

LEGISLATIVE BILL 856

Approved by the Governor February 24, 1990

Introduced by R. Johnson, 34

AN ACT relating to agriculture; to amend sections 2-3404, 2-3901, 2-3902, 2-3910, and 2-3912, Reissue Revised Statutes of Nebraska, 1943, and section 2-3914, Revised Statutes Supplement, 1988; to update references to certain state and federal titles and documents; to include additional procedures by reference in the Nebraska Pasteurized Milk Law as prescribed; to update effective dates to include additional referenced materials; to eliminate provisions requiring safety valves on receptacles holding certain gases; to eliminate a penalty; and to repeal the original sections, and also sections 66-101 and 66-102, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 2-3404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3404. (1) With the exception of the ex officio members, the duly elected directors of Nebraska Poultry Industries, Inc. shall serve as an advisory committee to be known as the Nebraska Poultry and Egg Development, Utilization, and Marketing Committee who shall advise the director on matters relevant to the poultry and egg industry.

(2) The ex officio members shall be designated by the committee. Ex officio members may include, but not be limited to:

(a) The director;
 (b) Vice Chancellor, Institute of Agriculture and Natural Resources, University of Nebraska;
 (c) ~~Chairman~~ Chairperson, Department of ~~Poultry and Wildlife~~ Animal Sciences, University of Nebraska;

(d) Extension ~~Poultryman~~ Poultry Specialist, Department of ~~Poultry and Wildlife~~ Animal Sciences, University of Nebraska;

(e) General Manager, Nebraska Poultry Industries, Inc.; and

(f) A representative of a consumer organization.

Sec. 2. That section 2-3901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3901. (1) The Legislature hereby adopts by reference the procedures prescribed by the United States Department of Health and Human Services in its document entitled Fabrication of Single-Service Containers and Closures for Milk and Milk Products, as it exists on January 1, 1990, and the provisions of Part II of the Grade A Pasteurized Milk Ordinance--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it exists on January 1, 1986 1990, including all provisions relating to cottage cheese contained therein and Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of this section.

(2) Sections 9, 15, 16, and 17 of the ordinance expressly adopted by reference pursuant to subsection (1) of this section shall be replaced by sections 2-3903, 2-3904, 2-3909, and 2-3912 respectively.

(3) Certified copies of the ordinance and the document entitled Fabrication of Single-Service Containers and Closures for Milk and Milk Products shall be filed in the offices of the Secretary of State, Clerk of the Legislature, and Department of Agriculture.

Sec. 3. That section 2-3902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3902. The Nebraska Pasteurized Milk Law shall, after July 1, 1986 on and after the effective date of this act, be used for the regulation of: (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products, other than milk and milk products regulated under the Nebraska Manufacturing Milk Act, sold for ultimate consumption within the State of Nebraska; (2) the inspection of dairy herds, dairy farms, milk plants, plants fabricating single service single-service articles, transfer stations, receiving stations, milk haulers, and milk distributors; and (3) the issuance, suspension, and revocation of permits.

Sec. 4. That section 2-3910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3910. The Director of Health shall make and publish the results of periodic surveys of milksheds to determine the degree of compliance with the sanitary requirements for the production, processing, handling, distribution, sampling, and hauling of milk and milk products as provided in the Nebraska Pasteurized Milk Law. The Director of Health shall have the power to issue adopt and promulgate reasonable rules and regulations in accordance with the procedure defined in the Administrative Procedure Act for the interpretation and enforcement of this section. Such a survey or rating of a milkshed shall follow the procedures prescribed by the United States ~~Public Health Service~~ Department of Health and Human Services in its documents entitled Methods of Making Sanitation Ratings of Milk Supplies, and Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers, as such documents exist on ~~July 1, 1986~~ January 1, 1990, copies of which shall be kept on file in the offices of the Secretary of State, the Director of Health, and the Director of Agriculture.

Sec. 5. That section 2-3912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3912. Sections 2-3901 to 2-3912, the procedures prescribed by the United States Department of Health and Human Services in its document entitled Fabrication of Single-Service Containers and Closures for Milk and Milk Products as it exists on January 1, 1990, and the provisions of Part II of the Grade A Pasteurized Milk Ordinance--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it exists on January 1, ~~1986~~ 1990, including all provisions relating to cottage cheese contained therein and Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of section 2-3901, expressly adopted by reference under subsection (1) of section 2-3901 shall be known and may be cited as the Nebraska Pasteurized Milk Law.

Sec. 6. That section 2-3914, Revised Statutes Supplement, 1988, be amended to read as follows:

2-3914. As used in For purposes of the Nebraska Manufacturing Milk Act, unless the context otherwise requires:

(1) Department shall mean the Department of Agriculture;

(2) Director shall mean the Director of Agriculture or his or her duly authorized agent or designee;

(3) License shall mean a license issued under the act by the director;

(4) Fieldman shall mean an individual qualified and trained in the sanitary methods of production and handling of milk as set forth in the act; and generally employed by a processing or manufacturing plant for the purpose of dairy farm inspections and quality control work;

(5) Inspector shall mean an employee of the department who is qualified and trained to perform inspections under the act;

(6) Producer shall mean the person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station for manufacturing purposes;

(7) Dairy farm or farm shall mean a place or premises where one or more milking cows or goats are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes;

(8) Dairy plant, plant, or receiving station shall mean any place, premises, or establishment where milk or dairy products are received or handled for processing or manufacturing or prepared for distribution. When plant is used in connection with the production, transportation, grading, or use of milk, it shall mean any plant that handles or purchases milk for manufacturing purposes, and when used in connection with minimum specifications for plants or licensing of plants, it shall mean only those plants that manufacture dairy products;

(9) Transfer station shall mean any place, premises, or establishment where milk for manufacturing purposes or manufactured milk products are transferred directly from one transport tank to another;

(10) Hauler-sampler shall mean any individual who transports raw milk and raw milk products for manufacturing purposes to or from a milk plant, a receiving station, or a transfer station and who grades or samples such milk;

(11) Milk shall mean the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats or cows. Milk shall include only milk for manufacturing purposes. Goat milk or commingled cow and goat milk may be used to manufacture dairy products that are legally

provided for in 21 C.F.R., as it exists on July 1, 1986 January 1, 1990, or for nonstandardized products when properly labeled;

(12) Milk for manufacturing purposes shall mean milk produced for processing and manufacturing into products not required by law to be of Grade A quality;

(13) Acceptable milk shall mean milk that qualifies under sections 2-3915 to 2-3917.01 as to sight and odor and that is classified acceptable for somatic cells, bacterial estimate, antibiotic residues, and sediment;

(14) Probational milk shall mean milk classified undergrade for somatic cells, bacterial estimate, or sediment that may be accepted by plants for specific time periods;

(15) Reject milk shall mean milk that does not qualify under sections 2-3915 to 2-3917.01;

(16) Adulterated milk and dairy products shall mean any milk or dairy products in which one or more of the conditions described in section 402 of the Federal Food, Drug, and Cosmetic Act, as it exists on July 1, 1986 January 1, 1990, exist;

(17) Dairy products shall mean products allowed to be made from milk for manufacturing purposes and not required to be of Grade A quality;

(18) Official methods shall mean Official Methods of Analysis of the Association of Official Analytical Chemists, a publication of the Association of Official Analytical Chemists;

(19) Standard methods shall mean Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association;

(20) 3-A sanitary standards shall mean the standards for dairy equipment formulated by the 3-A sanitary standards committees representing the International Association of Milk and Food Sanitarians, the United States ~~Public Health Service~~ Department of Health and Human Services, and the Dairy Industry Committee and published by the International Association of Milk and Food Sanitarians;

(21) C-I-P or cleaned-in-place shall mean the procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation;

(22) Person shall mean any individual, plant operator, partnership, corporation, company, firm, trustee, or association; and

(23) A state-certified laboratory shall mean an industry or commercial laboratory certified under the

Grade A Interstate Milk Shippers Program or that has been certified by the department to perform official work for examination of milk for manufacturing purposes as required in the Nebraska Manufacturing Milk Act.

Sec. 7. That original sections 2-3404, 2-3901, 2-3902, 2-3910, and 2-3912, Reissue Revised Statutes of Nebraska, 1943, and section 2-3914, Revised Statutes Supplement, 1988, and also sections 66-101 and 66-102, Reissue Revised Statutes of Nebraska, 1943, are repealed.