



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3157

Introduced 2/11/2014, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

410 ILCS 635/3  
410 ILCS 635/10

from Ch. 56 1/2, par. 2203  
from Ch. 56 1/2, par. 2210

Amends the Grade A Pasteurized Milk and Milk Products Act. Deletes definitions for "dairy farm" and "milk product". Deletes provisions that (1) establish testing protocols and (2) set forth a violation of the Act. Provides instead that the Department or a unit of local government electing to administer and enforce the Act has the responsibility to prevent the distribution of adulterated milk and milk products and to inform the public of adulterated milk and milk products already in commerce. Provides that in response to a confirmed foodborne outbreak or when a high risk of infection exists, the enforcing agency shall require pathogen testing to be performed on the implicated milk and milk products. Specifies that sample collection, examination standards, and enforcement with regard to the testing shall be conducted in accordance with the rules adopted under the Act and the Grade A Pasteurized Milk Ordinance.

LRB098 16192 RPM 55436 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Grade A Pasteurized Milk and Milk Products  
5 Act is amended by changing Sections 3 and 10 as follows:

6 (410 ILCS 635/3) (from Ch. 56 1/2, par. 2203)

7 Sec. 3. Definitions.

8 (a) As used in this Act "Grade A" means that milk and milk  
9 products are produced and processed in accordance with the  
10 current Grade A Pasteurized Milk Ordinance as adopted by the  
11 National Conference on Interstate Milk Shipments and the United  
12 States Public Health Service - Food and Drug Administration and  
13 all other applicable federal regulations. The term Grade A is  
14 applicable to "dairy farm", "milk hauler-sampler", "milk  
15 plant", "milk product", "receiving station", "transfer  
16 station", "milk tank truck", and "certified pasteurizer  
17 sealer" whenever used in this Act.

18 (b) Unless the context clearly indicates otherwise, terms  
19 have the meaning ascribed as follows:

20 (1) (Blank). ~~"Dairy farm" means any place or premise~~  
21 ~~where one or more cows or goats are kept, and from which a~~  
22 ~~part or all of the milk or milk products are provided,~~  
23 ~~sold, or offered for sale to a milk plant, transfer~~

1 ~~station, or receiving station.~~

2 (2) "Milk" means the milk of cows or goats and includes  
3 skim milk and cream.

4 (3) "Milk plant" means any place, premise, or  
5 establishment where milk or milk products are collected,  
6 handled, processed, stored, pasteurized, aseptically  
7 processed, bottled, or prepared for distribution.

8 (4) (Blank). ~~"Milk product" means any product~~  
9 ~~including cream, light cream, light whipping cream, heavy~~  
10 ~~cream, heavy whipping cream, whipped cream, whipped light~~  
11 ~~cream, sour cream, acidified light cream, cultured sour~~  
12 ~~cream, half and half, sour half and half, acidified sour~~  
13 ~~half and half, cultured half and half, reconstituted or~~  
14 ~~recombined milk and milk products, concentrated milk,~~  
15 ~~concentrated milk products, skim milk, lowfat milk, frozen~~  
16 ~~milk concentrate, eggnog, buttermilk, cultured milk,~~  
17 ~~cultured lowfat milk or skim milk, cottage cheese, yogurt,~~  
18 ~~lowfat yogurt, nonfat yogurt, acidified milk, acidified~~  
19 ~~lowfat milk or skim milk, low sodium milk, low sodium~~  
20 ~~lowfat milk, low sodium skim milk, lactose reduced milk,~~  
21 ~~lactose reduced lowfat milk, lactose reduced skim milk,~~  
22 ~~aseptically processed and packaged milk and milk products,~~  
23 ~~and milk, lowfat milk or skim milk with added safe and~~  
24 ~~suitable microbial organisms.~~

25 (5) "Receiving station" means any place, premise, or  
26 establishment where raw milk is received, collected,

1 handled, stored or cooled and prepared for further  
2 transporting.

3 (6) "Transfer station" means any place, premise, or  
4 establishment where milk or milk products are transferred  
5 directly from one milk tank truck to another.

6 (7) "Department" means the Illinois Department of  
7 Public Health.

8 (8) "Director" means the Director of the Illinois  
9 Department of Public Health.

10 (9) "Embargo or hold for investigation" means a  
11 detention or seizure designed to deny the use of milk or  
12 milk products which may be unwholesome or to prohibit the  
13 use of equipment which may result in contaminated or  
14 unwholesome milk or dairy products.

15 (10) "Imminent hazard to the public health" means any  
16 hazard to the public health when the evidence is sufficient  
17 to show that a product or practice, posing or contributing  
18 to a significant threat of danger to health, creates or may  
19 create a public health situation (1) that should be  
20 corrected immediately to prevent injury and (2) that should  
21 not be permitted to continue while a hearing or other  
22 formal proceeding is being held.

23 (11) "Person" means any individual, group of  
24 individuals, association, trust, partnership, corporation,  
25 person doing business under an assumed name, the State of  
26 Illinois, or any political subdivision or department

1           thereof, or any other entity.

2           (12) "Enforcing agency" means the Illinois Department  
3           of Public Health or a unit of local government electing to  
4           administer and enforce this Act as provided for in this  
5           Act.

6           (13) "Permit" means a document awarded to a person for  
7           compliance with the provisions of and under conditions set  
8           forth in this Act.

9           (14) "Milk hauler-sampler" means a person who is  
10          qualified and trained for the grading and sampling of raw  
11          milk in accordance with federal and State quality standards  
12          and procedures.

13          (15) "Cleaning and sanitizing facility" means any  
14          place, premise or establishment where milk tank trucks are  
15          cleaned and sanitized.

16          (16) "Milk tank truck" includes both a bulk pickup tank  
17          and a milk transport tank.

18                 (A) "Bulk milk pickup tank" means the tank, and  
19                 those appurtenances necessary for its use, used by a  
20                 milk hauler-sampler to transport bulk raw milk for  
21                 pasteurization from a dairy farm to a milk plant,  
22                 receiving station, or transfer station.

23                 (B) "Milk transport tank" means a vehicle,  
24                 including the truck and tank, used by a milk hauler to  
25                 transport bulk shipments of milk from a transfer  
26                 station, receiving station, or milk plant to another

1 transfer station, receiving station, or milk plant.

2 (17) "Certified pasteurizer sealer" means a person who  
3 has satisfactorily completed a course of instruction and  
4 has demonstrated the ability to satisfactorily conduct all  
5 pasteurization control tests, as required by rules adopted  
6 by the Department.

7 (Source: P.A. 97-135, eff. 7-14-11.)

8 (410 ILCS 635/10) (from Ch. 56 1/2, par. 2210)

9 Sec. 10. After proper identification, authorized  
10 representatives of the enforcing agency are authorized and  
11 shall have the power to enter, at reasonable times, all dairy  
12 farms, milk plants, cleaning and sanitizing facilities,  
13 receiving stations, transfer stations, or vehicles used to  
14 transport milk and milk products under its jurisdiction, for  
15 the purpose of inspecting, sampling, and investigating  
16 conditions relating to the enforcement of this Act and the  
17 rules and regulations promulgated hereunder.

18 The enforcing agency has the responsibility to prevent the  
19 distribution of adulterated milk and milk products and to  
20 inform the public of adulterated milk and milk products already  
21 in commerce. In response to a confirmed foodborne outbreak or  
22 when a high risk of infection exists, the enforcing agency  
23 shall require pathogen testing to be performed on the  
24 implicated milk and milk products. At least 4 times during  
25 every 6-month period, representatives of the enforcing agency

1 shall collect samples of milk from each milk plant for testing  
2 in accordance with the rules adopted under this Act and the  
3 Grade A Pasteurized Milk Ordinance. Examination standards and  
4 enforcement thereof shall be in accordance with the rules  
5 adopted under this Act and the Grade A Pasteurized Milk  
6 Ordinance. ~~The samples shall be tested for salmonella. If a~~  
7 ~~product tests unsatisfactorily, two more samples, each~~  
8 ~~obtained on separate days, shall be tested; if the average of~~  
9 ~~the 3 test results fails to meet the enforcing agency's~~  
10 ~~standards, the milk plant shall be in violation of this Act.~~

11 Written notice of all violations shall be given to the  
12 dairy farm, milk plant, cleaning and sanitizing facility,  
13 receiving or transfer station, milk hauler-sampler, milk tank  
14 truck, or certified pasteurizer sealer.

15 (Source: P.A. 92-216, eff. 1-1-02.)