IOWA HOUSE REPUBLICANS

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	Senate File 315	House Committee:	**PASSED** March 10 (13-10)
Committee:	State Government	House Floor:	
Floor Manager:	Rep. Kaufmann	Senate Floor:	**PASSED** March 22 (36-14)
Date:	April 12, 2023	Governor:	
Staff:	Jason Covey (1-3626)		

Raw Milk

- Allows for the sale of raw milk, raw milk products, and raw milk dairy products from producers on a raw milk dairy with no more than 10 dairy animals.
- Producers are required to test monthly to determine coliform count and standard plate count of dairy animals. An annual physical with blood tests shall be conducted by a licensed veterinarian.
- Raw milk and associated products are not allowed to be used for retail food processing or home-based goods.
- With a signed affidavit from a licensed physician who believe an individual became ill as a direct result of raw milk, HHS or a local board of health may demand the test records of the raw milk dairy from the previous 3 years.

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Section by Section Analysis

Section 1 – Raw milk – associated products (Iowa Code 135.16B)
New section – Allows HHS to demand a raw milk producer to provide all records of tests to determine coliform count and standard plate count of dairy animals maintained at the raw milk dairy required.

Section 2 – Local boards of health — powers and duties (Iowa Code 137.104(2)(e))
New paragraph - Allows local boards of health to demand a raw milk producer to provide all records of tests to determine coliform count and standard plate count of dairy animals maintained at the raw milk dairy required.

Section 3 – Raw milk – associated products (Iowa Code 137D.2A)
New section – Prohibits home food processing establishments from advertising, sell or distribute or use raw milk or raw milk dairy product.

Section 4 – Definitions (Iowa Code 137F.1(9))
Precludes the premises of a raw milk dairy as a "food establishment" in code chapter on food establishments and food processing plants.

Section 5 – (Iowa Code 137F.1(10))
Precludes the premises of a raw milk dairy as a "food processing plant" in code chapter on food establishments and food processing plants.

Section 6 – Raw milk – associated products (Iowa Code 137F.8B)

New section – food establishments and farmers markets are prohibited from selling raw milk and using raw milk or raw milk products.

Section 7 – Additional duties (Iowa Code 159.6(6))
IDALS shall not regulate the production, processing, labeling, marketing, or distribution of raw milk, raw milk products, or raw milk dairy products.

Section 8 – Additional standards — milk and dairy products (Iowa Code 190.2(3))
New subsection – code section on additional milk and dairy standards does not apply to raw milk, raw milk products, and raw milk dairy products.

Section 9 – Dairy products and imitations (Iowa Code 191.2(5))
Conforming code changes to incorporate changes in this bill.

Section 10 – Raw milk and associated products (Iowa Code 191.2(5A))
Requires containers holding raw milk to be labeled according to section 20 of this bill.

Section 11 – Sale of grade "A" milk to final consumer — impoundment of adulterated or misbranded milk (Iowa Code 192.103(1,2))
Conforming code change to allow the sale of raw milk to the final consumer.

Section 12 – Raw milk dairies – exception (Iowa Code 194.22)
New section – code chapter on Grades of Milk does not apply to raw milk, raw milk products, or raw milk dairy products.

Section 13 – Definitions (Iowa Code 195.1)
New section - Adds definitions for newly created chapter on raw milk.

Section 14 – Conflicts with other law (Iowa Code 195.2)
New section - If there is a conflict in between the newly created raw milk chapter and the other chapters amended by this bill the chapter on raw milk shall prevail.

Section 15 – Exclusions (Iowa Code 195.3)
New section – the newly created raw milk chapter shall not apply to a bulk tanker, milk grader, milk hauler, milk plant, processing plant, diary plant, transfer station, or receiving station.

Section 16 – Rulemaking prohibited (Iowa Code 195.4)
New section – IDALS shall not adopt rules to administer or enforce this chapter.

Section 17 – General – election by raw milk producer (Iowa Code 195.5)
New section - A raw milk producer may elect to process, market, or distribute raw milk, raw milk product, or raw milk dairy product produced at the raw milk dairy.

Section 18 – Production and processing of raw milk (Iowa Code 195.6)
New section – Raw milk must be produced exclusively from dairy animals maintained at the raw milk dairy, the raw milk cannot be pasteurized or graded, and the raw milk must be processed in a manner to ensure the health and safety of persons consuming the raw milk or raw milk products.

Monthly test of every animal to determine the animal's coliform and standard plate count. The producer shall retain the records for at least 3 years.

Annual examination of every animal by a licensed veterinarian. Examinations shall include a blood test for common diseases that afflict the type of animal.

Section 19 – Distribution of raw milk or associated products (Iowa Code 195.7)
Orders must be taken and distributed at the raw milk dairy. At the raw milk dairy, the producer shall post the summary of the monthly test on coliform and standard plate counts.

Producers are not allowed to deliver raw milk to a retail food establishment and home food processing establishments.

Section 20 – Labeling containers holding raw milk or associated products (Iowa Code 195.8)
New section - Containers holding raw milk shall have a label stating that the milk has not been inspected or subject to the regulations of pasteurization and grading.

Section 21 – Enforcement actions (Iowa Code 195.9)
New section – HHS or a local board of health may demand all records of tests from a raw milk producer to determine the coliform and standard plate counts of the dairy animals. The demand requires on an affidavit signed by a licensed physician certifying their opinion that an individual contracted an illness as a direct result of consuming raw milk.

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Amendment Analysis

Requires raw milk producers to maintain records on bacteria tests and antibiotics. The "recognized bacteria count limit" is 10 colony units per milliliter for bacteria coliform count and 25,000 colony forming units per milliliter for a standard plate count. Producers are required to maintain records of all tests for 3 years.

Prohibits producers from processing or distributing raw milk that exceeds the recognized bacteria count limit or manufacture or distribute raw milk product that exceeds the bacteria limit.

If an animal is administered with antibiotics, the drug must be approved by the USFDA, stored in a closed, labeled container provided by the manufacturer, and stored and administered as directed by the manufacturer. Raw milk produced from the animal before the expiration of the waiting period shall not be used to process or distribute the raw milk or be manufactured or distributed for a raw milk product.

Raw milk must be sold within 7 days after being produced by the animal and stored at 45 degrees or lower.

Clarifies that when there are conflicts with other laws that in regards to the production and processing of raw milk this chapter prevails, but does not apply to the powers and duty of IDALS to control an infectious or contagious disease that may affect dairy animals in the state as long as raw milk producers are treated the same as other milk producers.