

SUBSTITUTE FOR  
HOUSE BILL NO. 5585

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:
- 4           (i) It bears or contains any poisonous or deleterious

1 substance that may render it injurious to health except that, if  
2 the substance is not an added substance, the food or milk product  
3 is not considered adulterated if the quantity of that substance  
4 in the food or milk product does not ordinarily render it  
5 injurious to health.

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

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

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

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

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

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

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

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

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

27           (xi) A valuable constituent has been in whole or in part

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

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

1 substances.

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

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

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

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

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

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

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

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

27 Sec. 11. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 12. As used in this act:

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

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

25 (C) ~~(a)~~—"Dairy plant" means ~~a milk plant, transfer or~~  
26 ~~receiving station, cheese plant, frozen desserts plant, or other~~  
27 ~~plant receiving dairy products or processing dairy products into~~

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

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

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

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

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

26 (H) ~~(f)~~ "Dry milk product" means a product resulting from  
27 the drying of milk or a dairy product.



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

3 Sec. 13. As used in this act:

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

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

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

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

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

1 SERVICE ESTABLISHMENT DOES NOT INCLUDE ANY OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

12 Sec. 15. As used in this act:

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

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

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

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

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

23 (v) It is in package form, unless it bears a label  
24 containing both the name and place of business of the  
25 manufacturer, packer, or distributor and an accurate statement of  
26 the quantity of the contents in terms of weight, measure, or  
27 numerical count subject to reasonable variations as are permitted

1 and exemptions as to small packages as are established by rules  
2 ~~promulgated~~ **PRESCRIBED** by the department.

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

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

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

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

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

27 (ix) It does not bear labeling clearly giving the common or

1 usual name of the food, if one exists, and if fabricated from 2  
2 or more ingredients, the common or usual name of each ingredient  
3 except that spices, flavorings, and colorings, other than those  
4 sold as such, may be designated as spices, flavorings, and  
5 colorings, without naming each and under other circumstances as  
6 established by rules regarding exemptions based upon  
7 practicality, potential deception, or unfair competition.

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

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

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

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

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

1           Sec. 16. As used in this act:

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

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

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

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

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

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

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

1 INCLUDES, BUT IS NOT LIMITED TO, INCORPORATIONS, CORPORATIONS,  
2 LIMITED LIABILITY COMPANIES, LIMITED LIABILITY PARTNERSHIPS, AND  
3 SIMILAR ENTITIES.

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

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

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

14 Sec. 17. As used in this act:

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

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

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

20 (iii) Sampling devices approved by the director.

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

24 (i) 3-A sanitary standards committees representing the  
25 international association for food protection, the United States  
26 public health service, the United States department of  
27 agriculture, and the dairy industry committee.

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

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

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

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

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

26           (f) "Sterilization or aseptic processing" means the complete  
27 destruction of living organisms by 1 of the following methods:



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

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

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

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

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

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

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

27 Sec. 70. (1) A person shall not directly, through an agent,



|    |                     |                |                          |
|----|---------------------|----------------|--------------------------|
| 1  |                     |                | to pasteurization.       |
| 2  |                     |                |                          |
| 3  |                     | Somatic cell   | Not to exceed 1,000,000  |
| 4  |                     | count          | per ml.                  |
| 5  |                     |                |                          |
| 6  |                     | Drug residues  | No positive results on   |
| 7  |                     |                | drug residue detection   |
| 8  |                     |                | methods which have been  |
| 9  |                     |                | found to be acceptable   |
| 10 |                     |                | for use with raw milk.   |
| 11 |                     |                |                          |
| 12 |                     | Sediment       | Not to exceed a USDA no. |
| 13 |                     |                | 3 standard following     |
| 14 |                     |                | procedures from standard |
| 15 |                     |                | methods for the          |
| 16 |                     |                | examination of milk and  |
| 17 |                     |                | milk products.           |
| 18 |                     |                |                          |
| 19 |                     | Freezing point | -0.530°H maximum.        |
| 20 |                     |                |                          |
| 21 | RAW MILK FOR FROZEN | Temperature    | Bulk milk cooled to 45°F |
| 22 | DESSERTS            |                | (7°C) or less within 2   |
| 23 |                     |                | hours after milking and  |
| 24 |                     |                | maintained thereat.      |
| 25 |                     |                | Provided, that the blend |
| 26 |                     |                | temperature after the    |
| 27 |                     |                | first and subsequent     |
| 28 |                     |                | milking does not exceed  |
| 29 |                     |                | 50°F (10°C).             |
| 30 |                     |                |                          |
| 31 |                     | Bacterial      | Not to exceed 100,000    |

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

1 hours after condensing.  
2  
3 Bacterial Not to exceed 30,000  
4 limits per gram.  
5  
6 Coliform count Not to exceed 10 per  
7 gram. Provided, that in  
8 the case of bulk milk  
9 transport tank shipments  
10 shall not exceed 100 per  
11 ml.  
12  
13 ~~Phosphatase Less than 1 microgram~~  
14 ~~per ml by the Scherer~~  
15 ~~rapid method, less than~~  
16 ~~500 milliunits per L by~~  
17 ~~fluorometric procedure~~  
18 ~~or Charm ALP method,~~  
19 ~~or equivalent.~~  
20  
21 Drug residues No positive results on  
22 drug residue detection  
23 methods which have been  
24 found to be acceptable  
25 for use with condensed  
26 milk and condensed skim  
27 milk.  
28

---

29 DRY WHOLE MILK, EXTRA

30 GRADE No more than:

31

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

---

29 DRY WHOLE MILK, STANDARD

30 GRADE No more than:

31

|    |                 |                         |
|----|-----------------|-------------------------|
| 1  | Butterfat       | Not less than 26% or    |
| 2  |                 | more than 40%.          |
| 3  |                 |                         |
| 4  | Moisture        | 5.00%.                  |
| 5  |                 |                         |
| 6  | Titratable      | 0.15%.                  |
| 7  | acidity         |                         |
| 8  |                 |                         |
| 9  | Solubility      | 1.5 ml spray process;   |
| 10 | index           | 15.0 ml roller process. |
| 11 |                 |                         |
| 12 | Bacterial limit | Not to exceed 100,000   |
| 13 |                 | per gram.               |
| 14 |                 |                         |
| 15 | Coliform count  | Not to exceed 10 per    |
| 16 |                 | gram.                   |
| 17 |                 |                         |
| 18 | Scorched        | 22.5 per gram spray     |
| 19 | particles       | process; 32.5 per gram  |
| 20 | disc B          | roller process.         |
| 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 dry, whole |
| 27 |                 | milk.                   |
| 28 |                 |                         |
| 29 | DMCC count      | Less than 100,000,000   |
| 30 |                 | per gram.               |
| 31 |                 |                         |

---

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



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

1 for use with nonfat dry  
2 milk.

3  
4 DMCC count Less than 100,000,000  
5 per gram.

6

---

7 INSTANT NONFAT DRY

8 MILK, EXTRA GRADE No more than:

9

10 Butterfat 1.25%.

11

12 Moisture 4.50%.

13

14 Titratable 0.15%.  
15 acidity

16

17 Solubility 1.0 ml.  
18 index

19

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

22

23 Coliform count Not to exceed 10 per  
24 gram.

25

26 Scorched 15.0/gram.  
27 particles  
28 disc B

29

30 Drug residues No positive results on  
31 drug residue detection

|    |                        |                |                                     |
|----|------------------------|----------------|-------------------------------------|
| 1  |                        |                | methods which have been             |
| 2  |                        |                | found to be acceptable              |
| 3  |                        |                | for use with <b>NONFAT</b> dry      |
| 4  |                        |                | <del>whole</del> -milk.             |
| 5  |                        |                |                                     |
| 6  |                        | Dispersibility | 85.0%.                              |
| 7  |                        |                |                                     |
| 8  |                        | DMCC count     | Less than 40,000,000                |
| 9  |                        |                | per gram.                           |
| 10 |                        |                |                                     |
| 11 | WHEY FOR CONDENSING    | Temperature    | Maintained at a                     |
| 12 |                        |                | temperature of 45°F (7°C)           |
| 13 |                        |                | or less, or <del>145°F (63°C)</del> |
| 14 |                        |                | <b>135°F (57°C)</b> or greater,     |
| 15 |                        |                | except for acid-type                |
| 16 |                        |                | whey with a titratable              |
| 17 |                        |                | acidity 0.40% or                    |
| 18 |                        |                | above, or a pH of 4.6               |
| 19 |                        |                | or below.                           |
| 20 |                        |                |                                     |
| 21 |                        | Drug residues  | No positive results on              |
| 22 |                        |                | drug residue detection              |
| 23 |                        |                | methods which have been             |
| 24 |                        |                | found to be acceptable              |
| 25 |                        |                | for use with whey.                  |
| 26 |                        |                |                                     |
| 27 | PASTEURIZED CONDENSED  | Temperature    | Cooled to <del>45°F (7°C)</del>     |
| 28 | WHEY AND WHEY PRODUCTS |                | <b>50°F (10°C)</b> or less          |
| 29 |                        |                | during crystallization,             |
| 30 |                        |                | within <del>18</del> -72 hours of   |
| 31 |                        |                | condensing.                         |

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

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

|    |                        |                          |
|----|------------------------|--------------------------|
| 1  | Solubility             | 1.25 ml spray process;   |
| 2  | index                  | 15.0 roller process.     |
| 3  |                        |                          |
| 4  | Bacterial              | Not to exceed 20,000 per |
| 5  | limit                  | gram.                    |
| 6  |                        |                          |
| 7  | Coliform               | Not to exceed 10 per     |
| 8  | count                  | gram.                    |
| 9  |                        |                          |
| 10 | Scorched               | 15.0 mg spray process;   |
| 11 | particles              | 22.5 mg roller process.  |
| 12 | disc B                 |                          |
| 13 |                        |                          |
| 14 | Drug                   | No positive results on   |
| 15 | residues               | 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 |                        |                          |
| 22 | DRY BUTTERMILK AND DRY | Butterfat 4.5% min.      |
| 23 | BUTTERMILK PRODUCTS,   |                          |
| 24 | STANDARD GRADE         |                          |
| 25 |                        |                          |
| 26 | Moisture               | 5.0% max.                |
| 27 |                        |                          |
| 28 | Titratable             | 0.10-0.20%.              |
| 29 | acidity                |                          |
| 30 |                        |                          |
| 31 | Solubility             | 2.0 ml spray process;    |

|    |                 |                |                           |
|----|-----------------|----------------|---------------------------|
| 1  |                 | index          | 15.0 roller process.      |
| 2  |                 |                |                           |
| 3  |                 | Bacterial      | Not to exceed 75,000 per  |
| 4  |                 | limit          | gram.                     |
| 5  |                 |                |                           |
| 6  |                 | Coliform       | Not to exceed 10 per      |
| 7  |                 | count          | gram.                     |
| 8  |                 |                |                           |
| 9  |                 | Scorched       | 22.5 mg spray process;    |
| 10 |                 | particles      | 32.5 mg roller process.   |
| 11 |                 | disc B         |                           |
| 12 |                 |                |                           |
| 13 |                 | Drug residues  | No positive results on    |
| 14 |                 |                | drug residue detection    |
| 15 |                 |                | methods which have been   |
| 16 |                 |                | found to be acceptable    |
| 17 |                 |                | for use with dry          |
| 18 |                 |                | buttermilk and dry        |
| 19 |                 |                | buttermilk products.      |
| 20 |                 |                |                           |
| 21 | BUTTER, WHIPPED | Percent        | Not less than 80%.        |
| 22 | BUTTER          | butterfat      |                           |
| 23 |                 |                |                           |
| 24 |                 | Temperature    | Maintained at a           |
| 25 |                 |                | temperature of 45°F (7°C) |
| 26 |                 |                | or less, when in storage. |
| 27 |                 |                |                           |
| 28 |                 | Proteolytic    | Not more than 50 per      |
| 29 |                 | count          | gram.                     |
| 30 |                 |                |                           |
| 31 |                 | Yeast and mold | Not more than 10 per      |

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



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

1 residues drug residue detection  
 2 methods which have been  
 3 found to be acceptable  
 4 for use with ~~pasteurized~~  
 5 **ASEPTICALLY PROCESSED**  
 6 milk **AND MILK PRODUCTS.**

---

8 PRIVATE WATER SUPPLIES Coliform Less than 1.1 per 100 ml  
 9 FOR DAIRY FARMS AND count as MPN or equivalent  
 10 DAIRY PLANTS; method less than 1 per  
 11 RECIRCULATED COOLING 100 ml.  
 12 WATER (SWEET WATER);  
 13 GLYCOL FOR COOLING

---

15 CONDENSATE RECOVERY Total plate Not to exceed 500 per ml.  
 16 WATER (COW WATER) count  
 17  
 18 Chemical Not to exceed 12 mg per  
 19 oxygen demand L.  
 20  
 21 Turbidity Not to exceed 5 units.

---

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

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

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

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

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

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

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

25           **(D) PROCESS, LABEL, OR SELL MILK OR MANUFACTURED DAIRY**  
26 **PRODUCTS, EXCEPT THAT A PERSON OPERATING A RETAIL FOOD**  
27 **ESTABLISHMENT IS EXEMPT FROM LICENSURE UNDER THIS ACT IF HE OR**

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

6 (E) WASH MILK TANK TRUCKS.

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

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

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

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

21 (6) ~~(2)~~—An applicant for an initial manufacturing grade  
22 dairy farm permit shall complete education on drug residue  
23 avoidance control measures acceptable to the director before  
24 receiving the permit.

25 (7) ~~(3)~~—An applicant for an initial license as a dairy plant  
26 shall apply to the department on a form supplied by the  
27 department and 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 anticipated value of greatest milk receipts the  
10 dairy plant expects to receive during a consecutive 30-day period  
11 within the licensing period.

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

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

19 (8) ~~(4)~~—A dairy plant shall annually renew a license issued  
20 under this act by applying to the department at least 30 days  
21 prior to the expiration of the existing license. The anniversary  
22 date of a license for a dairy plant that is providing a financial  
23 statement as a security device shall be 130 days after the close  
24 of the licensee's fiscal year. The dairy plant shall apply for  
25 renewal of a license on a form supplied by the department and  
26 provide a statement containing the following:

27 (a) The dairy plant's correct legal name and any name by

1 which the dairy plant is doing business. If the dairy plant is a  
2 person not an individual, the name of each officer and director,  
3 and partner, member, or owner owning in excess of 35% of equity  
4 or stock.

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

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

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

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

18 (9) ~~(5)~~—Each dairy plant shall pay a \$50.00 annual licensing  
19 or permitting fee.

20 (10) ~~(6)~~—Each receiving station or transfer station shall be  
21 licensed or permitted either as part of a dairy plant or as a  
22 stand-alone facility. Each stand-alone facility will be licensed  
23 or permitted at a rate of \$50.00 per year. License renewal shall  
24 take place on June 30 every year.

25 (11) ~~(7)~~—Each milk tank truck cleaning facility shall be  
26 licensed or permitted under this act either as part of a dairy  
27 plant, receiving station or transfer station, or as a stand-alone

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

7       (12) ~~(8)~~—Each single service containers and closures  
8 manufacturer shall be licensed or permitted under this act either  
9 as part of a dairy plant or as a stand-alone manufacturer. Each  
10 stand-alone facility will be licensed at a rate of \$50.00 per  
11 year. License renewal shall take place on June 30 every year.

12       (13) ~~(9)~~—A person shall not pick up manufacturing grade milk  
13 in a farm pickup milk tank from a farm bulk milk tank without a  
14 hauler/sampler license issued by the department under the grade A  
15 law of 2001. Each milk tank truck or can milk truck shall be  
16 licensed or permitted under this act or as required under the  
17 grade A milk law of 2001 at a rate of \$10.00 per year. License or  
18 permit renewal shall take place on June 30 every year.

19       (14) ~~(10)~~—The director may issue a temporary license or  
20 permit if the director determines that issuance of the license or  
21 permit will not be detrimental to the protection of the public  
22 health, safety, or welfare or will not cause an imminent threat  
23 of financial loss to producers.

24       (15) ~~(11)~~—A political subdivision of the state shall not  
25 levy special license fees or taxes on 1 or more of the persons or  
26 businesses described in this section except for taxes or fees  
27 that are generally levied on persons or businesses other than

1 dairy plants and dairy plant operators.

2       (16) ~~(12)~~—The director shall examine the books, records, and  
3 accounts of a dairy plant if the dairy plant has not responded to  
4 requests from the director regarding a security device described  
5 in sections 117, 118, and 119. All examinations of books,  
6 records, and accounts required under this subsection shall be  
7 made within this state.

8       (17) ~~(13)~~—All applicants for a permit or license must  
9 complete an application provided by the department and meet the  
10 minimum requirements of this act or the grade A law of 2001, and  
11 rules promulgated under this act.

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

16       (19) THE DEPARTMENT MAY IMPOSE A LATE FEE OF \$10.00 FOR A  
17 RENEWAL APPLICATION FOR EACH BUSINESS DAY THE APPLICATION IS  
18 LATE. THE TOTAL LATE FEE SHALL NOT EXCEED \$100.00. THE DEPARTMENT  
19 SHALL NOT ISSUE OR RENEW A LICENSE UNTIL ANY FEES AND FINES HAVE  
20 BEEN PAID. A HEARING IS NOT REQUIRED REGARDING THE DEPARTMENT'S  
21 REFUSAL TO ISSUE OR RENEW A LICENSE UNDER THIS SUBSECTION EXCEPT  
22 AS ALLOWED UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969  
23 PA 306, MCL 24.201 TO 24.328. THE DEPARTMENT MAY CHARGE A  
24 CONVENIENCE FEE AND COLLECT FROM THE APPLICANTS ANY ADDITIONAL  
25 COSTS ASSOCIATED WITH THE METHOD OF FEE PAYMENT FOR THE LICENSE  
26 OR PERMIT FEES DESCRIBED IN THIS SECTION AND SECTION 110A, NOT TO  
27 EXCEED THE COSTS TO THE DEPARTMENT.



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

22           (2) If the department fails to issue or deny a license or  
23 permit within the time required by this section, the department  
24 shall return the license or permit fee and shall reduce the  
25 license or permit fee for the applicant's next renewal  
26 application, if any, by 15%. The failure to issue a license or  
27 permit within the time required under this section does not allow

1 the department to otherwise delay the processing of the  
2 application, and that application, upon completion, shall be  
3 placed in sequence with other completed applications received at  
4 that same time. The department shall not discriminate against an  
5 applicant in the processing of the application based upon the  
6 fact that the license fee was refunded or discounted under this  
7 subsection.

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

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

17 (b) The number of applications denied.

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

21 (4) As used in this section, "completed application" means  
22 an application complete on its face and submitted with any  
23 applicable licensing or permit fees **AND FINES** as well as any  
24 other information, records, approval, security, or similar item  
25 required by law or rule from a local unit of government, a  
26 federal agency, or a private entity but not from another  
27 department or agency of the state of Michigan. Under appropriate

1 circumstances, completed application includes the completion of  
2 construction or renovation of any facility and the passing of a  
3 satisfactory inspection.

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

10 (A) ALL INGREDIENTS CONTAINED IN THESE PRODUCTS COMPLY WITH  
11 THE REQUIREMENTS OF THE FOOD LAW OF 2000.

12 (B) THE MILK PRODUCTS MANUFACTURED ARE NOT SOLD WHOLESALE OR  
13 TO ANOTHER BUSINESS ENTITY.

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

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

25 (3) The director may revoke or suspend a license or permit  
26 issued under this act, or impose an administrative fine pursuant  
27 to section 125, upon determining that the licensee or permittee

- 1 has done 1 or more of the following:
- 2 (a) Failed to provide supplementary or interim information  
3 or information required to be supplied to the department under  
4 this act or information requested by the director under this  
5 article.
- 6 (b) Failed to provide a security device in the amount and  
7 manner required by the director under this article.
- 8 (c) Knowingly provided false or fraudulent information or  
9 made a material misrepresentation on an application.
- 10 (d) Knowingly provided false or fraudulent information or  
11 made a material misrepresentation in response to a request for  
12 information by the department.
- 13 (e) Failed to pay a producer in the manner provided for in  
14 section 115.
- 15 (f) In the case of a dairy plant, failed to provide a  
16 security device described in article 11.
- 17 (g) Adulterated or caused to be adulterated milk or dairy  
18 products.
- 19 (h) Knowingly possessed, sold, offered for sale, or  
20 purchased any milk or ~~cream-dairy~~ **MILK** product for use in a human  
21 food product that has been condemned under this act.
- 22 (i) Failed to provide the required number of milk quality  
23 sample results as established by the department.
- 24 (j) Failed to correct violations of this act noted on  
25 inspection reports after being given written instructions to  
26 correct the violations in a reasonable length of time.
- 27 (k) Failed to pay a final civil or administrative fine

1 issued under this act.

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

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

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

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

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

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

23 (c) Offered for sale or sold milk or dairy products from  
24 production, transportation, packaging, or storage facilities that  
25 have such an accumulation of trash, rubbish, dirt, insects,  
26 vermin, human or animal wastes, or spoiled milk or dairy products  
27 that precludes the reasonable protection of the milk or dairy

- 1 products from contamination.
- 2 (d) Offered for sale or sold milk or dairy products produced  
3 in equipment with a significant portion of the milk contact  
4 surfaces covered with an accumulation of residues that were left  
5 after having gone through a cleaning regimen and that are thick  
6 enough that they may be easily scraped to form a body of solids.
- 7 (e) Offered for sale or sold milk or dairy products stored  
8 in a container of unapproved construction.
- 9 (f) Received or picked up milk or dairy products stored in a  
10 container of unapproved construction.
- 11 (g) Offered for sale or sold milk or dairy products produced  
12 from dairy animals with a majority of the milking herd with an  
13 excessive accumulation of manure on the flanks, bellies, or  
14 udders that precludes the reasonable protection of the milk from  
15 contamination during the milking process.
- 16 (h) Offered for sale or sold milk or dairy products that was  
17 of inadequate volume to properly agitate after the first milking.
- 18 (i) Offered for sale or sold milk or dairy products produced  
19 with excessive sediment.
- 20 (j) Interfered with inspection conducted by the department.
- 21 (k) Maintained dead animals on the premises in a manner  
22 inconsistent with 1982 PA 239, MCL 287.651 to 287.683.
- 23 (l) Maintained a minimum of 3 of the last 5 official bacteria  
24 counts illegal.
- 25 (m) Maintained a minimum of 3 of the last 5 official somatic  
26 cell counts illegal.
- 27 (n) Maintained a minimum of 3 of the last 5 official milk or

1 dairy product cooling temperatures illegal.

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

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

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

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

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

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

1 service upon the licensee, whichever is later, and is effective  
2 during the proceedings unless rescinded or otherwise modified.  
3 The department shall promptly commence and determine the  
4 proceedings.

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

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

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

26       Sec. 119. A licensee or applicant for licensure as a dairy  
27 plant not providing a security device under section 117 or 118



1 shall provide an agreement in which the dairy plant prepays for  
2 its milk supply by means of cash payments before or at the time  
3 ~~of delivery of dairy products~~ **THE MILK IS RECEIVED AT THE PLANT.**

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

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

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

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

1 administrative fine of \$50.00 to the department. The milk buyer  
2 may pay the administrative fine, if a like amount has been  
3 deducted from the producer's milk check.

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

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

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

25 (iii) The producer will be required to test all milk prior to  
26 shipment with a drug residue test acceptable to the director for  
27 a minimum of 12 months and must retain records of these tests for

1 a minimum of 18 months.

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

6 (c) The following in the case of a third or any additional  
7 violative drug 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 its own load of milk,  
19 the producer shall provide written notification to the department  
20 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 \$500.00 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 suspension of the producer's permit for a period not

1 to exceed 60 days after notice and the opportunity for an  
2 administrative hearing before the department.

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

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

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

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

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

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

25 (a) When milk is picked up from a milk producer by a milk  
26 tank truck and not commingled with milk from other producers, the  
27 milk becomes subject to possible drug residue penalties at the

1 point the milk tank truck leaves the farm with the milk.

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

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

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

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

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

25 (8) The administrative fines imposed under subsection (1) or  
26 (7) shall be paid to the department within 10 days after  
27 notification of the violation or within 10 days after

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

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

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

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

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

27 Sec. 130. (1) A person who offers milk to the public for

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

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

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

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

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

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

25 (e) Containing excessive sediment as determined by sediment  
26 test methods provided in standard methods for the examination of  
27 dairy products and classified to USDA sediment standards as more

1 than a no. 3.

2 (f) Exceeds legal temperature, bacterial, or somatic cell  
3 limits.

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

7 (4) A milking barn or milking parlor shall be all of the  
8 following:

9 (a) Well-lighted and ventilated.

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

12 (c) Constructed with floors and gutters of concrete or other  
13 impervious material.

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

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

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

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

20 (a) Of ample size to prevent overcrowding.

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

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

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

25 (a) Ensure that the udders and flanks of the animal are kept  
26 clean.

27 (b) Wash and wipe the udders and teats of the animal



1 immediately before milking with a clean cloth or paper towel that  
2 is treated with an approved sanitizing solution and dried with a  
3 clean cloth or paper towel after washing, or use any other method  
4 approved by the department.

5 (c) Wear clean outer clothing.

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

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

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

13 (g) Maintain and properly store milk stools, surcingles, and  
14 antikickers.

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

17 (i) Store feed and concentrates in a tightly covered  
18 container.

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

24 (k) Cool milk that is stored in a dairy farm bulk tank to 50  
25 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less of  
26 the commencement of the first milking, and to 45 degrees  
27 Fahrenheit (7 degrees Celsius) or less within 2 hours after

1 milking, provided that the blend temperature after the first  
2 milking and subsequent milkings does not exceed 50 degrees  
3 Fahrenheit (10 degrees Celsius).

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

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

13 (b) Located in convenient proximity to a milking barn or  
14 milking parlor.

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

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

19 (ii) Walls and ceiling of a smooth, readily cleanable  
20 material.

21 (iii) A platform or slab constructed of concrete or other  
22 impervious material at the exterior of the milkhouse or milkroom,  
23 centered beneath a suitable opening, fitted with a tight, self-  
24 closing door, located on the exterior wall for milkhouse or  
25 milkroom connections to bulk milk tanks. The platform or slab  
26 shall be a minimum of 4 feet by 4 feet to provide sufficient room  
27 and clean surface for the milk hauler to stand and handle the

1 milk transfer hose.

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

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

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

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

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

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

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

26 (8) A dairy farm bulk tank shall be located in a milkhouse  
27 or milkroom in a manner that allows access to all areas of the

1 tank for cleaning and servicing. A dairy farm bulk tank shall not  
2 be placed over a floor drain or under a ventilator or unprotected  
3 light fixture. A dairy farm shall ensure that each new farm bulk  
4 tank meets sanitary standards and is installed in accordance with  
5 department specifications.

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

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

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

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

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

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

27 (f) That each dairy farm tank used on the premises is

1 constructed of a material or materials approved by the department  
2 and installed in accordance with subsection (11).

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

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

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

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

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

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

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

25 (a) A farm tank on a dairy farm shall be installed so as to  
26 remain level at all times.

27 (b) A farm tank shall have an accurate indicating

1 thermometer stored in the milkhouse which may be either an  
2 integral thermometer in the farm tank or an approved thermometer  
3 acceptable to the director.

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

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

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

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

24 (g) Milk to be offered for sale shall be cooled and stored  
25 in the farm tank equipped with cooling and agitation. Other  
26 cooling and storage facilities may be used when approved in  
27 writing by the director on a case-by-case basis.

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

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

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

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

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

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

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

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

26 (4) A licensed bulk milk hauler/sampler or milk  
27 transportation company shall do each of the following:

1 (a) Ensure that the exterior shell of each bulk milk pickup  
2 tanker is clean and free from open seams or cracks.

3 (b) Ensure that the interior shell of each bulk milk pickup  
4 tanker is stainless steel and constructed to prevent buckling,  
5 sagging, or incomplete drainage.

6 (c) Ensure that all product contact surfaces are smooth,  
7 easily cleaned, and maintained in good repair.

8 (d) Fully enclose the pump and hose cabinet with tight-  
9 fitting doors and provide inlet and outlet dust covers to give  
10 adequate protection from road dust.

11 (e) Ensure that each new and replacement bulk milk pickup  
12 tanker complies with sanitary standards. Each licensed or  
13 permitted milk tank truck shall be used solely for the  
14 transportation of milk or dairy products or for other food or  
15 potable commodities approved by the department.

16 (f) Deliver producer samples collected pursuant to this  
17 section to the dairy plant or receiving station as specified by  
18 the department.

19 (g) License or permit the milk tank truck pursuant to the  
20 grade A milk law of 2001.

21 **(H) ENSURE THAT MILK OVER 96 HOURS OLD IS NOT PICKED UP FROM**  
22 **A DAIRY FARM, WITH THE EXCEPTION OF GOAT MILK, WHICH MAY BE**  
23 **STORED FOR 7 DAYS, AND SHEEP MILK, WHICH MAY BE FROZEN FOR**  
24 **EXTENDED STORAGE AND TRANSPORTATION.**

25 (5) The dairy plant, transfer station, or receiving station,  
26 or a laboratory selected by the dairy plant, transfer station, or  
27 receiving station that is approved by the department, shall test



1 each producer's milk for each of the following, in accordance  
2 with standard methods for the examination of dairy products,  
3 referenced in 7 C.F.R.—**CFR PART** 58, adopted by reference, at  
4 least 4 out of every 6 months and report the following results to  
5 the department:

6 (a) The presence of bacteria by standard plate count or  
7 plate-loop count.

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

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

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

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

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

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

25 (A) **ALL THERMALLY PROCESSED MILK AND MILK PRODUCTS THAT ARE**  
26 **PACKAGED IN HERMETICALLY SEALED CONTAINERS ARE PROCESSED IN A**  
27 **MILK PROCESSING FACILITY LICENSED UNDER THIS ACT, THE GRADE A**

1 MILK LAW OF 2001, OR THE FOOD LAW OF 2000.

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

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

10 (D) HERMETICALLY SEALED PACKAGES ARE HANDLED TO MAINTAIN  
11 PRODUCT AND CONTAINER INTEGRITY.

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

| <u>Pasteurization Temperature and Time Standards</u> |  |                                   |
|--|--|-----------------------------------|
| 19   | <del>Whole milk; skim milk;</del>        | <del>145°F (63°C) 30 min</del>    |
| 20   | <del>cheese milk; whey;</del>            | <del>161°F (72°C) 15 sec</del>    |
| 21   | <del>other products with less</del>      | <del>191°F (89°C) 1.0 sec</del>   |
| 22   | <del>than 10% butterfat or without</del> | <del>194°F (90°C) 0.5 sec</del>   |
| 23   | <del>added sweeteners</del>              | <del>201°F (94°C) 0.1 sec</del>   |
| 24   |  | <del>204°F (96°C) 0.05 sec</del>  |
| 25   |  | <del>212°F (100°C) 0.01 sec</del> |
| 26   | <hr/> <hr/>                              |                                   |
| 27   | <del>Cream; condensed products;</del>    | <del>150°F (66°C) 30 min</del>    |
| 28   | <del>other products with 10% or</del>    | <del>166°F (75°C) 15 sec</del>    |

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

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

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|    |  |                     |               |
|----|--|---------------------|---------------|
| 19 | <b>WHOLE MILK; SKIM MILK; CHEESE MILK;</b>     |                     |               |
| 20 | <b>WHEY; OTHER PRODUCTS WITH LESS THAN 10%</b> |                     |               |
| 21 | <b>BUTTERFAT OR WITHOUT ADDED SWEETENERS</b>   | <b>145°F (63°C)</b> | <b>30 MIN</b> |
| 22 | <del></del>                                    | <del></del>         | <del></del>   |
| 23 | <b>CREAM; CONDENSED PRODUCTS; OTHER</b>        |                     |               |
| 24 | <b>PRODUCTS WITH 10% OR MORE BUTTERFAT</b>     |                     |               |
| 25 | <b>OR WITH ADDED SWEETENERS</b>                | <b>150°F (66°C)</b> | <b>30 MIN</b> |
| 26 | <del></del>                                    | <del></del>         | <del></del>   |
| 27 | <b>EGGNOG; FROZEN DESSERT MIX</b>              | <b>155°F (69°C)</b> | <b>30 MIN</b> |
| 28 | <del></del>                                    | <del></del>         | <del></del>   |
| 29 | <b>CREAM FOR BUTTER MAKING</b>                 | <b>165°F (74°C)</b> | <b>30 MIN</b> |

|    |   |                 |          |
|----|---|-----------------|----------|
| 1  |   |                 |          |
| 2  | MILK OR CREAM FOR PLASTIC OR                          |                 |          |
| 3  | FROZEN CREAM  | 170 °F (77 °C)  | 30 MIN   |
| 4  |   |                 |          |
| 5  | MINIMUM HIGH TEMPERATURE SHORT TIME (HTST),           |                 |          |
| 6  | HIGHER HEAT SHORT TIME (HHST) AND                     |                 |          |
| 7  | ASEPTIC PASTEURIZATION TEMPERATURE AND TIME STANDARDS |                 |          |
| 8  |   | 161 °F (72 °C)  | 15 SEC   |
| 9  |   | 191 °F (89 °C)  | 1.0 SEC  |
| 10 | WHOLE MILK; SKIM MILK; CHEESE MILK;                   | 194 °F (90 °C)  | 0.5 SEC  |
| 11 | WHEY; OTHER PRODUCTS WITH LESS THAN 10%               | 201 °F (94 °C)  | 0.1 SEC  |
| 12 | BUTTERFAT OR WITHOUT ADDED SWEETENERS                 | 204 °F (96 °C)  | 0.05 SEC |
| 13 |   | 212 °F (100 °C) | 0.01 SEC |
| 14 |   |                 |          |
| 15 |   | 166 °F (75 °C)  | 15 SEC   |
| 16 |   | 196 °F (92 °C)  | 1.0 SEC  |
| 17 | CREAM; CONDENSED PRODUCTS; OTHER                      | 199 °F (93 °C)  | 0.5 SEC  |
| 18 | PRODUCTS WITH 10% OR MORE BUTTERFAT                   | 206 °F (97 °C)  | 0.1 SEC  |
| 19 | OR WITH ADDED SWEETENERS                              | 209 °F (99 °C)  | 0.05 SEC |
| 20 |   | 217 °F (103 °C) | 0.01 SEC |
| 21 |   |                 |          |
| 22 | EGGNOG; FROZEN DESSERT MIX                            | 175 °F (80 °C)  | 25 SEC   |
| 23 |   | 180 °F (83 °C)  | 15 SEC   |
| 24 |   |                 |          |
| 25 | CREAM FOR BUTTER MAKING                               | 185 °F (85 °C)  | 15 SEC   |
| 26 |   |                 |          |
| 27 | MILK OR CREAM FOR PLASTIC OR                          |                 |          |
| 28 | FROZEN CREAM  | 190 °F (88 °C)  | 15 SEC   |
| 29 |   |                 |          |

1 **ULTRA-PASTEURIZED PRODUCTS**

280°F (138°C) 2 SEC

2

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

6 (a) The evaporator or condensing equipment.

7 (b) The cheese-making process.

8 (c) The cheese culture making process.

9 (d) The frozen dessert mix freezing.

10 (e) The cultured product culturing.

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

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

23 (4) All pasteurized milk and dairy products, except those to  
24 be cultured and those to receive immediate additional heat  
25 treatment in subsequent processes of manufacturing, shall be  
26 cooled immediately in approved equipment to temperature criteria

1 specified in section 70 or maintained at or above 145 degrees  
2 Fahrenheit (63 degrees Celsius).

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

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

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

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

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

27 (C) INGREDIENTS SUBJECTED TO PRIOR HEATING OR OTHER

1 TECHNOLOGY THAT HAS BEEN DEMONSTRATED TO THE UNITED STATES FOOD  
2 AND DRUG ADMINISTRATION TO BE SUFFICIENT TO DESTROY OR REMOVE  
3 PATHOGENIC MICROORGANISMS.

4 (D) INGREDIENTS HAVING A WATER ACTIVITY (AW) OF 0.85 OR  
5 LESS.

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

9 (F) ROASTED NUTS.

10 (G) DRY SUGARS AND SALTS.

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

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

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

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

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

23 (B) IF THE PRODUCT IS RAW MILK FOR PASTEURIZATION, THE  
24 PRODUCT MAY BE CONCENTRATED BY THE USE OF RO OR UF MEMBRANE  
25 FILTRATION WITHOUT PASTEURIZATION, PRIOR TO ENTRANCE INTO THE  
26 EQUIPMENT, PROVIDED THAT THE FOLLOWING SAMPLING, TESTING, DESIGN,  
27 INSTALLATION, AND OPERATIONAL CRITERIA ARE MET:

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

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

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

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

25 (9) ALL CONDENSED MILK AND MILK PRODUCTS TRANSPORTED TO A  
26 MILK PLANT FOR DRYING SHALL BE REPASTEURIZED AT THE MILK PLANT  
27 WHERE THEY ARE DRIED.



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

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

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

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

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

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

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

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

26 (c) Construct plant driveways and adjacent vehicular traffic  
27 areas using concrete, asphalt, or other material approved by the

1 department for minimizing dust and mud and maintain those sites  
2 in good repair.

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

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

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

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

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

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

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

26 (k) Ensure that wall, ceiling, partition, and post surfaces  
27 of each room in which a milk or dairy product is stored, or in

1 which a dairy utensil is washed or stored, are smoothly finished  
2 in a light colored material impervious to moisture.

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

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

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

11 (ii) Maintained in good repair.

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

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

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

20 (o) Equip the plant with adequate and well-distributed  
21 lighting **OF AT LEAST 50 FOOT-CANDLES WHERE DAIRY PRODUCTS ARE**  
22 **GRADED OR EXAMINED FOR CONDITION AND QUALITY SUCH AS A CAN MILK**  
23 **RECEIVING ROOM DUMPING AREA; 20 FOOT-CANDLES AT WORKING SURFACES**  
24 **IN ROOMS FOR MANUFACTURING, PROCESSING, OR PACKAGING OF DAIRY**  
25 **PRODUCTS OR FOR WASHING OF EQUIPMENT AND UTENSILS; 5 FOOT-CANDLES**  
26 **IN ALL OTHER ROOMS, INCLUDING STORAGE ROOMS AND COOLERS; OR AS**  
27 **SPECIFIED BY THE DIRECTOR. LIGHT INTENSITY SHALL BE MEASURED AT A**

1 **DISTANCE OF 30 INCHES FROM THE FLOOR WITH THE USE OF A LIGHT**  
2 **METER.**

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

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

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

16 (s) Clean and maintain in good repair each ventilation  
17 system.

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

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

26 (v) Keep processing rooms free from equipment not regularly  
27 used.

1           (w) Maintain coolers and freezers containing milk or dairy  
2 products as follows:

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

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

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

9           (iv) With equipment for the collection and disposal of  
10 condensate.

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

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

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

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

27          (bb) Maintain conveniently located and adequate toilet

1 facilities **IN THE PROCESSING PLANT** that comply with the  
2 following:

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

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

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

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

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

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

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

20 (gg) Provide adequate sanitary starter facilities for the  
21 handling of starter cultures.

22 (hh) Provide an adequate supply of both hot and cold water  
23 of safe and sanitary quality, protected against contamination and  
24 pollution, with adequate facilities for proper distribution of  
25 water throughout the plant. Upon department approval, water from  
26 other facilities may be used for boiler feed water and condenser  
27 water if water lines are completely separated from the plant

1 water supply and the equipment constructed and controlled to  
2 preclude contamination of product contact surfaces.

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

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

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

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

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

27 (nn) Prohibit hand-washing in vats used for the cleaning of

1 equipment or utensils.

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

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

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

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

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

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

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

27 (ss) In accordance with department policy, periodically



1 inspect and analyze dairy products being processed at the plant  
2 during each process.

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

13 (UU) **PROVIDE ADEQUATE ELECTRICAL POWER FOR ON-DEMAND SUPPORT**  
14 **OF LIGHTING, COOLING, HEATING, AGITATION, AND VENTILATION**  
15 **SYSTEMS.**

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

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

23 (b) Ensure that the product contact surfaces of all  
24 equipment and utensils, including holding tanks, pasteurizers,  
25 coolers, vats, agitators, pumps, sanitary piping and fittings,  
26 and any specialized equipment, are constructed of stainless steel  
27 or other equally corrosion-resistant material meeting various

1 sanitary standards for fabrication of dairy equipment.

2 (c) Ensure that nonmetallic parts having product contact  
3 surfaces meet sanitary standards.

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

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

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

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

16 (h) Ensure that all CIP systems comply with sanitary  
17 standards.

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

24 (j) Ensure that each can washer has sufficient capacity and  
25 ability to discharge a clean, dry can and cover and is kept  
26 properly timed in accordance with the instructions of the  
27 manufacturer.

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

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

6           (i) Meet sanitary standards.

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

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

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

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

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

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

24          (viii) Are equipped with thermometers in good operating order.  
25 All raw milk storage tanks or silos installed after the effective  
26 date of this act that are not cleaned daily shall be provided  
27 with an approved recording thermometer and shall be cleaned and

1 sanitized at least every 72 hours except as approved by the  
2 director in writing, on a case-by-case basis.

3 (ix) PASTEURIZED MILK AND MILK PRODUCT STORAGE TANKS SHALL BE  
4 CLEANED AND SANITIZED AT LEAST EVERY 72 HOURS. PASTEURIZED ICE  
5 CREAM MIX STORAGE TANKS MAY BE CLEANED AND SANITIZED AT LEAST  
6 EVERY 120 HOURS PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:

7 (A) ICE CREAM MIX STORAGE TANKS SHALL BE EQUIPPED WITH A 7-  
8 DAY RECORDING DEVICE COMPLYING WITH THE SPECIFICATIONS OF  
9 APPENDIX H OF THE GRADE A PASTEURIZED MILK ORDINANCE.

10 (B) ONCE WITHDRAWAL OF ICE CREAM MIX FROM THIS TANK  
11 COMMENCES, NO FURTHER ADDITIONS OF MIX MAY BE MADE EXCEPT FOR  
12 WITHIN THE FIRST 24 HOURS FOLLOWING THE COMMENCEMENT OF  
13 WITHDRAWAL OF ICE CREAM MIX FROM THE TANK. RECORDS SHALL BE  
14 MAINTAINED OF THE PRODUCTS PRODUCED FROM THIS TANK.

15 (C) ALL STANDARD PLATE COUNTS, COLIFORM COUNTS, AND PATHOGEN  
16 COUNTS ON FINISHED PRODUCT AND ICE CREAM MIX PRODUCED FROM THIS  
17 STORAGE TANK SHALL NOT EXCEED LEGAL STANDARDS. A WARNING NOTICE  
18 WILL BE ISSUED FOLLOWING THE FIRST TEST RESULT NOT MEETING THE  
19 LEGAL STANDARDS FOR STANDARD PLATE COUNT OR COLIFORM. ANY COUNT  
20 NOT MEETING THE LEGAL STANDARDS IN THE NEXT 3 TEST RESULTS SHALL  
21 REQUIRE IMPLEMENTATION OF THE 72-HOUR CLEANING AND SANITIZING  
22 PROVISION. THE 72-HOUR CLEANING AND SANITIZING PROVISION SHALL  
23 REMAIN IN EFFECT UNTIL SUCH TIME AS THE PLANT DEMONSTRATES, TO  
24 THE DIRECTOR, ITS ABILITY TO REMAIN IN COMPLIANCE WITH THE LEGAL  
25 STANDARDS.

26 (m) Ensure that all product contact surfaces of separators  
27 are free from rust and pits and, if practicable, are of stainless

1 steel or other equally noncorrosive metals.

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

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

11 (ii) Has a recording thermometer that is accurate within 1.0  
12 degree Fahrenheit (0.5 degree Celsius) for the proper temperature  
13 range.

14 (iii) Has surface coolers equipped with leak-proof gaskets and  
15 connections and with hinged or removable covers for the  
16 protection of the product and has edges of the covers that are  
17 designed to divert condensate on non-product-contact surfaces  
18 away from product contact surfaces. The use of surface coolers  
19 will be allowed only with specific written approval of the  
20 director on a case-by-case basis.

21 (iv) Use recording thermometers accurate within 2.0 degrees  
22 Fahrenheit (1.0 degree Celsius) to record holding and cooling  
23 time.

24 (v) Provides long-stem or equally acceptable indicating  
25 thermometers that are accurate within 0.5 degree Fahrenheit (0.25  
26 degree Celsius) for the applicable temperature range, for  
27 checking the temperature of pasteurization and cooling of

1 products in vats and checking the accuracy of recording  
2 thermometers.

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

7 (i) In accordance with manufacturer recommendations, has in  
8 each high-temperature, short-time pasteurizer a short-stem or  
9 equally acceptable indicating thermometer that is accurate within  
10 0.5 degree Fahrenheit (0.25 degree Celsius) for the applicable  
11 temperature range, to be used for checking the accuracy of  
12 recording thermometers.

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

16 (iii) Provides that all new or replacement plate-type heat  
17 exchangers meet sanitary standards, all gaskets are tight and  
18 kept in good repair, and plates are opened at sufficiently  
19 frequent intervals to determine if the equipment is clean and in  
20 satisfactory condition.

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

22 (i) Internal return tubular heat exchangers meet sanitary  
23 standards.

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

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

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

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

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

17           (vii) Bulk storage and distribution equipment in dairy plants  
18 for handling liquid sweetening agents, edible oils, or other  
19 ingredients consists of suitable metals, alloys, or other  
20 materials that will withstand corrosive action by the ingredients  
21 and the equipment and ingredients are protected from  
22 contamination. Pipelines containing liquid sweetening agents and  
23 liquid chocolate remain flooded with the ingredient to prevent  
24 mold growth or may be dismantled and washed.

25           (q) Ensure that the plant is provided with adequate  
26 ventilation, that is acceptable to the director, to minimize  
27 possible product contamination with condensation, dust, and

1 odors.

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

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

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

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

12           (d) Wear clean, white, or light-colored washable outer  
13 garments or apron and a cap or hairnet while engaged in  
14 receiving, testing, processing milk or dairy products, packaging,  
15 or handling dairy products.

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

19           (f) If he or she has a discharging or infected wound, sore,  
20 or lesion on hands, arms, or other exposed portion of the body,  
21 not work in any dairy processing rooms or in any capacity  
22 resulting in contact with the processing or handling of dairy  
23 products.

24           (g) Each employee whose work brings him or her in contact  
25 with the processing or handling of dairy products, containers, or  
26 equipment shall comply with requirements for employee health as  
27 specified under sections 2-201.11 to 2-201.15 of the food code



1 adopted under the food law of 2000.  ~~, 2000 PA 92, MCL 289.1101 to~~  
2 ~~289.8111.~~

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

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

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

12           (c) Hold and process milk under conditions and at  
13 temperatures that will avoid contamination and rapid  
14 deterioration.

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

17           (e) Maintain milk in bulk storage tanks within the dairy  
18 plant in a manner that minimizes bacterial increase and, except  
19 when authorized by the department, maintain that milk at 45  
20 degrees Fahrenheit (7 degrees Celsius) or lower until processing  
21 begins.

22           (f) Ensure that the bacteriological content of commingled  
23 raw milk in storage tanks is 1,000,000 or less total bacteria per  
24 milliliter (300,000 per milliliter or less total bacteria in raw  
25 milk for frozen desserts).

26           (g) Ensure the proper pasteurization of each particle of  
27 milk or dairy product.

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

3 (i) Take all necessary precautions to prevent contamination  
4 or adulteration of the milk or dairy products during  
5 manufacturing.

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

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

14 (l) Maintain the equipment, sanitary piping, and utensils  
15 used in receiving and processing of the milk and maintain  
16 manufacturing and handling of the product in a sanitary  
17 condition.

18 (m) Ensure that sanitary seal assemblies are kept clean and  
19 are removable on all agitators, pumps, and vats and inspect those  
20 assemblies at regular intervals.

21 (n) Except as otherwise provided in this act, dismantle all  
22 equipment ~~after each day's use, except for that designed for CIP~~  
23 ~~cleaning, and thoroughly clean the equipment by~~ **THAT IS NOT**  
24 **DESIGNED FOR MECHANICAL OR CLEAN-IN-PLACE CLEANING, AND**  
25 **THOROUGHLY CLEAN AND SANITIZE ALL EQUIPMENT AFTER EACH DAY'S USE**  
26 using ~~dairy~~ cleaners, detergents, sanitizing agents, or other  
27 similar materials approved for dairy or food service use that

1 will not contaminate or adversely affect the dairy products.

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

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

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

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

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

17 (t) Following the circulation of the cleaning solution,  
18 thoroughly rinse and examine the equipment and lines for  
19 effectiveness of cleaning and ensure that all caps, ends, pumps,  
20 plates, and tee ends are opened or removed and brushed clean.

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

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

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

4 (x) ~~Provide~~ **FOR ALL NEWLY LICENSED OR NEWLY OR EXTENSIVELY**  
5 **REMODELED FACILITIES, PROVIDE** a covered or enclosed receiving,  
6 washing, and sanitizing facility at each site that receives or  
7 ships milk or dairy products in milk tank trucks, **OR PROVIDE**  
8 **MEANS TO PROTECT THE MILK DURING THE SAMPLING AND TRANSFERRING**  
9 **PROCESS THAT ARE ACCEPTABLE TO THE DIRECTOR.** The dairy plant is  
10 not required to provide milk tank truck wash facilities if milk  
11 tank trucks are cleaned and sanitized at another approved  
12 facility.

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

18 (z) Identify each tank that is washed and sanitized by  
19 attaching a tag to the outlet valve, bearing all of the following  
20 information:

21 (i) Plant and specific location where cleaned.

22 (ii) Date and time of washing and sanitizing and  
23 identification number of the tank.

24 (iii) The name of each person who washed and name of each  
25 person who sanitized the tank.

26 (aa) Maintain on the tank the tag attached pursuant to  
27 subdivision (z) until the tank is again washed and sanitized and

1 ensure the receiving plant retains the tag for at least 15 days  
2 or as the department may otherwise direct.

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

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

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

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

16 (ff) Maintain plant records, make those records available at  
17 all reasonable times for department inspection, and, in  
18 accordance with each of the following, send producer quality  
19 tests contained in those records to the department within 10 days  
20 of the completion of those tests:

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

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

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

27 (iv) Retain for 12 months rejections of raw milk over the no.

1 3 sediment standard for quality as established by the United  
2 States department of agriculture.

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

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

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

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

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

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

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

16 (iv) Contain a wrapper resistant to puncturing, tearing,  
17 cracking, or breaking under normal conditions of handling,  
18 shipping, and storage.

19 (v) Sealed in conformity with the instructions of the  
20 manufacturer.

21 (hh) Conduct the packaging of each dairy product or the  
22 cutting and repackaging of each dairy product under sanitary  
23 conditions prescribed by the department and ensure that each  
24 packaging room, item of equipment, and packaging material is  
25 practically free from mold and bacterial contamination by testing  
26 the level of contamination in a manner approved by the  
27 department.

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

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

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

11          (ll) Store a finished product requiring refrigeration on  
12 shelves, dunnage, or pallets at a temperature that will best  
13 maintain the initial quality of the product and ensure that the  
14 product is not exposed to any substance from which the product  
15 may absorb a foreign odor or be contaminated by drippage or  
16 condensation.

17          (mm) Purchase and store caps, parchment paper, wrappers,  
18 liners, gaskets, and single-service sticks, spoons, covers, and  
19 containers only in sanitary tubes, wrappings, or cartons that are  
20 kept in a clean, dry place until used and handled in a sanitary  
21 manner.

22          (NN) **PACKAGED FLUID DAIRY PRODUCTS THAT EXCEED THE SELL-BY**  
23 **DATE SHALL NOT BE REUSED IN ANY DAIRY PRODUCTS REGULATED BY THIS**  
24 **ACT OR THE GRADE A MILK LAW OF 2001 UNLESS THE DEPARTMENT**  
25 **APPROVES A PROTOCOL FOR SUCH REPROCESSING. THE PROTOCOL SHALL**  
26 **INCLUDE CONSIDERATION OF STORAGE TEMPERATURES, BACTERIAL COUNTS,**  
27 **AGE PAST SELL-BY DATE, SIGHT AND SMELL GRADING QUALITIES, ADDED**

1 INGREDIENTS, AND ANY OTHER FACTORS CONSIDERED CRITICAL BY THE  
2 DIRECTOR.

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

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

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

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

26 (5) Bulk shipments of milk or dairy products shall be  
27 accompanied by a bill of lading containing the following



- 1 information:
- 2 (a) Shipper's name, address, and permit number.
- 3 (b) Permit identification of hauler if not an employee of  
4 the shipper.
- 5 (c) Point of origin of shipment.
- 6 (d) Tanker identity number.
- 7 (e) Name of product.
- 8 (f) Weight of product.
- 9 (g) Grade of product.
- 10 (h) Temperature of product.
- 11 (i) Date of shipment.
- 12 (j) Name of supervising regulatory agency at the point of  
13 origin.
- 14 (k) Whether the contents are raw, pasteurized, or, in the  
15 case of cream, lowfat, or skim milk, whether it has been heat  
16 treated.
- 17 (l) Seal number on inlet and outlet.
- 18 (6) Cheese and cheese products that are unpasteurized shall  
19 be labeled according to the requirements of 21 ~~C.F.R.~~ **CFR** part  
20 133 and this section.
- 21 **(7) MILK AND MILK PRODUCTS SHALL BE ADVERTISED AS SPECIFIED**  
22 **UNDER THE FOOD LAW OF 2000.**
- 23 Sec. 152. (1) A person shall operate a dryer at not more  
24 than the manufacturer's recommended capacity for the highest  
25 quality dry product and may remodel or redesign a dryer after  
26 installation upon department approval. A person shall remove dry  
27 products from the drying chamber upon completion of each drying

1 cycle.

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

5 (3) A person who packages a dry milk product shall ensure  
6 that each package or container used for the packaging of a dry  
7 milk product is of a clean, sound, commercially accepted material  
8 that will protect the packaged contents to the department's  
9 satisfaction. A dry milk product packager shall not package a dry  
10 milk product in a container previously used for nonfood items or  
11 food deleterious to the dairy product.

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

14 (a) That empty containers are protected at all times from  
15 possible contamination.

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

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

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

22 (e) That the tapping or pounding of containers does not  
23 occur.

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

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

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

3 (i) That in addition to a commercial pest control service,  
4 if any, a person designated by the packager implements a  
5 regularly scheduled insect and rodent control program approved by  
6 the department.

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

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

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

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

22 (d) Print and package consumer size containers of butter  
23 under sanitary conditions.

24 (e) Legibly mark commercial bulk shipping containers with  
25 the name of the product, net weight, name and address of  
26 manufacturer, processor or distributor, or an assigned plant  
27 identification number or any other identification that the

1 department may require.

2 (f) Mark packages of plastic or frozen cream with the  
3 percent of milkfat.

4 (g) Except as provided in subdivisions (i) through (k), keep  
5 all products under refrigeration at temperatures of ~~40°F (4.4°C)~~  
6 **45°F (4.7°C)** or lower after packaging and until ready for  
7 shipment.

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

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

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

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

18 (iii) Equip each room to provide sufficient high-velocity air  
19 circulation for rapid freezing.

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

23 (j) Maintain each freezer storage room at a temperature of  
24 0°F (-18°C) or lower and ensure each freezer storage room has  
25 adequate air circulation.

26 (k) Place butter intended to be held more than 30 days in a  
27 freezer storage room immediately after packaging, and if that

1 butter is not frozen before being placed in the freezer, arrange  
2 each unfrozen butter package in a manner that permits rapid  
3 freezing, and keep each package in that arrangement until frozen.

4 Enacting section 1. This amendatory act takes effect 30 days  
5 after the date it is enacted into law.