

HOUSE BILL 1449

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By: **Delegates Szeliga, Alston, Arikan, Boafu, Kerr, Kipke, Martinez, Nawrocki, Nkongolo, Taveras, Taylor, and Woods**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Milk Products – Direct-to-Consumer Sale of Raw Milk for**
3 **Human Consumption**

4 FOR the purpose of excluding certain sales of raw milk for human consumption from certain
5 State regulations of milk products; requiring a person to obtain a permit from the
6 Secretary of Health before the person may sell raw milk direct to the consumer for
7 human consumption; establishing certain requirements for raw milk produced and
8 sold direct to the consumer for human consumption in the State; and generally
9 relating to raw milk.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 21–403 and 21–434
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 21–501 through 21–520 to be under the new subtitle “Subtitle 5.
18 Direct-to-Consumer Sale of Raw Milk”
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2024 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 21–403.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) [This] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THIS subtitle applies only to milk products that are intended for sale for immediate or eventual human consumption.

(B) THIS SUBTITLE DOES NOT APPLY TO THE SALE OF RAW MILK UNDER SUBTITLE 5 OF THIS TITLE.

21-434.

Except for sale of raw milk by a holder of a milk producer permit to a holder of a milk processor permit [or], the sale of a farmstead cheese, **OR THE SALE OF RAW MILK BY A HOLDER OF A PERMIT ISSUED UNDER SUBTITLE 5 OF THIS TITLE**, a person may not sell raw milk for human consumption.

SUBTITLE 5. DIRECT-TO-CONSUMER SALE OF RAW MILK.

21-501.

(A) THIS SUBTITLE APPLIES ONLY TO RAW MILK SOLD DIRECTLY TO A CONSUMER FOR HUMAN CONSUMPTION.

(B) THIS SUBTITLE DOES NOT APPLY TO THE SALE OF RAW MILK BY A DAIRY FARM WITH THREE OR FEWER COWS OR 10 OR FEWER GOATS.

21-502.

A PERSON SHALL OBTAIN A PERMIT FROM THE SECRETARY BEFORE THE PERSON MAY SELL RAW MILK DIRECT TO A CONSUMER FOR HUMAN CONSUMPTION.

21-503.

TO QUALIFY FOR A PERMIT ISSUED UNDER THIS SUBTITLE, A PERSON SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.

21-504.

(A) A PERMIT ISSUED UNDER THIS SUBTITLE EXPIRES ON THE FIRST ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE PERMIT IS RENEWED FOR A 1-YEAR TERM AS PROVIDED IN THIS SECTION.

(B) BEFORE A PERMIT ISSUED UNDER THIS SUBTITLE EXPIRES, THE HOLDER OF THE PERMIT MAY RENEW THE PERMIT FOR AN ADDITIONAL 1-YEAR TERM IF THE HOLDER:

1 (1) IS OTHERWISE ENTITLED TO A PERMIT;

2 (2) PAYS TO THE SECRETARY A RENEWAL FEE EQUAL TO THE FEE FOR
3 AN ORIGINAL PERMIT; AND

4 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE
5 FORM THAT THE SECRETARY REQUIRES.

6 **21-505.**

7 (A) BEFORE A NEW RAW MILK PERMIT IS ISSUED UNDER THIS SECTION:

8 (1) THE SECRETARY SHALL INSPECT THE DAIRY FARM THAT IS THE
9 SUBJECT OF THE RAW MILK PERMIT AND DETERMINE THAT THE DAIRY FARM IS IN
10 COMPLIANCE WITH THIS SUBTITLE;

11 (2) THE APPLICANT SHALL HAVE A LICENSED VETERINARIAN
12 EXAMINE THE ANIMAL OR HERD FROM WHICH RAW MILK IS TO BE PRODUCED AND
13 PROVIDE THE SECRETARY WITH A WRITTEN REPORT FROM THE LICENSED
14 VETERINARIAN STATING THAT:

15 (I) ON PHYSICAL EXAMINATION, THE SUBJECT ANIMAL OR
16 HERD IS IN APPARENT GOOD HEALTH AND FREE FROM COMMUNICABLE DISEASES;

17 (II) BASED ON A BLOOD TEST, THE SUBJECT ANIMAL OR HERD
18 IS FREE OF BRUCELLOSIS; AND

19 (III) BASED ON A TEST, THE SUBJECT ANIMAL OR HERD IS FREE
20 OF TUBERCULOSIS;

21 (3) IF THE APPLICANT DOES NOT USE A PUBLIC OR MUNICIPAL WATER
22 SUPPLY SYSTEM, THE APPLICANT SHALL TEST THE DAIRY FARM WATER SUPPLY,
23 INCLUDING ANY RECIRCULATED COOLING WATER SYSTEM USED FOR MILK
24 COOLING, AND PROVIDE CONFIRMATION TO THE SECRETARY THAT:

25 (I) THE WATER SUPPLY CONTAINS A MOST PROBABLE NUMBER
26 OF COLIFORM ORGANISMS OF LESS THAN:

27 1. 2.2 PER 100 MILLILITERS BY THE MULTIPLE TUBE
28 FERMENTATION METHOD; OR

1 **2. 1 PER 1000 MILLILITERS BY THE MEMBRANE FILTER**
2 **TECHNIQUE OR CHROMOGENIC SUBSTRATE TECHNIQUE;**

3 **(II) THE WATER SUPPLY IS OTHERWISE SAFE AND SANITARY;**
4 **AND**

5 **(III) ANY PLATE HEAT EXCHANGER OR TUBULAR COOLER**
6 **INSTALLED AND IN USE ON THE DAIRY FARM IS EQUIPPED WITH A BACKFLOW**
7 **PREVENTION DEVICE; AND**

8 **(4) THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE**
9 **SECRETARY OF THE APPLICANT'S ABILITY TO PRODUCE BACTERIOLOGICALLY SAFE**
10 **RAW MILK THROUGH THE PROCESS DESCRIBED IN SUBSECTION (B) OF THIS**
11 **SECTION.**

12 **(B) (1) THE APPLICANT SHALL HAVE A SAMPLER APPROVED BY THE**
13 **DEPARTMENT DRAW THREE SEPARATE SAMPLES OF COMMINGLED MILK FROM THE**
14 **BULK TANK, DRAWN AT LEAST 7 DAYS APART AND TAKEN ON AN UNANNOUNCED**
15 **BASIS, AND SUBMIT THE SAMPLES TO A STATE-APPROVED DAIRY LABORATORY OR**
16 **TO THE DEPARTMENT FOR ANALYSIS.**

17 **(2) (I) IF A TEST OF THE FIRST OF THE THREE SAMPLES**
18 **CONCLUDES THAT NO PATHOGENIC BACTERIA ARE PRESENT, THE SECOND AND**
19 **THIRD SAMPLES DO NOT NEED TO BE TESTED AND THE RAW MILK SHALL BE**
20 **DETERMINED TO BE BACTERIOLOGICALLY SAFE.**

21 **(II) IF A SAMPLE TEST OF ANY OF THE THREE SAMPLES**
22 **CONCLUDES THAT PATHOGENIC BACTERIA ARE PRESENT, TWO SEPARATE**
23 **CONSECUTIVE TESTS FROM SAMPLES DRAWN AT LEAST 7 DAYS APART MUST**
24 **CONCLUDE THAT NO PATHOGENIC BACTERIA ARE PRESENT, AT WHICH POINT THE**
25 **RAW MILK SHALL BE DETERMINED TO BE BACTERIOLOGICALLY SAFE.**

26 **(III) IF ANY OF THE THREE SAMPLES SUBMITTED UNDER THIS**
27 **SUBSECTION VIOLATE OR EXCEED THE STANDARDS OF § 21-515 OF THIS SUBTITLE,**
28 **THE APPLICANT MAY REPEAT THE PROCESS ESTABLISHED UNDER THIS SUBSECTION**
29 **UNTIL THREE SUCCESSIVE SAMPLES MEET THE STANDARDS OF § 21-515 OF THIS**
30 **SUBTITLE, AT WHICH POINT THE RAW MILK SHALL BE DETERMINED TO BE**
31 **BACTERIOLOGICALLY SAFE.**

32 **21-506.**

1 **(A) THE SECRETARY MAY SUSPEND OR REVOKE A PERMIT ISSUED UNDER**
2 **THIS SUBTITLE IF THE HOLDER OF THE PERMIT HAS VIOLATED THIS SUBTITLE OR A**
3 **REGULATION ADOPTED UNDER THIS SUBTITLE.**

4 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
5 **BEFORE SUSPENDING A PERMIT ISSUED UNDER THIS SUBTITLE, THE SECRETARY**
6 **SHALL GIVE NOTICE TO THE HOLDER OF THE PERMIT OF THE SECRETARY'S INTENT**
7 **TO SUSPEND THE PERMIT.**

8 **(2) THE NOTICE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION**
9 **SHALL:**

10 **(I) BE SENT BY CERTIFIED MAIL;**

11 **(II) BE SENT AT LEAST 5 DAYS BEFORE THE DATE ON WHICH THE**
12 **SECRETARY INTENDS TO SUSPEND THE PERMIT; AND**

13 **(III) PROVIDE NOTICE TO THE HOLDER OF THE PERMIT OF THE**
14 **RIGHT TO REQUEST A HEARING UNDER § 21-509 OF THIS SUBTITLE.**

15 **(C) (1) IF THE BASIS OF SUSPENSION OR REVOCATION OF A PERMIT IS**
16 **THAT PATHOGENIC BACTERIA OR FOREIGN SUBSTANCES HAVE BEEN DETECTED IN**
17 **THE RAW MILK OR THAT THE RAW MILK POSES A THREAT TO THE HEALTH AND**
18 **SAFETY OF CONSUMERS:**

19 **(I) THE SECRETARY IS NOT REQUIRED TO GIVE NOTICE OF**
20 **INTENT TO SUSPEND THE PERMIT; AND**

21 **(II) THE SECRETARY SHALL REQUEST THAT THE HOLDER OF**
22 **THE PERMIT VOLUNTARILY CEASE ALL SALES OF RAW MILK.**

23 **(2) IF THE HOLDER OF THE PERMIT VOLUNTARILY CEASES THE SALE**
24 **OF RAW MILK FOLLOWING A REQUEST MADE UNDER PARAGRAPH (1)(II) OF THIS**
25 **SUBSECTION, THE SECRETARY SHALL CONSIDER THE VOLUNTARY CESSATION OF**
26 **THE SALE AS A MITIGATING FACTOR WHEN DETERMINING ANY PENALTY OR**
27 **SANCTION RELATED TO THE VIOLATION.**

28 **(3) IF THE HOLDER OF THE PERMIT DOES NOT VOLUNTARILY CEASE**
29 **THE SALE OF RAW MILK FOLLOWING A REQUEST MADE UNDER PARAGRAPH (1)(II)**
30 **OF THIS SUBSECTION, THE SECRETARY SHALL:**

(I) REFER THE MATTER TO THE APPROPRIATE LOCAL HEALTH DEPARTMENT AND RECOMMEND THAT THE LOCAL HEALTH DEPARTMENT TAKE ACTION TO CEASE THE SALE OF RAW MILK BY THE HOLDER OF THE PERMIT;

(II) CONSULT WITH THE OFFICE OF THE ATTORNEY GENERAL TO DETERMINE WHETHER THE SECRETARY SHOULD PURSUE AN INJUNCTION TO PROHIBIT THE SALE OF RAW MILK BY THE HOLDER OF THE PERMIT;

(III) PROVIDE THE HOLDER OF THE PERMIT WITH NOTICE OF THE RIGHT TO REQUEST A HEARING UNDER § 21-509 OF THIS SUBTITLE;

(IV) SUSPEND OR REVOKE THE PERMIT OF A HOLDER WHO DOES NOT REQUEST A HEARING UNDER § 21-509 OF THIS SUBTITLE WITHIN THE TIME REQUIRED; AND

(V) RECOMMEND TO THE HOLDER OF THE PERMIT THAT THE HOLDER INFORM ITS CUSTOMERS THAT THE HOLDER OF THE PERMIT HAS BEEN REQUESTED BY THE SECRETARY TO CEASE VOLUNTARILY RAW MILK PRODUCTION AND PROVIDE THE CUSTOMERS WITH THE BASIS OF THE SECRETARY'S REQUEST.

21-507.

(A) THE SECRETARY MAY TAKE ADMINISTRATIVE ACTION AGAINST A HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE FOR A VIOLATION OF THIS SUBTITLE.

(B) THE SECRETARY MAY REQUEST THAT THE OFFICE OF THE ATTORNEY GENERAL OBTAIN AN INJUNCTION TO:

(1) PREVENT AN INDIVIDUAL FROM SELLING RAW MILK WITHOUT THE PERMIT REQUIRED UNDER THIS SUBTITLE; OR

(2) PREVENT AN ONGOING VIOLATION OF THIS SUBTITLE.

21-508.

(A) IF THE SECRETARY DETERMINES THAT A SUPPLY OF RAW MILK OR RAW MILK PRODUCTS IS CONSIDERED UNSAFE OR A THREAT TO PUBLIC HEALTH, THE SECRETARY MAY SEIZE, CONDEMN, DENATURE, OR DESTROY THE MILK OR MILK PRODUCTS WITHOUT COMPENSATION TO THE OWNER OF THE MILK OR MILK PRODUCTS.

1 **(B) THE SECRETARY MAY PROHIBIT THE SALE OF RAW MILK OR RAW MILK**
2 **PRODUCTS IF:**

3 **(1) THE SECRETARY CONSIDERS THE RAW MILK OR RAW MILK**
4 **PRODUCTS TO BE UNSAFE OR A THREAT TO PUBLIC HEALTH; OR**

5 **(2) A HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE VIOLATES**
6 **THIS SUBTITLE.**

7 **21-509.**

8 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN THE**
9 **ADMINISTRATIVE PROCEDURE ACT, BEFORE THE SECRETARY DENIES AN**
10 **APPLICATION FOR A PERMIT ISSUED UNDER THIS SUBTITLE, TAKES ANY ACTION**
11 **UNDER § 21-506 OF THIS SUBTITLE, OR REJECTS A LABEL SUBMITTED UNDER §**
12 **21-518(A) OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST**
13 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE**
14 **THE SECRETARY.**

15 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY**
16 **SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE**
17 **ADMINISTRATIVE PROCEDURE ACT.**

18 **(C) (1) WITHIN 48 HOURS AFTER THE PERSON RECEIVES NOTICE OF THE**
19 **SECRETARY'S ACTION UNDER SUBSECTION (B) OF THIS SECTION, A PERSON WHOSE**
20 **PERMIT HAS BEEN SUSPENDED OR WHO HAS RECEIVED A NOTICE THAT THE**
21 **SECRETARY INTENDS TO SUSPEND THE PERMIT MAY REQUEST A HEARING WITH THE**
22 **SECRETARY.**

23 **(2) THE SECRETARY SHALL HOLD THE HEARING WITHIN 72 HOURS**
24 **AFTER RECEIVING THE REQUEST FOR A HEARING.**

25 **(D) IF AFTER DUE NOTICE THE PERSON FOR WHOM THE HEARING IS HELD**
26 **FAILS OR REFUSES TO APPEAR, THE SECRETARY MAY HEAR AND DETERMINE THE**
27 **MATTER WITHOUT THE PERSON BEING PRESENT.**

28 **(E) A PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A**
29 **CONTESTED CASE, AS DEFINED BY THE ADMINISTRATIVE PROCEDURE ACT, MAY**
30 **TAKE A DIRECT JUDICIAL APPEAL.**

31 **21-510.**

1 **A HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL ALLOW THE**
2 **SECRETARY TO INSPECT THE DAIRY FARM THAT IS THE SUBJECT OF THE PERMIT,**
3 **REVIEW RECORDS, DRAW SAMPLES, CONDUCT TESTS, AND TAKE ANY OTHER ACTION**
4 **NECESSARY TO THE PERFORMANCE OF THE SECRETARY'S DUTIES UNDER THIS**
5 **SUBTITLE.**

6 **21-511.**

7 **(A) A PERSON MAY NOT SELL OR OFFER FOR SALE RAW MILK AFTER THE**
8 **SELL-BY DATE PRINTED ON THE CAP OR CONTAINER OF THE RAW MILK.**

9 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**
10 **SELL-BY DATE MAY NOT BE LATER THAN 17 DAYS AFTER THE DAY IMMEDIATELY**
11 **FOLLOWING THE DATE ON WHICH THE RAW MILK WAS PRODUCED.**

12 **(C) (1) THE SECRETARY SHALL SAMPLE CONTAINERS OF RAW MILK FOR**
13 **HUMAN CONSUMPTION IN POSSESSION OF A HOLDER OF A PERMIT ISSUED UNDER**
14 **THIS SUBTITLE BEFORE THE DELIVERY OF RAW MILK TO A CONSUMER AT LEAST**
15 **ONCE EACH CALENDAR YEAR.**

16 **(2) THE DEPARTMENT OR A DAIRY LABORATORY APPROVED BY THE**
17 **DEPARTMENT SHALL ANALYZE EACH SAMPLE TAKEN UNDER PARAGRAPH (1) OF**
18 **THIS SUBSECTION TO DETERMINE COMPLIANCE WITH THE BACTERIOLOGICAL**
19 **REQUIREMENTS OF § 21-515 OF THIS SUBTITLE BEFORE THE EXPIRATION DATE**
20 **LABELED ON THE RAW MILK CONTAINER.**

21 **(3) (I) IF TWO OR MORE SAMPLES TAKEN UNDER PARAGRAPH (1)**
22 **OF THIS SUBSECTION EXCEED THE LIMITS ESTABLISHED UNDER § 21-515 OF THIS**
23 **SUBTITLE, THE SECRETARY SHALL REQUIRE THE HOLDER OF THE PERMIT TO USE A**
24 **SHORTENED SELL-BY PERIOD AS DETERMINED BY THE SECRETARY.**

25 **(II) THE SECRETARY SHALL DETERMINE A SHORTENED**
26 **SELL-BY PERIOD REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY**
27 **CALCULATING THE PERIOD IN WHICH THE BACTERIAL GROWTH IN THE RAW MILK**
28 **WILL NOT EXCEED THE REQUIREMENTS OF § 21-515 OF THIS SUBTITLE IF THE RAW**
29 **MILK IS MAINTAINED IN ACCORDANCE WITH THE TEMPERATURE REQUIREMENTS OF**
30 **§ 21-514 OF THIS SUBTITLE.**

31 **(III) IF A HOLDER OF A PERMIT IS REQUIRED TO USE A**
32 **SHORTENED SELL-BY PERIOD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**
33 **HOLDER MAY:**

1 1. SUBMIT SAMPLES TO THE DEPARTMENT FOR
2 ANALYSIS TO DETERMINE WHETHER THE RAW MILK SAMPLE COMPLIES WITH THE
3 BACTERIOLOGICAL REQUIREMENTS OF § 21-515 OF THIS SUBTITLE DURING THE
4 SELL-BY PERIOD ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION; AND

5 2. RESUME USING THE SELL-BY PERIOD ESTABLISHED
6 UNDER SUBSECTION (B) OF THIS SECTION ON APPROVAL OF THE SECRETARY.

7 21-512.

8 (A) EACH HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL
9 MONITOR THE HEALTH OF THE ANIMAL OR HERD FROM WHICH THE RAW MILK FOR
10 HUMAN CONSUMPTION IS PRODUCED TO ENSURE THAT THE ANIMAL OR HERD IS IN
11 GENERAL GOOD HEALTH AND FREE FROM BRUCELLOSIS AND TUBERCULOSIS.

12 (B) AT LEAST EVERY 13 MONTHS, EACH HOLDER OF A PERMIT SHALL
13 PROVIDE THE SECRETARY WITH CONFIRMATION FROM A LICENSED VETERINARIAN
14 THAT THE ANIMAL OR HERD FROM WHICH THE RAW MILK IS PRODUCED HAS BEEN
15 DETERMINED TO BE FREE FROM BRUCELLOSIS BY AN ANNUAL BLOOD TEST AND
16 TUBERCULOSIS BY AN ANNUAL TEST.

17 (C) (1) AT LEAST ONCE EACH YEAR, EACH HOLDER OF A PERMIT SHALL
18 HAVE A LICENSED VETERINARIAN EXAMINE THE ANIMAL OR HERD FROM WHICH RAW
19 MILK IS PRODUCED AND ISSUE A WRITTEN REPORT OF THE EXAMINATION STATING
20 THAT THE SUBJECT ANIMAL OR HERD IS IN GENERAL GOOD HEALTH AND FREE FROM
21 COMMUNICABLE DISEASE.

22 (2) THE HOLDER OF A PERMIT SHALL RETAIN A COPY OF THE REPORT
23 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AT LEAST 3 YEARS AND
24 MAKE THE REPORT AVAILABLE FOR INSPECTION BY THE SECRETARY ON REQUEST.

25 21-513.

26 (A) EACH HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL
27 ENSURE THAT THE WATER SUPPLY, INCLUDING RECIRCULATED COOLING WATER,
28 FOR THE DAIRY FARM OPERATION IS SAFE AND SANITARY.

29 (B) (1) THIS SUBSECTION DOES NOT APPLY TO A DAIRY FARM THAT USES
30 A PUBLIC OR MUNICIPAL WATER SYSTEM.

31 (2) THE WATER SUPPLY FOR A DAIRY FARM PRODUCING RAW MILK
32 FOR HUMAN CONSUMPTION SHALL BE TESTED AT THE EXPENSE OF THE HOLDER OF
33 THE PERMIT:

(I) AT LEAST ONCE EVERY 6 MONTHS; AND

(II) WHENEVER A REPAIR OR AN ALTERATION IS MADE TO THE
WATER SUPPLY SYSTEM.

(3) THE HOLDER OF A PERMIT SHALL RETAIN A RECORD OF THE
TESTING CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR AT LEAST 1
YEAR AND MAKE THE RECORD AVAILABLE FOR INSPECTION BY THE SECRETARY ON
REQUEST.

(4) A PLATE HEAT EXCHANGER OR TUBULAR COOLER INSTALLED AND
IN USE ON A DAIRY FARM SHALL BE EQUIPPED WITH A BACKFLOW PREVENTION
DEVICE.

21-514.

(A) RAW MILK SHALL BE COOLED TO 40 DEGREES FAHRENHEIT OR LESS
WITHIN 2 HOURS AFTER MILKING.

(B) THE BLEND TEMPERATURE AFTER THE FIRST AND SUBSEQUENT
MILKINGS MAY NOT EXCEED 50 DEGREES FAHRENHEIT.

21-515.

(A) AT LEAST TWICE EACH MONTH, EACH HOLDER OF A PERMIT ISSUED
UNDER THIS SUBTITLE SHALL CONDUCT TESTING OF THE RAW MILK TO
DEMONSTRATE THAT:

(1) THE BACTERIAL COUNT IN THE RAW MILK DOES NOT EXCEED
20,000 PER MILLILITER;

(2) THE COLIFORM COUNT IN THE RAW MILK DOES NOT EXCEED 10
PER MILLILITER;

(3) THE SOMATIC CELL COUNT IN THE RAW MILK DOES NOT EXCEED
750,000 PER MILLILITER FOR COW'S MILK OR 1,500,000 PER MILLILITER FOR
GOAT'S MILK; AND

(4) THERE ARE NO POSITIVE RESULTS FOR DRUG RESIDUE IN THE
RAW MILK, USING DRUG RESIDUE DETECTION LABORATORY TECHNIQUES
REFERENCED IN THE MOST RECENT GRADE "A" PASTEURIZED MILK ORDINANCE
DEVELOPED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

(B) AT LEAST EVERY 6 MONTHS, EACH HOLDER OF A PERMIT SHALL CONDUCT TESTING OF THE RAW MILK FROM A SAMPLE DRAWN FROM THE BULK TANK TO DEMONSTRATE THAT NO SALMONELLAE, LISTERIA MONOCYTOGENES, CAMPYLOBACTER, OR E. COLI BACTERIA ARE PRESENT.

(C) THE TESTING CONDUCTED UNDER THIS SECTION SHALL BE CONDUCTED AT A LABORATORY OPERATED OR APPROVED BY THE DEPARTMENT.

21-516.

(A) (1) IF TWO OF THE IMMEDIATELY PRECEDING FOUR RAW MILK SAMPLES TESTED UNDER § 21-515 OF THIS SUBTITLE ARE NOT IN COMPLIANCE WITH THE REQUIREMENTS OF § 21-514 OR § 21-515 OF THIS SUBTITLE, THE SECRETARY SHALL PROVIDE THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE WITH WRITTEN NOTICE THAT THE HOLDER OF THE PERMIT IS IN VIOLATION OF THIS SUBTITLE.

(2) IF THREE OF THE IMMEDIATELY PRECEDING FIVE RAW MILK SAMPLES TESTED UNDER § 21-515 OF THIS SUBTITLE ARE NOT IN COMPLIANCE WITH THE REQUIREMENTS OF § 21-514 OR § 21-515 OF THIS SUBTITLE, THE SECRETARY SHALL SUSPEND OR REVOKE THE RAW MILK PERMIT.

(B) IF A RAW MILK SAMPLE TESTS POSITIVE FOR THE PRESENCE OF A PESTICIDE AT OR ABOVE ACTIONABLE LEVELS ESTABLISHED FOR THE PESTICIDE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL:

(1) IMMEDIATELY CEASE THE SALE OF RAW MILK;

(2) INVESTIGATE AND DETERMINE THE CAUSE OF THE CONTAMINATION, REPORT THE RESULT OF THE INVESTIGATION TO THE SECRETARY, AND CORRECT THE CAUSE OF THE CONTAMINATION; AND

(3) REFRAIN FROM SELLING RAW MILK UNTIL:

(I) TESTING SHOWS THE SAMPLE TO BE FREE OF PESTICIDE RESIDUE OR BELOW ACTIONABLE LEVELS ESTABLISHED FOR THE RESIDUE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY;

(II) THE HOLDER OF THE PERMIT SUBMITS THE TEST RESULTS REQUIRED UNDER ITEM (I) OF THIS ITEM TO THE SECRETARY; AND

(III) THE SECRETARY APPROVES THE RESUMPTION OF RAW MILK SALES.

(C) IF A RAW MILK SAMPLE TESTS POSITIVE FOR THE PRESENCE OF A DRUG, THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL:

(1) IMMEDIATELY CEASE THE SALE OF RAW MILK;

(2) INVESTIGATE AND DETERMINE THE CAUSE OF THE CONTAMINATION, REPORT THE RESULT OF THE INVESTIGATION TO THE SECRETARY, AND CORRECT THE CAUSE OF THE CONTAMINATION; AND

(3) REFRAIN FROM SELLING RAW MILK UNTIL:

(I) A SAMPLE COLLECTED BY AN APPROVED SAMPLER AND TESTED AT A LABORATORY APPROVED BY THE SECRETARY SHOWS THE SAMPLE TO BE FREE OF DRUG RESIDUE;

(II) THE HOLDER OF THE PERMIT SUBMITS THE TEST RESULTS REQUIRED UNDER ITEM (I) OF THIS ITEM TO THE SECRETARY; AND

(III) THE SECRETARY APPROVES THE RESUMPTION OF RAW MILK SALES.

(D) IF A RAW MILK SAMPLE TESTS POSITIVE FOR THE PRESENCE OF SALMONELLAE, LISTERIA MONOCYTOGENES, CAMPYLOBACTER, OR E. COLI BACTERIA, THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL:

(1) IMMEDIATELY CEASE THE SALE OF RAW MILK;

(2) INVESTIGATE AND DETERMINE THE CAUSE OF THE CONTAMINATION, REPORT THE RESULT OF THE INVESTIGATION TO THE SECRETARY, AND CORRECT THE CAUSE OF THE CONTAMINATION; AND

(3) REFRAIN FROM SELLING RAW MILK UNTIL:

(I) TWO CONSECUTIVE SAMPLES, TAKEN AT LEAST 2 DAYS AFTER THE CESSATION OF RAW MILK SALES AND AT LEAST 2 DAYS AFTER ANY PREVIOUS SAMPLE, COLLECTED BY AN APPROVED SAMPLER AND TESTED AT A LABORATORY APPROVED BY THE SECRETARY SHOW THE SAMPLES TO BE FREE OF SALMONELLAE, LISTERIA MONOCYTOGENES, CAMPYLOBACTER, OR E. COLI BACTERIA;

(II) THE HOLDER OF THE PERMIT SUBMITS THE TEST RESULTS REQUIRED UNDER ITEM (I) OF THIS ITEM TO THE SECRETARY; AND

(III) THE SECRETARY APPROVES THE RESUMPTION OF RAW MILK SALES.

21-517.

(A) (1) THIS SUBSECTION APPLIES ONLY WITH RESPECT TO RAW MILK THAT IS PACKAGED FOR SALE OR DELIVERY AT A LOCATION OTHER THAN THE FARM WHERE THE RAW MILK IS PRODUCED.

(2) THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL CONDUCT THE BOTTLING AND CAPPING, OR THE FILLING AND CLOSURE OF CONTAINERS OTHER THAN BOTTLES, IN A ROOM SEPARATE FROM THE MILK ROOM BY A MECHANICAL MEANS OF FILLING AND CAPPING BOTTLES OR BY A MECHANICAL MEANS OF THE FILLING AND CLOSURE OF CONTAINERS AND OTHER BOTTLES; AND

(3) THE CLOSURE OF THE CONTAINER MUST PROTECT THE POURING LIP TO ITS LARGEST DIAMETER.

(B) (1) THIS SUBSECTION APPLIES ONLY WITH RESPECT TO RAW MILK THAT IS PACKAGED FOR DELIVERY AT THE LOCATION WHERE THE RAW MILK IS PRODUCED.

(2) THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE MAY BOTTLE AND CAP RAW MILK OR FILL AND CLOSE RAW MILK IN CONTAINERS OTHER THAN BOTTLES IN A MILK ROOM FACILITY.

(3) THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL COMPLETE BOTTLING AND CAPPING OR FILLING AND CLOSURE IN A SANITARY MANNER USING EASILY CLEANABLE EQUIPMENT THAT HAS BEEN CLEANED AND SANITIZED.

(C) A CONTAINER FOR RAW MILK:

(1) SHALL BE FILLED AND CLOSED WITHOUT ANY PART OF A HAND COMING INTO CONTACT WITH THE INNER SURFACE OF THE BOTTLE OR CONTAINER OR IN CONTACT WITH BOTTLE CAPS;

(2) SHALL BE STORED IN A CLEAN AND DRY AREA THAT IS OFF THE FLOOR AND PROTECTED FROM ANY SOURCE OF CONTAMINATION; AND

(3) MAY NOT BE FILLED BY THE CONSUMER.

(D) THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL OBTAIN AND KEEP BOTTLE CAPS FOR RAW MILK CONTAINERS IN SANITARY CONTAINERS.

(E) THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL CONDUCT THE WASHING OF RETURNABLE BOTTLES OR CONTAINERS FOR RAW MILK IN A ROOM THAT IS SEPARATE FROM ANY ROOM THAT IS DEVOTED TO BOTTLING AND CAPPING OR THE FILLING AND CLOSURE OF CONTAINERS OTHER THAN BOTTLES.

21-518.

(A) (1) THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO RAW MILK PACKAGED FOR SALE IN CONTAINERS OWNED BY THE CONSUMER.

(2) THE LABELING OF RAW MILK CONTAINERS AND CAPS USED ON PREPACKAGED CONTAINERS MUST BE APPROVED BY THE SECRETARY BEFORE SALE.

(3) TO BE APPROVED BY THE SECRETARY, A LABEL:

(I) MUST CLEARLY LABEL THE PRODUCT AS RAW MILK;

(II) MUST INCLUDE THE FLUID VOLUME OF THE RAW MILK;

(III) MUST INCLUDE THE NAME AND ADDRESS OF THE DISTRIBUTOR OR PRODUCER;

(IV) MUST STATE THAT THE PRODUCT IS TO BE REFRIGERATED;

(V) MUST INCLUDE A CONSUMER ADVISORY STATEMENT THAT IS SUBSTANTIALLY SIMILAR TO THE FOLLOWING STATEMENT:

“RAW MILK HAS NOT BEEN PROCESSED TO REMOVE PATHOGENS THAT CAUSE ILLNESS. THE CONSUMPTION OF RAW MILK MAY SIGNIFICANTLY INCREASE THE RISK OF FOODBORNE ILLNESS IN INDIVIDUALS WHO CONSUME IT – PARTICULARLY WITH RESPECT TO CERTAIN HIGHLY SUSCEPTIBLE POPULATIONS SUCH AS PRESCHOOL-AGED CHILDREN, OLDER ADULTS, PREGNANT WOMEN, INDIVIDUALS EXPERIENCING ILLNESS, AND OTHER INDIVIDUALS WITH WEAKENED IMMUNE SYSTEMS.”; AND

(VI) MAY NOT CONTAIN FALSE OR MISLEADING STATEMENTS.

(4) WITHIN 10 BUSINESS DAYS AFTER RECEIVING A COMPLETE APPLICATION FOR LABEL APPROVAL UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY SHALL ISSUE A WRITTEN APPROVAL OR DENIAL TO THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE.

(5) (I) THE SECRETARY SHALL ASSIGN A LABEL APPROVED UNDER PARAGRAPH (4) OF THIS SUBSECTION A UNIQUE SERIAL NUMBER AND PROVIDE THE UNIQUE SERIAL NUMBER TO THE HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE, ALONG WITH A COPY OF THE LABEL, IN THE WRITTEN APPROVAL.

(II) THE SECRETARY SHALL RETAIN A COPY OF EACH WRITTEN APPROVAL ISSUED UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(6) A DENIAL ISSUED UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL:

(I) STATE THE REASONS FOR THE DENIAL; AND

(II) PROVIDE NOTICE TO THE HOLDER OF THE PERMIT OF THE RIGHT TO AN ADMINISTRATIVE HEARING UNDER § 21-509 OF THIS SUBTITLE.

(B) (1) A RAW MILK CONTAINER OR THE CAP OF A RAW MILK CONTAINER SHALL CLEARLY INDICATE A SELL-BY DATE AFTER WHICH THE RAW MILK MAY NOT BE SOLD OR OFFERED FOR SALE.

(2) THE SELL-BY DATE PRINTED ON THE CAP OR CONTAINER OF RAW MILK SHALL BE:

(I) PRECEDED BY THE WORDS "SELL BY" OR "NOT TO BE SOLD AFTER" OR THE STATEMENT "NOT TO BE SOLD AFTER THE DATE STAMPED ABOVE";

(II) CONSPICUOUSLY AND LEGIBLY MARKED IN A CONTRASTING COLOR; AND

(III) SEPARATE AND DISTINCT FROM ANY OTHER NUMBER, LETTER, OR INTERVENING MATERIAL ON THE CAP OR CONTAINER.

21-519.

(A) THIS SECTION APPLIES ONLY WITH RESPECT TO RAW MILK PACKAGED FOR SALE IN CONTAINERS OWNED BY THE CONSUMER.

1 **(B) A HOLDER OF A PERMIT ISSUED UNDER THIS SUBTITLE SHALL POST A**
2 **CONSUMER ADVISORY STATEMENT THAT SHALL BE SUBSTANTIALLY SIMILAR TO THE**
3 **FOLLOWING STATEMENT:**

4 **“RAW MILK HAS NOT BEEN PROCESSED TO REMOVE PATHOGENS THAT CAUSE**
5 **ILLNESS. THE CONSUMPTION OF RAW MILK MAY SIGNIFICANTLY INCREASE THE**
6 **RISK OF FOODBORNE ILLNESS IN INDIVIDUALS WHO CONSUME IT – PARTICULARLY**
7 **WITH RESPECT TO CERTAIN HIGHLY SUSCEPTIBLE POPULATIONS SUCH AS**
8 **PRESCHOOL-AGED CHILDREN, OLDER ADULTS, PREGNANT WOMEN, INDIVIDUALS**
9 **EXPERIENCING ILLNESS, AND OTHER INDIVIDUALS WITH WEAKENED IMMUNE**
10 **SYSTEMS.”.**

11 **21-520.**

12 **THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2025.**