYSTALLIZED WHEY ARE WASHED AND SANITIZED IMMEDIATELY
11 PRIOR TO FILLING AND ARE SEALED AFTER FILLING UNTIL UNLOADING.

12 (C) SEPARATE UNLOADING PUMPS AND PIPELINES ARE PROVIDED AND
13 USED ONLY FOR THE UNLOADING OF THE CONDENSED, PARTIALLY
14 CRYSTALLIZED WHEY. SUCH PUMPS AND PIPELINES SHALL BE CLEANED AND
15 SANITIZED AS A SEPARATE CLEANING CIRCUIT.

16 (11) THE DESIGN AND OPERATION OF PASTEURIZATION EQUIPMENT
17 AND ALL APPURTENANCES THERETO SHALL COMPLY WITH THE APPLICABLE
18 STANDARDS, SPECIFICATIONS, AND OPERATIONAL PROCEDURES OF THIS
19 ACT.

20 Sec. 140. A person who owns or operates a plant receiving
21 milk for manufacturing into a dairy product shall do each of the
22 following:

23 (a) Maintain premises in a clean and orderly condition.

24 (b) Prevent the emission of an odor, smoke, or pollutant
25 within the plant that may adulterate or negatively impact the
26 quality of the milk or dairy products, as determined by the
27 department.

1 (c) Construct plant driveways and adjacent vehicular traffic
2 areas using concrete, asphalt, or other material approved by the
3 department for minimizing dust and mud and maintain those sites
4 in good repair.

5 (d) Construct a drainage system that provides for rapid,
6 nonhazardous water drainage from the plant, driveways, adjacent
7 traffic areas, and surface water sites located on plant property,
8 in a manner that prevents the development of a nuisance.

9 (e) Ensure that each plant structure is of sound
10 construction and kept in good repair to prevent the entering or
11 harboring of rodents, birds, insects, vermin, dogs, and cats.

12 (f) Ensure that all exterior wall openings for pipes are
13 effectively sealed around the pipes or fitted with tight metal
14 collars.

15 (g) Ensure that all openings to the outdoors, including
16 doors, windows, skylights, and transoms, are effectively
17 maintained and protected or screened against the entrance of
18 insects, rodents, birds, dust, and dirt. On new construction,
19 window sills should be slanted downward at a 45-degree angle.

20 (h) Ensure that all exterior doors fit properly and that all
21 hinged, exterior screen doors open outward.

22 (i) Ensure that all conveyor and other exterior openings are
23 effectively maintained and protected by the use of doors,
24 screens, flaps, fans, or tunnels to prevent the entrance of
25 insects, rodents, birds, dust, and dirt.

26 (j) Ensure that outside openings for sanitary pipelines are
27 covered when not in use.

1 (k) Ensure that wall, ceiling, partition, and post surfaces
2 of each room in which a milk or dairy product is stored, or in
3 which a dairy utensil is washed or stored, are smoothly finished
4 in a light colored material impervious to moisture.

5 (l) Refinish a surface described in subdivision (k) as
6 frequently as necessary to maintain a smooth finish.

7 (m) Ensure that the floor of each room in which a milk or
8 dairy product is processed, manufactured, packaged, handled or
9 stored, or in which a dairy utensil is washed or stored, is each
10 of the following:

11 (i) Except as provided in subdivision (n), constructed of an
12 impervious material approved by the department.

13 (ii) Maintained in good repair.

14 (iii) Graded to prevent the forming of standing water or milk.

15 (iv) Equipped with drains containing properly constructed and
16 maintained traps and designed to prevent sewage backup into drain
17 lines and the floor of the plant.

18 (n) Store new containers, supplies, and certain packaged
19 products in a room or rooms with floors described in subdivision
20 (m) or, upon department approval, in a room or rooms with a
21 clean, smooth wood floor.

22 (o) Equip the plant with adequate and well-distributed
23 lighting **OF AT LEAST 50 FOOT-CANDLES WHERE DAIRY PRODUCTS ARE**
24 **GRADED OR EXAMINED FOR CONDITION AND QUALITY SUCH AS A CAN MILK**
25 **RECEIVING ROOM DUMPING AREA; 20 FOOT-CANDLES AT WORKING SURFACES**
26 **IN ROOMS FOR MANUFACTURING, PROCESSING, OR PACKAGING OF DAIRY**
27 **PRODUCTS OR FOR WASHING OF EQUIPMENT AND UTENSILS; 5 FOOT-CANDLES**

1 IN ALL OTHER ROOMS, INCLUDING STORAGE ROOMS AND COOLERS; OR AS
2 SPECIFIED BY THE DIRECTOR. LIGHT INTENSITY SHALL BE MEASURED AT A
3 DISTANCE OF 30 INCHES FROM THE FLOOR WITH THE USE OF A LIGHT
4 METER.

5 (p) Protect from potential broken glass contamination all
6 milk, dairy products, or dairy product ingredients located
7 beneath a suspended lightbulb, fixture, window, or other glass.

8 (q) Ensure that each room and compartment has adequate
9 heating, air-conditioning, and ventilation to maintain sanitary
10 conditions and provide exhaust or inlet fans, vents, hoods, and
11 temperature and humidity control facilities as needed to minimize
12 or eliminate undesirable room temperatures, odors, moisture,
13 condensation, or mold.

14 (r) Install adequate air filtering devices on air inlet fans
15 to prevent the entrance of dirt and dust and ensure that each
16 exhaust outlet is screened or provided with self-closing louvers
17 to prevent the entrance of insects when not in use.

18 (s) Clean and maintain in good repair each ventilation
19 system.

20 (t) Ensure that each room and compartment in which a raw
21 dairy material, packaging material, ingredient supplies, or dairy
22 product is manufactured, handled, packaged, or stored is
23 designed, constructed, and maintained to assure a stable and
24 appropriate temperature and clean operating conditions.

25 (u) Separate a processing room from a bulk milk receiving
26 room by walls or partitions and a solid, tight-fitting, self-
27 closing door.

1 (v) Keep processing rooms free from equipment not regularly
2 used.

3 (w) Maintain coolers and freezers containing milk or dairy
4 products as follows:

5 (i) At temperature and humidity levels that protect cooler or
6 freezer contents and minimize mold growth on or within the cooler
7 or freezer.

8 (ii) In a condition that protects cooler or freezer contents
9 from rodents, insects, and vermin.

10 (iii) With shelves that are clean and dry.

11 (iv) With equipment for the collection and disposal of
12 condensate.

13 (x) Maintain a supply room used for the storing of packaging
14 materials and miscellaneous ingredients in a clean, dry
15 condition, free from insects, rodents, and mold, and maintained
16 in good repair.

17 (y) Protect items stored in a supply room from dust, dirt,
18 or other extraneous matter and arrange those items on racks,
19 shelves, or pallets to permit cleaning and inspection of the room
20 and access to the items.

21 (z) Label, segregate, and store insecticides, rodenticides,
22 cleaning compounds, and other nonfood products in a separate
23 supply room or cabinet away from milk, dairy products,
24 ingredients, or packaging supplies.

25 (aa) Separate a boiler room and a shop room from other rooms
26 where milk and dairy products are processed, packaged, handled,
27 or stored and keep a boiler room and a shop room orderly and

1 reasonably clean.

2 (bb) Maintain conveniently located and adequate toilet
3 facilities **IN THE PROCESSING PLANT** that comply with the
4 following:

5 (i) Are not open directly into any room in which milk or
6 dairy products are processed, packaged, or stored.

7 (ii) Have doors that are self-closing and ventilation
8 provided by mechanical means or screened openings to the outside
9 air.

10 (iii) Have fixtures that are kept clean and in good repair.

11 (cc) Furnish each employee with a locker or other suitable
12 facility that is kept clean and orderly.

13 (dd) Conspicuously post signs in each toilet and locker room
14 directing employees to wash their hands before returning to work.

15 (ee) Maintain and adequately equip a laboratory consistent
16 with the size and type of plant and the volume of dairy products
17 manufactured and staff that laboratory with personnel qualified
18 and trained for quality control and analytical testing.

19 (ff) Maintain a central laboratory serving more than 1 plant
20 only if that laboratory is approved by the department and is
21 conveniently located to the dairy plants.

22 (gg) Provide adequate sanitary starter facilities for the
23 handling of starter cultures.

24 (hh) Provide an adequate supply of both hot and cold water
25 of safe and sanitary quality, protected against contamination and
26 pollution, with adequate facilities for proper distribution of
27 water throughout the plant. Upon department approval, water from

1 other facilities may be used for boiler feed water and condenser
2 water if water lines are completely separated from the plant
3 water supply and the equipment constructed and controlled to
4 preclude contamination of product contact surfaces.

5 (ii) Prevent any cross-connection between safe water supply
6 and either an unsafe or questionable water supply or another
7 source through which contamination of the safe water supply is
8 possible.

9 (jj) Make an examination of the sanitary water supply and
10 recirculated product cooling mediums at least every 6 months or
11 as often as necessary to determine purity and suitability for use
12 in manufacturing dairy product systems. Such tests shall be made
13 and approved by the department except for supplies that are
14 regularly tested for purity and bacteriological quality. The most
15 recent results of all water and cooling medium tests shall be
16 kept on file at the plant for which the test was performed.

17 (kk) Ensure that the location, construction, and operation
18 of a well complies with the safe drinking water act, 1976 PA 399,
19 MCL 325.1001 to 325.1023.

20 (ll) Provide conveniently located drinking water facilities
21 of a sanitary type in the plant.

22 (mm) Provide convenient hand-washing facilities, including
23 hot and cold running water, soap or other detergents, sanitary
24 single-service towels or air dryers, and covered trash containers
25 for used towels or other wastes and locate those facilities in or
26 adjacent to toilet and dressing rooms and convenient to the areas
27 where milk and dairy products are handled, processed, or stored

1 or where equipment is cleaned, sanitized, and stored.

2 (nn) Prohibit hand-washing in vats used for the cleaning of
3 equipment or utensils.

4 (oo) Supply steam in sufficient volume and pressure for
5 satisfactory operation of each applicable piece of equipment and
6 ensure each of the following:

7 (i) That culinary steam used in direct contact with milk or
8 dairy products complies with sanitary standards and is free from
9 harmful substances or extraneous material.

10 (ii) That only nontoxic boiler compounds are used.

11 (iii) That steam traps, strainers, and condensate traps are
12 used as necessary to ensure a safe steam supply.

13 (pp) Ensure that air under pressure that comes in contact
14 with milk or dairy products or any product contact surface
15 complies with sanitary standards and ensure that the air under
16 pressure at the point of application is free from volatile
17 substances, which may impart any flavor or odor to the products,
18 and extraneous or harmful substances.

19 (qq) Properly dispose of wastes from the plant and premises
20 and ensure that the plant sewer system has sufficient capacity to
21 readily remove all wastes from the various processing and plant
22 operations so as not to contaminate products or equipment or
23 create a nuisance or public health hazard.

24 (rr) Ensure that containers used for the collection and
25 holding of wastes are constructed of metal, plastic, or other
26 equally impervious material and kept covered with tight-fitting
27 lids and ensure that solid wastes are disposed of regularly and

1 the containers and surroundings kept reasonably clean.

2 (ss) In accordance with department policy, periodically
3 inspect and analyze dairy products being processed at the plant
4 during each process.

5 (tt) Submit detailed plans to the department for approval
6 before commencing new construction, remodeling, ~~and process or~~
7 equipment changes. **PLANS FOR NEW CONSTRUCTION OR REMODELING SHALL**
8 **INCLUDE A PLAN THAT PROVIDES FOR OPERATIONAL OR PHYSICAL**
9 **ISOLATION OF THE MILK PLANT FROM SOURCES OF POTENTIAL PRODUCT**
10 **CONTAMINATION CAUSED BY ANIMAL PRODUCTION FACILITIES LOCATED IN**
11 **CLOSE PROXIMITY TO THE MILK PLANT. RETAIL OR PUBLIC VIEWING AREAS**
12 **SHALL BE SEPARATED FROM PROCESSING AREAS BY A SOLID FLOOR-TO-**
13 **CEILING PARTITION, EXCEPT THAT OTHER EQUALLY EFFECTIVE MEANS OF**
14 **PROTECTION MAY BE USED, AS APPROVED BY THE DIRECTOR.**

15 (uu) **PROVIDE ADEQUATE ELECTRICAL POWER FOR ON-DEMAND SUPPORT**
16 **OF LIGHTING, COOLING, HEATING, AGITATION, AND VENTILATION**
17 **SYSTEMS.**

18 Sec. 141. A person who owns or operates a plant receiving
19 milk for manufacturing into a dairy product shall do all of the
20 following:

21 (a) Ensure that the equipment and utensils used for the
22 processing of milk and dairy products are constructed to be
23 readily demountable when the department determines necessary for
24 cleaning and sanitizing.

25 (b) Ensure that the product contact surfaces of all
26 equipment and utensils, including holding tanks, pasteurizers,
27 coolers, vats, agitators, pumps, sanitary piping and fittings,

1 and any specialized equipment, are constructed of stainless steel
2 or other equally corrosion-resistant material meeting various
3 sanitary standards for fabrication of dairy equipment.

4 (c) Ensure that nonmetallic parts having product contact
5 surfaces meet sanitary standards.

6 (d) Ensure that all equipment and piping is designed and
7 installed to be easily accessible for cleaning, kept in good
8 repair, and free from cracks and corroded surfaces.

9 (e) Ensure that new or rearranged equipment is kept away
10 from any wall or spaced in a manner that facilitates proper
11 cleaning and good housekeeping.

12 (f) Ensure that all parts or interior surfaces of equipment,
13 pipes not CIP cleaned, or fittings, including valves and
14 connections, are accessible for inspection and meet sanitary
15 standards.

16 (g) Ensure that all new or replacement milk and dairy
17 products pumps meet sanitary standards.

18 (h) Ensure that all CIP systems comply with sanitary
19 standards.

20 (i) Ensure that weigh cans and receiving tanks meet sanitary
21 standards established or approved by the department, are easily
22 accessible for interior or exterior cleaning, and are elevated
23 above the floor and protected sufficiently with the necessary
24 covers to prevent contamination from splash, condensate, and
25 drippage.

26 (j) Ensure that each can washer has sufficient capacity and
27 ability to discharge a clean, dry can and cover and is kept

1 properly timed in accordance with the instructions of the
2 manufacturer.

3 (k) Ensure that each water and steam line supplying a can
4 washer maintains a reasonably uniform pressure and if necessary
5 is equipped with pressure-regulating valves.

6 (l) Ensure that product storage tanks or vats comply with all
7 of the following:

8 (i) Meet sanitary standards.

9 (ii) Regarding the entire interior surface, agitator, and all
10 appurtenances of each tank or vat, are accessible for thorough
11 cleaning and inspection.

12 (iii) Regarding any opening at the top of each tank or vat,
13 including the entrance of the shaft, is suitably protected
14 against the entrance of dust, moisture, insects, oil, or grease.

15 (iv) Regarding sight glasses, if used, are sound, clear, and
16 in good repair.

17 (v) Regarding a vat with hinged covers, is designed so that
18 moisture or dust on the surface cannot enter the vat when the
19 covers are raised.

20 (vi) Regarding storage tanks or vats equipped with air
21 agitation, contain a properly installed air agitation system that
22 meets sanitary standards.

23 (vii) Regarding storage tanks and vats intended to hold dairy
24 products for longer than 8 hours, are equipped with adequate
25 refrigeration or adequate insulation.

26 (viii) Are equipped with thermometers in good operating order.
27 All raw milk storage tanks or silos installed after the effective

1 date of this act that are not cleaned daily shall be provided
2 with an approved recording thermometer and shall be cleaned and
3 sanitized at least every 72 hours except as approved by the
4 director in writing, on a case-by-case basis.

5 **(ix) PASTEURIZED MILK AND MILK PRODUCT STORAGE TANKS SHALL BE**
6 **CLEANED AND SANITIZED AT LEAST EVERY 72 HOURS EXCEPT AS APPROVED**
7 **BY THE DIRECTOR IN WRITING, ON A CASE-BY-CASE BASIS.**

8 (m) Ensure that all product contact surfaces of separators
9 are free from rust and pits and, if practicable, are of stainless
10 steel or other equally noncorrosive metals.

11 (n) Ensure that each batch pasteurizer has a temperature
12 indicator and recording device and conforms to sanitary standards
13 and complies with the following, as applicable:

14 (i) Has an air-space indicating thermometer that is accurate
15 within 1.0 degree Fahrenheit (0.5 degree Celsius) for the proper
16 temperature range at least 1 inch above the surface of the
17 products pasteurized in a vat to ensure that foam in the vat or
18 air above the product pasteurized receives the minimum
19 temperature treatment required by the department.

20 (ii) Has a recording thermometer that is accurate within 1.0
21 degree Fahrenheit (0.5 degree Celsius) for the proper temperature
22 range.

23 (iii) Has surface coolers equipped with leak-proof gaskets and
24 connections and with hinged or removable covers for the
25 protection of the product and has edges of the covers that are
26 designed to divert condensate on non-product-contact surfaces
27 away from product contact surfaces. The use of surface coolers

1 will be allowed only with specific written approval of the
2 director on a case-by-case basis.

3 (iv) Use recording thermometers accurate within 2.0 degrees
4 Fahrenheit (1.0 degree Celsius) to record holding and cooling
5 time.

6 (v) Provides long-stem or equally acceptable indicating
7 thermometers that are accurate within 0.5 degree Fahrenheit (0.25
8 degree Celsius) for the applicable temperature range, for
9 checking the temperature of pasteurization and cooling of
10 products in vats and checking the accuracy of recording
11 thermometers.

12 (o) Ensure that high-temperature, short-time pasteurization
13 equipment is tested and sealed by the department upon
14 installation and quarterly thereafter and complies with sanitary
15 standards and with the following, as applicable:

16 (i) In accordance with manufacturer recommendations, has in
17 each high-temperature, short-time pasteurizer a short-stem or
18 equally acceptable indicating thermometer that is accurate within
19 0.5 degree Fahrenheit (0.25 degree Celsius) for the applicable
20 temperature range, to be used for checking the accuracy of
21 recording thermometers.

22 (ii) Has in each storage tank for which the department
23 requires a temperature reading an indicating thermometer that is
24 accurate within 2.0 degrees Fahrenheit (1.0 degree Celsius).

25 (iii) Provides that all new or replacement plate-type heat
26 exchangers meet sanitary standards, all gaskets are tight and
27 kept in good repair, and plates are opened at sufficiently

1 frequent intervals to determine if the equipment is clean and in
2 satisfactory condition.

3 (p) Ensure compliance with each of the following:

4 (i) Internal return tubular heat exchangers meet sanitary
5 standards.

6 (ii) Pumps used for milk and dairy products are of the
7 sanitary type and constructed to meet sanitary standards.

8 (iii) Unless a pump is specifically designed for effective
9 cleaning in place, pumps are dismantled and cleaned after use.

10 (iv) Homogenizers and high-pressure pumps of the plunger type
11 comply with sanitary standards.

12 (v) New equipment and replacements, including all plastic
13 parts and rubber and rubberlike materials for parts and gaskets
14 having product contact surfaces, meet sanitary standards.

15 (vi) A vacuum chamber, if used, is made of stainless steel or
16 other equally noncorrosive material; is constructed to facilitate
17 cleaning with all product contact surfaces accessible for
18 inspection; is equipped with a vacuum breaker and a check valve
19 at the product discharge line; uses only steam that meets the
20 sanitary standards; regulates incoming steam supply by an
21 automatic valve that cuts off the steam supply if the flow
22 diversion valve of the high-temperature short-time pasteurizer is
23 not in the forward flow position; and uses only condensers
24 equipped with a water level control and an automatic safety
25 shutoff valve.

26 (vii) Bulk storage and distribution equipment in dairy plants
27 for handling liquid sweetening agents, edible oils, or other

1 ingredients consists of suitable metals, alloys, or other
2 materials that will withstand corrosive action by the ingredients
3 and the equipment and ingredients are protected from
4 contamination. Pipelines containing liquid sweetening agents and
5 liquid chocolate remain flooded with the ingredient to prevent
6 mold growth or may be dismantled and washed.

7 (q) Ensure that the plant is provided with adequate
8 ventilation, that is acceptable to the director, to minimize
9 possible product contamination with condensation, dust, and
10 odors.

11 Sec. 142. A person employed by a dairy plant shall comply
12 with all of the following, if applicable:

13 (a) Wash his or her hands before beginning work and upon
14 returning to work after using toilet facilities, eating, smoking,
15 or otherwise soiling his or her hands.

16 (b) Keep his or her hands clean and follow good hygienic
17 practices while on duty.

18 (c) Refrain from using tobacco in any form in each room and
19 compartment where any milk, dairy product, or other supplies are
20 prepared, stored, or otherwise handled.

21 (d) Wear clean, white, or light-colored washable outer
22 garments or apron and a cap or hairnet while engaged in
23 receiving, testing, processing milk or dairy products, packaging,
24 or handling dairy products.

25 (e) If afflicted with a communicable disease, not enter any
26 room or compartment where milk and dairy products are prepared,
27 manufactured, or otherwise handled.

1 (f) If he or she has a discharging or infected wound, sore,
2 or lesion on hands, arms, or other exposed portion of the body,
3 not work in any dairy processing rooms or in any capacity
4 resulting in contact with the processing or handling of dairy
5 products.

6 (g) Each employee whose work brings him or her in contact
7 with the processing or handling of dairy products, containers, or
8 equipment shall comply with requirements for employee health as
9 specified under sections 2-201.11 to 2-201.15 of the food code
10 adopted under the food law of 2000. ~~7-2000 PA 92, MCL 289.1101 to~~
11 ~~289.8111.~~

12 Sec. 143. (1) A person who owns or operates a dairy plant
13 shall do all of the following:

14 (a) Make available enclosed or covered facilities for
15 washing and sanitizing of milk trucks, piping, and accessories at
16 central locations or at sites that receive or ship milk or dairy
17 products in milk transport tanks.

18 (b) Transfer milk under sanitary conditions from milk tank
19 trucks through stainless steel piping or approved tubing and cap
20 the sanitary piping and tubing when not in use.

21 (c) Hold and process milk under conditions and at
22 temperatures that will avoid contamination and rapid
23 deterioration.

24 (d) Refrain from using drip milk from can washers or any
25 other source for the manufacture of dairy products.

26 (e) Maintain milk in bulk storage tanks within the dairy
27 plant in a manner that minimizes bacterial increase and, except

1 when authorized by the department, maintain that milk at 45
2 degrees Fahrenheit (7 degrees Celsius) or lower until processing
3 begins.

4 (f) Ensure that the bacteriological content of commingled
5 raw milk in storage tanks is 1,000,000 or less total bacteria per
6 milliliter (300,000 per milliliter or less total bacteria in raw
7 milk for frozen desserts).

8 (g) Ensure the proper pasteurization of each particle of
9 milk or dairy product.

10 (h) Test samples of milk or a dairy product for phosphatase
11 by the method prescribed by the department.

12 (i) Take all necessary precautions to prevent contamination
13 or adulteration of the milk or dairy products during
14 manufacturing.

15 (j) Make available for department inspection all substances
16 and ingredients used in the processing or manufacturing of any
17 dairy product and ensure that those substances and ingredients
18 are wholesome and practically free from impurities.

19 (k) Ensure that milk or dairy products comply with the
20 standards in section 70, ~~of the federal act,~~ and standards listed
21 for the milk products in title 21 of the code of federal
22 regulations, if applicable.

23 (l) Maintain the equipment, sanitary piping, and utensils
24 used in receiving and processing of the milk and maintain
25 manufacturing and handling of the product in a sanitary
26 condition.

27 (m) Ensure that sanitary seal assemblies are kept clean and

1 are removable on all agitators, pumps, and vats and inspect those
2 assemblies at regular intervals.

3 (n) Except as otherwise provided in this act, dismantle all
4 equipment ~~after each day's use, except for that designed for CIP~~
5 ~~cleaning, and thoroughly clean the equipment by~~ **THAT IS NOT**
6 **DESIGNED FOR MECHANICAL OR CLEAN-IN-PLACE CLEANING, AND**
7 **THOROUGHLY CLEAN AND SANITIZE ALL EQUIPMENT AFTER EACH DAY'S USE**
8 using ~~dairy~~ cleaners, detergents, sanitizing agents, or other
9 similar materials approved for dairy or food service use that
10 will not contaminate or adversely affect the dairy products.

11 (o) Refrain from using steel wool or metal sponges in the
12 cleaning of any dairy equipment or utensils.

13 (p) Immediately before use, subject all product contact
14 surfaces to an effective sanitizing treatment except where dry
15 cleaning is permitted.

16 (q) Store utensils and portable equipment used in processing
17 and manufacturing operations above the floor in clean, dry
18 locations and in a self-draining position on racks constructed of
19 impervious corrosion-resistant material.

20 (r) Use CIP cleaning, including spray-ball systems, only on
21 equipment and pipeline systems which have been designed and
22 engineered for that purpose and employ careful attention to the
23 proper procedures to assure satisfactory cleaning.

24 (s) Ensure that all CIP installations comply with sanitary
25 standards and post and follow the established cleaning procedure.

26 (t) Following the circulation of the cleaning solution,
27 thoroughly rinse and examine the equipment and lines for

1 effectiveness of cleaning and ensure that all caps, ends, pumps,
2 plates, and tee ends are opened or removed and brushed clean.

3 (u) Immediately before starting the product flow after the
4 cleaning procedure described in subdivision (s), treat the
5 product contact surfaces with an approved sanitizer.

6 (v) Clean, sanitize, and dry milk cans and lids before
7 returning to producers and inspect, repair, or replace cans and
8 lids to substantially exclude from use cans and lids showing open
9 seams, cracks, rust, milkstone, or any unsanitary condition.

10 (w) Maintain washers in a clean and satisfactory operating
11 condition and keep each washer free from accumulation of scale or
12 debris that may adversely affect the efficiency of the washer.

13 (x) ~~Provide~~ **FOR ALL NEWLY LICENSED OR NEWLY OR EXTENSIVELY**
14 **REMODELED FACILITIES, PROVIDE** a covered or enclosed receiving,
15 washing, and sanitizing facility at each site that receives or
16 ships milk or dairy products in milk tank trucks, **OR PROVIDE**
17 **MEANS TO PROTECT THE MILK DURING THE SAMPLING AND TRANSFERRING**
18 **PROCESS THAT ARE ACCEPTABLE TO THE DIRECTOR.** The dairy plant is
19 not required to provide milk tank truck wash facilities if milk
20 tank trucks are cleaned and sanitized at another approved
21 facility.

22 (y) Clean and sanitize milk tank trucks, sanitary piping,
23 fittings, and pumps at least once each day after use and, if
24 those items are not to be used immediately after the emptying of
25 a load of milk, promptly wash those items after use and give
26 bactericidal treatment immediately before use.

27 (z) Identify each tank that is washed and sanitized by

1 attaching a tag to the outlet valve, bearing all of the following
2 information:

3 (i) Plant and specific location where cleaned.

4 (ii) Date and time of washing and sanitizing and
5 identification number of the tank.

6 (iii) The name of each person who washed and name of each
7 person who sanitized the tank.

8 (aa) Maintain on the tank the tag attached pursuant to
9 subdivision (z) until the tank is again washed and sanitized and
10 ensure the receiving plant retains the tag for at least 15 days
11 or as the department may otherwise direct.

12 (bb) Wash all windows, glass, partitions, skylights, walls,
13 ceilings, and doors as often as necessary to keep them clean and
14 replace cracked or broken glass promptly.

15 (cc) Wipe or vacuum shelves and ledges as often as necessary
16 to keep them free from dust and debris and properly dispose of
17 the material picked up by a vacuum cleaner to destroy any insect
18 that may be present.

19 (dd) In addition to any commercial pest control service, if
20 one is utilized, designate an employee to perform a regularly
21 scheduled insect and rodent control program.

22 (ee) Properly label, handle, store, and use poisonous
23 substances, insecticides, and rodenticides in such a manner as
24 not to create a public health hazard.

25 (ff) Maintain plant records, make those records available at
26 all reasonable times for department inspection, and, in
27 accordance with each of the following, send producer quality

1 tests contained in those records to the department within 10 days
2 of the completion of those tests:

3 (i) Retain for 12 months sediment, temperature, drug residue,
4 somatic cell, and bacterial test results on raw milk from each
5 producer.

6 (ii) Retain for a period of 12 months routine test results.

7 (iii) Retain for 12 months retest results, if an initial test
8 places the milk producer in permit suspension status.

9 (iv) Retain for 12 months rejections of raw milk over the no.
10 3 sediment standard for quality as established by the United
11 States department of agriculture.

12 (v) Retain for 6 months pasteurization recorder charts.

13 (vi) Retain for at least 6 months CIP recording charts.

14 (vii) Retain the most recent water sample and recirculated
15 cooling medium test results for at least 12 months.

16 (gg) Package milk and dairy products in department-approved
17 containers and packaging materials that do or are each of the
18 following:

19 (i) Cover and protect the quality of the contents during
20 storage and handling under normal conditions.

21 (ii) As uniform in weight and shape within each product size
22 or style as is practical.

23 (iii) Provide low permeability to air and vapor to prevent the
24 formation of mold growth and surface oxidation.

25 (iv) Contain a wrapper resistant to puncturing, tearing,
26 cracking, or breaking under normal conditions of handling,
27 shipping, and storage.

1 (v) Sealed in conformity with the instructions of the
2 manufacturer.

3 (hh) Conduct the packaging of each dairy product or the
4 cutting and repackaging of each dairy product under sanitary
5 conditions prescribed by the department and ensure that each
6 packaging room, item of equipment, and packaging material is
7 practically free from mold and bacterial contamination by testing
8 the level of contamination in a manner approved by the
9 department.

10 (ii) Dry store a product requiring dry storage at least 18
11 inches from any wall in an aisle, row, or section and lot in an
12 orderly manner rendering the product easily accessible for
13 inspection.

14 (jj) Regularly clean each room used for product storage and
15 ensure that each stored product is free from any other foreign
16 products, mold, absorbed odors, or vermin or insect infestation.

17 (kk) Maintain control of humidity and temperature in each
18 storage room at all times to prevent conditions detrimental to a
19 stored product and container.

20 (ll) Store a finished product requiring refrigeration on
21 shelves, dunnage, or pallets at a temperature that will best
22 maintain the initial quality of the product and ensure that the
23 product is not exposed to any substance from which the product
24 may absorb a foreign odor or be contaminated by drippage or
25 condensation.

26 (mm) Purchase and store caps, parchment paper, wrappers,
27 liners, gaskets, and single-service sticks, spoons, covers, and

1 containers only in sanitary tubes, wrappings, or cartons that are
2 kept in a clean, dry place until used and handled in a sanitary
3 manner.

4 (NN) PACKAGED FLUID DAIRY PRODUCTS THAT EXCEED THE SELL-BY
5 DATE SHALL NOT BE REUSED IN ANY DAIRY PRODUCTS REGULATED BY THIS
6 ACT OR THE GRADE A MILK LAW OF 2001 UNLESS THE DEPARTMENT
7 APPROVES A PROTOCOL FOR SUCH REPROCESSING. THE PROTOCOL SHALL
8 INCLUDE CONSIDERATION OF STORAGE TEMPERATURES, BACTERIAL COUNTS,
9 AGE PAST SELL-BY DATE, SIGHT AND SMELL GRADING QUALITIES, ADDED
10 INGREDIENTS, AND ANY OTHER FACTORS CONSIDERED CRITICAL BY THE
11 DIRECTOR.

12 (OO) PACKAGED FLUID DAIRY PRODUCTS THAT HAVE LEFT THE
13 CONTROL OF A DAIRY PLANT BUT ARE RETURNED OR DELIVERED TO A DAIRY
14 PLANT, COMMONLY REFERRED TO AS "RETURNED PRODUCTS", SHALL NOT BE
15 REPROCESSED INTO MILK OR MILK PRODUCTS REGULATED UNDER THIS ACT
16 OR THE GRADE A MILK LAW OF 2001.

17 (2) A person who owns or operates a dairy plant shall
18 legibly mark or label each commercial bulk package containing
19 dairy products manufactured under this act with the name of the
20 product, quantity of contents, name and address of processor,
21 manufacturer, or distributor, ingredients including known
22 allergens, manufacturer lot number, plant code issued by the
23 department identifying where the product was manufactured, and
24 with any other identifying information required by the director.
25 All manufactured dairy products shall meet any applicable
26 definitions and standards of identity as promulgated under 21
27 ~~C.F.R.~~CFR parts 131 to 135.

1 (3) Retail packages shall be labeled as specified in 21
2 ~~C.F.R. CFR part 101, 9 C.F.R. part 317, and subpart N of 9 C.F.R.~~
3 ~~part 381, which are IS~~ adopted by reference, and as specified
4 under ~~sections 3-202.17 and 3-202.18 of the food code adopted by~~
5 the food law of 2000. ~~, 2000 PA 92, MCL 289.1101 to 289.8111.~~

6 (4) Commercial bulk packages of frozen desserts with
7 removable lids shall be labeled on the body of the container.

8 (5) Bulk shipments of milk or dairy products shall be
9 accompanied by a bill of lading containing the following
10 information:

11 (a) Shipper's name, address, and permit number.

12 (b) Permit identification of hauler if not an employee of
13 the shipper.

14 (c) Point of origin of shipment.

15 (d) Tanker identity number.

16 (e) Name of product.

17 (f) Weight of product.

18 (g) Grade of product.

19 (h) Temperature of product.

20 (i) Date of shipment.

21 (j) Name of supervising regulatory agency at the point of
22 origin.

23 (k) Whether the contents are raw, pasteurized, or, in the
24 case of cream, lowfat, or skim milk, whether it has been heat
25 treated.

26 (l) Seal number on inlet and outlet.

27 (6) Cheese and cheese products that are unpasteurized shall

1 be labeled according to the requirements of 21 ~~C.F.R.~~ **CFR** part
2 133 and this section.

3 **(7) MILK AND MILK PRODUCTS SHALL BE ADVERTISED AS SPECIFIED**
4 **UNDER THE FOOD LAW OF 2000.**

5 Sec. 152. (1) A person shall operate a dryer at not more
6 than the manufacturer's recommended capacity for the highest
7 quality dry product and may remodel or redesign a dryer after
8 installation upon department approval. A person shall remove dry
9 products from the drying chamber upon completion of each drying
10 cycle.

11 (2) Before packaging and immediately following removal of a
12 dry product from the drying chamber, a person shall cool the dry
13 product to a temperature not exceeding 110°F (43.3°C).

14 (3) A person who packages a dry milk product shall ensure
15 that each package or container used for the packaging of a dry
16 milk product is of a clean, sound, commercially accepted material
17 that will protect the packaged contents to the department's
18 satisfaction. A dry milk product packager shall not package a dry
19 milk product in a container previously used for nonfood items or
20 food deleterious to the dairy product.

21 (4) A person who packages dry milk shall ensure all of the
22 following:

23 (a) That empty containers are protected at all times from
24 possible contamination.

25 (b) That a lined container is not lined more than 1 hour
26 before the container is filled **UNLESS IT IS PROVIDED ADEQUATE**
27 **PROTECTION FROM CONTAMINATION.**

1 (c) That precaution is taken during the filling operation to
2 adequately minimize product dust and spillage.

3 (d) That, when necessary, a mechanical shaker is provided.

4 (e) That the tapping or pounding of containers does not
5 occur.

6 (f) That a container is closed immediately after filling.

7 (g) That a container's exterior is vacuumed or brushed when
8 necessary to render it practically free of product remnants
9 before that container is removed from the filling site.

10 (h) That each dryer, conveyor, sifter, and storage bin is
11 clean and maintained in a sanitary condition.

12 (i) That in addition to a commercial pest control service,
13 if any, a person designated by the packager implements a
14 regularly scheduled insect and rodent control program approved by
15 the department.

16 Sec. 159. A person who owns or operates a plant shall
17 protect supplies of parchment liners, wrappers, and other
18 packaging material against dust, mold, and other possible
19 contamination and do each of the following:

20 (a) Prior to use, completely immerse parchment liners or
21 bulk butter packages in a boiling salt solution within a
22 stainless steel or other equally noncorrosive material for not
23 less than 30 minutes.

24 (b) Ensure that the solution described in subdivision (a)
25 consists of at least 15 pounds of salt for every 85 pounds of
26 water and is strengthened or changed as frequently as necessary
27 to keep the solution full strength and in good condition.

1 (c) Treat or handle liners such as polyethylene and each
2 lined butter container in such a manner as to prevent
3 contamination of the liner prior to filling.

4 (d) Print and package consumer size containers of butter
5 under sanitary conditions.

6 (e) Legibly mark commercial bulk shipping containers with
7 the name of the product, net weight, name and address of
8 manufacturer, processor or distributor, or an assigned plant
9 identification number or any other identification that the
10 department may require.

11 (f) Mark packages of plastic or frozen cream with the
12 percent of milkfat.

13 (g) Except as provided in subdivisions (i) through (k), keep
14 all products under refrigeration at temperatures of ~~40°F (4.4°C)~~
15 **45°F (4.7°C)** or lower after packaging and until ready for
16 shipment.

17 (h) Ensure that the products are not placed directly on
18 floors or exposed to foreign odors or conditions such as drippage
19 due to condensation which might cause package or product damage.

20 (i) If plastic cream or frozen cream is to be quick-frozen,
21 place the product in quick freezer rooms immediately after
22 packaging, and ensure rapid and complete freezing within 24 hours
23 by doing all of the following:

24 (i) Pile or space the packages in a manner that allows air to
25 freely circulate among and around the packages.

26 (ii) Maintain the rooms at -10°F (-23°C) or lower.

27 (iii) Equip each room to provide sufficient high-velocity air

1 circulation for rapid freezing.

2 (iv) After the products have been completely frozen, retain
3 them in the quick freezer or transfer them to a freezer storage
4 room for continued storage.

5 (j) Maintain each freezer storage room at a temperature of
6 0°F (-18°C) or lower and ensure each freezer storage room has
7 adequate air circulation.

8 (k) Place butter intended to be held more than 30 days in a
9 freezer storage room immediately after packaging, and if that
10 butter is not frozen before being placed in the freezer, arrange
11 each unfrozen butter package in a manner that permits rapid
12 freezing, and keep each package in that arrangement until frozen.

13 Enacting section 1. This amendatory act takes effect 30 days
14 after the date it is enacted.