

## LEGISLATIVE BILL 268

Approved by the Governor April 15, 1993

Introduced by Agriculture Committee: Dierks, 40, Chairperson;  
Cudaback, 36; Haberman, 44; Hudkins, 21;  
Schellpeper, 18; Vrtiska, 1

AN ACT relating to the Nebraska Manufacturing Milk Act; to amend sections 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3919 to 2-3925, 2-3927 to 2-3931, 2-3934, 2-3935, 2-3937, 2-3938 to 2-3942, and 2-3945, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to classification of raw milk, dairy plants, and testing of milk; to change dates of certain standards; to change provisions relating to milking facility requirements, storage of drugs, farm bulk tanks, milkhouses, dairy plant buildings, and plant employees; to change license requirements to permit requirements; to change provisions relating to vat method of pasteurization, labeling, and director's powers and duties; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 2-3914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3914. 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 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 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 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;~~

(1) 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 Department of Health and Human Services, and the Dairy Industry Committee and published by the International Association of Milk and Food Sanitarians;

(2) 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 count, drug residues, and sediment content;

(3) 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 January 1, 1993, exist;

(4) 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;

(5) Dairy farm or farm shall mean a place or premises where one or more milking cows, goats, or sheep are kept and milk is produced and offered for sale to a plant for manufacturing purposes;

(6) 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 issuing of permits to plants, it shall mean only those plants that manufacture dairy products;

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

(8) Department shall mean the Department of Agriculture;

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

(10) Fieldman shall mean an individual qualified and trained in the sanitary methods of production and handling of milk as set forth in the Nebraska Manufacturing Milk Act and generally employed by a processing or manufacturing plant for the purpose of quality control work;

(11) Hauler-sampler shall mean an individual who collects and samples milk from a dairy farm for delivery to a dairy plant, receiving station, or transfer station;

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

(13) Laboratory procedures shall mean procedures found in: (a) Standard Methods for the Examination of Dairy Products, sixteenth edition, a publication of the American Public Health Association; (b) Official Methods of Analysis, fifteenth edition, a publication of the AOAC International; (c) Pesticide Analytical Manual, second edition, a publication of the federal Environmental Protection Agency; (d) Bacteriological Analytical Manual, seventh edition, a publication of the federal Food and Drug Administration; and (e) other methods that have shown to be equally accurate, precise, and practical and which have been approved by the director;

(14) Milk shall mean the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, goats, or sheep. Milk shall include only milk for manufacturing purposes. Cow milk, goat milk, sheep milk, or a combination thereof may be used to manufacture dairy products that are legally provided for in 21 C.F.R., as it exists on January 1, 1993, or for nonstandardized products when properly labeled;

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

(16) Milking facility shall mean a milking barn, milking area, or milking parlor in which the milking of dairy animals is performed;

(17) Permit shall mean a permit issued under the act by the director;

(18) Person shall mean an individual, plant operator, partnership, corporation, company, firm, trustee, or association;

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

(20) 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;

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

(22) State-certified laboratory shall mean a dairy industry laboratory 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; and

(23) 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.

Sec. 2. That section 2-3915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3915. The classification of raw milk for manufacturing purposes shall be based on ~~organoleptic examination~~, sight and odor; and quality control tests for somatic cells, bacterial estimate count, sediment content, and antibiotic drug residues. Classification shall be either acceptable, probational, or reject.

Sec. 3. That section 2-3917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3917. All dairy plants shall run the quality tests set out in this section in a state-certified laboratory and, except as provided in subdivision (8) of this section, report the results to the department upon request. The test methods shall be those ~~set out in the standard methods and official methods~~ stated in laboratory procedures.

(1) Milk shall be classified for bacterial estimates counts as follows by the standard plate count or plate loop count. Bacterial limits of individual producer milk shall not exceed ~~one million~~ five hundred thousand per milliliter.

(2) Bacterial estimates counts shall be run at least four times ~~each six~~ in six consecutive months at irregular intervals at times designated by the director on representative samples of each producer's milk. ~~When probational milk is disclosed, the producer shall be notified immediately, and a weekly testing schedule on that producer's milk shall be commenced. If acceptable milk is not disclosed after four weeks of testing, all further milk shall be rejected until subsequent testing indicates acceptable milk again being produced.~~ Whenever any two out of four consecutive bacterial counts exceed five hundred thousand per milliliter, the producer shall be sent a written notice by the department. Such notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard set out in subdivision (1) of this section. A producer sample shall be taken between three and twenty-one days after the second excessive count. If that sample indicates an excessive bacterial count, the producer's milk shall be rejected until subsequent testing indicates a bacterial count of five hundred thousand per milliliter or less.

(3) All dairy plants shall smell all raw milk received. Milk failing to meet the odor standards of section 2-3916 shall be rejected.

(4) Laboratory examinations for somatic cells ~~the presence of unwholesome mammary secretions of an inflammatory, infectious, physiological, or environmental origin~~ shall be conducted at least four times ~~each~~ in six consecutive months at irregular intervals at times designated by the director on representative samples of each producer's milk. Such examinations ~~shall~~ may begin with a screening test to

determine whether ~~or not~~ the sample exceeds a Wisconsin Mastitis Test result of ~~eighteen~~ ten millimeters or higher.

(5) If a sample exceeds the screening test results set out in subdivision (4) of this section ~~or if no screening test is run~~, either of the following tests ~~may~~ shall be used to obtain an official result:

- (a) Direct microscopic somatic cell count or equivalent; or
- (b) Electronic somatic cell-counting procedure.

Whenever an official result indicates a somatic cell count of more than ~~one million~~ seven hundred fifty thousand somatic cells per milliliter, the procedure set out under subdivision (6) of this section shall be applied.

(6) Somatic cell counts of individual producer milk shall not exceed seven hundred fifty thousand per milliliter. Whenever any two out of four consecutive somatic cell counts exceed ~~one million~~ seven hundred fifty thousand per milliliter, the producer shall be sent a written notice by the department. Such notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard set out in this subdivision. A producer sample shall be taken between three and twenty-one days after the second excessive count. ~~If that sample indicates an excessive count;~~ Whenever three out of five consecutive samples are in excess of seven hundred fifty thousand per milliliter, the producer's milk shall be rejected until subsequent testing indicates a somatic cell count of equal to or less than one million seven hundred fifty thousand cells per milliliter. For three weeks after the acceptable count is obtained, the producer's milk shall be tested at least once a week but no more than twice a week. Testing at this frequency shall continue; ~~if necessary;~~ until three consecutive acceptable counts are obtained, after which testing may return to the routine frequency prescribed in subdivision (4) of this section.

(7) Milk from cows, goats, or sheep known to be infected with mastitis, milk containing ~~residues of antibiotics or other drugs~~ drug residues, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. ~~The milk shall be disposed of.~~ Cows, goats, or sheep that secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply. Milk from cows, goats, or sheep treated with ~~antibiotics~~ drugs shall be excluded for such period of time as is necessary to have the milk free from ~~antibiotic~~ drug residues.

(8) Each producer's milk shall be tested by the plant at least four times each six months at irregular intervals at times designated by the director for ~~antibiotic~~ drug residues. Load samples may be tested in lieu of individual producer samples if all the producer samples are available to identify the responsible producer in case of positive results. Milk found to contain ~~antibiotic~~ drug residues shall be handled as prescribed in subdivision (7) of this section. State-certified laboratories shall immediately notify the department of ~~antibiotic~~ drug residues. When a producer's milk shows positive results, such producer shall immediately be cut off from all markets. The producer shall not be reinstated until subsequent testing shows the producer's milk to be free of

~~antibiotic~~ drug residues. Dairy plants shall not use any milk or dairy products known to contain unacceptable levels of ~~antibiotic~~ drug residues for the manufacture of milk or dairy products for human consumption.

(9)(a) The industry shall test all bulk milk pickup tankers for beta lactam drug residues. Additionally, other drug residues shall be screened for by employing a random sampling program on bulk milk pickup tankers. The random sampling program shall represent and include, in any consecutive six months, at least four samples collected in at least four separate months. Samples collected under the random sampling program shall be analyzed as specified by the federal Food and Drug Administration. All loads of milk testing positive for drug residue shall be immediately reported to the department. Bulk loads of milk shall be sampled prior to commingling and tested prior to processing of the milk. Whenever a load of milk shows a positive test, individual producer samples shall be individually tested to determine the farm of origin. The samples shall be tested as directed by the department. Accurate records of the results of the milk quality and drug residue test for each producer shall be kept on file at the plant for a period of not less than twelve months. The records shall be available for examination by the department.

(b) When a load of milk is positive for drug residue, the department shall immediately suspend the permit of the responsible producer for a minimum of two days or the equivalent penalty as determined by the director. On the second occurrence of violative drug residue in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalties as determined by the director. For a third occurrence of violative drug residue in a twelve-month period, the suspension of the permit shall be the same as the second occurrence and the director shall initiate administrative procedures pursuant to revocation of the producer's permit.

(c) When a load of milk is negative and there is a producer whose milk is positive on the load, the director shall be advised and the producer's permit suspended until such time as subsequent testing reveals an acceptable result. The director may waive the two-day or four-day penalty when the load of milk is negative, but it shall count on the producer record as either a first, second, or third occurrence, and the reinstatement procedure shall be as described in subdivision (d) of this subdivision.

(d) The permit may be restored to a temporary permit status after the penalty when a sample is taken from the producer's milk and the farm bulk tank is no longer positive for drug residues. In no event shall the permit of the violative producer be reinstated by the director until the responsible producer and a licensed veterinarian have signed a quality assurance certificate for display in the milkhouse or milkroom which states that the Milk and Dairy Beef Residue Prevention Protocol is in place and is being implemented for the dairy herd from which the adulterated milk containing the violative drug residue was shipped.

(e) The department shall monitor industry surveillance activities by making unannounced onsite inspections to collect samples from bulk milk pickup tankers and to review industry records of the random sampling program.

(f) The department shall perform routine sampling and testing for drug residues.

(9) (10) Each producer's milk shall be tested by the department at least once a year for residues of pesticides or other harmful chemicals. Milk found to contain excessive residues of such substances shall be handled as prescribed in subdivision (7) of this section.

Sec. 4. That section 2-3917.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3917.01. (1) Milk shall be classified for sediment content, regardless of the results of the appearance and odor examination described in section 2-3916, according to sediment standards as follows:

(a) No. 1: Acceptable, not to exceed fifty-hundredths milligrams or its equivalent;

(b) No. 2: Acceptable, not to exceed one and fifty-hundredths milligrams or its equivalent;

(c) No. 3: Probational, not over ten days, not to exceed two and fifty-hundredths milligrams or its equivalent; and

(d) No. 4: Reject, over two and fifty-hundredths milligrams or its equivalent.

(2) Methods for determining the sediment content of the milk of individual producers shall be the methods described in the ~~standard methods~~ laboratory procedures. Sediment content shall be based on comparison with applicable charts of subpart T, sections 58.2728 to 58.2732 of the United States Sediment Standards for Milk and Milk Products, 7 C.F.R. 58, as such standards exist on July 1, 1986 1993.

(3) Sediment testing shall be performed at least four times every six months at irregular intervals as designated by the director.

(4) If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified as No. 4, the milk shall be rejected. A producer's milk that is classified as No. 3 may be accepted for a period not to exceed ten calendar days. If at the end of ten days the producer's milk does not meet acceptable sediment classification No. 1 or No. 2, it shall be rejected from the market. If the sediment disc is classified as No. 4, the milk shall be rejected and no further shipments accepted unless the milk meets the requirements of No. 3 or better.

Sec. 5. That section 2-3919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3919. A milking ~~barn, milking area, or milking parlor~~ facility of adequate size and arrangement shall be provided to permit normal sanitary milking operations. Such milking facility ~~barn, area, or parlor~~ shall be physically separated by solid partitions or doors from other parts of the barn or building which do not meet the requirements of this section. ~~It shall be well-lighted and ventilated, and the floors and~~



gutters in the milking barn, area, or parlor shall be constructed of concrete or other impervious material. The walls and ceilings shall be kept free from filth, and the floors shall be scraped daily. The facility shall be kept clean, the manure removed daily, and no swine, fowl, or other animals shall be permitted in any part of the milking barn, area, or parlor. Only articles necessary for the conduct of normal milking operations shall be kept in the milking barn, area, or parlor. A milking facility shall meet the following requirements:

(1) Sufficient space shall be provided for each dairy animal during the milking operation. If housed in the same area, the individual dairy animal should be able to lie down comfortably without being substantially in the gutter or alley. There shall not be overcrowding of the dairy animals;

(2) Maternity pens and calf, kid, and lamb pens, if provided, shall be properly maintained and cleaned regularly;

(3) Walls and ceilings shall be of solid and tight construction and in good repair;

(4) Only dairy animals shall be permitted in any part of the milking facility;

(5) The floors and gutters of the milking facility shall be constructed of concrete or other impervious material, graded to drain, and in good repair;

(6) The milking facility shall be well lighted and well ventilated to accommodate day or night milking;

(7) The milking facility shall be kept clean with walls and ceilings kept free of filth, cobwebs, and manure. The floor shall be scraped or washed after each milking and the manure stored to prevent access by dairy animals;

(8) Only articles directly related to the normal milking operation may be stored in the milking facility; and

(9) Feed storage rooms and silo areas should be partitioned from the milking facility.

Sec. 6. That section 2-3920, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3920. The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of water pools, and shall be kept clean. Manure piles shall not be accessible to the dairy animals. Swine shall not be allowed in the yard or loafing area.

Sec. 7. That section 2-3921, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3921. (1) The udders and teats of all milking cows dairy animals shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry or by any other sanitary method. The milker's clothing shall be cleaned clean and his or her hands clean and dry. Cows Dairy animals treated with antibiotics drugs shall be milked last and the milk excluded from the supply as required in subdivision (7) of section 2-3917.

(2) Milk stools, antikickers, and surcingles shall be kept

clean and properly stored. Dusty hay ~~should~~ shall not be fed in the milking quarters facility immediately before milking. Strong flavored feeds should not be fed before milking.

~~(3) Animal drugs shall be properly labeled and stored in a manner which will not contaminate the milk or equipment used in the handling of milk. Proper labeling shall include the name and address of the manufacturer, distributor, or veterinary practitioner dispensing the product, directions for use, and cautionary statements if needed. Drugs shall be stored in such manner that they cannot contaminate the milk or dairy products or milk contact areas. Unapproved or improperly labeled drugs shall not be used to treat dairy animals and shall not be stored in the barn or milking facility. Drugs intended for the treatment of nonlactating dairy animals shall be segregated from drugs used for lactating dairy animals. All drugs shall be properly labeled to include:~~

~~(a) The name and address of the manufacturer or distributor for drugs or veterinary practitioners dispensing the product for prescription and extra-labeling use drugs;~~

~~(b) The established name of the active ingredient, or if formulated from more than one ingredient, the established name of each ingredient;~~

~~(c) Directions for use, including the class or species or identification of the animals, and the dosage, frequency, route of administration, and duration of therapy;~~

~~(d) Any cautionary statements; and~~

~~(e) The specified withdrawal or discard time for meat, milk, eggs, or any food which might be derived from the treated animal.~~

Sec. 8. That section 2-3922, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3922. Milk in farm bulk tanks shall be cooled to forty degrees Fahrenheit or lower within two hours after milking and maintained at fifty degrees Fahrenheit or lower until transferred to the transport tank. Milk offered for sale for manufacturing purposes shall be in a farm bulk tank that meets all 3-A sanitary standards.

Sec. 9. That section 2-3923, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~2-3923. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk in farm bulk tanks. It shall not be used for any other purpose. Adequate facilities for washing and storing milking equipment shall be provided either in the milkhouse or milkroom or in a nearby enclosed facility. Where C I P equipment is used, hot and cold running water shall be provided in the milkhouse or milkroom. On and after October 1, 1989, all new producers issued permits under the Nebraska Manufacturing Milk Act shall be required to provide hot and cold running water in the milkhouse or milkroom.~~

~~Any C I P equipment installed after April 24, 1980, shall be provided with hot and cold running water under pressure. If the milkhouse or milkroom is a part of the barn or other building, it shall be~~

partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor in operation on April 24, 1980, and used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged, and maintained, need not be partitioned. All milkhouses or milkrooms newly constructed or extensively remodeled after April 24, 1980, shall be separated from the milking barn or milking parlor by a partition and shall be ceiled and screened to prevent the entrance of dust, flies, and other contamination. Concentrates, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. All outside doors shall be self-closing. No animals shall be allowed in the milkhouse or milkroom.

The farm bulk tank shall be properly located in the milkhouse for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhose connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading. The milkhouse or milkroom shall meet the following requirements:

(1) Adequate natural or artificial lighting shall be provided for conducting milkhouse or milkroom operations. Light fixtures shall not be installed directly above farm bulk milk tanks in areas where milk is drained or in areas where equipment is washed or stored. A minimum of thirty footcandles of light intensity shall be provided where the equipment is washed. All artificial lighting shall be from permanent fixtures;

(2) Adequate ventilation shall be provided to prevent odors and condensation on walls and ceilings;

(3) The milkhouse or milkroom shall be used for no other purpose;

(4) Adequate facilities for washing and storing milking equipment shall be provided in the milkhouse or milkroom. Only C-I-P equipment shall be stored in the milking area or milking parlor. Hot and cold running water under pressure shall be provided in the milkhouse or milkroom;

(5) If the milkhouse or milkroom is part of the milking facility or other building, it shall be partitioned and sealed to prevent the entrance of dust, flies, or other contamination. Walls, floors, and ceilings shall be kept clean and in good repair;

(6) Feed concentrates, if stored in the building, shall be kept in a tightly covered box or bin;

(7) The floor of the building shall be of concrete or other impervious material and graded to provide drainage;

(8) All doors in the milkhouse or milkroom shall be

self-closing. Outer screen doors shall open outward and be maintained in good repair;

(9) No animals shall be allowed in the milkhouse or milkroom;

(10) A farm bulk tank shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator or a light fixture;

(11) A suitable hoseport opening shall be provided in the milkhouse or milkroom for hose connections and the hoseport shall be fitted with a tight-fitting door which shall be kept closed except when the port is in use. An easily cleanable surface shall be constructed under the hoseport adjacent to the outside wall sufficiently large enough to protect the milkhose from contamination;

(12) The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at the point of loading. It shall not pass through any livestock holding area;

(13) All windows, if designed to be opened, shall be adequately screened;

(14) Surroundings shall be neat, clean, and free of harborage and pooled water; and

(15) Handwashing facilities shall be provided which shall include soap, single-service towels, running water under pressure, a sink, and a covered refuse container.

Sec. 10. That section 2-3924, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3924. Utensils, milk cans, milking machines, including pipeline systems, and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. New or replacement can lids shall be umbrella type. All new utensils, new farm bulk tanks, and equipment shall meet 3-A sanitary standards in effect on July 1, 1986 ~~1993~~, and comply with applicable rules and regulations of the department.

Sec. 11. That section 2-3925, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3925. The dairy farm water supply shall be safe, clean, and ample for the cleaning of dairy utensils and equipment. The water supply shall meet the bacteriological standards established by the Department of Health at all times. Water samples shall be taken, analyzed, and found to be in compliance with the requirements of the Nebraska Manufacturing Milk Act prior to the issuance of a license permit to the producer and whenever any major change to the well or water source occurs. Wells or water sources which do not meet the construction standards of the Department of Health shall be tested annually, and wells which do meet the construction standards of the

Department of Health shall be tested every three years. Whenever major alterations or repairs occur or a ~~contaminated water source or well cannot be readily corrected~~ water source repeatedly recontaminates, the water supply shall be unacceptable until such time as the construction standards are met and an acceptable supply is demonstrated. On and after October 1, 1989, all new producers issued permits under the Nebraska Manufacturing Milk Act shall be required to meet the construction standards established by the Department of Health for private water supplies.

Sec. 12. That section 2-3927, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3927. (1) The dairy plant building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(2) All openings to the outer air including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust, and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows should be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans, or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction, window sills shall be slanted downward at approximately a forty-five degree angle.

(3) The walls, ceilings, partitions, and posts of rooms in which milk or dairy products are processed, manufactured, handled, packaged, or stored, except dry storage of packaged finished products and supplies, or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. For easier cleaning, new construction shall have rounded cove at the juncture of the wall and floor in all receiving, pasteurizing, manufacturing, packaging, and storage rooms.

(4) The floors of all rooms in which milk or dairy products are processed, manufactured, packaged, or stored in or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, and graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction, bell and standpipe type traps shall not be used. The plumbing shall be so installed as to prevent the backup of sewage into the drain lines and to the floor of the plant. Cold storage rooms used for storage of product and starter rooms shall be provided

with floor drains if the floor is sloped to drain to an exit. Sound, smooth, wood floors which can be kept clean may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(5) Light shall be ample, natural or artificial, or both, of good quality, and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least thirty footcandles of light intensity on all working surfaces. Rooms where dairy products are graded or examined for condition and quality shall have at least fifty footcandles of light intensity on the working surface. Restrooms and locker rooms shall have at least thirty footcandles of light intensity. In all other rooms there shall be provided at least five footcandles of light intensity when measured at a distance of thirty inches from the floor. Where contamination of product by broken glass is possible, light bulbs and fluorescent tubes shall be protected against breakage.

(6) There shall be adequate heating, ventilation, or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods, or temperature and humidity control equipment shall be provided where and when needed, to minimize or control room temperatures, eliminate objectionable odors, and aid in prevention of moisture condensation and mold. Inlet fans shall be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self-closing louvers to prevent the entrance of insects when not in use.

(7) Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged, or stored shall be so designed, constructed, and maintained as to assure desirable room temperatures and clean and orderly operation conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms, when present, shall be separated from the processing rooms by a wall. Processing rooms shall be kept free from equipment and materials not regularly used.

(8) Coolers and freezers where dairy products are stored shall be clean, reasonably dry, and maintained at the proper uniform temperature and humidity to adequately protect the product; and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(9) The supply rooms or areas used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold, and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous material and so arranged on racks, shelves, or pallets as to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning

compounds, and other nonfood products shall be properly labeled and segregated and stored in a separate room or cabinet away from milk, dairy products, ingredients, or packaging supplies.

(10) The boiler and shop rooms shall be separated from other rooms where milk and dairy products are processed, manufactured, packaged, handled, or stored. Shop rooms or areas shall be kept orderly and reasonably free from dust and dirt.

(11) Adequate toilet and dressing room facilities shall be conveniently located. Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged, or stored, and doors shall be self-closing. Ventilation shall be provided by mechanical means to the outer air, and fixtures shall be kept clean and in good repair. All employees shall be furnished with a locker or other suitable facility, and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities and self-closing refuse containers shall be provided. Legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(12) Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. The laboratory shall be located reasonably close to the processing activity and be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products. An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay. Adequate facilities shall be provided for the handling of starter cultures. The facilities shall not be located near areas where contamination is likely to occur.

(13) When eating areas are provided, they shall be kept clean and orderly; and shall not open directly into any room in which milk or dairy products are stored, processed, manufactured, or packaged, and signs shall be posted directing employees to wash their hands before returning to work. These areas shall contain self-closing refuse containers.

Sec. 13. That section 2-3928, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3928. (1) At the dairy plant and the receiving station, there shall be an ample supply of both hot and cold water of safe and sanitary quality with adequate facilities for its proper distribution throughout the plant and protected against contamination. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water ~~provided that~~ so long as such water lines are completely separated from the water lines carrying the sanitary water supply and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross-connection between potable water lines and nonpotable water lines or between public and private water supplies. Bacteriological

examinations shall be made of the plant's sanitary water supply which shall include water extracted from milk and cooling water taken at the plant at least twice a each year. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) The location, construction, and operation of any well shall comply with rules and regulations of the Department of Health.

(3) Drinking water facilities of a sanitary type shall be provided in the plant and should be conveniently located.

(4) Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single-service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Containers shall be provided for used towels and other wastes. The containers may be metal or plastic, may be disposable or reusable, and shall have self-closing covers.

(5) Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only those boiler water additives approved by the department shall be used, or a secondary steam generator shall be used, in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers, and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for Producing Culinary Steam for Processing Milk and Milk Products as published by the National Association of Food and Dairy Equipment Manufacturers on July 1, ~~1988~~ 1993.

(6) The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surfaces shall comply with the 3-A Accepted Practices for Supplying Air Under Pressure in effect July 1, ~~1986~~ 1993.

(7) Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight-fitting lids. Waste shall be stored in an area or room in a manner to protect it from flies and vermin. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry wastepaper and cardboard shall be kept to a minimum and disposed of in a manner that is environmentally acceptable.

Sec. 14. That section 2-3929, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:



2-3929. (1) Dairy plant equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable when necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings, or any specialized equipment shall be constructed of stainless steel, or other materials which under conditions of intended use are as equally corrosion resistant. Nonmetallic parts other than glass having product contact surfaces shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials in effect July 1, ~~1986~~ 1993. Equipment and utensils used for cleaning shall be in an acceptable condition, such as not rusty, pitted, or corroded. All equipment and piping shall be designed and installed so as to be easily accessible for cleaning and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes, except certain piping cleaned-in-place, or fittings, including valves and connections, shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place. All C-I-P systems shall comply with the 3-A Accepted Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems in effect July 1, ~~1986~~ 1993.

(2) Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator, and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil, or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be easily cleaned and shall be so designed that moisture or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3-A Accepted Practices for Supplying Air Under Pressure in effect July 1, ~~1986~~ 1993. Storage tanks or vats intended to hold product for longer than approximately eight hours shall be equipped with adequate insulation. New or replacement storage tanks or vats shall comply with the appropriate 3-A Sanitary Standards for Storage Tanks for Milk and Milk Products in effect July 1, ~~1986~~ 1993, and shall be equipped with thermometers in good operating order.

(3) All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(4) Coil and dome type batch pasteurizers shall be stainless steel lined, and if the coil is not stainless steel or other equally noncorrosive metal, it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft end of coil vats shall be of the

removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel, except that any nonmetallic parts shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials in effect July 1, ~~1986~~ 1993, as applicable. Each pasteurizer used for heating product at a temperature of five degrees Fahrenheit or more above the minimum pasteurization temperature need not have the airspace heater. It shall be equipped with an airspace thermometer to insure a temperature at least five degrees Fahrenheit above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(5) When pasteurization is intended or required, the entire pasteurization system shall comply with the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High Temperature Short Time Pasteurizers in effect July 1, ~~1986~~ 1993. After the unit has been tested according to the 3-A accepted practices in effect July 1, ~~1986~~ 1993, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. The system shall be rechecked semiannually to assure continued compliance with the 3-A accepted practices in effect July 1, ~~1986~~ 1993. Sealing and rechecking of the unit shall be performed by the department. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(6) Recorder charts shall be marked to show date and plant identification, reading of the indicating thermometer at a particular referenced reading point on the recording chart, amount and name of product, product temperature at which the cut in and cut out function, record of the period in which flow diversion valve is in forward-flow position, ~~and~~ signature or initials of operators, and number of the chart for the day.

(7) Pumps used for milk and dairy products shall be of the sanitary type and constructed to comply with 3-A Sanitary Standards for Pumps for Milk and Milk Products in effect July 1, ~~1986~~ 1993. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(8) New equipment and replacements, including all plastic parts and rubber and rubber-like material for parts and gaskets having product contact surfaces, shall comply with 3-A sanitary standards in effect July 1, ~~1986~~ 1993. If 3-A sanitary standards are not available, such equipment and replacements shall meet the general requirements of this section. Only material that is sanitary, readily cleanable, and nontoxic shall be used for product contact surfaces, parts, and gaskets.

Sec. 15. That section 2-3930, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

2-3930. (1) It shall be unlawful for any person to engage in business as a milk producer, hauler-sampler, dairy plant, cream station, or transfer station unless such person fully complies with the licensing permit requirements set forth in subsections (2) through (5) of this section.

(2) Except as provided in subsection (5) of this section, all persons engaged in a business listed under subsection (1) of this section must obtain an annual license permit from the department, which license permit shall expire on July 31 of the year following issuance. Licenses Permits shall be issued only following an inspection revealing that the applicant is in compliance with the Nebraska Manufacturing Milk Act. Applicants for a license permit shall submit a written application to the department on forms prescribed by the department and shall pay the annual license permit fees set forth in subsection (3) of this section.

(3) The department shall charge the following license permit fees:

- (a) Dairy Plant ..... \$100.00
- (b) Transfer station ..... 50.00
- (c) Hauler-sampler ..... 25.00
- (d) Cream station ..... 25.00
- (e) Producer ..... 35.00.

(4) All license permit fees paid to the department in accordance with the Nebraska Manufacturing Milk Act shall be paid to the state treasury and shall be credited by the State Treasurer to the Manufacturing Milk Cash Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering such act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

(5) ~~Individuals licensed as~~ A person with a milk haulers hauler permit under the Nebraska Pasteurized Milk Law shall not be required to be licensed have a permit or to pay fees as haulers-samplers a hauler-sampler under this section. However, such person shall meet all requirements set forth in the Nebraska Pasteurized Milk Law for the hauling and sampling of milk for manufacturing purposes, and his or her permit issued under the Nebraska Pasteurized Milk Law shall be deemed valid as a manufacturing milk hauler-sampler permit. All procedures relating to suspending or revoking such permit shall be conducted pursuant to the Nebraska Pasteurized Milk Law. A person who is pursuing the normal duties of a hauler-sampler after July 1, 1993, without applying for a permit shall be assessed an additional one-hundred-dollar fee for the permit.

(6) The ~~thirty-five dollar~~ thirty-five-dollar fee for producer permits shall be paid for by the dairy plant purchasing the producer's milk. The fee shall be paid prior to the issuance of new permits and before milk may be accepted by the dairy plant. The dairy plant shall pay the renewal fee of thirty-five dollars as provided in this section.

(7) The department may impose a penalty in addition to the license permit fees due for any such fees that are more than one month delinquent. Such penalty may not exceed ten percent of the total fee for each month or portion of a month of delinquency.

Sec. 16. That section 2-3931, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3931. Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form shall be prohibited ~~in rooms and compartments where milk or dairy products are unpacked or exposed~~ except in designated smoking areas. Clean white or light-colored washable outer garments and caps, paper caps, or hairnets; shall be worn by all persons engaged in handling milk or dairy products. If a person engaged in handling milk or dairy products has a beard, such person shall wear a beardnet.

Sec. 17. That section 2-3934, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3934. Bulk milk transport tanks shall be stainless steel lined and so constructed that the lining will not buckle, sag, or prevent complete drainage. All milk contact surfaces shall be smooth, easily cleaned, and maintained in good repair. The pump and hose cabinet shall be fully enclosed and have tight-fitting doors. New and replacement transport tanks shall meet standards established by rules and regulations of the department.

Milk shall be transferred from farm bulk tanks to transport tanks through stainless steel piping or approved tubing under sanitary conditions. This sanitary piping and tubing shall be capped when not in use.

A covered or enclosed washing dock and other facilities shall be available for all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use, ~~;~~ PROVIDED, except that if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use.

Sec. 18. That section 2-3935, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3935. When milk and milk products pasteurization is intended or required; or when a product is designated pasteurized, pasteurization shall be accomplished by heating every particle of milk or skim milk to a temperature of not less than one hundred forty-five degrees Fahrenheit and cream and other milk products to at least one hundred fifty degrees Fahrenheit and ice cream mix to at least one hundred fifty-five degrees Fahrenheit and holding them at those temperatures continuously for not less than thirty minutes, or milk or skim milk to a temperature of one hundred sixty-one degrees Fahrenheit and cream and

other milk products to at least one hundred sixty-six degrees Fahrenheit for not less than fifteen seconds, and ice cream mix to at least one hundred seventy-five degrees Fahrenheit for not less than twenty-five seconds, or by any other combination of temperature and time giving equivalent results.

Cream for buttermaking shall be pasteurized at a temperature of not less than one hundred sixty-five degrees Fahrenheit and held continuously in a vat at such temperature for not less than thirty minutes, or at a temperature of not less than one hundred eighty-five degrees Fahrenheit for not less than fifteen seconds, or any other temperature and holding time approved by the director that will assure pasteurization and comparable keeping-quality characteristics. If the vat method of pasteurization is used, vat covers shall be kept closed during the holding and cooling periods. The vat shall meet the requirements set out in subsection (4) of section 2-3929.

Sec. 19. That section 2-3937, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3937. Dairy products shall be packaged in commercially acceptable containers or packaging material that will protect the quality of the contents in regular channels of trade. Prior to use packaging materials shall be protected against dust, mold, and other possible contamination.

Commercial bulk shipping containers for dairy products shall be legibly marked with the name of the product, net weight or content, name and address of processor, manufacturer, or distributor, and plant ~~license~~ code number. Consumer-packaged products shall be legibly marked with the name of the product, net weight or content, plant code number, and name and address of the packer or distributor.

Sec. 20. That section 2-3938, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3938. The director may suspend a license permit for a definite period of time or place on probation the holder of a license permit upon evidence of violation by the holder of any of the terms of the Nebraska Manufacturing Milk Act or for interference with the director in the performance of his or her duties. The imposition of a suspension or probation shall require corrective action by the holder to the satisfaction of the department in order to have such suspension or probation removed.

The director may revoke a license permit for serious, multiple, or repeated violations including interference with the director in the performance of his or her duties.

The director shall, before revoking a license permit or placing the holder of such license permit on probation for violation of the terms of the Nebraska Manufacturing Milk Act, give at least ten days' notice in writing containing a statement of the alleged violation and the time and place of such hearing. The notice may be served by delivery of a copy personally to the licensee permitholder or by mailing a copy to the last-known business address of the licensee permitholder. The hearing shall be conducted by the director or by a qualified employee of the department designated by the director as hearing officer. The parties may

appear in person or by counsel. The licensee permitholder shall be afforded a full hearing on the charges contained in the notice of hearing. All testimony shall be upon oath or affirmation, subject to cross-examination, and shall be reported verbatim and made a part of the record. The common-law rules of evidence shall not apply, but evidence which is immaterial, irrelevant, or unduly repetitious or which is not of a sort upon which persons are accustomed to rely shall be excluded. The director within a reasonable time after the hearing shall, upon the basis of the record made at the hearing, issue findings of fact, conclusions, and an order.

A decision of the director revoking a license permit may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 21. That section 2-3939, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3939. (1) The director shall enforce the Nebraska Manufacturing Milk Act. He or she shall have the power to:

(a) Adopt, promulgate, and publish in accordance with the procedure defined in the Administrative Procedure Act reasonable rules and regulations for the interpretation, administration, and enforcement of the Nebraska Manufacturing Milk Act, and not inconsistent therewith, relating to the establishment of minimum standards for milk for manufacturing purposes and its production and processing, including, but not necessarily limited to, the production, transportation, handling, grading, processing, packaging, labeling, and storage of milk and milk products, rules of practice governing hearings, procedures for certification of ~~licensed facilities~~ a milking facility or dairy plant for which a permit is held and personnel thereof, inspection of milking facilities or dairy plants and the records and reports required of licensees permitholders, and rules governing the rejection and exclusion of milk unfit for manufacturing purposes, except that such rules and regulations shall not impede or prevent the free flow of wholesome manufactured milk, in raw or in product form, in interstate commerce; ~~—So far as applicable, the director shall adopt official methods, standard methods, and 3-A sanitary standards as defined in section 2-3914;~~

(b) Administer oaths and affirmations, certify all official acts, and issue subpoenas for the production of witnesses or of documents in connection with any investigation or proceeding under the Nebraska Manufacturing Milk Act; and

(c) Whenever he or she has reason to believe that any licensee permitholder may be in possession of information relevant to an investigation by him or her of suspected violations of the Nebraska Manufacturing Milk Act or any rules and regulations adopted and promulgated thereunder, to require such person to file with him or her in such form as he or she may prescribe special reports or answers in writing to specific questions, furnishing such information. Any person who ~~shall~~ fails without lawful cause to file such reports or answers within a reasonable period of time fixed by the director or who ~~shall~~ willfully

~~make or cause~~ makes or causes to be made a false statement in any such reports or answers in writing shall be guilty of a Class V misdemeanor.

(2) The department may temporarily waive any of the requirements of the Nebraska Manufacturing Milk Act when emergency conditions necessitate such action or when such a waiver would be in the public interest.

Sec. 22. That section 2-3940, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3940. (1) The premises, facilities, equipment, and practices of each licensee permitholder under the Nebraska Manufacturing Milk Act may be inspected by the department at any time and each licensed producer holding a permit shall be inspected at least ~~once~~ twice a year to determine whether such act is being complied with or whether legal or administrative measures need to be employed to bring about appropriate compliance. ~~New producers shall be inspected by the department within two weeks after receipt by the department of the application and inspection results submitted by the responsible fieldman.~~

(2) All inspections shall be recorded on forms prescribed by the department. The original form shall be posted on the premises inspected, and one copy shall be filed with the department.

Sec. 23. That section 2-3941, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3941. (1) Each plant or any other person purchasing raw milk for manufacturing purposes from producers licensed holding a permit under the Nebraska Manufacturing Milk Act shall employ, contract with, or otherwise provide for the services of a competent and qualified fieldman who shall be responsible for:

(a) Informing new producers about the requirements of dairy farm sanitation;

~~(b) Initial approval of new producers;~~

~~(c) Submitting applications and water samples on new producers;~~

~~(d) Notifying the department of all transfer producers within five days after they first provide milk to the plant;~~

(e) ~~(b)~~ Special inspections or duties upon request of the department; and

~~(f)~~ (c) Advising the department of any circumstances that could be of public health significance.

In carrying out their duties and responsibilities under the Nebraska Manufacturing Milk Act, fieldmen shall perform the duties in the manner prescribed by the department.

(2) As a condition precedent to performing services as a fieldman, each individual desiring to so act shall obtain an annual fieldman's license permit from the department, which license permit shall expire on July 31 of the year following issuance. A fieldman's license permit shall be issued after a proper application has been made to the department accompanied by the license permit fee of twenty-five dollars and, for the initial applicant or a person whose fieldman's

license permit has been previously revoked, after the fieldman has demonstrated his or her competence and qualifications to the department in the manner set out in subsection (3) of this section.

(3) Applicants for a fieldman's license permit shall demonstrate competence in evaluating and insuring the sanitary methods for producing and handling milk by passing an examination required by the department and successfully completing a training course prescribed by the department.

(4) The department may require fieldmen to annually maintain their level of competence by attending and participating in seminars or other educational activities arranged for by the department. Such activities arranged for by the department may be conducted with the assistance of the University of Nebraska. When such activities are required, the department may charge a fee to defray the expenses incurred, which fee may not exceed fifty dollars or the actual per person cost in conducting the seminar or program, whichever is less.

(5) The director may suspend a fieldman's license permit or place on probation the holder of such license permit upon evidence of violation by the holder of any of the terms of this section or for interference with the department in the enforcement of the Nebraska Manufacturing Milk Act. The imposition of a suspension or probation shall require corrective action by the holder to the satisfaction of the department in order to have such suspension or probation removed. The department shall be authorized, after due notice and an opportunity for a hearing, to revoke a fieldman's license permit for violation by the holder of the Nebraska Manufacturing Milk Act or the rules and regulations adopted and promulgated pursuant to such act, for failing to fully and properly carry out the duties of a fieldman as prescribed, or for failing to maintain the qualifications and level of competence required of a fieldman.

(6) No plant may operate at any time without the services of a licensed fieldman holding such required permit.

Sec. 24. That section 2-3942, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3942. (1) The director or his or her duly authorized agent shall have access during regular business hours to any licensed milking facility or dairy plant for which a permit is held in which milk is used or stored for use in the manufacture, processing, packaging, or storage of manufactured milk products or to enter any vehicle being used to transport or hold such milk or manufactured milk products for the purpose of inspection and to secure specimens or samples of any milk or milk product after paying or offering to pay for such sample or specimen. The director may analyze and inspect samples of raw milk and dairy products.

(2) The director or his or her duly authorized agent shall have access during regular business hours to the books and records of any licensee permit holder under the Nebraska Manufacturing Milk Act; when such access is necessary to properly administer and enforce such act.



Sec. 25. That section 2-3945, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3945. Any person or licensee permitholder violating the Nebraska Manufacturing Milk Act, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director in performance of his or her duties in connection with the enforcement of such act or the rules and regulations adopted and promulgated by the department, shall be guilty of a Class V misdemeanor.

It shall be the duty of the county attorney of the county in which any violation occurs or is about to occur, when notified by the department of such violation or threatened violation, to pursue appropriate proceedings pursuant to section 2-3943 or this section without delay.

Sec. 26. That original sections 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3919 to 2-3925, 2-3927 to 2-3931, 2-3934, 2-3935, 2-3937, 2-3938 to 2-3942, and 2-3945, Reissue Revised Statutes of Nebraska, 1943, are repealed.