

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 398 be amended to read as follows:

1 Page 14, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 20. IC 15-17-2-58, AS ADDED BY P.L.2-2008,
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 58. "Milk producer" means a person that does the
5 following:
6 (1) Operates a dairy farm.
7 (2) Provides, sells, or offers raw milk for sale to a milk plant,
8 receiving station, **consumer**, or transfer station.
9 SECTION 21. IC 15-18-1-21, AS ADDED BY P.L.2-2008,
10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 21. (a) **Except as provided in section 21.5 of this**
12 **chapter**, a person may not offer, display for sale, sell, deliver, or have
13 possession of with intent to sell or deliver milk or milk products for
14 human consumption unless every particle of the final mixture of the
15 milk or milk products used in processing or manufacture has been
16 thoroughly pasteurized by equipment approved by the board.
17 (b) The provisions of this chapter governing pasteurization do not
18 apply to a person selling or offering for sale cheddar cheese that has
19 been made from unpasteurized milk if:
20 (1) the cheese was made from unpasteurized milk and has been
21 cured or ripened for at least sixty (60) days at a controlled
22 temperature of at least thirty-five (35) degrees Fahrenheit; or
23 (2) the cheese is manufactured solely to be made into processed
24 cheese that is pasteurized during the blending or manufacturing
25 process.
26 Varieties of cheese other than that of the cheddar type made from
27 unpasteurized milk must be ripened for the time and under the
28 conditions prescribed by rule of the board. Cheese made from
29 unpasteurized milk and offered or displayed for sale to the consumer
30 must be labeled by the manufacturer or distributor with the

1 manufacturer's or distributor's name and address or an equivalent
 2 identifying number or symbol and with the date of manufacture or a
 3 statement to the effect that the cheese has been cured or ripened for at
 4 least sixty (60) days.

5 (c) A pasteurizer of any milk or milk products must be equipped
 6 with accurate indicating thermometers and accurate recording
 7 thermometers and, for vat pasteurization equipment, an accurate
 8 airspace thermometer of a type approved by the board. Each recording
 9 thermometer chart must be dated and numbered and must show the
 10 amount in gallons, the kind of product pasteurized, the accurate
 11 readings of the indicating thermometers and airspace thermometers, the
 12 time the reading was made, and the operator's initials. Each chart may
 13 not be used for more than one (1) day of operations. The records of the
 14 pasteurization of each batch pasteurized must be retained for at least
 15 ninety (90) days.

16 SECTION 22. IC 15-18-1-21.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: **Sec. 21.5. (a) Notwithstanding any**
 19 **other law, a milk producer who holds a permit under this chapter**
 20 **may register with the department for the purposes described in**
 21 **subsection (d).**

22 (b) **Notwithstanding any other law, a milk producer who does**
 23 **not have a permit under this chapter may register with the**
 24 **department for the purposes described in subsection (d) if the milk**
 25 **producer milks fewer than twenty (20) cows.**

26 (c) **The department may not specify additional requirements for**
 27 **registration under this section.**

28 (d) **Upon request of a milk producer described in subsection (a)**
 29 **or (b), the department shall register the producer as a person who**
 30 **may sell raw milk as described in this subsection. A milk producer**
 31 **(as defined under IC 15-17-2-58) may sell raw milk and raw milk**
 32 **products to a consumer for human consumption on the milk**
 33 **producer's dairy farm if all the following apply:**

34 (1) **The milk producer is registered under this subsection.**

35 (2) **For each sale, either the milk producer or the consumer**
 36 **provides a sanitary container for the milk that has been**
 37 **prepared in a sanitary manner and the container is filled in a**
 38 **sanitary manner.**

39 (3) **At the place where the milk is sold, the milk producer**
 40 **displays a sign that is easy for a consumer to read and that**
 41 **states, "Raw Milk products are sold here. Raw Milk products**
 42 **are not pasteurized."**

43 (4) **The raw milk or raw milk product is prominently labeled,**
 44 **in at least a one-half (1/2) inch font, "This product contains**
 45 **Raw Milk. Consume at your own risk."**

46 Renumber all SECTIONS consecutively.

(Reference is to SB 398 as printed January 25, 2012.)

Senator WATERMAN