

Act No. 147
Public Acts of 2008
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STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008

Introduced by Reps. Espinoza, Mayes, Polidori, Brown, Robert Jones, Accavitti, Acciavatti, Agema, Amos, Ball, Bauer, Bieda, Booher, Brandenburg, Calley, Casperson, Caswell, Caul, Cheeks, Clemente, Condino, Constan, Corriveau, Cushingberry, DeRoche, Elsenheimer, Emmons, Farrah, Gaffney, Garfield, Gillard, Gonzales, Green, Griffin, Hammel, Hammon, Hansen, Hildenbrand, Hoogendyk, Hopgood, Horn, Huizenga, Jackson, Johnson, Rick Jones, Knollenberg, Lahti, LaJoy, David Law, Kathleen Law, LeBlanc, Leland, Lemmons, Lindberg, Marleau, Meadows, Meekhof, Melton, Meltzer, Moolenaar, Moore, Moss, Nitz, Nofs, Opsommer, Palsrok, Pastor, Pavlov, Pearce, Proos, Sak, Schuitmaker, Shaffer, Sheen, Sheltrown, Simpson, Alma Smith, Spade, Stakoe, Steil, Vagnozzi, Walker, Ward and Wojno

ENROLLED HOUSE BILL No. 5585

AN ACT to amend 2001 PA 267, entitled "An act to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts," 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:

Sec. 10. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Advertise" or "advertisement" means a representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or is likely to induce, directly or indirectly, the purchase of milk or milk products.

(c) "Approved laboratory" means a laboratory that has been evaluated by the department and is approved to perform tests on manufacturing milk and milk products.

(d) "Approved sample container" means a presterilized, suitable nontoxic single service container of adequate size that complies with the requirements of standard methods.

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

(f) "Aseptic processing and packaging" means the filling of a commercially sterilized cooled product into presterilized containers followed by aseptic hermetical sealing with a 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) "Cheese" means natural cheeses, processed cheeses, blended cheeses, cheese foods, cheese spreads, nonstandard cheese products, and related foods described in 21 CFR part 133.

(f) "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) "Commercial sterility of thermally processed food" means the condition achieved under either of the following circumstances:

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

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

(h) "Cream" means any of the following:

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

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

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

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

Sec. 12. As used in this act:

(a) "Dairy animal" means any domesticated lactating mammal, including a cow, goat, sheep, water buffalo, or other hooved mammal, which is managed and milked to obtain milk for human consumption.

(b) "Dairy farm" means any place or premises where 1 or more dairy animals are kept for milking purposes, and from which a part or all of the milk is provided, sold, or offered for sale.

(c) "Dairy plant" 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) "Dairy product", "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 milk law of 2001 or as determined appropriate by the director.

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

(f) "Director" means the director of the Michigan department of agriculture or his or her designee.

(g) "Distributor" means a person other than a producer or processor who offers for sale, holds for sale, or sells at wholesale milk or dairy products. A distributor's facilities include warehousing, refrigerated storage, and refrigerated distribution vehicles.

(h) "Dry milk product" means a product resulting from the drying of milk or a dairy product.

(i) "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, 21 USC 301 to 321, 331 to 360dd, 360hh to 376, and 378 to 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 operation where food is served or provided for the public. Food service establishment does not include any of the following:

(i) A motel that serves continental breakfasts only.

(ii) A bed and breakfast that has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.

(iii) A bed and breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfasts only.

(iv) A child care organization regulated under 1973 PA 116, MCL 722.111 to 722.128, unless the establishment is carrying out an operation considered by the director to be a food service establishment.

(f) “Freezer” means mechanical equipment used to lower the temperature of a mix while, at the same time, incorporating air into the mix.

(g) “Frozen desserts” means desserts made from dairy products described in 21 CFR part 135, the mixes, and other similar frozen dairy products that include, but are not limited to, frozen yogurt, soft serve ice cream, and quiescently frozen confections unless otherwise specified by the department.

(h) “Grade A milk law of 2001” means the grade A milk law of 2001, 2001 PA 266, MCL 288.471 to 288.540.

(i) “Imminent or substantial health hazard” means a determination by the director of either or both of the following:

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

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

(j) “Label” means a display of written, printed, or graphic matter upon the immediate container of any article conforming to a requirement imposed under this act that any word, statement, or other information appearing on the label also appears on the outside container or wrapper of the retail package of the article or be easily legible through the outside container or wrapper.

(k) “Labeling” means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers or accompanying the article.

Sec. 15. As used in this act:

(a) “Misbranded” means food to which any of the following apply:

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

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

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

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

(v) It is in package form, unless it bears a label containing both the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count subject to reasonable variations as are permitted and exemptions as to small packages as are established by rules prescribed by the department.

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

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

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

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

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

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

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

(xi) If a food intended for human consumption and offered for sale, its label and labeling do not bear the nutrition information required under section 403(q) of the federal act, 21 USC 343.

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

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

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

Sec. 16. As used in this act:

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

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

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

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

(e) "Producer" means a person who owns or operates a dairy farm and sells or distributes milk produced on that farm including a person who markets milk on behalf of a producer pursuant to a marketing agreement.

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

(g) "Registered name" means either a name that is registered as "doing business as" at the county clerk's office in the county in which the producer or processor resides or that is registered with the state of Michigan as a legal entity registered to do business within the state under an assumed name. Registered name includes, but is not limited to, incorporations, corporations, limited liability companies, limited liability partnerships, and similar entities.

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

(i) "Retail" means selling or offering for sale dairy products directly to a consumer.

(j) "Retail food establishment" means an operation that sells or offers to sell food directly to a consumer. Retail food establishment includes both a retail grocery and a food service establishment but does not include a food processing plant.

Sec. 17. As used in this act:

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

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

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

(iii) Sampling devices approved by the director.

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

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

(ii) If sanitary standards are not available for a particular piece of equipment, general sanitary construction standards for dairy equipment formulated by the United States department of agriculture or the food and drug administration.

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

	Sediment	Not to exceed a USDA no. 3 standard following procedures from standard methods for the examination of milk and milk products.
	Freezing point	-0.530°H maximum.
RAW MILK FOR FROZEN DESSERTS	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).
	Bacterial limits	Not to exceed 100,000 per ml for individual supplies, not to exceed 300,000 per ml commingled.
	Somatic cell counts	Not to exceed 750,000 per ml.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with raw milk.
	Sediment	Not to exceed a USDA no. 3 standard following procedures from standard methods for the examination of milk and milk products.
	Freezing point	-0.530°H maximum.
PASTEURIZED CONDENSED MILK AND CONDENSED SKIM MILK	Temperature	Cooled to 45°F (7°C) [50°F (10°C) if 45% or more solids] or less, or heated to 145° (63°C) or greater and maintained thereat unless the product is being dried within 4 hours after condensing.
	Bacterial limits	Not to exceed 30,000 per gram.
	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.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with condensed milk and condensed skim milk.
DRY WHOLE MILK, EXTRA GRADE	No more than:	
	Butterfat	Not less than 26% or more than 40%.
	Moisture	4.50%.
	Solubility index	1.0 ml spray process; 15.0 roller process.
	Bacterial limit	Not to exceed 50,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	15.0/gram spray process; 22.5 roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry whole milk.
DMCC count	Less than 100,000,000 per gram.	
DRY WHOLE MILK, STANDARD GRADE	No more than:	
	Butterfat	Not less than 26% or more than 40%.
	Moisture	5.00%.

	Titratable acidity	0.15%.
	Solubility index	1.5 ml spray process; 15.0 ml roller process.
	Bacterial limit	Not to exceed 100,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	22.5 per gram spray process; 32.5 per gram roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry, whole milk.
	DMCC count	Less than 100,000,000 per gram.
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NONFAT DRY MILK, EXTRA GRADE	No more than:	
	Butterfat	1.25%.
	Moisture	4.00%.
	Titratable acidity	0.15%.
	Solubility index	1.2 ml (2.0 ml high-heat, max) spray process; 15.0 ml roller process.
	Bacterial limit	Not to exceed 10,000 per gram spray or 50,000 per gram roller process.
	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	15.0/gram spray; 22.5/gram roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
	DMCC count	Less than 100,000,000 per gram.
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NONFAT DRY MILK, STANDARD GRADE	No more than:	
	Butterfat	1.50%.
	Moisture	5.00%.
	Titratable acidity	0.17%.
	Solubility index	2.5 ml spray process; 15.0 ml roller process.
	Bacterial estimate	75,000/gram spray; 100,000/gram roller process.
	Coliform count	10 per gram.
	Scorched particles disc B	22.5/gram spray; 32.5/gram roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
	DMCC count	Less than 100,000,000 per gram.
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INSTANT NONFAT DRY MILK, EXTRA GRADE	No more than:	
	Butterfat	1.25%.
	Moisture	4.50%.
	Titratable acidity	0.15%.
	Solubility index	1.0 ml.
	Bacterial limit	Not to exceed 10,000 per gram.

	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	15.0/gram.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
	Dispersibility	85.0%.
	DMCC count	Less than 40,000,000 per gram.
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WHEY FOR CONDENSING	Temperature	Maintained at a temperature of 45°F (7°C) or less, or 135°F (57°C) or greater, except for acid-type whey with a titratable acidity 0.40% or above, or a pH of 4.6 or below.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with whey.
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PASTEURIZED CONDENSED WHEY AND WHEY PRODUCTS	Temperature	Cooled to 50°F (10°C) or less during crystallization, within 72 hours of condensing.
	Coliform count	Not to exceed 10 per gram.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with condensed whey.
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DRY WHEY, EXTRA GRADE	Bacterial limit	Not to exceed 30,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Milkfat content	Not to exceed 1.5%.
	Moisture content	Not to exceed 5.0%.
	Scorched particle content	Not to exceed 15.0%.
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DRY WHEY, DRY WHEY PRODUCTS	Bacterial limit	Not to exceed 50,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Butterfat	Not more than 1.50%.
	Moisture	Not more than 5%.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry whey and dry whey products.
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DRY BUTTERMILK AND DRY BUTTERMILK PRODUCTS, EXTRA GRADE	Butterfat	4.5% min.
	Moisture	4.0% max.
	Titratable acidity	0.10-0.18%.
	Solubility index	1.25 ml spray process; 15.0 roller process.
	Bacterial limit	Not to exceed 20,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	15.0 mg spray process; 22.5 mg roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry buttermilk and dry buttermilk products.
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DRY BUTTERMILK AND DRY BUTTERMILK PRODUCTS, STANDARD GRADE	Butterfat	4.5% min.
	Moisture	5.0% max.
	Titrateable acidity	0.10-0.20%.
	Solubility index	2.0 ml spray process; 15.0 roller process.
	Bacterial limit	Not to exceed 75,000 per gram.
	Coliform count	Not to exceed 10 per gram.
	Scorched particles disc B	22.5 mg spray process; 32.5 mg roller process.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry buttermilk and dry buttermilk products.
BUTTER, WHIPPED BUTTER	Percent butterfat	Not less than 80%.
	Temperature	Maintained at a temperature of 45°F (7°C) or less, when in storage.
	Proteolytic count	Not more than 50 per gram.
	Yeast and mold	Not more than 10 per gram.
	Coliform count	Not more than 10 per gram.
	Keeping quality	Satisfactory after 7 days at 70°F (21°C).
PASTEURIZED MILK, CREAM, FLUID DAIRY PRODUCTS FOR FROZEN DESSERTS	Bacterial limit	Not to exceed 20,000 per ml.
	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.
	Storage temp	No higher than 45°F (7°C).
FROZEN DESSERT MIX	Bacterial limit	30,000 per ml.
	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.
	Storage temp	No higher than 45°F (7°C). (Sterile or aseptic mix has no storage temperature requirement.)
FROZEN DESSERTS	Bacterial limit	30,000 per ml.
	Coliform count	Not to exceed 10 per ml (20 per gram for chocolate, fruit, nuts, or other bulky flavored frozen desserts).
	Storage temp	No higher than 32°F (0°C).
	Butterfat	Per standards listed in 21 C.F.R. 135.
STERILIZED OR ASEPTIC PRODUCTS	Bacterial limit	Refer to 21 CFR 113.3(e)(1).
	Temperature	None.
	Yeast and mold	No viable yeast or mold spores.
	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with aseptically processed milk and milk products.

PRIVATE WATER SUPPLIES FOR DAIRY FARMS AND DAIRY PLANTS; RECIRCULATED COOLING WATER (SWEET WATER); GLYCOL FOR COOLING	Coliform count	Less than 1.1 per 100 ml as MPN or equivalent method less than 1 per 100 ml.
CONDENSATE RECOVERY WATER (COW WATER)	Total plate count	Not to exceed 500 per ml.
	Chemical oxygen demand	Not to exceed 12 mg per L.
	Turbidity	Not to exceed 5 units.

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

(2) The department shall, at a minimum, inspect all dairy farms every 12 months and dairy plants, receiving stations, and transfer stations every 6 months, or at time intervals as specified by the director.

Sec. 110. (1) A person shall not do any of the following without being licensed under this act or the grade A milk law of 2001:

- (a) Produce milk that is offered for sale.
- (b) Collect milk samples for regulatory purposes.
- (c) Operate a milk transportation company that owns or operates a can milk truck.

(d) Process, label, or sell milk or manufactured dairy products, except that a person operating a retail food establishment is exempt from licensure under this act if he or she complies with section 111 and is licensed under the food law of 2000. This subdivision does not prevent the sale at wholesale or retail at a retail food establishment licensed under the food law of 2000 of milk or milk products that are packaged in final consumer packages at a facility licensed under this act.

- (e) Wash milk tank trucks.

(2) A person licensed under the grade A milk law of 2001 and engaged in activities regulated under that act and activities regulated under this act is exempt from licensure under this act.

(3) A person licensed under the grade A milk law of 2001 or this act shall comply with the requirements of this act, where applicable, and is subject to the penalties set forth in this act, where applicable.

- (4) The director may issue a temporary license or permit for activities regulated under this act.

(5) State agencies operating dairy facilities under a memorandum of understanding with the department are not required to be licensed or permitted, or to provide producer security under this act, but are otherwise required to be in compliance with this act.

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

(7) An applicant for an initial license as a dairy plant shall apply to the department on a form supplied by the department and provide a statement containing the following:

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

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

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

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

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

(8) A dairy plant shall annually renew a license issued under this act by applying to the department at least 30 days prior to the expiration of the existing license. The anniversary date of a license for a dairy plant that is providing a financial statement as a security device shall be 130 days after the close of the licensee's fiscal year. The dairy plant

shall apply for renewal of a license on a form supplied by the department and provide a statement containing the following:

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

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

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

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

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

(9) Each dairy plant shall pay a \$50.00 annual licensing or permitting fee.

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

(11) Each milk tank truck cleaning facility shall be licensed or permitted under this act either as part of a dairy plant, receiving station or transfer station, or as a stand-alone milk tank truck cleaning facility, or under the grade A law of 2001. Any milk tank truck cleaning facility that washes the milk contact surfaces of milk tank trucks used to haul grade A milk shall be licensed under the grade A law of 2001. Each stand-alone facility will be licensed or permitted at a rate of \$50.00 per year. License renewal shall take place on June 30 every year.

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

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

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

(15) A political subdivision of the state shall not levy special license fees or taxes on 1 or more of the persons or businesses described in this section except for taxes or fees that are generally levied on persons or businesses other than dairy plants and dairy plant operators.

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

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

(18) Any fees, assessments, civil or administrative fines, and money from any other source collected by the department under this act shall be deposited into the dairy and food safety fund created in section 4117 of the food law of 2000, MCL 289.4117.

(19) The department may impose a late fee of \$10.00 for a renewal application for each business day the application is late. The total late fee shall not exceed \$100.00. The department shall not issue or renew a license until any fees and fines have been paid. A hearing is not required regarding the department's refusal to issue or renew a license under this subsection except as allowed under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may charge a convenience fee and collect from the applicants any additional costs associated with the method of fee payment for the license or permit fees described in this section and section 110a, not to exceed the costs to the department.

Sec. 110a. (1) The department shall issue an initial or renewal license or permit for regulated activities described in section 110 other than a manufacturing grade dairy farm or a bulk milk hauler/sampler, not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day

period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license or permit.

(2) If the department fails to issue or deny a license or permit within the time required by this section, the department shall return the license or permit fee and shall reduce the license or permit fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license or permit within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

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

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

(b) The number of applications denied.

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

(4) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing or permit fees and fines as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan. Under appropriate circumstances, completed application includes the completion of construction or renovation of any facility and the passing of a satisfactory inspection.

Sec. 111. Milk products manufactured at retail food establishments licensed under the food law of 2000 are exempt from this act if both of the following conditions are met:

(a) All ingredients contained in these products comply with the requirements of the food law of 2000.

(b) The milk products manufactured are not sold wholesale or to another business entity.

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

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

(3) The director may revoke or suspend a license or permit issued under this act, or impose an administrative fine pursuant to section 125, upon determining that the licensee or permittee has done 1 or more of the following:

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

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

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

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

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

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

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

(h) Knowingly possessed, sold, offered for sale, or purchased any milk or milk product for use in a human food product that has been condemned under this act.

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

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

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

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

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

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

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

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

(b) Offered for sale or sold milk or dairy products that are not pasteurized according to the requirements set forth in section 137, except as allowed in section 138, or that are suspected of being contaminated with any substance considered by the department to be an imminent or substantial health hazard.

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

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

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

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

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

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

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

(j) Interfered with inspection conducted by the department.

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

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

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

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

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

(p) Offered for sale or sold milk or milk products that present an imminent health hazard due to improper or unknown storage temperature.

(q) Offered for sale or sold milk or milk products that present an imminent health hazard due to improper allergen labeling.

(r) Any other condition that creates an imminent or substantial threat to the public health, safety, or welfare.

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

(3) If the department has provided notice to a licensee or permittee as required by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and subsequently determines that summary suspension of the license or permit is necessary to prevent an imminent threat of financial loss to 1 or more producers with whom the licensee or permittee does business, the director may summarily suspend the license or permit. The director shall incorporate the determination in his or her order of summary suspension. The summary suspension may be ordered effective on the date specified in the order or the date of service upon the licensee, whichever is later, and is effective during the proceedings unless rescinded or otherwise modified. The department shall promptly commence and determine the proceedings.

Sec. 115. (1) A person purchasing milk for resale or manufacture into another product shall pay the producer in a manner and on dates as mutually agreed to by the producers, the dairy plant, and the department. The department shall revoke or deny a license issued under this act for a violation of this subsection.

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

Sec. 116. The department shall revoke or deny a license for a dairy plant that produces manufactured dairy products if the licensee or applicant fails to provide 1 of the security devices required as a condition to issuance and maintenance of a license. As a condition to issuance and maintenance of a license, a dairy plant that produces manufactured dairy products shall provide 1 or more of the security devices described in section 117, 118, or 119. Milk plants that receive milk only from dairy farms under the same sole proprietorship, the same registered partnership, or the same corporate ownership having the same registered name as the milk plant are exempt from the requirements of this section.

Sec. 119. A licensee or applicant for licensure as a dairy plant not providing a security device under section 117 or 118 shall provide an agreement in which the dairy plant prepays for its milk supply by means of cash payments before or at the time the milk is received at the plant.

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

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

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

(ii) The producer shall pay an administrative fine equal to the lost value of the milk on the entire contaminated load and any costs associated with the disposition of that load. The administrative fine shall be paid directly to the milk buyer. The department shall be provided with written notification of the payment. Written notification shall also be provided to the department of the date and location of the disposal of the entire contaminated load. Where a producer markets their own load of milk, the producer shall provide written notification to the department of the date and location of the disposal of the entire contaminated load. If the producer's violative shipment did not cause partial or total loss of a load of milk as determined by an approved drug residue test, the producer shall pay an administrative fine of \$50.00 to the department. The milk buyer may pay the administrative fine, if a like amount has been deducted from the producer's milk check.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The administrative fines imposed under subsection (1) or (7) shall be paid to the department within 10 days after notification of the violation or within 10 days after notification of adverse findings following a hearing or appeal, or both. The administrative fines received by the department under this section shall be deposited into the dairy and food safety fund as provided for in section 110(18).

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

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

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

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

Sec. 130. (1) A person who offers milk to the public for human consumption shall obtain that milk from dairy animals that are located in areas under federal or state supervision for the eradication of tuberculosis and brucellosis and comply with those requirements for eradication of tuberculosis and brucellosis. Each animal that produces milk for human consumption shall be properly maintained and fed in a manner consistent with department recommendations for the maintenance of animals of that kind. Any dairy animals that are officially classified as tuberculosis reactors as defined in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, shall be milked last or in separate equipment and the milk from these dairy animals shall not be used or sold for human or animal consumption.

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

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

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

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

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

(e) Containing excessive sediment as determined by sediment test methods provided in standard methods for the examination of dairy products and classified to USDA sediment standards as more than a no. 3.

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

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

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

(a) Well-lighted and ventilated.

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

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

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

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

(f) Constructed with a dust-tight ceiling.

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

(a) Of ample size to prevent overcrowding.

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

(c) Kept as clean as is practicably possible.

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

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

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

(c) Wear clean outer clothing.

(d) Maintain clean and dry hands during milking.

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

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

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

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

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

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

(k) Cool milk that is stored in a dairy farm bulk tank to 50 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less of the commencement of the first milking, and to 45 degrees Fahrenheit (7 degrees Celsius) or less within 2 hours after milking, provided that the blend temperature after the first milking and subsequent milkings does not exceed 50 degrees Fahrenheit (10 degrees Celsius).

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

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

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

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

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

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

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

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

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

- (e) Free of any product that the department determines is likely to contaminate milk or create a public health hazard.
 - (f) Equipped with a supply of hot water adequate for cleaning milk utensils and equipment.
 - (g) Designed without a direct opening, and with a solid, tight-fitting, self-closing door, at any entrance to a barn, stable, or milking parlor.
 - (h) Designed with screens at all outside openings, unless another means is provided to prevent the entrance of insects or rodents into the milkhouse or milkroom. Screen doors shall be tight-fitting and self-closing and open outward. Toilet facilities located adjacent to the milkhouse or milking facilities shall have self-closing doors and all outside openings shall be screened.
 - (i) Plans for new facilities, remodeled facilities, or new equipment installations must be submitted to the department for prior approval.
- (8) A dairy farm bulk tank shall be located in a milkhouse or milkroom in a manner that allows access to all areas of the tank for cleaning and servicing. A dairy farm bulk tank shall not be placed over a floor drain or under a ventilator or unprotected light fixture. A dairy farm shall ensure that each new farm bulk tank meets sanitary standards and is installed in accordance with department specifications.
- (9) The owner or operator of a milkhouse or milkroom shall ensure all of the following:
- (a) That the milkhouse or milkroom is clean and free of contaminants, animals, and fowl.
 - (b) That an unapproved pesticide is not stored in the milkhouse or milkroom.
 - (c) That any pesticide used in or near the milkhouse or milkroom is used in accordance with label instructions to prevent the contamination of milk or equipment.
 - (d) That each utensil, milk can, milking machine, pipeline system associated with a milking machine, and other equipment used in the handling of milk is maintained in good condition, free from rust, open seams, milkstone, and any unsanitary condition.
 - (e) That each utensil and item of equipment used in the handling of milk is of a smooth, noncorrosive material, washed, rinsed, and drained after each milking, stored in an appropriate manner, and sanitized immediately before use, by using dairy cleaners, detergents, sanitizing agents, or other similar materials labeled for dairy or food service use that will not contaminate or adversely affect the milk.
 - (f) That each dairy farm tank used on the premises is constructed of a material or materials approved by the department and installed in accordance with subsection (11).
 - (g) That each item that is designed for a single use is properly stored and is not reused.
 - (h) That the dairy farm water supply complies with the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, or, if the water supply is not new or reconstructed after April 1, 1994, the water supply is annually tested by a laboratory approved by the department and found to be of safe and satisfactory quality and in compliance with guidelines established by the department of community health.
 - (i) That waste products are disposed of in a manner that will not pollute the soil surface, contaminate a feed, milk, or water supply, or be exposed to insects.
- (10) A producer who ships milk in cans shall do each of the following:
- (a) Ensure that each milk can used in transporting milk from dairy farm to plant is seamless with an umbrella lid for easy cleaning.
 - (b) Inspect, repair, and replace milk cans as necessary to prevent the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.
- (11) A producer who ships milk from a farm bulk tank shall comply with the following:
- (a) A farm tank on a dairy farm shall be installed so as to remain level at all times.
 - (b) A farm tank shall have an accurate indicating thermometer stored in the milkhouse which may be either an integral thermometer in the farm tank or an approved thermometer acceptable to the director.
 - (c) A farm tank shall have a calibrated means of measurement and an accurate and legible volume to weight conversion chart, unless the farm tank is mounted on an accurate scale. All measuring devices must be in compliance with the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.
 - (d) A conversion chart shall bear the same serial number as that found on the farm tank and measuring rod.
 - (e) The producer is responsible for recalibrating a farm tank that does not have an accurate conversion chart. A recalibration must be in compliance with the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634. A person shall not adjust, alter, or change a conversion chart unless the change, alteration, or adjustment is made strictly according to the requirements of the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.
 - (f) A farm tank shall not be filled to a capacity that exceeds the calibrated limits as indicated by the conversion chart. If the producer wishes to fill the tank nearer to the top, the tank shall be calibrated to an additional height, which still permits proper agitation without spillage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Ensure that milk over 96 hours old is not picked up from a dairy farm, with the exception of goat milk, which may be stored for 7 days, and sheep milk, which may be frozen for extended storage and transportation.

(5) The dairy plant, transfer station, or receiving station, or a laboratory selected by the dairy plant, transfer station, or receiving station that is approved by the department, shall test each producer's milk for each of the following, in accordance with standard methods for the examination of dairy products, referenced in 7 CFR part 58, adopted by reference, at least 4 out of every 6 months and report the following results to the department:

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

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

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

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

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

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

(2) Milk and dairy products may be aseptically processed as low-acid foods provided they comply with the following requirements:

(a) All thermally processed milk and milk products that are packaged in hermetically sealed containers are processed in a milk processing facility licensed under this act, the grade A milk law of 2001, or the food law of 2000.

(b) All processors of acidified milk and milk products packaged in hermetically sealed containers comply with the regulations of the United States food and drug administration in 21 CFR part 108, 21 CFR part 110, and 21 CFR part 114.

(c) All thermally processed milk and milk products that are packaged in hermetically sealed containers comply with the regulations of the United States food and drug administration in 21 CFR part 108, 21 CFR part 110, and 21 CFR part 113.

(d) Hermetically sealed packages are handled to maintain product and container integrity.

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

Minimum Vat Pasteurization Temperature and Time Standards

Whole milk; skim milk; cheese milk; whey; other products with less than 10% butterfat or without added sweeteners	145°F (63°C)	30 min
Cream; condensed products; other products with 10% or more butterfat or with added sweeteners	150°F (66°C)	30 min
Eggnog; frozen dessert mix	155°F (69°C)	30 min
Cream for butter making	165°F (74°C)	30 min
Milk or cream for plastic or frozen cream	170°F (77°C)	30 min

Minimum High Temperature Short Time (HTST),
Higher Heat Short Time (HHST) and
Aseptic Pasteurization Temperature and Time Standards

Whole milk; skim milk; cheese milk; whey; other products with less than 10% butterfat or without added sweeteners	161°F (72°C)	15 sec
	191°F (89°C)	1.0 sec
	194°F (90°C)	0.5 sec
	201°F (94°C)	0.1 sec
	204°F (96°C)	0.05 sec
Cream; condensed products; other products with 10% or more butterfat or with added sweeteners	212°F (100°C)	0.01 sec
	166°F (75°C)	15 sec
	196°F (92°C)	1.0 sec
	199°F (93°C)	0.5 sec
	206°F (97°C)	0.1 sec
Eggnog; frozen dessert mix	209°F (99°C)	0.05 sec
	217°F (103°C)	0.01 sec
Cream for butter making	175°F (80°C)	25 sec
	180°F (83°C)	15 sec
Milk or cream for plastic or frozen cream	185°F (85°C)	15 sec
Ultra-pasteurized products	190°F (88°C)	15 sec
	280°F (138°C)	2 sec

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

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

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

(7) All milk and milk products (i.e., milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, etc.), eggs, egg products, cocoa, cocoa products, emulsifiers, stabilizers, vitamins, and liquid sweeteners shall be added prior to pasteurization. All such additions shall be made in a sanitary manner, which prevents the contamination of the added ingredient or the milk or milk product. Ingredients that may be added after pasteurization are those flavoring ingredients and other ingredients that have been found to be safe and suitable and include:

(a) Ingredients permitted by the CFR standards of identity when considering a standardized milk or milk product.

(b) Fresh fruits and vegetables added to cultured milk and milk products provided the resultant equilibrium pH level (4.6 or below when measured at 24°C (75°F)) of the finished product is reached without undue delay and is maintained during the shelf life of the product.

(c) Ingredients subjected to prior heating or other technology that has been demonstrated to the United States food and drug administration to be sufficient to destroy or remove pathogenic microorganisms.

(d) Ingredients having a water activity (Aw) of 0.85 or less.

(e) Ingredients having a high acid content (pH level of 4.6 or below when measured at 24°C (75°F)) or high alkalinity (pH level greater than 11 when measured at 24°C (75°F)).

(f) Roasted nuts.

(g) Dry sugars and salts.

(h) Flavor extracts having a high alcohol content.

(i) Safe and suitable bacterial cultures and enzymes.

(j) Ingredients that have been found to be safe and suitable by the United States food and drug administration.

(8) All milk and milk products shall be pasteurized, prior to the entrance into RO, UF, evaporator, or condensing equipment, and shall be performed in the milk plant where the processing is done, except that the following apply:

(a) If the product is whey, pasteurization is not required if the product is acid whey (pH less than 4.7) or if it is processed in RO or UF equipment at temperatures at or below 7°C (45°F).

(b) If the product is raw milk for pasteurization, the product may be concentrated by the use of RO or UF membrane filtration without pasteurization, prior to entrance into the equipment, provided that the following sampling, testing, design, installation, and operational criteria are met:

(i) Prior to processing, all raw milk supplies are sampled and tested for antibiotic residues in accordance with the provisions of this law.

(ii) The RO or UF filtration system is designed and operated to assure that milk or milk product temperature is maintained at or below 7°C (45°F) throughout the process, provided that the product temperature may rise above 7°C (45°F) for a period of not more than 15 minutes, further provided that should the product temperature rise above 10°C (50°F), the product shall be immediately diverted until the product is again below 7°C (45°F). Diverted product shall be discarded, immediately cooled to below 7°C (45°F), or immediately pasteurized.

(iii) The RO or UF system must be equipped with temperature monitoring and recording devices that comply with the applicable specifications outlined in the grade A milk law of 2001. At a minimum, milk or milk product temperature shall be monitored and recorded prior to entering the system, prior to entering each stage of the modules in series that contain cooling, and the retentate stream prior to any final cooler and upon exiting the system.

(iv) If the RO or UF system is not designed, installed, and operated in accordance with the above noted criteria, the raw milk or milk product must be pasteurized prior to entering the RO or UF system.

(9) All condensed milk and milk products transported to a milk plant for drying shall be repasteurized at the milk plant 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 department for minimizing dust and mud and maintain those sites in good repair.

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

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

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

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

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

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

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

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

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

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

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

(ii) Maintained in good repair.

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

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

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

(o) Equip the plant with adequate and well-distributed lighting of at least 50 foot-candles where dairy products are graded or examined for condition and quality such as a can milk receiving room dumping area; 20 foot-candles at working surfaces in rooms for manufacturing, processing, or packaging of dairy products or for washing of equipment and utensils; 5 foot-candles in all other rooms, including storage rooms and coolers; or as specified by the director. Light intensity shall be measured at a distance of 30 inches from the floor with the use of a light meter.

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

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

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

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

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

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

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

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

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

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

(iii) With shelves that are clean and dry.

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

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

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

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

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

(bb) Maintain conveniently located and adequate toilet facilities in the processing plant that comply with the following:

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

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

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

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

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

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

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

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

(hh) Provide an adequate supply of both hot and cold water of safe and sanitary quality, protected against contamination and pollution, with adequate facilities for proper distribution of water throughout the plant. Upon department approval, water from other facilities may be used for boiler feed water and condenser water if water lines are completely separated from the plant water supply and the equipment constructed and controlled to preclude contamination of product contact surfaces.

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

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

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

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

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

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

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

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

(ii) That only nontoxic boiler compounds are used.

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

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

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

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

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

(tt) Submit detailed plans to the department for approval before commencing new construction, remodeling, or equipment changes. Plans for new construction or remodeling shall include a plan that provides for operational or physical isolation of the milk plant from sources of potential product contamination caused by animal production facilities located in close proximity to the milk plant. Retail or public viewing areas shall be separated from processing areas by a solid floor-to-ceiling partition, except that other equally effective means of protection may be used, as approved by the director.

(uu) Provide adequate electrical power for on-demand support of lighting, cooling, heating, agitation, and ventilation systems.

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

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

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

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

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

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

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

(g) Each employee whose work brings him or her in contact with the processing or handling of dairy products, containers, or equipment shall comply with requirements for employee health as specified under sections 2-201.11 to 2-201.15 of the food code adopted under the food law of 2000.

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

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

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

- (c) Hold and process milk under conditions and at temperatures that will avoid contamination and rapid deterioration.
- (d) Refrain from using drip milk from can washers or any other source for the manufacture of dairy products.
- (e) Maintain milk in bulk storage tanks within the dairy plant in a manner that minimizes bacterial increase and, except when authorized by the department, maintain that milk at 45 degrees Fahrenheit (7 degrees Celsius) or lower until processing begins.
- (f) Ensure that the bacteriological content of commingled raw milk in storage tanks is 1,000,000 or less total bacteria per milliliter (300,000 per milliliter or less total bacteria in raw milk for frozen desserts).
- (g) Ensure the proper pasteurization of each particle of milk or dairy product.
- (h) Test samples of milk or a dairy product for phosphatase by the method prescribed by the department.
- (i) Take all necessary precautions to prevent contamination or adulteration of the milk or dairy products during manufacturing.
- (j) Make available for department inspection all substances and ingredients used in the processing or manufacturing of any dairy product and ensure that those substances and ingredients are wholesome and practically free from impurities.
- (k) Ensure that milk or dairy products comply with the standards in section 70, and standards listed for the milk products in title 21 of the code of federal regulations, if applicable.
- (l) Maintain the equipment, sanitary piping, and utensils used in receiving and processing of the milk and maintain manufacturing and handling of the product in a sanitary condition.
- (m) Ensure that sanitary seal assemblies are kept clean and are removable on all agitators, pumps, and vats and inspect those assemblies at regular intervals.
- (n) Except as otherwise provided in this act, dismantle all equipment that is not designed for mechanical or clean-in-place cleaning, and thoroughly clean and sanitize all equipment after each day's use using cleaners, detergents, sanitizing agents, or other similar materials approved for dairy or food service use that will not contaminate or adversely affect the dairy products.
- (o) Refrain from using steel wool or metal sponges in the cleaning of any dairy equipment or utensils.
- (p) Immediately before use, subject all product contact surfaces to an effective sanitizing treatment except where dry cleaning is permitted.
- (q) Store utensils and portable equipment used in processing and manufacturing operations above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious corrosion-resistant material.
- (r) Use CIP cleaning, including spray-ball systems, only on equipment and pipeline systems which have been designed and engineered for that purpose and employ careful attention to the proper procedures to assure satisfactory cleaning.
- (s) Ensure that all CIP installations comply with sanitary standards and post and follow the established cleaning procedure.
- (t) Following the circulation of the cleaning solution, thoroughly rinse and examine the equipment and lines for effectiveness of cleaning and ensure that all caps, ends, pumps, plates, and tee ends are opened or removed and brushed clean.
- (u) Immediately before starting the product flow after the cleaning procedure described in subdivision (s), treat the product contact surfaces with an approved sanitizer.
- (v) Clean, sanitize, and dry milk cans and lids before returning to producers and inspect, repair, or replace cans and lids to substantially exclude from use cans and lids showing open seams, cracks, rust, milkstone, or any unsanitary condition.
- (w) Maintain washers in a clean and satisfactory operating condition and keep each washer free from accumulation of scale or debris that may adversely affect the efficiency of the washer.
- (x) For all newly licensed or newly or extensively remodeled facilities, provide a covered or enclosed receiving, washing, and sanitizing facility at each site that receives or ships milk or dairy products in milk tank trucks, or provide means to protect the milk during the sampling and transferring process that are acceptable to the director. The dairy plant is not required to provide milk tank truck wash facilities if milk tank trucks are cleaned and sanitized at another approved facility.
- (y) Clean and sanitize milk tank trucks, sanitary piping, fittings, and pumps at least once each day after use and, if those items are not to be used immediately after the emptying of a load of milk, promptly wash those items after use and give bactericidal treatment immediately before use.
- (z) Identify each tank that is washed and sanitized by attaching a tag to the outlet valve, bearing all of the following information:
 - (i) Plant and specific location where cleaned.

- (ii) Date and time of washing and sanitizing and identification number of the tank.
- (iii) The name of each person who washed and name of each person who sanitized the tank.
- (aa) Maintain on the tank the tag attached pursuant to subdivision (z) until the tank is again washed and sanitized and ensure the receiving plant retains the tag for at least 15 days or as the department may otherwise direct.
- (bb) Wash all windows, glass, partitions, skylights, walls, ceilings, and doors as often as necessary to keep them clean and replace cracked or broken glass promptly.
- (cc) Wipe or vacuum shelves and ledges as often as necessary to keep them free from dust and debris and properly dispose of the material picked up by a vacuum cleaner to destroy any insect that may be present.
- (dd) In addition to any commercial pest control service, if one is utilized, designate an employee to perform a regularly scheduled insect and rodent control program.
- (ee) Properly label, handle, store, and use poisonous substances, insecticides, and rodenticides in such a manner as not to create a public health hazard.
- (ff) Maintain plant records, make those records available at all reasonable times for department inspection, and, in accordance with each of the following, send producer quality tests contained in those records to the department within 10 days of the completion of those tests:
 - (i) Retain for 12 months sediment, temperature, drug residue, somatic cell, and bacterial test results on raw milk from each producer.
 - (ii) Retain for a period of 12 months routine test results.
 - (iii) Retain for 12 months retest results, if an initial test places the milk producer in permit suspension status.
 - (iv) Retain for 12 months rejections of raw milk over the no. 3 sediment standard for quality as established by the United States department of agriculture.
 - (v) Retain for 6 months pasteurization recorder charts.
 - (vi) Retain for at least 6 months CIP recording charts.
 - (vii) Retain the most recent water sample and recirculated cooling medium test results for at least 12 months.
- (gg) Package milk and dairy products in department-approved containers and packaging materials that do or are each of the following:
 - (i) Cover and protect the quality of the contents during storage and handling under normal conditions.
 - (ii) As uniform in weight and shape within each product size or style as is practical.
 - (iii) Provide low permeability to air and vapor to prevent the formation of mold growth and surface oxidation.
 - (iv) Contain a wrapper resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage.
 - (v) Sealed in conformity with the instructions of the manufacturer.
- (hh) Conduct the packaging of each dairy product or the cutting and repackaging of each dairy product under sanitary conditions prescribed by the department and ensure that each packaging room, item of equipment, and packaging material is practically free from mold and bacterial contamination by testing the level of contamination in a manner approved by the department.
 - (ii) Dry store a product requiring dry storage at least 18 inches from any wall in an aisle, row, or section and lot in an orderly manner rendering the product easily accessible for inspection.
- (jj) Regularly clean each room used for product storage and ensure that each stored product is free from any other foreign products, mold, absorbed odors, or vermin or insect infestation.
- (kk) Maintain control of humidity and temperature in each storage room at all times to prevent conditions detrimental to a stored product and container.
- (ll) Store a finished product requiring refrigeration on shelves, dunnage, or pallets at a temperature that will best maintain the initial quality of the product and ensure that the product is not exposed to any substance from which the product may absorb a foreign odor or be contaminated by drippage or condensation.
- (mm) Purchase and store caps, parchment paper, wrappers, liners, gaskets, and single-service sticks, spoons, covers, and containers only in sanitary tubes, wrappings, or cartons that are kept in a clean, dry place until used and handled in a sanitary manner.
- (nn) Packaged fluid dairy products that exceed the sell-by date shall not be reused in any dairy products regulated by this act or the grade A milk law of 2001 unless the department approves a protocol for such reprocessing. The protocol shall include consideration of storage temperatures, bacterial counts, age past sell-by date, sight and smell grading qualities, added ingredients, and any other factors considered critical by the director.

(oo) Packaged fluid dairy products that have left the control of a dairy plant but are returned or delivered to a dairy plant, commonly referred to as “returned products”, shall not be reprocessed into milk or milk products regulated under this act or the grade A milk law of 2001.

(2) A person who owns or operates a dairy plant shall legibly mark or label each commercial bulk package containing dairy products manufactured under this act with the name of the product, quantity of contents, name and address of processor, manufacturer, or distributor, ingredients including known 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 CFR parts 131 to 135.

(3) Retail packages shall be labeled as specified in 21 CFR part 101, which is adopted by reference, and as specified under the food law of 2000.

(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.

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

(l) Seal number on inlet and outlet.

(6) Cheese and cheese products that are unpasteurized shall be labeled according to the requirements of 21 CFR part 133 and this section.

(7) Milk and milk products shall be advertised as specified under the food law of 2000.

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

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

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

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

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

(b) That a lined container is not lined more than 1 hour before the container is filled unless it is provided adequate protection from contamination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

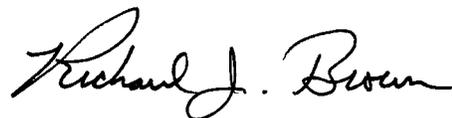
(iv) After the products have been completely frozen, retain them in the quick freezer or transfer them to a freezer storage room for continued storage.

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor