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HOUSE BILL 2598

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Moeller, Newhouse, Green, Schual-Berke, Curtis, Lovick, Appleton, Murray and Roberts

Read first time 01/11/2006. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to ensuring the safety of milk; amending RCW  
2 15.36.012; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the existing  
5 definition of "sale," as provided in chapter 15.36 RCW, includes  
6 arrangements, known as "cow shares," in which one or more individuals  
7 purchase one or more shares in a milk-producing animal in return for a  
8 portion of the milk that is produced. It is the intent of the  
9 legislature to clarify that the existing definition of "sale" includes  
10 these arrangements.

11 **Sec. 2.** RCW 15.36.012 and 1999 c 291 s 1 are each amended to read  
12 as follows:

13 ~~((For the purpose of this chapter:))~~ The definitions in this  
14 section apply throughout this chapter unless the context clearly  
15 requires otherwise.

16 (1) "Adulterated milk" means milk that is deemed adulterated under  
17 appendix L of the PMO.

1       (2) "Colostrum milk" means milk produced within ten days before or  
2 until practically colostrum free after parturition.

3       (3) "Cow share agreement" means an arrangement in which one or more  
4 individuals purchase one or more shares of a cow, goat, sheep, or other  
5 mammal in return for a portion of the milk produced by the animal.

6       (4) "DMO" means supplement I, the recommended sanitation ordinance  
7 for grade A condensed and dry milk products and condensed and dry whey,  
8 to the PMO published by the United States public health service, food  
9 and drug administration.

10       (5) "Dairy farm" means a place or premises where one or more cows,  
11 goats, or other mammals are kept, a part or all of the milk or milk  
12 products from which is sold or offered for sale to a milk processing  
13 plant, transfer station, or receiving station.

14       (6) "Dairy technician" means any person who takes samples of milk  
15 or cream or fluid derivatives thereof, on which sample tests are to be  
16 made as a basis of payment, or who grades, weighs, or measures milk or  
17 cream or the fluid derivatives thereof, the grade, weight, or measure  
18 to be used as a basis of payment, or who operates equipment wherein  
19 milk or products thereof are pasteurized.

20       (7) "Degrade" means the lowering in grade from grade A to grade C.

21       (8) "Department" means the state department of agriculture.

22       (9) "Director" means the director of agriculture of the state of  
23 Washington or the director's duly authorized representative.

24       (10) "Grade A milk processing plant" means any milk processing  
25 plant that meets all of the standards of the PMO to process grade A  
26 pasteurized milk or milk products.

27       (11) "Grade A pasteurized milk" means grade A raw milk that has  
28 been pasteurized.

29       (12) "Grade A raw milk" means raw milk produced upon dairy farms  
30 conforming with all of the items of sanitation contained in the PMO, in  
31 which the bacterial plate count does not exceed twenty thousand per  
32 milliliter and the coliform count does not exceed ten per milliliter as  
33 determined in accordance with RCW 15.36.201.

34       (13) "Grade A raw milk for pasteurization" means raw milk produced  
35 upon dairy farms conforming with all of the same items of sanitation  
36 contained in the PMO of grade A raw milk, and the bacterial plate  
37 count, as delivered from the farm, does not exceed eighty thousand per  
38 milliliter as determined in accordance with RCW 15.36.201.

1       (14) "Grade C milk" is milk that violates any of the requirements  
2 for grade A milk but that is not deemed to be adulterated.

3       (15) "Milk" means the lacteal secretion, practically free of  
4 colostrum, obtained by the complete milking of one or more healthy  
5 cows, goats, or other mammals.

6       (16) "Milk hauler" means a person who transports milk or milk  
7 products in bulk to or from a milk processing plant, receiving station,  
8 or transfer station.

9       (17) "Milk processing" means the handling, preparing, packaging, or  
10 processing of milk in any manner in preparation for sale as food, as  
11 defined in chapter 69.04 RCW. Milk processing does not include milking  
12 or producing milk on a dairy farm that is shipped to a milk processing  
13 plant for further processing.

14       (18) "Milk processing plant" means a place, premises, or  
15 establishment where milk or milk products are collected, handled,  
16 processed, stored, bottled, pasteurized, aseptically processed,  
17 bottled, or prepared for distribution, except an establishment that  
18 merely receives the processed milk products and serves them or sells  
19 them at retail.

20       (19) "Milk products" means the product of a milk manufacturing  
21 process.

22       (20) "Misbranded milk" means milk or milk products that carries a  
23 grade label unless such grade label has been awarded by the director  
24 and not revoked, or that fails to conform in any other respect with the  
25 statements on the label.

26       (21) "Official laboratory" means a biological, chemical, or  
27 physical laboratory that is under the direct supervision of the state  
28 or a local regulatory agency.

29       (22) "Officially designated laboratory" means a commercial  
30 laboratory authorized to do official work by the department, or a milk  
31 industry laboratory officially designated by the department for the  
32 examination of grade A raw milk for pasteurization and commingled milk  
33 tank truck samples of raw milk for antibiotic residues and bacterial  
34 limits.

35       (23) "PMO" means the grade "A" pasteurized milk ordinance published  
36 by the United States public health service, food and drug  
37 administration.

1       (24) "Pasteurized" means the process of heating every particle of  
2 milk or milk product in properly designed and operated equipment to the  
3 temperature and time standards specified in the PMO.

4       (25) "Person" means an individual, partnership, firm, corporation,  
5 company, trustee, or association.

6       (26) "Producer" means a person or organization who operates a dairy  
7 farm and provides, sells, or offers milk for sale to a milk processing  
8 plant, receiving station, or transfer station.

9       (27) "Receiving station" means a place, premises, or establishment  
10 where raw milk is received, collected, handled, stored, or cooled and  
11 prepared for further transporting.

12       (28) "Sale" means selling, offering for sale, holding for sale,  
13 preparing for sale, trading, bartering, offering a gift as an  
14 inducement for sale of, a cow share agreement, and advertising for sale  
15 in any media.

16       (29) "Transfer station" means any place, premises, or establishment  
17 where milk or milk products are transferred directly from one milk tank  
18 truck to another.

19       (30) "Wash station" means a place, facility, or establishment where  
20 milk tanker trucks are cleaned in accordance with the standards of the  
21 PMO.

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