

GRADE A MILK LAW OF 2001 (EXCERPT)
Act 266 of 2001

ARTICLE II

288.490 Administration of act and promulgation of rules; adoption and incorporation by reference of pasteurized milk ordinance; "regulatory agency" amended; water for milk operations and purposes.

Sec. 20. (1) The department shall administer this act and may promulgate rules for its implementation and enforcement and adopt revisions of references cited in this act, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Except as otherwise specifically defined or described in this act, the pasteurized milk ordinance is adopted and incorporated by reference. Where the words "regulatory agency" are used in these ordinances, they are amended to read the "Michigan department of agriculture" and where "the ____ of ____" are used in these ordinances, they are amended to read "the state of Michigan".

(2) Water for the milkhouse and milking operations and for milk plant purposes shall be from a supply properly located and protected and shall be easily accessible, adequate, and of a safe sanitary quality. Recommendations shall be made to the department by the department of environmental quality according to the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

History: 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

288.491 Imposition of different standards or requirements prohibited; out-of-state produced milk or milk products.

Sec. 21. (1) A political subdivision of the state shall not impose any different standards or requirements for grade A milk and grade A milk products other than those provided for in this act and shall not prohibit the sale of grade A milk and grade A milk products if produced and processed as grade A milk under supervision of the department. The director shall furnish copies of its inspection reports on any dairy farm producing grade A milk to a purchaser of grade A milk from that farm upon written request.

(2) A sanitary standard or similar requirement issued under this act shall not prohibit the sale of grade A milk or grade A milk products that are produced or processed under laws or rules of a governmental unit, outside the state, that are substantially equivalent to the requirements of the rules promulgated under this act and which are enforced with equal effectiveness, as determined by the director, if the governmental unit accepts Michigan grade A milk and milk products certified by a Michigan sanitation rating officer.

History: 2001, Act 266, Eff. Feb. 8, 2002.

288.492 Inspecting, sampling, and investigating conditions; authority of director to enter premises or vehicles.

Sec. 22. The director, after proper identification, is authorized and has the power to enter all dairy farms, milk plants, single service manufacturing facilities, milk tank truck cleaning facilities, receiving stations, transfer stations, distribution facilities, vehicles used to transport milk and milk products, and single service manufacturers under its jurisdiction for the purpose of inspecting, sampling, and investigating conditions relating to the enforcement of this act.

History: 2001, Act 266, Eff. Feb. 8, 2002.

288.493 Seizure; procedures.

Sec. 23. The director may seize or hold for investigation any milk, milk product, or equipment that the director has reason to believe is adulterated, constitutes or may be contributing to an imminent health hazard, or violates this act. Such milk, milk products, or equipment shall not be disposed of until a release is secured from the director. The director shall complete his or her action on any such seized item within a reasonable time, and the farm, plant, or station shall be promptly notified of the director's decision. The director may collect and retain evidence to verify the determination of an imminent health hazard.

History: 2001, Act 266, Eff. Feb. 8, 2002.

288.494 Declaration of imminent health hazard; findings; prohibited conduct; dairy animals classified as tuberculosis reactors.

Sec. 24. (1) Whenever the director finds in any dairy farm, dairy plant, receiving station, transfer station, or vehicle any milk, milk product, or other product that contains any unwholesome substance or that may be poisonous or deleterious to health or otherwise unsafe, such milk, milk product, or other product shall be declared by the director as an imminent health hazard. The director shall condemn, destroy, or in any other manner render the same unsalable as human food.

(2) A person shall not remove a condemnation or seizure tag attached to any container of condemned milk or milk product and shall not transfer condemned milk to another container and sell or offer for sale the condemned milk for human consumption.

(3) Any dairy animals that are officially classified as tuberculosis reactors as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the animal plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate, shall be milked last or in separate equipment and the milk from these dairy animals shall not be used or sold for human or animal consumption.

History: 2001, Act 266, Eff. Feb. 8, 2002.

288.495 Repeal of MCL 288.21 to 288.29a and R 285.408.1 to R 285.408.5.

Sec. 25. (1) The fluid milk act of 1965, 1965 PA 233, MCL 288.21 to 288.29a, is repealed effective 30 days after enactment of this act.

(2) R 285.408.1 to R 285.408.5 of the Michigan administrative code are repealed effective 30 days after enactment of this act.

History: 2001, Act 266, Eff. Feb. 8, 2002.