

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized
Milk Regulations**

2 CSR 80-2.030 Permits. The State Milk Board is amending the purpose and sections (2), (3), (4), and (5).

PURPOSE: The purpose of this amendment is to update to the current revision of the Grade “A” Pasteurized Milk Ordinance

*PURPOSE: This rule provides for the issuance of permits to persons involved in the production, transporting, and processing of Grade “A” milk and milk products. This rule corresponds with Section 3 of the **federal Grade “A” Pasteurized Milk Ordinance (PMO)**, [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration], **as adopted in 2 CSR 80-2.001.***

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) It shall be unlawful for any person who does not possess a permit from the regulatory agency of Missouri to bring into, send into, or receive into Missouri or its jurisdiction, for sale, or to sell, or offer to sale, or to have in storage any milk or milk products defined in these rules. Imported sources of milk or milk products shall be permitted jointly by the state Department of Agriculture, state Department of Health, and the State Milk Board. An Export Certificate shall serve as the permit. Provided that grocery stores, restaurants, soda fountains, and similar establishments where milk or milk products are served or sold at retail, but not processed, may be exempt from the requirements of this rule.

[(2) Only a person who complies with the requirements of these rules shall be entitled to receive and retain a permit. Permits shall not be transferable with respect to persons, locations, or both.]

[(3) The regulatory agency shall suspend the permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of these rules or whenever the permit holder has interfered with the regulatory agency in the performance of its duties. Provided that the regulatory agency, in all cases except where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health, or in any case of a willful refusal to permit authorized inspection, shall serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder reasonable opportunity to correct the violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the regulatory agency before making any order of suspension effective. Any permit suspension shall remain in effect until the violation has been corrected to the satisfaction of the regulatory agency. Prior to reinstatement when permit suspension has been due to a somatic cell violation, in addition to complying with the requirements contained elsewhere in these rules, the analysis of an individual producer sample meeting the somatic cell standards outlined in 2 CSR 80-2.070 (Section 7 of the PMO) shall be made. The sample shall be analyzed in an official or officially designated laboratory.]

[(4) Upon written notification to the regulatory agency by any person whose permit has been suspended, or upon application within forty-eight (48) hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the regulatory agency, within seventy-two (72) hours, shall proceed to a hearing to ascertain facts of the violation or interference and upon evidence presented at the hearing shall affirm, modify, or rescind the suspension or intention to suspend.]

[(5) Upon repeated violation(s), the regulatory agency may revoke the permit following reasonable notice to the permit holder and an opportunity for a hearing. This rule is not intended to preclude the institution of court action as provided in 2 CSR 80-2.050 (Section 5 of the PMO) and 2 CSR 80-2.060 (Section 6 of the PMO). The Grade "A" Pasteurized Milk Ordinance (PMO), 2015 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).]

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 13, 2012, effective Sept. 30, 2012. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.