

**SUBSTITUTE FOR  
SENATE BILL NO. 1008**

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, 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,  
288.702, 288.703, 288.712, and 288.719), section 110a as added by  
2004 PA 282.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 10. As used in this act:
- 2       (a) "Adulterated" means food or milk products to which any
- 3 of the following apply:

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

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

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

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

1 commodity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. As used in this act:

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

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

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

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

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

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

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

1 circumstances:

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

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

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

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

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

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

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

18 Sec. 12. As used in this act:

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

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

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

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

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

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

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

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

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



the drying of milk or a dairy product.

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

Sec. 13. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 health or safety.

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

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

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

13 Sec. 15. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 intended for processing into quiescently frozen confections.

2 Sec. 16. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

15 Sec. 17. As used in this act:

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

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

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

21 (iii) Sampling devices approved by the director.

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

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

1 agriculture, and the dairy industry committee.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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Chemical, Physical, Bacteriological, and Temperature Standards

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MANUFACTURING GRADE RAW MILK FOR PASTEURIZATION (NOT FOR FROZEN DESSERTS) INCLUDING ULTRAFILTRATION OR REVERSE OSMOSIS RAW MILK CONCENTRATE	Temperature	Bulk milk cooled to 45°F (7°C) or less within 2 hours after milking and maintained thereat. Provided that the blend temperature after the first and subsequent milkings does not exceed 50°F (10°C). Can milk not to exceed 60°F (16°C) if used for cheese making; if delivered to the plant within 2 hours of milking, no temperature limit.
	Bacterial limits	Not to exceed 500,000 per ml (milk for cheese not to exceed 750,000 per ml). Not to exceed 1,000,000 per ml as

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

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

1		being dried within 4
2		hours after condensing.
3		
4	Bacterial	Not to exceed 30,000
5	limits	per gram.
6		
7	Coliform count	Not to exceed 10 per
8		gram. Provided, that in
9		the case of bulk milk
10		transport tank shipments
11		shall not exceed 100 per
12		ml.
13		
14	Phosphatase	<del>Less than 1 microgram</del>
15		<del>per ml by the Scharer</del>
16		<del>rapid method, less than</del>
17		<del>500 milliunits per L by</del>
18		<del>fluorometric procedure</del>
19		<del>or Charm ALP method,</del>
20		<del>or equivalent.</del>
21		
22	Drug residues	No positive results on
23		drug residue detection
24		methods which have been
25		found to be acceptable
26		for use with condensed
27		milk and condensed skim
28		milk.
29		
30	DRY WHOLE MILK, EXTRA	
31	GRADE	No more than:

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

---

30 DRY WHOLE MILK, STANDARD

31 GRADE No more than:

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

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



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

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

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

7

---

8 INSTANT NONFAT DRY

9 MILK, EXTRA GRADE No more than:

10

11 Butterfat 1.25%.

12

13 Moisture 4.50%.

14

15 Titratable 0.15%.  
 16 acidity

17

18 Solubility 1.0 ml.  
 19 index

20

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

23

24 Coliform count Not to exceed 10 per  
 25 gram.

26

27 Scorched 15.0/gram.  
 28 particles

29 disc B

30

31 Drug residues No positive results on

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

6  
 7 Dispersibility 85.0%.

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

---

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

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

---

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

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

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

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

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

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



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

1	Drug	No positive results on
2	residues	drug residue detection
3		methods which have been
4		found to be acceptable
5		for use with <del>pasteurized</del>
6		<b>ASEPTICALLY PROCESSED</b>
7		milk <b>AND MILK PRODUCTS.</b>

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

13 WATER (SWEET WATER);  
14 GLYCOL FOR COOLING

---

16	CONDENSATE RECOVERY	Total plate	Not to exceed 500 per ml.
17	WATER (COW WATER)	count	

18  
19 Chemical Not to exceed 12 mg per  
20 oxygen demand L.

21  
22 Turbidity Not to exceed 5 units.

---

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

1 investigating conditions relating to the enforcement of this act.

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

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

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

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

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

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

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

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

7 (E) WASH MILK TANK TRUCKS.

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

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

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

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

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

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

1 department and provide a statement containing the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 **EXCEED THE COSTS TO THE DEPARTMENT.**

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

23       (2) If the department fails to issue or deny a license or  
24 permit within the time required by this section, the department  
25 shall return the license or permit fee and shall reduce the  
26 license or permit fee for the applicant's next renewal  
27 application, if any, by 15%. The failure to issue a license or

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

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

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

18 (b) The number of applications denied.

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

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

1 department or agency of the state of Michigan. Under appropriate  
2 circumstances, completed application includes the completion of  
3 construction or renovation of any facility and the passing of a  
4 satisfactory inspection.

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

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

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

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

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

26       (3) The director may revoke or suspend a license or permit  
27 issued under this act, or impose an administrative fine pursuant

1 to section 125, upon determining that the licensee or permittee  
2 has done 1 or more of the following:

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

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

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

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

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

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

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

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

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

25 (j) Failed to correct violations of this act noted on  
26 inspection reports after being given written instructions to  
27 correct the violations in a reasonable length of time.

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

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

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

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

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

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

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

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

1 that precludes the reasonable protection of the milk or dairy  
2 products from contamination.

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

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

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

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

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

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

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

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

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

26 (m) Maintained a minimum of 3 of the last 5 official somatic  
27 cell counts illegal.

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

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

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

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

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

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

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

1 effective on the date specified in the order or the date of  
2 service upon the licensee, whichever is later, and is effective  
3 during the proceedings unless rescinded or otherwise modified.

4 The department shall promptly commence and determine the  
5 proceedings.

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

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

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

27       Sec. 119. A licensee or applicant for licensure as a dairy



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

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

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

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

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

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

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

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

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

26 (iii) The producer will be required to test all milk prior to  
27 shipment with a drug residue test acceptable to the director for

1 a minimum of 12 months and must retain records of these tests for  
2 a minimum of 18 months.

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

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

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

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

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

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

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

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

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

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

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

26           (a) When milk is picked up from a milk producer by a milk  
27 tank truck and not commingled with milk from other producers, the

1 milk becomes subject to possible drug residue penalties at the  
2 point the milk tank truck leaves the farm with the milk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26       (e) Containing excessive sediment as determined by sediment  
27 test methods provided in standard methods for the examination of

1 dairy products and classified to USDA sediment standards as more  
2 than a no. 3.

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

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

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

10 (a) Well-lighted and ventilated.

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

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

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

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

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

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

21 (a) Of ample size to prevent overcrowding.

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

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

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

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



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

6 (c) Wear clean outer clothing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and clean surface for the milk hauler to stand and handle the  
2 milk transfer hose.

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

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

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

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

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

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

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

27 (8) A dairy farm bulk tank shall be located in a milkhouse

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (g) Milk to be offered for sale shall be cooled and stored  
26 in the farm tank equipped with cooling and agitation. Other  
27 cooling and storage facilities may be used when approved in

1 writing by the director on a case-by-case basis.

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

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

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

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

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

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

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

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

27 (4) A licensed bulk milk hauler/sampler or milk

1 transportation company shall do each of the following:

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

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

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

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

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

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

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

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

26 (5) The dairy plant, transfer station, or receiving station,  
27 or a laboratory selected by the dairy plant, transfer station, or



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

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

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

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

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

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

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

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

26 (A) **ALL THERMALLY PROCESSED MILK AND MILK PRODUCTS THAT ARE**  
27 **PACKAGED IN HERMETICALLY SEALED CONTAINERS ARE PROCESSED IN A**

1 MILK PROCESSING FACILITY LICENSED UNDER THIS ACT, THE GRADE A  
2 MILK LAW OF 2001, OR THE FOOD LAW OF 2000.

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

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

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

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

<del>Pasteurization Temperature and Time Standards</del>			
<del>Whole milk; skim milk;</del>	<del>145°F (63°C)</del>	<del>30 min</del>	
<del>cheese milk; whey;</del>	<del>161°F (72°C)</del>	<del>15 sec</del>	
<del>other products with less</del>	<del>191°F (89°C)</del>	<del>1.0 sec</del>	
<del>than 10% butterfat or without</del>	<del>194°F (90°C)</del>	<del>0.5 sec</del>	
<del>added sweeteners</del>	<del>201°F (94°C)</del>	<del>0.1 sec</del>	
<del></del>	<del>204°F (96°C)</del>	<del>0.05 sec</del>	
<del></del>	<del>212°F (100°C)</del>	<del>0.01 sec</del>	
<del></del>			
<del>Cream; condensed products;</del>	<del>150°F (66°C)</del>	<del>30 min</del>	

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

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

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20	WHOLE MILK; SKIM MILK; CHEESE MILK;		
21	WHEY; OTHER PRODUCTS WITH LESS THAN 10%		
22	BUTTERFAT OR WITHOUT ADDED SWEETENERS	145°F (63°C)	30 MIN
23			
24	CREAM; CONDENSED PRODUCTS; OTHER		
25	PRODUCTS WITH 10% OR MORE BUTTERFAT		
26	OR WITH ADDED SWEETENERS	150°F (66°C)	30 MIN
27			
28	EGGNOG; FROZEN DESSERT MIX	155°F (69°C)	30 MIN
29			

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1	CREAM FOR BUTTER MAKING	165°F (74°C)	30 MIN
2			
3	MILK OR CREAM FOR PLASTIC OR		
4	FROZEN CREAM	170°F (77°C)	30 MIN
5			
6	MINIMUM HIGH TEMPERATURE SHORT TIME (HTST),		
7	HIGHER HEAT SHORT TIME (HHST) AND		
8	ASEPTIC PASTEURIZATION TEMPERATURE AND TIME STANDARDS		
9		161°F (72°C)	15 SEC
10		191°F (89°C)	1.0 SEC
11	WHOLE MILK; SKIM MILK; CHEESE MILK;	194°F (90°C)	0.5 SEC
12	WHEY; OTHER PRODUCTS WITH LESS THAN 10%	201°F (94°C)	0.1 SEC
13	BUTTERFAT OR WITHOUT ADDED SWEETENERS	204°F (96°C)	0.05 SEC
14		212°F (100°C)	0.01 SEC
15			
16		166°F (75°C)	15 SEC
17		196°F (92°C)	1.0 SEC
18	CREAM; CONDENSED PRODUCTS; OTHER	199°F (93°C)	0.5 SEC
19	PRODUCTS WITH 10% OR MORE BUTTERFAT	206°F (97°C)	0.1 SEC
20	OR WITH ADDED SWEETENERS	209°F (99°C)	0.05 SEC
21		217°F (103°C)	0.01 SEC
22			
23	EGGNOG; FROZEN DESSERT MIX	175°F (80°C)	25 SEC
24		180°F (83°C)	15 SEC
25			
26	CREAM FOR BUTTER MAKING	185°F (85°C)	15 SEC
27			
28	MILK OR CREAM FOR PLASTIC OR		
29	FROZEN CREAM	190°F (88°C)	15 SEC

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**ULTRA-PASTEURIZED PRODUCTS****280°F (138°C)****2 SEC**

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

(a) The evaporator or condensing equipment.

(b) The cheese-making process.

(c) The cheese culture making process.

(d) The frozen dessert mix freezing.

(e) The cultured product culturing.

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

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

(4) All pasteurized milk and dairy products, except those to be cultured and those to receive immediate additional heat treatment in subsequent processes of manufacturing, shall be 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 THAN 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.



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

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

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

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

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

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

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

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

(c) Construct plant driveways and adjacent vehicular traffic 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. 142. A person employed by a dairy plant shall comply  
17 with all of the following, if applicable:

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

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

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

26 (d) Wear clean, white, or light-colored washable outer  
27 garments or apron and a cap or hairnet while engaged in

1 receiving, testing, processing milk or dairy products, packaging,  
2 or handling dairy products.

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

6 (f) If he or she has a discharging or infected wound, sore,  
7 or lesion on hands, arms, or other exposed portion of the body,  
8 not work in any dairy processing rooms or in any capacity  
9 resulting in contact with the processing or handling of dairy  
10 products.

11 (g) Each employee whose work brings him or her in contact  
12 with the processing or handling of dairy products, containers, or  
13 equipment shall comply with requirements for employee health as  
14 specified under sections 2-201.11 to 2-201.15 of the food code  
15 adopted under the food law of 2000. ~~/, 2000 PA 92, MCL 289.1101 to~~  
16 ~~289.8111.~~

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

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

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

26 (c) Hold and process milk under conditions and at  
27 temperatures that will avoid contamination and rapid

1 deterioration.

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

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

9 (f) Ensure that the bacteriological content of commingled  
10 raw milk in storage tanks is 1,000,000 or less total bacteria per  
11 milliliter (300,000 per milliliter or less total bacteria in raw  
12 milk for frozen desserts).

13 (g) Ensure the proper pasteurization of each particle of  
14 milk or dairy product.

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

17 (i) Take all necessary precautions to prevent contamination  
18 or adulteration of the milk or dairy products during  
19 manufacturing.

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

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

1           (l) Maintain the equipment, sanitary piping, and utensils  
2 used in receiving and processing of the milk and maintain  
3 manufacturing and handling of the product in a sanitary  
4 condition.

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

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

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

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

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

25           (r) Use CIP cleaning, including spray-ball systems, only on  
26 equipment and pipeline systems which have been designed and  
27 engineered for that purpose and employ careful attention to the

1 proper procedures to assure satisfactory cleaning.

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

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

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

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

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

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

27 (y) Clean and sanitize milk tank trucks, sanitary piping,

1 fittings, and pumps at least once each day after use and, if  
2 those items are not to be used immediately after the emptying of  
3 a load of milk, promptly wash those items after use and give  
4 bactericidal treatment immediately before use.

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

8 (i) Plant and specific location where cleaned.

9 (ii) Date and time of washing and sanitizing and  
10 identification number of the tank.

11 (iii) The name of each person who washed and name of each  
12 person who sanitized the tank.

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

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

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

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

27 (ee) Properly label, handle, store, and use poisonous

1 substances, insecticides, and rodenticides in such a manner as  
2 not to create a public health hazard.

3 (ff) Maintain plant records, make those records available at  
4 all reasonable times for department inspection, and, in  
5 accordance with each of the following, send producer quality  
6 tests contained in those records to the department within 10 days  
7 of the completion of those tests:

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

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

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

14 (iv) Retain for 12 months rejections of raw milk over the no.  
15 3 sediment standard for quality as established by the United  
16 States department of agriculture.

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

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

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

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

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

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

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

3           (iv) Contain a wrapper resistant to puncturing, tearing,  
4 cracking, or breaking under normal conditions of handling,  
5 shipping, and storage.

6           (v) Sealed in conformity with the instructions of the  
7 manufacturer.

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

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

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

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

25          (ll) Store a finished product requiring refrigeration on  
26 shelves, dunnage, or pallets at a temperature that will best  
27 maintain the initial quality of the product and ensure that the



1 product is not exposed to any substance from which the product  
2 may absorb a foreign odor or be contaminated by drippage or  
3 condensation.

4 (mm) Purchase and store caps, parchment paper, wrappers,  
5 liners, gaskets, and single-service sticks, spoons, covers, and  
6 containers only in sanitary tubes, wrappings, or cartons that are  
7 kept in a clean, dry place until used and handled in a sanitary  
8 manner.

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

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

22 (2) A person who owns or operates a dairy plant shall  
23 legibly mark or label each commercial bulk package containing  
24 dairy products manufactured under this act with the name of the  
25 product, quantity of contents, name and address of processor,  
26 manufacturer, or distributor, ingredients including known  
27 allergens, manufacturer lot number, plant code issued by the

department identifying where the product was manufactured, and with any other identifying information required by the director. All manufactured dairy products shall meet any applicable definitions and standards of identity as promulgated under 21 C.F.R. ~~CFR~~ parts 131 to 135.

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

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

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

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

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

(c) Point of origin of shipment.

(d) Tanker identity number.

(e) Name of product.

(f) Weight of product.

(g) Grade of product.

(h) Temperature of product.

(i) Date of shipment.

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

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

4 (l) Seal number on inlet and outlet.

5 (6) Cheese and cheese products that are unpasteurized shall  
6 be labeled according to the requirements of 21 ~~C.F.R.~~ **CFR** part  
7 133 and this section.

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

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

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

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

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

1 (a) That empty containers are protected at all times from  
2 possible contamination.

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

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

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

9 (e) That the tapping or pounding of containers does not  
10 occur.

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

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

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

17 (i) That in addition to a commercial pest control service,  
18 if any, a person designated by the packager implements a  
19 regularly scheduled insect and rodent control program approved by  
20 the department.

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

25 (a) Prior to use, completely immerse parchment liners or  
26 bulk butter packages in a boiling salt solution within a  
27 stainless steel or other equally noncorrosive material for not

1 less than 30 minutes.

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

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

9 (d) Print and package consumer size containers of butter  
10 under sanitary conditions.

11 (e) Legibly mark commercial bulk shipping containers with  
12 the name of the product, net weight, name and address of  
13 manufacturer, processor or distributor, or an assigned plant  
14 identification number or any other identification that the  
15 department may require.

16 (f) Mark packages of plastic or frozen cream with the  
17 percent of milkfat.

18 (g) Except as provided in subdivisions (i) through (k), keep  
19 all products under refrigeration at temperatures of ~~40°F (4.4°C)~~  
20 **45°F (4.7°C)** or lower after packaging and until ready for  
21 shipment.

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

25 (i) If plastic cream or frozen cream is to be quick-frozen,  
26 place the product in quick freezer rooms immediately after  
27 packaging, and ensure rapid and complete freezing within 24 hours

1 by doing all of the following:

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

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

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

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

10 (j) Maintain each freezer storage room at a temperature of  
11 0°F (-18°C) or lower and ensure each freezer storage room has  
12 adequate air circulation.

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

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