

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 80—State Milk Board
Chapter 6—Requirements for the
Missouri Dairy Law**

2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Manufacturing Farm, and Personnel Licensure. The State Milk Board amends section (1).

PURPOSE: The purpose of this amendment is to update wording

PURPOSE: This rule prescribes needed licensure procedure for dairy plants, receiving stations, buyers of milk or cream, nonresident brokers, fieldsmen, graders, or bulk milk truck operators as required by law.

(1) It is unlawful for any person to operate a dairy manufacturing plant, receiving station, to buy milk or cream from Missouri producers, or to perform the duties of fieldman, grader, or bulk milk truck operator without a license.

(A) A dairy manufacturing plant shall be issued a license upon satisfactory application and payment of the annual license fee to the State Milk Board. The license fee shall be based on annual butterfat or milk purchased from producers, or in the event milk or butterfat purchases cannot serve as a basis, the amount of milk, figured at the approximate average butterfat test of all milk marketed, that is required to produce the total pound volume of production during the past twelve (12) months ending June 30 as follows:

1. For any dairy manufacturing plant purchasing milk or milk products from Missouri, one hundred dollars (\$100); and for each 1,400,000 pounds of milk purchased, five dollars (\$5);

2. For any dairy manufacturing plant or buyer whose license is based on total pound volume of production of one hundred thousand (100,000) pounds or less, in this rule considered the equivalent of one (1) million pounds of milk, one hundred dollars (\$100); for each additional 1,400,000 pounds of milk, five dollars (\$5). The total volume is not construed to mean or include volume of products processed for the Commodity Credit Corporation by contract or volume of prepackaged cheese where basic form has not been changed;

3. For new dairy manufacturing plants where volume of the twelve (12) months previous to June 30 has not been established, the fee shall be five hundred dollars (\$500) and include site inspection, construction plan and label approval, inspections, and license to operate. License shall expire June 30;

4. The State Milk Board, or its agent, shall have the authority to examine the buying and production records of any dairy products manufacturing plant for verification of the butterfat tonnage purchased at the plant, or verification of total pound volume of production manufactured or processed at the plant, at any reasonable time that the State Milk Board shall elect to make the examination. Butterfat or milk volume should be reported so as not to include any butterfat or milk volume the second time due to transfer or sale from one (1) plant to another;

5. A dairy products manufacturing plant license shall not be transferable and shall not be movable from one (1) city or town to another city or town, but with the consent of the State Milk Board may be moved from one (1) location to another location in the same city or town; and

6. When a dairy products manufacturing plant licensed as described in this rule ceases to receive milk, process milk, or both, for thirty (30) consecutive days or longer, its dairy manufacturing plant license shall be automatically terminated with no refund of licensing fee. Prior to resumption of operations, reapplication shall be made for licensing and a sanitation inspection of plant facilities showing satisfactory compliance shall be conducted by a representative of the

State Milk Board prior to authorizing a new license. New licenses issued as described shall require a license fee of one hundred dollars (\$100) and shall expire June 30, if the plant has continuous operation.

(B) No person shall operate a cream station or milk plant, or test milk or cream for the purpose of purchase, without having made satisfactory application, passed the required examination, and received license as a grader; the annual fee for licensure is twenty-five dollars (\$25) for the licensure year or unexpired portion.

(C) No person shall operate a bulk milk truck to pick up milk from Missouri producers without a license as prescribed in 2 CSR 80-6.021 and payment of an annual license fee of twenty-five dollars (\$25).

(D) No bulk milk pick-up tanker truck shall be operated without proof of inspection. Inspections shall be performed by the State Milk Board or its authorized regulatory agent every twenty-four (24) months plus remaining days of the month which inspection is due with payment of a fifty dollar (\$50) inspection fee.

(E) A fieldman, prior to performing his/her duties in the state for a dairy manufacturing plant located either within or outside of Missouri processing either Grade "A" or manufacturing milk, must obtain a fieldman's license from the State Milk Board. This license, which also grants the authority to sample, test, or grade milk or cream, and to operate a bulk milk truck to pick up milk from farm producers, can be issued only to an individual free from communicable disease, who has passed a written examination grading seventy (70) or above, and has paid the annual fee of twenty-five dollars (\$25); the license may be renewed upon payment of the annual fee, unless previously revoked for cause. The license is not transferable.

(F) Each dairy products manufacturing plant located outside Missouri, which is any other person buying unprocessed milk or cream directly from producers in Missouri for processing or manufacturing outside Missouri, shall apply[, *under oath,*] and obtain a brokerage license, for the license year, which shall include the right to buy milk or cream. A brokerage license shall be issued upon satisfactory application to the State Milk Board accompanied by an annual brokerage fee based upon the annual butterfat or milk purchases made in Missouri during the previous twelve (12) months ending on June 30 as follows:

1. For any plant purchasing milk or milk product from Missouri, one hundred dollars (\$100), and for each 1,400,000 pounds of milk purchased, five dollars (\$5); and

2. For new plants where volume of the twelve (12) months previous of June 30 has not been established, the license fee shall be one hundred dollars (\$100).

(G) No person shall operate a receiving station without a license to operate a receiving station. An annual fee of twenty-five dollars (\$25) shall be required for the license.

(H) A Certificate of Free Sale and Sanitary Origin is required by many foreign governments to allow entry of milk and dairy products into their country. For each Certificate of Free Sale issued the fee shall be one hundred dollars (\$100).

(I) Manufacturers of Single Service Container and Closure Products, certified by State Milk Board, shall be assessed the fee of two hundred and fifty dollars (\$250) per year.

(J) Non Interstate Milk Shippers Listed Grade A Truck Wash Stations shall be certified by State Milk Board and shall be assessed the fee of two hundred dollars (\$200) per year.

(K) All fees for license renewal and applications for licenses are to be considered nonrefundable at the time of receipt by the State Milk Board or its authorized representative.

*AUTHORITY: section 196.540, RSMo 2000. * This rule previously filed as 2 CSR 30-21.041. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983. Amended: Filed June 7, 1983, effective Oct. 13, 1983. Amended: Filed Dec. 6, 2010, effective June 30, 2011. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed March 18, 2015, effective Sept. 30, 2015. Amended: Filed Feb. 9, 2016, effective July 30, 2016.*

**Original authority: 196.540, RSMo 1981, amended 1993, 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 within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.