

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Department of Agriculture)

1 A BILL for an Act to create and enact three new subsections to sections 4-30-01 amend and
2 reenact sections 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-36.4, 4-30-39, and
3 4-30-45.1 of the North Dakota Century Code, relating to dairy products regulations.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Three new subsections to section 4-30-01 of the North Dakota Century
6 Code are created and enacted as follows:

7 "Pasteurized milk ordinance" means the 2007 revision of the grade "A" pasteurized
8 ordinance issued by the United States food and drug administration and by the
9 United States department of agriculture's public health service.

10 "Standard methods" means the seventeenth edition of the standard methods for
11 the examination of dairy products published by the American public health
12 association.

13 "3A standards" means the standards established for equipment, utensils, and other
14 items by the 3A sanitary standards committee of the international association of
15 milk and food sanitarians, incorporated.

16 **SECTION 2. AMENDMENT.** Section 4-30-18 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **4-30-18. Sampling and testing procedures - Equipment - Supplies.** The laboratory
19 procedures, equipment, chemicals, and other apparatus or substances used in the sampling,
20 hauling, or testing of milk or milk products must conform to ~~that~~ those described in the
21 ~~eighteenth edition of "Standard Methods for the Examination of Dairy Products" published by~~
22 ~~the American public health association, incorporated,~~ a copy of which ~~shall~~ must be kept on file

1 in the department. No equipment, chemicals, or other apparatus or substance used in the
2 sampling, hauling, or testing of milk or milk products which is not in conformance with the
3 requirements of this chapter may be sold or offered for sale. The commissioner through the
4 adoption of rules may alter, amend, or prohibit any specific requirement of this section and may
5 approve other sampling, hauling, or testing procedures or equipment. The commissioner, when
6 appropriate, may check calibration of farm bulk milk tanks and equipment.

7 **SECTION 3. AMENDMENT.** Section 4-30-20 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4-30-20. Sampling of milk.** Every purchaser of milk from a dairy producer shall collect
10 a minimum sample of two ounces [59.15 milliliters] from each bulk tank of milk received from a
11 producer. Samples must be collected and maintained in accordance with those procedures
12 contained in the ~~eighteenth edition of "Standard Methods for the Examination of Dairy~~
13 ~~Products" published by the American public health association, incorporated.~~ Records must be
14 kept which readily identify the sample with those items used to determine payment for the milk.
15 Such items must include weight, butterfat content, protein, solids-not-fat, and the total amount
16 of money paid for the milk.

17 **SECTION 4. AMENDMENT.** Section 4-30-36 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **4-30-36. Standards for grade A milk and milk products - Adoption of**
20 **amendments.** Only grade A milk may be sold as fluid beverage for human consumption. The
21 minimum standards for milk and milk products designated as grade A are the same as the
22 minimum requirements of the ~~"Grade A Pasteurized Milk Ordinance, 2005 Revision, Public~~
23 ~~Health Service, Food and Drug Administration"~~ which includes provisions from the "Grade A
24 Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the
25 Grade A PMO" ~~and all supplements added thereto.~~ The commissioner may adopt as
26 department regulations other standards in addition to any amendments, supplements to, or new
27 editions of the milk ordinance which are in the interest of public safety, wholesomeness of
28 product, consumer interest, sanitation, good supply, salability, and promotion of grade A milk
29 and milk products.

30 **SECTION 5. AMENDMENT.** Section 4-30-36.2 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **4-30-36.2. State milk sanitation rating and sampling surveillance officer - Duties -**
2 **Guidelines.** The state milk sanitation rating and sampling surveillance officer is responsible for
3 the rating and certification of milk and dairy products. The rating and certification of milk and
4 dairy products must be in accordance with the procedures outlined in the public health
5 service/food and drug administration publication entitled "Methods of Making Sanitation Ratings
6 of Milk Shippers - ~~2005~~ 2007 Revision, Edition" and the sampling of milk and dairy products
7 must be in accordance with the guidelines ~~recommended in the eighteenth edition of "Standard~~
8 ~~Methods for the Examination of Dairy Products" published by the American public health~~
9 ~~association.~~

10 **SECTION 6. AMENDMENT.** Section 4-30-36.3 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **4-30-36.3. Milk laboratory evaluations officer - Duties - Guidelines.** The milk
13 laboratory evaluations officer is responsible for the certification and evaluation of milk and dairy
14 products laboratories within the state. Evaluations and certification of milk laboratories must be
15 made in accordance with the ~~eighteenth edition of "Standard Methods for the Examination of~~
16 ~~Dairy Products" published by the American public health association~~ and the procedures
17 outlined in the public health service/food and drug administration publication entitled
18 "Evaluation of Milk Laboratories - 2005 Edition".

19 **SECTION 7. AMENDMENT.** Section 4-30-36.4 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **4-30-36.4. Grade A pasteurized milk ordinance.** Dairy producers, processors, and
22 manufacturers shall comply with the ~~"Grade A Pasteurized Milk Ordinance, 2005 Revision,~~
23 ~~Public Health Service, Food and Drug Administration" and its supplements~~ and follow the
24 standards set by the "Procedures Governing the Cooperative State-Public Health Service Food
25 and Drug Administration Program of the National Conference on Interstate Milk Shipments,
26 ~~2005~~ 2007 Revision".

27 **SECTION 8. AMENDMENT.** Section 4-30-39 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **4-30-39. Transportation, labeling, and distribution of processed and**
30 **manufactured products - ~~Commissioner to adopt rules~~ Rulemaking - Violations.** The
31 commissioner may adopt rules governing the labeling, distribution, and transportation of

1 processed and manufactured milk or milk products. ~~No facility or vehicle may be used or~~
2 ~~operated in violation of these rules.~~

3 **SECTION 9. AMENDMENT.** Section 4-30-45.1 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **4-30-45.1. Labeling and identity standards.** ~~North Dakota labeling~~ All persons who
6 sell at retail in this state milk or milk products must comply with the labeling standards and
7 standards of identity are those set forth in the National Labeling and Education Act of 1990, all
8 supplements, and rules and regulations promulgated thereunder 21 U.S.C. §343(q)(r) and in
9 rules adopted by the commissioner. ~~The commissioner shall adopt definitions consistent with~~
10 ~~federal law for, among other words, "milk", "butter", "cream", "cheese", and "ice cream". If state~~
11 ~~law conflicts with the National Labeling and Education Act of 1990, the National Labeling and~~
12 ~~Education Act of 1990 applies.~~