CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amendment)

902 KAR 50:110. Grade A milk and milk products standards and Grade A milk sanitation requirements.

RELATES TO: KRS 194A.050, 217C.010-217C.990
STATUTORY AUTHORITY: KRS 194A.050(1), 217C.040
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 217C.040 authorizes the secretary to adopt rules and regulations regulating the production, transportation, processing, handling, sampling, examination,~~[grading,]~~ standards of identity, and sale of milk and milk products, and such other matters relating to Grade A milk and milk products as may be necessary to protect~~[the]~~ public health. This administrative regulation incorporates materials related to permit requirements and sanitary standards for Grade A milk producers, processors, handlers and distributors, Grade A dry and condensed milk, Grade A dry and condensed whey, and the fabrication of single-service containers and closures for milk and milk products.

Section 1. Grade A Milk and Milk Products. The permit, sanitary, and quality requirements for the production, processing, handling, and distribution of Grade A milk and milk products shall be in accordance with the:

(1) Evaluation of Milk Laboratories, 2025~~[2017]~~ edition;
(2) Grade "A" Pasteurized Milk Ordinance, 2025~~[2017]~~ edition; and
(3) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2025~~[2017]~~ edition.

Section 2. Methods of Making Sanitation Ratings of Milk Shippers~~[Supplies]~~. The sanitation rating methods of Grade A milk producers, processors, and handlers shall be in accordance with the Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers, 2025~~[2017]~~ edition.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:
(a) "Evaluation of Milk Laboratories", 2025~~[2017]~~;
(b) "Grade 'A' Pasteurized Milk Ordinance", 2025~~[2017]~~;
(c) "Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers", 2025~~[2017]~~; and
(d) "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments", 2025~~[2017]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety, Milk Safety Branch, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or 7 a.m. to 3:30 p.m. Central Time.

(3) This material is available online at https://www.fda.gov/food/milk-guidance-documents-regulatory-information/national-conference-interstate-milk-shipments-ncims-model-documents.

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: October 30, 2026
FILED WITH LRC: November 5, 2026 at 1:40 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 25, 2027 at 9:00 a.m. Eastern Time / 8 a.m. Central Time using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by January 15, 2027 five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through January 31, 2027. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.
CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Julie Brooks, Krista Quarles; Phone Number: (502) 229-3377, (502) 564-7476; Email: julied.brooks@ky.gov, CHFSregs@ky.gov

Subject Headings:Dairy and Milk, Food and Food Safety, Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation incorporates materials related to permit requirements and sanitary standards for Grade A milk producers, processors, handlers and distributors, Grade A dry and condensed milk, Grade A dry and condensed whey, and the fabrication of single-service containers and closures for milk and milk products.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to ensure the sanitation and safety of the grade A milk supply and grade A milk products in the commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 217C.040 authorizes the secretary to adopt rules and regulation regulating the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, and the sale of milk and milk products. Separate regulations are required for regulating grade A milk products and milk for manufacturing purposes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation ensures all grade A dairy producers, haulers, shippers, and manufacturing plants are following the most up to date, nationally recognized food safety standards.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
The amendment to this administrative regulation updates all material incorporated by reference to the most current edition.

(b) The necessity of the amendment to this administrative regulation:
The amendment to this administrative regulation is necessary to ensure up to date, nationally recognized quality standards are being implemented across all grade A dairy producers, haulers, shippers, and manufacturing plants.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 217C.040 authorizes the secretary to adopt rules and regulation regulating the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, and the sale of milk and milk products. Separate regulations are required for regulating grade A milk products and milk for manufacturing purposes.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment to this administrative regulation will ensure all grade A dairy producers, haulers, shippers, and manufacturing plants are following the most up to date industry standards.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The amendment to this administrative regulation will impact approximately 580 entities, including all regulated dairy farms, dairy processors, state regulated dairy industry entities, and the Milk Safety Branch in the Department for Public Health.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

All grade A dairy producers, haulers, shippers, and manufacturing plants will need to be aware of the standards required in the 2025 editions of the National Conference on Interstate Milk Shipments model documents.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

Any costs associated with compliance will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Grade A dairy producers, haulers, shippers, and manufacturing plants will be in full compliance with nationally recognized standards for milk and dairy products.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This is an ongoing program. There will be no initial cost to implement this amendment.

(b) On a continuing basis:

The total operating costs for the Milk Safety Branch are approximately $2.2 million dollars on an annual basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

State general fund dollars are the source of funding for this administrative regulation.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in funding is necessary to support the continued work of the Milk Safety Branch.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no fees established in this administrative regulation.

(10) TIERING: Is tiering applied?

Tiering is not applied as all grade A dairy producers, haulers, shippers, and manufacturing plants are held the same food safety standards.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050 and 217C.040.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety, Milk Safety Branch is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures:The amendment to this administrative regulation will not impact expenditures for the department.

Revenues:The amendment to this administrative regulation will not affect revenues for the department.

Cost Savings:The amendment to this administrative regulation will not result in cost savings for the department.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no changes in expenditures, revenues, or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

There are no identified local entities.

(a) Estimate the following for the first year:

Expenditures:Not applicable.

Revenues:Not applicable.

Cost Savings:Not applicable.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Not applicable.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Additional regulated entities include dairy farmers and producers, milk haulers, dairy plants, and laboratories where dairy products are tested.

(a) Estimate the following for the first year:

Expenditures:The amendment to this administrative regulation will not impact expenditures for these additional regulated entities.

Revenues:The potential revenue for the additional regulated entities is unknown.

Cost Savings:The potential cost savings for the additional regulated entities is unknown.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There is no anticipated change in expenditures, revenues, or cost savings in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation will have no fiscal impact. Regulated entities currently operate in compliance with the federal standards contained in the material incorporated by reference.

(b) Methodology and resources used to determine the fiscal impact:

Not applicable.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)

The amendment to this administrative regulation does not create a major economic impact as it is budget neutral for the entities identified in questions (2) – (4).

(b) The methodology and resources used to reach this conclusion:

Not applicable.