
SENATE BILL 5962

State of Washington

54th Legislature

1995 Regular Session

By Senators Rasmussen and Newhouse

Read first time 02/17/95. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to dairy products; and amending RCW 15.36.111 and
2 15.36.121.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.36.111 and 1994 c 143 s 209 are each amended to
5 read as follows:

6 The director shall inspect all dairy farms and all milk processing
7 plants prior to issuance of a license under this chapter and at a
8 frequency determined by the director by rule: PROVIDED, That the
9 director may accept the results of periodic industry inspections of
10 producer dairies if such inspections have been officially checked
11 periodically and found satisfactory. In case the director discovers
12 the violation of any item of grade requirement, he or she shall make a
13 second inspection after a lapse of such time as he or she deems
14 necessary for the defect to be remedied, but not before the lapse of
15 three days, and the second inspection shall be used in determining
16 compliance with the grade requirements of this chapter. Any violation
17 of the same requirement of this chapter on such reinspection shall call
18 for immediate degrading or summary suspension of the license in
19 accordance with the requirements of chapter 34.05 RCW. In lieu of a

1 degrade or summary suspension, the director may assess a civil penalty
2 in accordance with rules adopted under this section. This civil
3 penalty shall be deemed an equivalent penalty with the pasteurized milk
4 ordinance and rules adopted under this section. All penalties received
5 or recovered from violations of this section shall be remitted monthly
6 by the violator's marketing organization to the Washington state dairy
7 products commission and deposited in a revolving fund to be used solely
8 for the purposes of education and research. No appropriation is
9 required for disbursement of this fund.

10 One copy of the inspection report detailing the grade requirement
11 violations shall be posted by the director in a conspicuous place upon
12 an inside wall of one of the dairy farm or milk processing plant
13 buildings, and said inspection report shall not be defaced or removed
14 by any person except the director. Another copy of the inspection
15 report shall be filed with the records of the director.

16 Every milk producer and distributor shall permit the director
17 access to all parts of the establishment during the working hours of
18 the producer or distributor, which shall at a minimum include the hours
19 from 8 a.m. to 5 p.m., and every distributor shall furnish the
20 director, upon his or her request, for official use only, samples of
21 any milk product for laboratory analysis, a true statement of the
22 actual quantities of milk and milk products of each grade purchased and
23 sold, together with a list of all sources, records of inspections and
24 tests, and recording thermometer charts.

25 **Sec. 2.** RCW 15.36.121 and 1994 c 143 s 210 are each amended to
26 read as follows:

27 Except as permitted in this section, no milk producer or
28 distributor shall transfer milk or milk products from one container to
29 another on the street, or in any vehicle, or store, or in any place
30 except a bottling or milk room especially used for that purpose.

31 Milk and milk products sold in the distributor's containers in
32 quantities (~~less than~~) of one gallon or less shall be delivered in
33 standard milk bottles or in single-service containers. It shall be
34 unlawful for hotels, soda fountains, restaurants, groceries, hospitals,
35 and similar establishments to sell or serve any milk or milk products
36 except in the individual original container in which it was received
37 from the distributor or from a bulk container equipped with an approved
38 dispensing device: PROVIDED, That this requirement shall not apply to

1 cream or milk consumed on the premises in serving sizes not to exceed
2 two hundred thirty-six milliliters or one-half pint, which may be
3 served from the original bottle or from a dispenser approved for such
4 service.

5 It shall be unlawful for any hotel, soda fountain, restaurant,
6 grocery, hospital, or similar establishment to sell or serve any milk
7 or milk product which has not been maintained, while in its possession,
8 at a temperature of forty-five degrees Fahrenheit or less. If milk or
9 milk products are stored in water for cooling, the pouring lip of the
10 container shall not be submerged.

11 It shall be the duty of all persons to whom milk or milk products
12 are delivered to clean thoroughly the containers in which such milk or
13 milk products are delivered before returning such containers.
14 Apparatus, containers, equipment, and utensils used in the handling,
15 storage, processing, or transporting of milk or milk products shall not
16 be used for any other purpose without the permission of the director.

17 The delivery of milk or milk products to and the collection of milk
18 or milk products containers from residences in which cases of
19 communicable disease transmissible through milk supplies exists shall
20 be subject to the special requirements of the health officer.

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