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State Milk Laws

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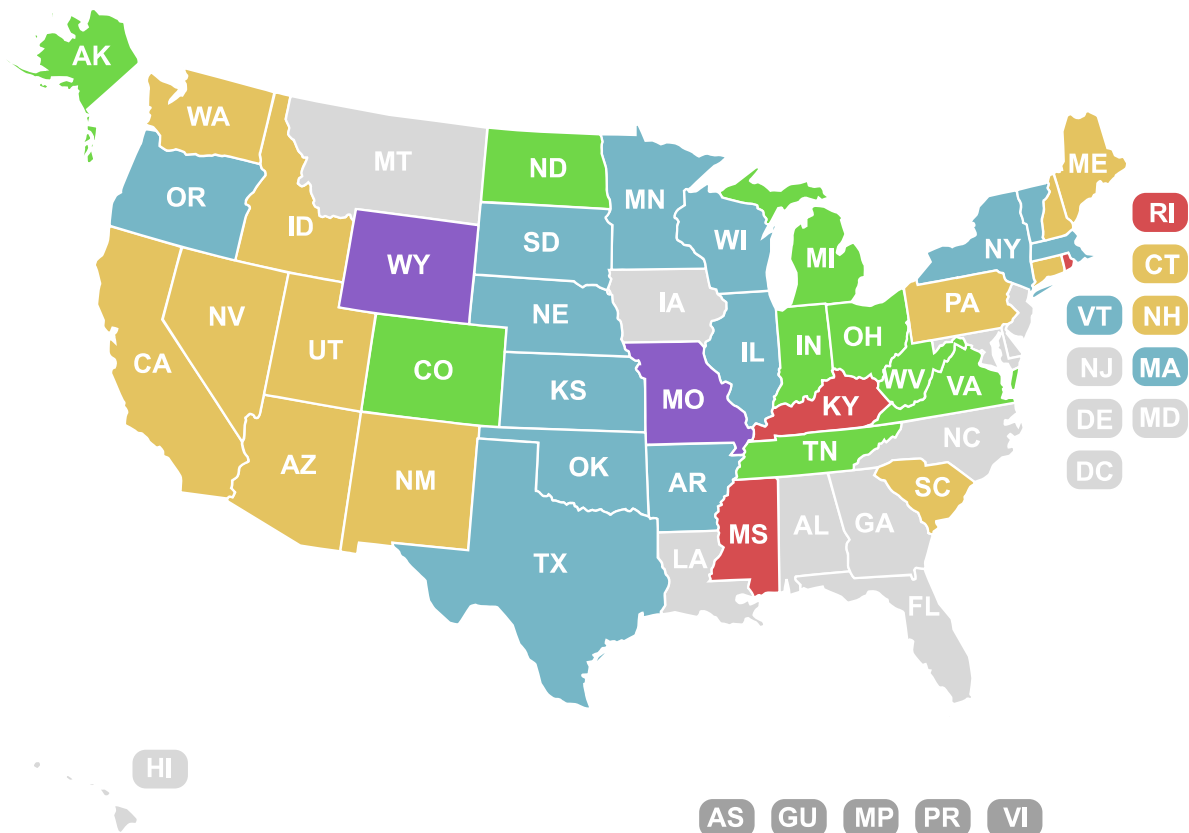


In the United States, milk is governed through a series of state rules and regulations based on the federal Pasteurized Milk Ordinance, or PMO. This ordinance guides the state programs to ensure that no major milk-borne disease outbreaks occur.

Forty-six states have adopted many or all of the provisions of the PMO. California, Maryland, New York and Pennsylvania have not adopted the PMO, but have their enacted their own strict milk safety laws. The PMO provides for national standards regarding the production, processing, packaging and sale of Grade “A” milk and milk products, a program in which every state and the District of Columbia participate.

States oversee all milk products produced and sold in their state. Milk products sold over state lines are subject to federal oversight, which will accept state PMO certification.

States that permit the sale of raw milk in retail stores	States that allow the sale of raw milk at farmers' markets, etc.	States that allow the sale of raw milk on the farm.	States that permit cow-share programs	States that only allow the sale of raw goat milk
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Raw Milk Laws

The federal government, through the U.S. Food and Drug Administration (FDA), does not permit the sale of raw (unpasteurized milk) milk for human consumption, and advises states not to permit the sale of raw milk. Since the FDA does not regulate raw milk, it can be sold only in the state where it was purchased and cannot be sold across state lines or internationally. It also forbids states from permitting the sale of products made from raw milk, such as yogurt, cottage cheese, butter and ice cream. Some hard cheeses, such as cheddar and Swiss, can be made from raw milk.

Even though the federal government allows only Grade A pasteurized milk to be sold to consumers, 31 states allow for consumers to purchase raw milk directly. In many states, raw milk can be only purchased at the farm, at farmers' markets or through a "cow-share" program, where consumers combine resources to purchase a dairy cow. In 12 states, however, consumers can purchase raw milk at retail stores.

In the remaining 19 states, the sale of raw milk to consumers is prohibited. Raw milk, however, can be purchased for animal consumption.

States legalizing raw milk sales or distribution have done so through:

- **Statute.** Any state statute conflicting with Section 9 of the PMO overrides the PMO.

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- **Administrative rule or regulation.** Any state regulation conflicting with Section 9 of the PMO overrides the PMO.
- **Policy.** This would include cow share programs in states where, even though there is a prohibition on the sale of raw milk, state regulatory agencies have made a policy decision not to shut down cow share programs they know of that comply with state guidelines. State policy sometimes does conflict with and override state statutes, administrative rules or other written guidelines in the regulation of milk and milk products.

Raw milk sales for animal consumption are at least potentially legal in all states but under commercial feed licensing laws. Except for Michigan, not a single state law expressly prohibits the sale of raw milk for animal consumption. The variables are the states' willingness to grant licenses to producers of raw milk for animal feed and how strictly state agencies would monitor licensees to make sure that raw milk sales did only go for animal consumption. The PMO regulations do not apply to the sale of raw milk for animal feed.

The state milk law summaries are based on research of the state statutory and administrative codes and conversations with farmers and state dairy officials.

An Overview of U.S. State Milk Laws

In 1924, the United States Public Health Service (USPHS), a branch of the Food and Drug Administration, developed the Standard Milk Ordinance, known today as the Pasteurized Milk Ordinance (PMO). This is a model regulation helping states and municipalities have an effective program to prevent milk borne disease. The PMO contains provisions governing the production, processing, packaging and sale of Grade "A" milk and milk products. It is the basic standard used in the Voluntary Cooperative State – USPHS/FDA Program for the Certification of Interstate Milk Shippers, a program in which all 50 states, the District of Columbia and U. S. Territories participate.

Forty-six of the 50 have adopted most or all of the PMO for their own milk safety laws with those states not adopting it passing laws that are similar. California, Pennsylvania, New York and Maryland have not adopted the PMO, but do have laws as strict as the PMO.

Section 9 of the PMO states in part that, "only Grade "A" pasteurized, ultra-pasteurized or aseptically processed milk and milk products shall be sold to the final consumer, to restaurants, soda fountains, grocery stores or similar establishments." In spite of 46 states adopting the PMO, it is at least technically possible at the present time to legally sell or distribute raw milk for human consumption in 30 states.



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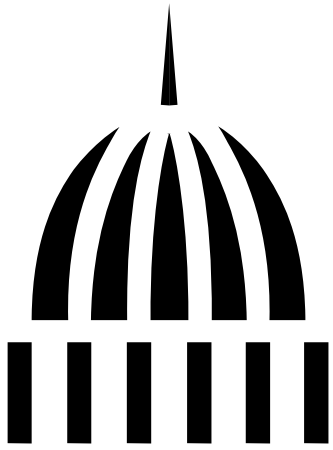
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