

House Bill 1175 (AS PASSED HOUSE AND SENATE)

By: Representatives Pirkle of the 155th, Camp of the 131st, Campbell of the 171st, Jenkins of the 132nd, and Carpenter of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
2 standards, labeling, and adulteration of food, so as to authorize and regulate the production,
3 handling, transporting, and sale of raw milk for human consumption; to provide standards
4 for safety, cleanliness, and health for such product and animals producing it; to authorize the
5 Commissioner of Agriculture to enforce such standards; to provide for and require permits
6 related to producing and handling raw milk for human consumption; to provide for violations
7 of such standards; to require release of certain records at the request of the Commissioner of
8 Agriculture; to amend Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia
9 Annotated, relating to milk and milk products, so as to provide for conforming changes; to
10 amend Chapter 3 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
11 labeling, and adulteration of drugs, so as to authorize the use of testing equipment to
12 determine whether a drug has been adulterated with a synthetic opioid; to provide a short
13 title; to provide for an effective date; to provide for related matters; to repeal conflicting
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Georgia Raw Dairy Act."

18 **SECTION 2.**

19 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
20 labeling, and adulteration of food, is amended by adding a new article to read as follows:

21 "ARTICLE 1822 26-2-450.23 As used in this article, the term:24 (1) 'Commissioner' means the Commissioner of Agriculture of the State of Georgia.25 (2) 'Department' means the Department of Agriculture of the State of Georgia.

26 (3) 'Grade 'A' raw milk for human consumption' means raw milk for human consumption
27 produced by a permitted raw milk for human consumption producer, which meets all
28 health, safety, and labeling standards of this article.

29 (4) 'Raw milk for human consumption' means fluid whole milk in its natural state from
30 healthy cows, or other hoofed animals, which is intended for human consumption and has
31 been produced under such rules and regulations as may be prescribed by or pursuant to
32 this article.

33 26-2-451.

34 Raw milk for human consumption which is in compliance with this article and in
35 compliance with the rules and regulations promulgated pursuant to this article may be sold,
36 offered for sale, or delivered by the producer directly to the consuming public for the
37 purpose of human consumption. No raw milk may be sold, offered for sale, or delivered
38 for the purpose of human consumption for wholesale purposes or if it is not in compliance
39 with this article or the standards or rules and regulations prescribed pursuant to this article.

40 26-2-452.

41 (a) The Commissioner is charged with the responsibility of enforcing this article.

42 (b) It shall be the duty of the Commissioner or his or her authorized representative:

43 (1) To inspect or cause to be inspected, as often as may be deemed practicable, all places
44 where raw milk for human consumption produced, manufactured, kept, handled, stored,
45 or sold;

46 (2) To prohibit the production, sale, or distribution of unclean or unwholesome raw milk
47 for human consumption;

48 (3) To condemn for food purposes all unclean or unwholesome raw milk for human
49 consumption, wherever found;

50 (4) To take samples anywhere of any raw milk for human consumption or imitation
51 thereof and cause the same to be analyzed or satisfactorily tested;

52 (5) To weigh and test raw milk for human consumption; and

53 (6) To compile and publish in print or electronically annually, or at such shorter intervals
54 as he or she may desire, statistics and information concerning all phases of the raw dairy
55 industry in this state.

56 26-2-453.

57 The Commissioner shall have the power to adopt, amend, and repeal rules and regulations
58 to implement and enforce this article; provided, however, that all rules and regulations shall
59 be of uniform application; and provided, further, that all rules and regulations shall be
60 adopted, amended, or repealed in accordance with Chapter 13 of Title 50, the 'Georgia
61 Administrative Procedure Act.' The rules and regulations shall include, but not be limited
62 to, the following:

63 (1) Rules and regulations to provide for the labeling of raw milk for human consumption
64 in such manner so as to indicate that said raw milk complies with this article and the rules
65 and regulations promulgated under this article;

66 (2) Rules and regulations to prescribe the specifications of all glassware, including, but
67 not limited to, bottles, pipettes, test tubes, and burrettes, and such other instruments as
68 may be used in the testing of raw milk for human consumption; and
69 (3) Rules and regulations to prescribe the specifications for the installation and operation
70 of recording thermometers on bulk farm tanks.

71 26-2-454.

72 (a) It shall be unlawful for any person who does not possess a permit from the department
73 to manufacture, have in storage, sell or offer for sale therein, or offer to give away any raw
74 milk for human consumption. Nothing in this article shall prohibit the storage and personal
75 consumption of raw milk by the owner of an animal or a resident of the premises of
76 production.

77 (b) Only a person who complies with the requirements of this article shall be entitled to
78 receive and retain such a permit. Permits shall not be transferable to other persons or
79 locations.

80 (c) Each producer and distributor of raw milk for human consumption shall hold a valid
81 permit issued by the department prior to beginning operation. No permit shall be issued
82 until all parts of the operation meet the requirements of this article.

83 (d) Application for all licenses and permits provided for in this article shall be made to the
84 Commissioner on such forms as he or she may prescribe. All licenses shall be valid for a
85 period of one year unless revoked or suspended as provided in this article. All licenses
86 shall be renewable upon submission of all required application forms. The Commissioner
87 may deny, refuse, suspend, or revoke any license, after notice and a hearing, for any
88 violation of or failure to comply with this article or the rules and regulations promulgated
89 hereunder; provided, however, that the hearing shall be held in accordance with Chapter 13
90 of Title 50, the 'Georgia Administrative Procedure Act.'

91 26-2-455.

92 (a) Raw milk for human consumption shall be examined by the department as often as
93 necessary to determine that it is not adulterated or misbranded. The department may, upon
94 written notice to the owner or person in charge, place a hold order on any raw milk for
95 human consumption that it determines, or has probable cause to believe, to be
96 unwholesome or otherwise adulterated or misbranded. Under a hold order, raw milk for
97 human consumption shall be permitted to be suitably stored. It shall be unlawful for any
98 person to remove or alter a hold order, notice, or tag placed on raw milk for human
99 consumption by the department, and neither such milk nor the containers thereof shall be
100 re-labeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of
101 the department except on order by a court of competent jurisdiction.

102 (b) When the freezing point of milk is greater than -0.525 degrees Celsius, the farm shall
103 be notified that apparently the raw milk contains added water. If a second violation of this
104 freezing point standard occurs within two years, an observed milking or operation of
105 processing shall be conducted and samples analyzed. The freezing point obtained from raw
106 milk collected during the observation shall be used to determine a definite freezing point
107 from the individual farm. A violation of the determined freezing point for a specific
108 operation by over 3 percent within two years of setting the standard shall call for a two-day
109 permit suspension or equivalent.

110 (c) When raw milk for human consumption is found to be adulterated by the presence of
111 drugs, pesticides, herbicides, or other poisonous substances, it shall be impounded and
112 additional samples analyzed. Raw milk for human consumption found to be adulterated
113 shall be disposed of until analysis shows the product not to be adulterated. If testing
114 reveals raw milk for human consumption positive for drug residues, the raw milk shall be
115 disposed of in a manner that removes it from the human and animal food chain. The
116 department shall immediately suspend the producer's Grade 'A' raw milk for human
117 consumption permit, or equally effective measures shall be taken, to prevent the sale of raw

118 milk for human consumption containing drug residues, and a penalty shall be imposed.
119 Future sales are prohibited until subsequent testing reveals the milk is free of drug residue.
120 The Grade 'A' producer's permit may be reinstated to allow the sale of raw milk for human
121 consumption when a representative sample taken from the producer's raw milk is no longer
122 positive for drug residue. Whenever a drug residue test is positive, a recall shall be
123 initiated and an investigation shall be made to determine the cause. The farm inspection
124 must be completed by the department to determine the cause of the residue and actions
125 taken to prevent future violations, including on-farm changes in procedures necessary to
126 prevent future occurrences as recommended by the department.

127 26-2-456.

128 (a) All Grade 'A' raw milk for human consumption shall be bottled, packaged, and sealed
129 at the same location where produced.

130 (b) All bottles, containers, and packages enclosing raw milk for human consumption shall
131 be labeled in accordance with the applicable requirements of the Federal Food, Drug, and
132 Cosmetic Act as amended, the Nutrition Labeling and Education Act (NLEA) of 1990 and
133 regulations developed thereunder, the Code of Federal Regulations, and in addition shall
134 comply with the applicable requirements of this Code section.

135 (c) All bottles, containers, and packages enclosing raw milk for human consumption shall
136 be conspicuously marked with:

137 (1) The words 'Grade A Raw' on the exterior surface. Acceptable locations shall include
138 the principal display panel, the secondary or informational panel, or the cap or cover;

139 (2) The identity of the farm where packaged. This identity shall include the name,
140 address, and permit number;

141 (3) The following information statement, in print no smaller than 12 point font, shall be
142 included on the package: 'Warning: This is a raw milk product that is not pasteurized and
143 may increase the risk of foodborne illness'; and

144 (4) The common name of the hoofed mammal producing the milk shall precede the name
145 of the milk when the product is made from other than cattle's milk.

146 (d) The department shall not permit the use of any misleading marks, words, or
147 endorsements upon the label. The department may permit the use of registered trade
148 designs or similar terms on the bottle cap or label, when, in its opinion, they are not
149 misleading and are not used to obscure the required labeling. Descriptive labeling terms
150 must not be used in conjunction with the Grade 'A' designation or name of the raw milk and
151 must not be false or misleading.

152 26-2-457.

153 (a) Samples of raw milk for human consumption may be taken for scientific examination
154 for public health purposes, at any reasonable time or place, and examined bacteriologically
155 or for any other public health reason by agents of the department.

156 (b) Samples of raw milk for human consumption shall be collected and tested prior to a
157 permit being issued.

158 (c) The department shall collect samples to obtain satisfactory pathogenic testing results
159 prior to:

160 (1) Receiving a permit and beginning production or distribution; or

161 (2) Reinstatement of a permit that has been suspended because of positive results of
162 testing for pathogenic organisms in association with a suspected outbreak of disease.

163 (d) During any consecutive six months, at least four samples of raw milk for human
164 consumption shall be collected from each producer in at least four separate months, except
165 when three months show a month containing two sampling dates separated by at least 20
166 days. These samples shall be obtained under the direction of the department or shall be
167 taken from each producer under the direction of the department and delivered in
168 accordance with this Code section.

169 (e) Required bacterial counts, somatic cell counts, and cooling temperature checks shall
170 be performed on raw milk for human consumption. In addition, drug tests on each
171 producer's milk shall be conducted at least four times during any consecutive six months.
172 (f) When multiple samples of the same raw milk for human consumption are collected
173 from the same producer from multiple tanks on the same day, the laboratory results shall
174 be averaged arithmetically by the department and recorded as the official results for that
175 day. This is applicable for bacterial, including standard plate count and coliform, somatic
176 cell count, and temperature determinations only.
177 (g) Whenever two of the last four consecutive bacterial counts, somatic cell counts,
178 coliform determinations, or cooling temperatures, taken on separate days exceed the
179 standard for the milk required by this article, the department shall send a certified or
180 hand-delivered written notice thereof to the person concerned. This notice shall be in effect
181 so long as two of the last four consecutive samples exceed the standard. An additional
182 sample shall be taken within 21 days of the sending of such notice, but not before the lapse
183 of three days. Immediate suspension of permit shall be implemented whenever the
184 standard is violated by three of the last five bacterial counts, somatic cell counts, coliform
185 determinations, or cooling temperatures.
186 (h) When sampling for pathogenic organisms is conducted in association with a suspected
187 outbreak of disease, and the samples test positive for pathogenic organisms, the department
188 shall immediately suspend the permit. The permit shall remain suspended until a
189 representative sample containing a minimum of two consecutive milkings are found to be
190 free of pathogenic organisms.
191 (i) Samples shall be analyzed at an official or appropriate officially designated laboratory.
192 All sampling procedures and required laboratory examinations shall be in substantial
193 compliance with the latest edition of Standard Methods for the Examination of Dairy
194 Products (SMEDP) of the American Public Health Association, and the latest edition of
195 Official Methods of Analysis (OMA) of the Association of Official Agricultural

196 Chemists (AOAC) International. Such procedures, including the certification of sample
197 collectors, and examinations shall be evaluated in accordance with the Evaluation of Milk
198 Laboratories.

199 (j) All violations of bacteria, somatic cell counts, coliform, and cooling temperature
200 standards shall be followed promptly by inspection to determine and correct the cause.

201 26-2-458.

202 (a) All Grade 'A' raw milk for human consumption shall be produced to conform with the
203 following chemical, bacteriological, and temperature standards of this Code section:

204 (1) Raw milk for human consumption shall be cooled to 10 degrees Celsius or less within
205 four hours or less, of the commencement of the first milking, and to 7 degrees Celsius or
206 less within two hours after milking, provided that the blend temperature after the first and
207 subsequent milkings does not exceed 10 degrees Celsius. All finished, processed, and
208 packaged raw milk for human consumption shall be maintained at 7 degrees Celsius or
209 less after processing, during storage, and during transportation;

210 (2) Individual producer milk shall not exceed bacteria limits of 20,000 per mL;

211 (3) No positive results on drug residue detection methods required by the department;

212 (4) Individual producer milk shall not exceed a somatic cell count of 500,000 per mL,
213 except individual producer goat milk shall not exceed 1,000,000 per mL;

214 (5) Coliform counts shall not exceed 10 per milliliter; and

215 (6) Individual producer milk shall not contain any organisms of Escherichia coli,
216 including, but not limited to, the 0157:H7 strain, Salmonella, Listeria monocytogenes, or
217 Campylobacter. Pathogenic testing for such organisms shall be conducted with samples
218 taken by the department:

219 (A) Quarterly;

220 (B) Prior to permitting; and

221 (C) In association with any outbreak of a foodborne disease.

222 (b) No process or manipulation other than appropriate refrigeration shall be applied to raw
223 milk for human consumption for the purpose of removing or deactivating microorganisms.

224 26-2-459.

225 All Grade 'A' raw milk for human consumption shall be produced to conform with the
226 following sanitation requirements of this Code section:

227 (1) Lactating animals which show evidence of the secretion of milk with abnormalities
228 in one or more quarters, based upon bacteriological, chemical, or physical examination,
229 shall be milked last or with separate equipment and the milk shall be discarded;

230 (2) Lactating animals that have been treated with, or have consumed, chemical,
231 medicinal or radioactive agents, which are capable of being secreted in the milk and
232 which, in the judgment of the department, may be deleterious to human health, shall be
233 milked last or with separate equipment and the milk disposed of as the department may
234 direct;

235 (3) Milk from lactating animals being treated with medicinal agents, which are capable
236 of being secreted in the milk, shall not be offered for sale for such period as is
237 recommended by the attending veterinarian or as indicated on the package label of the
238 medicinal agent;

239 (4) Milk from lactating animals treated with or exposed to insecticides not approved for
240 use on dairy animals by the United States Environmental Protection Agency shall not be
241 offered for sale;

242 (5) The department may require additional tests for the detection of milk with
243 abnormalities as it deems necessary;

244 (6) Bloody, stringy, off-colored milk, or milk that is abnormal to sight or odor shall be
245 handled and disposed of as to preclude the infection of other lactating animals and the
246 contamination of milk utensils;

247 (7) Lactating animals secreting milk with abnormalities shall be milked last or in
248 separate equipment which effectively prevents the contamination of the wholesome
249 supply. Milking equipment used on animals with abnormalities in their milk shall be
250 maintained clean to reduce the possibility of re-infecting or cross-infection of the dairy
251 animals;

252 (8) Equipment, utensils, and containers used for the handling of milk with abnormalities
253 shall not be used for the handling of milk to be offered for sale, unless they are first
254 cleaned and effectively sanitized;

255 (9) Processed animal waste derivatives used as a feed ingredient for any portion of the
256 total ration of the lactating dairy animal shall:

257 (A) Be properly processed in accordance with at least those requirements contained in
258 the Model Regulations for Processed Animal Wastes developed by the Association of
259 American Feed Control Officials; and

260 (B) Not contain levels of deleterious substances, harmful pathogenic organisms, or
261 other toxic substances which are secreted in the milk at any level that may be
262 deleterious to human health; and

263 (10) Unprocessed poultry litter and unprocessed recycled animal body discharges shall
264 not be fed to lactating dairy animals.

265 26-2-460.

266 (a) All raw milk for human consumption within the State of Georgia shall be from healthy
267 animals. Raw milk from unhealthy animals shall not be offered for sale, be given away,
268 or combined with other milk.

269 (b) All animals producing raw milk for human consumption shall be tested for brucellosis
270 and tuberculosis every 12 months. Animals showing positive by lesions or a positive test
271 shall be reported to the department, and:

272 (1) Shall be separated, and kept separate, from the remainder of the herd;

273 (2) A certificate, identifying each animal, signed by a licensed veterinarian and the
274 director of the laboratory making the test, shall be filed with the department;

275 (3) Shall be retested by a licensed veterinarian at a frequency specified by the United
276 States Department of Agriculture (USDA), and test results shall be filed with the
277 department; and

278 (4) Disposition of diseased animals shall be conducted in accordance with guidelines
279 published by the USDA and shall be reported to the department.

280 (c) For diseases other than brucellosis and tuberculosis, the department shall require such
281 physical, chemical, or bacteriological tests as it deems necessary. The diagnosis of other
282 diseases in dairy animals shall be based upon the findings of a licensed veterinarian. Any
283 diseased animal disclosed by such test shall be disposed of as the department directs.

284 (d) Animals shipped into Georgia for the purpose of milking shall be tested for
285 tuberculosis and brucellosis within 30 days prior to being brought into the state.
286 Brucellosis testing shall not be required for any cattle that have been vaccinated for
287 brucellosis and are under 30 months of age.

288 (e) Records supporting the tests required in this Code section shall be available to the
289 department and be validated with the signature of a licensed veterinarian.

290 26-2-461.

291 Each producer of raw milk for human consumption shall develop and maintain procedures
292 for the notification of regulatory officials, consumer notification, and product recall, and
293 shall implement any of these procedures as necessary with respect to any product for which
294 the producer or the department knows or has reason to believe circumstances exist that may
295 adversely affect its safety for the consumer. If the department determines, based upon
296 representative samples, risk analysis, information provided by the producer, and other
297 information available to the department, that the circumstances present an imminent hazard
298 to the public health and that a form of consumer notice or product recall can effectively

299 avoid or significantly minimize the threat to public health, the department may order the
300 producer to initiate a level of product recall or, if appropriate, issue a form of notification
301 to customers. The producer shall be responsible for disseminating the notice in a manner
302 designed to inform customers who may be affected by the problem.

303 26-2-462.

304 (a) The Commissioner shall be charged with the enforcement of this article and shall have
305 the power and authority, in connection with this and other provisions dealing with milk,
306 food, or food products, to revoke or cancel the permit or license of any person doing
307 business in this state who violates the laws of this state or the rules and regulations made
308 pursuant thereto.

309 (b) The enforcement methods authorized by this article shall be cumulative of those
310 provided otherwise by law, and the same are not superseded by this article.

311 26-2-463.

312 (a) Any person operating under this article shall furnish, upon the request of the
313 Commissioner, such data and statistics as he or she may require.

314 (b) All persons operating under this article shall keep complete and accurate records of
315 their operations, and the Commissioner shall have free access to all such records.

316 26-2-464.

317 Any person, firm, or corporation subject to this article or the other milk laws of this state
318 who violates any of said provisions or any valid rules and regulations made thereunder may
319 be enjoined from such continued violation. The Commissioner is authorized to apply for,
320 and for cause shown the superior court having jurisdiction of the defendant in any such
321 action may grant, injunctive relief, by interlocutory injunction, permanent injunction, or
322 temporary restraining order, as the circumstances may warrant. The proceeding may be

323 maintained notwithstanding the pendency of any civil action and notwithstanding the
324 pendency of or conviction in a criminal proceeding arising from the same transaction.
325 Such action may be maintained without bond. The purpose of this Code section is to create
326 a statutory cause of action by way of injunction, and the Commissioner is authorized to
327 bring such proceedings in the same form and manner and in the same court as other
328 equitable proceedings may be brought. This remedy is not exclusive but is cumulative of
329 other remedies afforded to protect the consuming public from unwholesome products
330 which are economic frauds.

331 26-2-465.

332 It shall be unlawful:

333 (1) To handle raw milk for human consumption in unclean or unsanitary places or in an
334 unsanitary manner;

335 (2) To keep, store, or prepare for market any raw milk for human consumption in the
336 same building or enclosure where any hide or fur or any cow, horse, nontraditional
337 livestock, hog, or other livestock is kept;

338 (3) To handle or ship raw milk for human consumption in unclean or unsanitary vessels;

339 (4) To expose raw milk for human consumption to flies or to any contaminating
340 influence likely to convey pathogenic or other injurious bacteria;

341 (5) To use or possess any branded or registered raw milk for human consumption can or
342 container for any purpose other than the handling, storing, or shipping of raw milk for
343 human consumption; provided, however, that no person other than the rightful owner
344 thereof shall use or possess any can, bottle, or other receptacle if such receptacle shall be
345 marked with the brand or trademark of the owner. Nothing in this paragraph shall
346 prohibit the temporary possession by a business involved in the normal processing,
347 distribution, or retail sale of dairy products of any can, bottle, or other receptacle which

348 is marked with the brand or trademark of another person or entity prior to its return to the
349 rightful owner in the normal course of business, or if purchased from the rightful owner;
350 (6) To sell or offer for sale raw milk for human consumption that is not pure and fresh
351 and handled with clean utensils;
352 (7) To sell or offer for sale raw milk for human consumption from diseased or unhealthy
353 animals or which was handled by any person suffering from or coming in contact with
354 persons affected with any contagious disease;
355 (8) To sell or offer for sale any raw milk for human consumption which shall have been
356 exposed to contamination or into which shall have fallen any unsanitary articles or any
357 foreign substance which would render the raw milk unfit for human consumption; or
358 (9) To sell or offer for sale raw milk for human consumption which do not comply with
359 the standards and requirements of this article or the rules and regulations promulgated
360 hereunder.

361 26-2-466.

362 Any person who violates this article shall be guilty of a misdemeanor."

363 **SECTION 3.**

364 Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk
365 and milk products, is amended by revising Code Section 26-2-231, relating to definitions, as
366 follows:

367 "26-2-231.

368 (a) As used in this article, the term:

369 (1) 'Commissioner' means the Commissioner of Agriculture for the State of Georgia.

370 (2) 'Cream tester' means any person who performs the act of sampling or testing milk,
371 cream, or other dairy products, the test of which is to be used as a basis for making
372 payment for said products.

373 (3) 'Dairy manufacturing plants' means creameries, condenseries, public dairies, butter
374 factories, cheese factories, ice cream factories, and other like factories, and any other
375 concerns that manufacture dairy products for sale at either retail or wholesale; provided,
376 however, that the term dairy manufacturing plant shall not include a retail frozen dessert
377 packager which is otherwise permitted as a food service establishment pursuant to
378 Article 13 of this chapter.

379 (4) 'Department' means the Department of Agriculture of the State of Georgia.

380 (5) Reserved.

381 (6) Reserved.

382 (7) 'Manufactured milk products' means those milk products, including condensed,
383 evaporated, concentrated, sterilized, or powdered milk, made from raw whole milk for
384 manufacturing purposes and processed in such a manner and under such conditions as to
385 remove or sterilize, as far as is possible, any contaminated matter contained in the raw
386 milk from which the products were manufactured, under such rules and regulations as
387 may be prescribed to ensure that result.

388 (8) Reserved.

389 (9) Reserved.

390 (10) 'Person' means any individual, partnership, firm, company, or corporation.

391 (11) 'Public dairies' means any place where milk and cream are purchased from
392 producers and sold or kept for sale, either at wholesale or retail.

393 (12) 'Raw whole milk for manufacturing purposes' means fluid whole milk in its natural
394 state from healthy cows, which milk has not been produced and handled in compliance
395 with the requirements for Grade A milk.

396 (13) Reserved.

397 (14) 'Ungraded milk' means all fluid whole milk in its natural state, which milk fails to
398 meet the requirements of Grade A milk or, raw whole milk for manufacturing purposes

399 as defined in this article, or raw milk for human consumption, as provided for in
400 Article 18 of this chapter.

401 (b) Unless otherwise defined in this article, the following words shall have the meanings
402 respectively ascribed to them in the May, 2001, Amended Version of the Grade A
403 Pasteurized Milk Ordinance Recommendations of the United States Public Health
404 Service — Food and Drug Administration and supplements thereto:

- 405 (1) 'Grade A buttermilk';
- 406 (2) 'Grade A chocolate milk';
- 407 (3) 'Grade A milk, pasteurized';
- 408 (4) 'Grade A modified solids milk';
- 409 (5) 'Grade A skim milk';
- 410 (6) 'Grade A whole milk';
- 411 (7) 'Pasteurization'; and
- 412 (8) 'Raw cow's milk.'

413 (c) Unless otherwise defined in this article, the following words shall have the meanings
414 respectively ascribed to them in 'Frozen Desserts,' 21 C.F.R. Sec. 135.3, 21 C.F.R.
415 Sec. 135.110 — 135.160 (1979):

- 416 (1) 'Ice cream';
- 417 (2) 'Frozen custard';
- 418 (3) Reserved;
- 419 (4) 'Sherbet'; and
- 420 (5) 'Water ices.'"

421 **SECTION 4.**

422 Said article is further amended by revising Code Section 26-2-242, relating to standards and
423 requirements as to sale of milk and milk products generally, labeling, and sale of ungraded
424 milk, raw whole milk, condensed or evaporated milk, as follows:

425 "26-2-242.

426 (a) Milk and milk products which are in compliance with this article and in compliance
427 with the rules and regulations promulgated pursuant to this article may be sold, offered for
428 sale, or delivered to the consuming public for the purpose of human consumption, provided
429 the container in which the milk or milk product is sold, offered for sale, or delivered has
430 affixed thereto or printed thereon labels approved by the Commissioner. No milk or milk
431 product may be sold, offered for sale, or delivered for the purpose of human consumption
432 if it is not in compliance with this article or the standards or rules and regulations
433 prescribed pursuant to this article unless such product complies with the standards and
434 requirements of Article 18 of this chapter and the rules and regulations promulgated
435 thereunder.

436 (b) The sale, offering for sale, or delivery of ungraded milk is prohibited except as
437 provided in Article 18 of this chapter.

438 (c) No raw whole milk for manufacturing purposes may be offered for sale in this state to
439 anyone except processors and manufacturers properly licensed and inspected to
440 manufacture and process manufactured milk products.

441 (d) It shall be unlawful to sell, keep for sale, or offer for sale any condensed or evaporated
442 milk, concentrated milk, sweetened condensed milk, sweetened evaporated milk,
443 sweetened concentrated milk, sweetened evaporated skimmed milk, or any of the fluid
444 derivatives of any of them, to which shall have been added any fat or oil other than milk
445 fat, either under the name of the products or articles or the derivatives thereof, or under any
446 fictitious or trade name whatsoever."

447 **SECTION 5.**

448 Said article is further amended by revising subsection (b) of Code Section 26-2-243, relating
449 to intermingling of Grade A milk or milk products with other grades, inspections, permit
450 requirements, and enforcement powers of Commissioner, as follows:

451 "(b) No person producing, handling, processing, manufacturing, or dealing in milk or milk
452 products, which person produces, receives, distributes, or in any manner handles Grade A
453 raw whole milk, Grade A pasteurized whole milk, or Grade A milk products, shall receive,
454 store, handle, distribute, or otherwise allow raw milk for human consumption or raw whole
455 milk for manufacturing purposes to be introduced upon the premises where the operations
456 are conducted. At all times, such person shall be subject to inspection by the
457 Commissioner and shall hold a Grade A permit, issued by the Commissioner, to deal in
458 Grade A milk and Grade A milk products and shall conduct business pursuant to the laws
459 of this state and the rules and regulations of the Commissioner made thereunder, to the end
460 that milk products shall be handled only in the manner provided for in this article and that
461 inferior quality milk not be sold to the consuming public as superior quality milk."

462 **SECTION 6.**

463 Said article is further amended by revising paragraph (12) of Code Section 26-2-249, relating
464 to unlawful acts, as follows:

465 "(12) To sell or offer for sale milk, cream, butter, cheese, ice cream, or other dairy
466 products which do not comply with the standards and requirements of this article or the
467 rules and regulations promulgated hereunder except raw milk for human consumption
468 which complies with the standards and requirements of Article 18 of this chapter and the
469 rules and regulations promulgated thereunder."

470 **SECTION 7.**

471 The provisions of the Georgia Raw Dairy Act shall become effective on July 1, 2023.

472 **SECTION 8.**

473 Chapter 3 of Title 26 of the Official Code of Georgia Annotated, relating to adulterated
474 drugs, is amended by revising Code Section 26-3-22, relating to other laws, as follows:

475 (a) This chapter shall be cumulative and supplemental to any and all existing
476 laws relating to the subject matter of drugs. Specifically, nothing contained in
477 this chapter shall be so construed as to relieve any person, firm, or corporation
478 from complying with any requirements as prescribed by Chapter 4 of this title,
479 Article 3 of Chapter 13 of Title 16, the “Dangerous Drug Act,” Article 2 of
480 Chapter 13 of Title 16, the “Georgia Controlled Substances Act,” or Title 21
481 C.F.R. 210, the federal “current good manufacturing practices in
482 manufacturing, processing, packing, or holding of drugs: general.” Except that
483 any testing equipment used to determine whether a controlled substance
484 has been adulterated and contains a synthetic opioid shall not be
485 considered a drug related object as defined by Article 2 of Chapter 13 of
486 Title 16.

487 **SECTION 9.**

488 All laws and parts of laws in conflict with the provisions of this bill are repealed.