

BILL ANALYSIS

Senate Research Center
85R1052 KKR-F

S.B. 95
By: Hall
Health & Human Services
4/27/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Raw milk is a natural dairy product that is neither pasteurized nor homogenized. It retains all natural enzymes, fatty acids, vitamins, and minerals, making it a popular choice for individuals seeking a diet of unprocessed foods.

Texas law currently allows for the sale and purchase of raw milk. Producers are licensed, inspected, required to test their milk every six weeks, and must follow all production and storage regulations as mandated by the state and the United States Department of Agriculture. Even so, producers may only sell their product on the producer's farm. Consumers must drive to the farm for pick up.

Recent raids by local county health officials in Dallas and Austin on individuals who have attempted to purchase raw milk from a dairy and have it delivered by a courier highlight the need for regulatory change.

S.B. 95 allows for the sale of raw mlk at the dairy, a consumer's residence, or a farmers' market, requires labeling of raw milk, and specifies the requirements for storage, handling, and transporting raw milk. S.B. 95 expressly permits the producer to contract with another person to transport and deliver raw milk and raw milk products.

S.B. 95 is likely to be opposed by local county health departments and large dairy producers who are not in the raw milk market.

As proposed, S.B. 95 amends current law relating to the regulation of raw milk and raw milk products and adds a provision subject to a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 435.0063, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 435, Health and Safety Code, by adding Sections 435.0061, 435.0062, and 435.0063, as follows:

Sec. 435.0061. RAW MILK AND RAW MILK PRODUCTS FOR RETAIL SALE. (a) Provides that this section does not authorize the sale of raw milk and raw milk products in certain situations.

(b) Authorizes a permit holder who is authorized to sell raw milk or raw milk products at retail to make retail sales of raw milk or raw milk products directly to a consumer at certain places.

(c) Requires raw milk and raw milk products to be maintained in compliance with Section 436.0063.

(d) Requires a person selling raw milk or raw milk products to affix to individual raw milk or raw milk product containers a label that includes certain information. Sets forth the language required on the label.

Sec. 435.0062. AVAILABILITY OF RECORDS ON RAW MILK TESTING. Requires the Department of State Health Services (DSHS) to provide a requestor with a record of test results from an inspection of raw milk or raw milk products conducted under Section 435.004 (Inspection of Milk and Milk Products by Department) or 435.005 (Inspection of Milk and Milk Products by Other Entities).

Sec. 435.0063. STORING, HANDLING, AND TRANSPORTING RAW MILK AND RAW MILK PRODUCTS FOR RETAIL SALE. (a) Requires the executive commissioner of the Health and Human Services Commission to adopt rules for the safe storing, handling, and transporting of raw milk and raw milk products for sale.

(b) Requires raw milk and raw milk products produced for retail sale to meet certain requirements.

(c) Requires raw milk and raw milk products being transported for delivery to meet certain requirements.

(d) Prohibits DSHS or a local health authority from mandating the specific method for complying with a temperature requirement.

(e) Authorizes a producer to contract with another person to transport and deliver raw milk and raw milk products. Provides that the producer is jointly and severally liable for transport and delivery of raw milk and raw milk products not conducted in accordance with this chapter and DSHS rules.

SECTION 2. Effective date: September 1, 2017.