

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 333

Introduced by Slama, 1.

Read first time January 16, 2019

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections
2 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement,
3 2018; to update federal references; to redefine a term; and to
4 repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3965, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 2-3965 (1) Sections 2-3965 to 2-3992 and the publications adopted by
4 reference in subsections (2) and (3) of this section shall be known and
5 may be cited as the Nebraska Milk Act.

6 (2) The Legislature adopts by reference the following official
7 documents of the National Conference on Interstate Milk Shipments as
8 published by the United States Department of Health and Human Services,
9 United States Public Health Service/Food and Drug Administration:

10 (a) Grade A Pasteurized Milk Ordinance, 2017 ~~2011~~ Revision, as
11 delineated in subsection (3) of this section;

12 (b) Methods of Making Sanitation Ratings of Milk Shippers, 2017 ~~2011~~
13 Revision;

14 (c) Procedures Governing the Cooperative State-Public Health
15 Service/Food and Drug Administration Program of the National Conference
16 on Interstate Milk Shipments, 2017 ~~2011~~ Revision; and

17 (d) Evaluation of Milk Laboratories, 2017 ~~2011~~ Revision.

18 (3) All provisions of the Grade A Pasteurized Milk Ordinance, 2017
19 ~~2011~~ Revision, including footnotes relating to requirements for cottage
20 cheese, and the appendixes with which the ordinance requires mandatory
21 compliance are adopted with the following exceptions:

22 (a) Section 9 of the ordinance is replaced by section 2-3969;

23 (b) Section 15 of the ordinance is replaced by section 2-3970;

24 (c) Section 16 of the ordinance is replaced by section 2-3974;

25 (d) Section 17 of the ordinance is not adopted;

26 (e) Section 3 of the ordinance, Administrative Procedures, Issuance
27 of Permits, is adopted with the following modifications:

28 (i) The department may suspend a permit for a definite period of
29 time or place the holder of a permit on probation upon evidence of
30 violation by the holder of any of the provisions of the Nebraska Milk
31 Act; and

1 (ii) Decisions of the department may be appealed and such appeals
2 shall be in accordance with the Administrative Procedure Act; and

3 (f) Section 1 of the ordinance, Definitions, is adopted except for
4 paragraph DD W.

5 (4) Copies of the Ordinance, the Appendixes, and the publications,
6 adopted by reference, shall be filed in the offices of the Secretary of
7 State, Clerk of the Legislature, and Department of Agriculture. The
8 copies filed with the Clerk of the Legislature shall be filed
9 electronically.

10 Sec. 2. Section 2-3966, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 2-3966 For purposes of the Nebraska Milk Act, unless the context
13 otherwise requires:

14 (1) 3-A Sanitary Standards has the same meaning as in the Grade A
15 Pasteurized Milk Ordinance ~~means the standards for dairy equipment~~
16 ~~promulgated jointly by the Sanitary Standards Subcommittee of the Dairy~~
17 ~~Industry Committee, the Committee on Sanitary Procedure of the~~
18 ~~International Association for Food Protection, and the Milk Safety Team,~~
19 ~~Food and Drug Administration, Public Health Service, Center for Food~~
20 ~~Safety and Applied Nutrition, Department of Health and Human Services in~~
21 ~~effect on January 1, 2013;~~

22 (2) Acceptable milk means milk that qualifies under sections 2-3979
23 to 2-3982 as to sight and odor and that is classified acceptable for
24 somatic cells, bacterial content, drug residues, and sediment content;

25 (3) Components of milk means whey, whey and milk protein
26 concentrate, whey cream, cream, butter, skim milk, condensed milk, ultra-
27 filtered milk, milk powder, dairy blends that are at least fifty-one
28 percent dairy components, and any similar milk byproduct;

29 (4) C-I-P or cleaned-in-place means the procedure by which sanitary
30 pipelines or pieces of dairy equipment are mechanically cleaned in place
31 by circulation;

1 (5) Dairy products means products allowed to be made from milk for
2 manufacturing purposes and not required to be of Grade A quality;

3 (6) Department means the Department of Agriculture;

4 (7) Director means the Director of Agriculture or his or her duly
5 authorized agent or designee;

6 (8) Field representative means an individual qualified and trained
7 in the sanitary methods of production and handling of milk as set forth
8 in the Nebraska Milk Act and who is generally employed by a processing or
9 manufacturing milk plant or cooperative for the purpose of quality
10 control work;

11 (9) First purchaser means a person who purchases raw milk directly
12 from the farm for processing or for resale to a processor, who purchases
13 milk products or components of milk for processing or resale to a
14 processor, or who utilizes milk from the first purchaser's own farm for
15 the manufacturing of milk products or dairy products;

16 (10) Grade A Pasteurized Milk Ordinance means the documents
17 delineated in subsection (3) of section 2-3965;

18 (11) Milk for manufacturing purposes means milk produced for
19 processing and manufacturing into products not required by law to be of
20 Grade A quality;

21 (12) Milk distributor means a person who distributes milk, fluid
22 milk, milk products, or dairy products whether or not the milk is shipped
23 within or into the state. The term does not include a milk plant, a bulk
24 milk hauler/sampler, or a milk producer, as such terms are defined in the
25 Grade A Pasteurized Milk Ordinance, or a food establishment, as defined
26 in the Nebraska Pure Food Act;

27 (13) Probational milk means milk classified undergrade for somatic
28 cells, bacterial content, or sediment content that may be accepted by
29 plants for specific time periods; and

30 (14) Reject milk means milk that does not qualify under sections
31 2-3979 to 2-3982.

1 Sec. 3. Section 2-3982, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 2-3982 (1) Milk for manufacturing purposes shall be classified for
4 sediment content, regardless of the results of the appearance and odor
5 examination described in section 2-3980, according to sediment standards
6 as follows:

7 (a) No. 1: Acceptable, not to exceed fifty-hundredths milligrams or
8 its equivalent;

9 (b) No. 2: Acceptable, not to exceed one and fifty-hundredths
10 milligrams or its equivalent;

11 (c) No. 3: Probational, not over ten days, not to exceed two and
12 fifty-hundredths milligrams or its equivalent; and

13 (d) No. 4: Reject, over two and fifty-hundredths milligrams or its
14 equivalent.

15 (2) Methods for determining the sediment content of the milk of
16 individual producers shall be the methods described in 7 C.F.R. 58.134,
17 as such section existed on July 1, 2018 ~~2011~~.

18 (3) Sediment testing shall be performed at least four times every
19 six months at irregular intervals as designated by the director.

20 (4) If the sediment disc is classified as No. 1, No. 2, or No. 3,
21 the producer's milk may be accepted. If the sediment disc is classified
22 as No. 4, the milk shall be rejected. A producer's milk that is
23 classified as No. 3 may be accepted for a period not to exceed ten
24 calendar days. If at the end of ten days the producer's milk does not
25 meet acceptable sediment classification No. 1 or No. 2, it shall be
26 rejected from the market. If the sediment disc is classified as No. 4,
27 the milk shall be rejected and no further shipments accepted unless the
28 milk meets the requirements of No. 3 or better.

29 Sec. 4. Original sections 2-3965, 2-3966, and 2-3982, Revised
30 Statutes Cumulative Supplement, 2018, are repealed.