

SENATE BILL No. 369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-2.1-2; IC 15-2.1-23-6.5; IC 15-2.1-23-17.

Synopsis: Milk and milk products. Makes technical changes in statutory definitions applicable to the Indiana state board of animal health. Authorizes the board to adopt administrative rules to define "milk" and "milk products". Authorizes the board to adopt administrative rules to establish and impose civil penalties for violations of laws that prohibit drug residues in milk and milk products. Establishes the dairy drug residue abatement fund. Requires civil penalties collected for milk drug residue violations to be deposited in the fund. Provides that money in the fund may be used to implement education and other programs designed to prevent drug residue violations. Appropriates money in the fund for these purposes.

Effective: July 1, 1998.

Jackman

January 8, 1998, read first time and referred to Committee on Agriculture and Small Business.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 369



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-2-9.2, AS ADDED BY P.L.137-1996,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 9.2. (a) "Bulk milk hauler" for purposes of
4 IC ~~15-2.1-22~~; means a person who does the following:

5 (1) ~~that~~ **that** collects raw fluid milk in bulk form ~~on a bulk milk route~~;
6 (2) ~~Transports the milk for transportation to a milk plant,~~
7 receiving station, or transfer station.

8 (b) "Bulk milk hauler" for the purposes of IC ~~15-2.1-23~~; means a
9 person who collects raw fluid milk in bulk form from at least one (1)
10 dairy farm for delivery to a receiving station or transfer station:

11 SECTION 2. IC 15-2.1-2-28.4, AS ADDED BY P.L.137-1996,
12 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 1998]: Sec. 28.4. "Milk" means the lacteal secretion
14 practically free from colostrum that ~~meets the following conditions~~:

15 (1) is obtained by the complete milking of healthy cows or goats;
16 (2) ~~Contains the following~~:

17 (A) Not less than eight and one-fourth percent (8 1/4%) milk



1 solids that are not fat.

2 (B) Not less than three and one-fourth percent (3 1/4%)
3 milkfat. **dairy animals and that meets a definition and**
4 **standard of identity for milk adopted by the board under**
5 **IC 4-22-2.**

6 SECTION 3. IC 15-2.1-2-28.9, AS ADDED BY P.L.137-1996,
7 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 1998]: Sec. 28.9. (a) "Milk products", for purposes of
9 IC 15-2.1-22, means all products other than milk that are derived or
10 produced from milk, either whole or in part. The term includes the
11 following:

- 12 (1) Homogenized milk.
13 (2) Lowfat milk.
14 (3) Skim or skimmed milk.
15 (4) Vitamin D milk and vitamin D milk products.
16 (5) Fortified milk and fortified milk products.
17 (6) Flavored milk and flavored milk products.
18 (7) Reconstituted or recombined milk and milk products.
19 (8) Concentrated milk and concentrated milk products.
20 (9) Half-and-half.
21 (10) Sour half-and-half or cultured half-and-half.
22 (11) Buttermilk.
23 (12) Cultured buttermilk.
24 (13) Cultured milk and cultured milk products.
25 (14) Acidified milk and acidified milk products.
26 (15) Cream class of food.
27 (16) Light cream, coffee cream, and table cream.
28 (17) Whipping cream class of food.
29 (18) Light whipping cream, heavy cream, and heavy whipping
30 cream.
31 (19) Whipped cream.
32 (20) Whipped light cream, coffee cream, or table cream.
33 (21) Sour cream or cultured sour cream.
34 (22) Eggnog.
35 (23) Evaporated or condensed milk or milk products.
36 (24) Dried or powdered milk and milk products.
37 (25) Cheese.
38 (26) Cottage cheese.
39 (27) Creamed cottage cheese.
40 (28) Lowfat creamed cottage cheese.
41 (29) Ice cream.
42 (30) Ice milk.



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- 1 (31) Sherbets.
 2 (32) Fruit ices.
 3 (33) Any other product of milk defined in rules adopted by the
 4 board.
 5 (b) "Milk products" for purposes of IC 15-2.1-23, means the
 6 application of those products designated by the rules of the board as:
 7 (1) being within IC 15-2.1-22 and IC 15-2.1-23; and
 8 (2) conforming to the definitions and standards of identity
 9 specified in those rules. The term does not include products such
 10 as the following:
 11 (1) Sterilized milk and milk products hermetically sealed in a
 12 container and processed either before or after sealing to prevent
 13 microbial spoilage.
 14 (2) Evaporated milk; condensed milk; ice cream and other frozen
 15 desserts; butter; dry milk products (except as defined in section
 16 20.5 of this chapter); or cheese; except when combined with other
 17 substances to produce pasteurized milk or a milk product.
 18 SECTION 4. IC 15-2.1-2-44.7, AS ADDED BY P.L.137-1996,
 19 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 1998]: Sec. 44.7. "Recognized establishment" and
 21 "establishment" for purposes of IC 15-2.1-24, means mean a
 22 building, part of a building, or other location used for slaughtering
 23 livestock or poultry or preparing meat or poultry, meat food products,
 24 and meat byproducts capable of use as human food.
 25 SECTION 5. IC 15-2.1-23-6.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1998]: Sec. 6.5. (a) The board may, by rules
 28 adopted under IC 4-22-2, establish civil penalties for violations of
 29 laws that prohibit drug residues in milk and milk products.
 30 (b) A penalty established under this section may not be more
 31 severe than the penalty standard for drug residue violations
 32 adopted by the National Conference on Interstate Milk Shipments
 33 in its Pasteurized Milk Ordinance adopted in accordance with the
 34 National Conference's Memorandum of Understanding with the
 35 United States Department of Health and Human Services, Food
 36 and Drug Administration.
 37 (c) The board may impose under IC 15-2.1-19 a civil penalty for
 38 a drug residue violation.
 39 (d) Civil penalties collected under this section shall be deposited
 40 in the dairy drug residue abatement fund established under section
 41 17 of this chapter.
 42 SECTION 6. IC 15-2.1-23-17 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1998]: **Sec. 17. (a) The dairy drug residue**
3 **abatement fund is established to implement education and other**
4 **programs designed to prevent drug residue violations. Money in**
5 **the fund is appropriated for these purposes.**
6 (b) The fund consists of civil penalties collected under section
7 6.5 of this chapter.
8 (c) The fund shall be administered by the board.
9 (d) The expenses of administering the fund shall be paid from
10 money in the fund.
11 (e) The treasurer of state shall invest the money in the fund not
12 currently needed to meet the obligations of the fund in the same
13 manner as other public money may be invested.
14 (f) Money in the fund at the end of a state fiscal year does not
15 revert to the state general fund.

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