

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2105

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

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

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

5 **SECTION 1. AMENDMENT.** Section 4-30-18 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-30-18. Sampling and testing procedures - Equipment - Supplies.** The laboratory
8 procedures, equipment, chemicals, and other apparatus or substances used in the sampling,
9 hauling, or testing of milk or milk products must conform to that described in the ~~seventeenth~~
10 eighteenth edition of "Standard Methods for the Examination of Dairy Products" published by
11 the American public health association, incorporated, a copy of which shall be on file in the
12 department. No equipment, chemicals, or other apparatus or substance used in the sampling,
13 hauling, or testing of milk or milk products which is not in conformance with the requirements of
14 this chapter may be sold or offered for sale. The commissioner through the adoption of rules
15 may alter, amend, or prohibit any specific requirement of this section and may approve other
16 sampling, hauling, or testing procedures or equipment. The commissioner, where appropriate,
17 may check calibration of farm bulk milk tanks and equipment.

18 **SECTION 2. AMENDMENT.** Section 4-30-20 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **4-30-20. Sampling of milk.** Every purchaser of milk from a dairy producer shall collect
21 a minimum sample of two ounces [59.15 milliliters] from each bulk tank of milk received from a
22 producer. Samples must be collected and maintained in accordance with those procedures
23 contained in the ~~seventeenth~~ eighteenth edition of "Standard Methods for the Examination of
24 Dairy Products" published by the American public health association, incorporated. Records

1 must be kept which readily identify the sample with those items used to determine payment for
2 the milk. Such items must include weight, butterfat content, protein, solids-not-fat, and the total
3 amount of money paid for the milk.

4 **SECTION 3. AMENDMENT.** Section 4-30-36 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-30-36. Standards for grade A milk and milk products - Adoption of**
7 **amendments.** Only grade A milk may be sold as fluid beverage for human consumption. The
8 minimum standards for milk and milk products designated as grade A are the same as the
9 minimum requirements of the "Grade A Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision,
10 Public Health Service, Food and Drug Administration" which includes provisions from the
11 "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to
12 the Grade A PMO" and all supplements added thereto. The commissioner may adopt as
13 department regulations other standards in addition to any amendments, supplements to, or new
14 editions of the milk ordinance which are in the interest of public safety, wholesomeness of
15 product, consumer interest, sanitation, good supply, salability, and promotion of grade A milk
16 and milk products.

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

19 **4-30-36.2. State milk sanitation rating and sampling surveillance officer - Duties -**
20 **Guidelines.** The state milk sanitation rating and sampling surveillance officer is responsible for
21 the rating and certification of milk and dairy products. The rating and certification of milk and
22 dairy products must be in accordance with the procedures outlined in the public health
23 service/food and drug administration publication entitled "Methods of Making Sanitation Ratings
24 of Milk Shippers - ~~2003~~ 2005 Revision, Edition" and the sampling of milk and dairy products
25 must be in accordance with the guidelines recommended in the ~~seventeenth~~ eighteenth edition
26 of "Standard Methods for the Examination of Dairy Products" published by the American public
27 health association.

28 **SECTION 5. AMENDMENT.** Section 4-30-36.3 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **4-30-36.3. Milk laboratory evaluations officer - Duties - Guidelines.** The milk
31 laboratory evaluations officer is responsible for the certification and evaluation of milk and dairy

1 products laboratories within the state. Evaluations and certification of milk laboratories must be
2 made in accordance with the ~~seventeenth~~ eighteenth edition of "Standard Methods for the
3 Examination of Dairy Products" published by the American public health association and the
4 procedures outlined in the public health service/food and drug administration publication
5 entitled "Evaluation of Milk Laboratories - ~~1995~~ 2005 Edition".

6 **SECTION 6. AMENDMENT.** Section 4-30-36.4 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4-30-36.4. Grade A pasteurized milk ordinance.** Dairy producers, processors, and
9 manufacturers shall comply with the "Grade A Pasteurized Milk Ordinance, ~~2003~~ 2005
10 Revision, Public Health Service, Food and Drug Administration" and its supplements and follow
11 the standards set by the "Procedures Governing the Cooperative State-Public Health Service
12 Food and Drug Administration Program of the National Conference on Interstate Milk
13 Shipments, ~~2003~~ 2005 Revision".