

1 AN ACT relating to milk safety.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217C.030 is amended to read as follows:

4 As used in this chapter:

5 (1) "Commissioner"~~["Secretary"]~~ means the Commissioner of the Kentucky
6 Department of Agriculture; and~~[secretary of the Cabinet for Health and Family~~
7 ~~Services.]~~

8 (2) "Department"~~["Cabinet"]~~ means the Kentucky Department of Agriculture~~[Cabinet~~
9 ~~for Health and Family Services].~~

10 ➔Section 2. KRS 217C.040 is amended to read as follows:

11 The Commissioner~~[secretary]~~ shall adopt rules and regulations regulating the production,
12 transportation, processing, handling, sampling, examination, grading, labeling, standards
13 of identity, and sale of milk and milk products; the inspection of dairy herds, dairy farms,
14 and milk plants; the issuing and revocation of permits to milk producers, haulers, transfer
15 stations, processing plants, pasteurization plants, and distributors; the procedures for
16 selection of advisory committee nominees; and regulating such other matters relating to
17 milk and milk products as may be necessary to protect the public health. The
18 Commissioner~~[secretary]~~ shall adopt separate regulations regulating grade A milk
19 products and milk for manufacturing purposes.

20 ➔Section 3. KRS 217C.050 is amended to read as follows:

21 (1) The department~~[cabinet]~~ is hereby designated as the single state agency for the
22 purpose of carrying out a statewide milk control program within budgetary
23 limitations. The department~~[cabinet]~~ may allot funds or contract with any local
24 health department to carry out an approved milk control program in accordance
25 with the provisions of this chapter. In the event a local department's program is not
26 maintained in approved status, the department~~[cabinet]~~ may assume operation and
27 control of the local program within budgetary limitations.

1 (2) In the event the department~~[cabinet]~~ assumes the responsibility for any existing
2 milk program being conducted by a local health department the employees thereof
3 may, with the approval of the department~~[cabinet]~~, be accepted as employees of the
4 department~~[cabinet]~~ and assigned to equivalent classifications pursuant to
5 applicable state merit system regulations, without examination.

6 ➔Section 4. KRS 217C.060 is amended to read as follows:

7 The department~~[cabinet]~~ is authorized to enter into reciprocal agreements with milk
8 control officials of federal or state agencies having standards substantially equivalent to
9 the requirements of this chapter and the regulations of the Commissioner~~[secretary]~~,
10 which are enforced with equal effectiveness. A reasonable fee shall be charged for all
11 out-of-state inspections where reciprocal inspections are not available. Such fees shall be
12 deposited in a revolving fund for the purpose of carrying out the provisions of this
13 chapter.

14 ➔Section 5. KRS 217C.070 is amended to read as follows:

15 (1) The Commissioner of the Kentucky Department of Agriculture~~[secretary for~~
16 ~~health and family services]~~ shall appoint a milk advisory committee composed of
17 eight (8) appointive members. Three (3) members shall be processors, or
18 representatives thereof; three (3) members shall be producers, or representatives
19 thereof; and two (2) members shall be citizens at large, as representatives of
20 consumers.

21 (2) The Commissioner of the Kentucky Department of Agriculture~~[secretary for~~
22 ~~health and family services]~~ or his or her designated representative shall be an ex
23 officio member and secretary of the committee. The appointments to the committee
24 shall be made for a term of four (4) years, or until their successors are appointed
25 and qualify, except that the terms of office of the members first appointed shall be
26 as follows: two (2) members shall be appointed for one (1) year, two (2) members
27 shall be appointed for two (2) years, two (2) members shall be appointed for three

1 (3) years and two (2) members shall be appointed for four (4) years and the
 2 respective terms of the first members shall be designated by the Commissioner of
 3 the Kentucky Department of Agriculture~~[secretary for health and family services]~~
 4 at the time of their appointment. Such members shall serve without compensation
 5 but may be reimbursed for necessary traveling expenses. Procedures for selection of
 6 advisory nominees shall be in accordance with the regulations of the
 7 Commissioner~~[secretary]~~.

8 ➔Section 6. KRS 217C.090 is amended to read as follows:

9 The Commissioner~~[secretary]~~ shall issue administrative regulations allowing the sale,
 10 upon written recommendation of a physician, of goat milk which has not been
 11 pasteurized.

12 ➔Section 7. KRS 260.840 is amended to read as follows:

13 (1) The Kentucky Milk Handlers Advisory Board shall consist of:

- 14 (a) The coordinator of the dairy section of the Animal Science Department at the
 15 University of Kentucky, College of Agriculture;
- 16 (b) The chair of the dairy committee of the Kentucky Farm Bureau Federation;
- 17 (c) The branch manager of the Milk Safety Branch of the Department of
 18 Agriculture~~[Cabinet for Health and Family Services]~~;
- 19 (d) Three (3) permitted producers or permitted producer representatives;
- 20 (e) Two (2) processors or processor representatives;
- 21 (f) One (1) sampler-weigher or sampler-weigher representative; and
- 22 (g) One (1) tester or tester representative.

23 The coordinator of the dairy section of the Animal Science Department at the
 24 University of Kentucky, College of Agriculture shall act as chair of the board.

25 (2) The director, or his or her designated representative, shall be an ex officio member
 26 and secretary to the board.

27 (3) (a) Each permitted producer shall be appointed by the director from a list of two

1 (2) persons nominated by the dairy committee of the Kentucky Farm Bureau
2 Federation. If a permitted producer becomes chair of the dairy committee of
3 the Kentucky Farm Bureau Federation during his or her term, the dairy
4 committee shall appoint an alternate to serve the remainder of the term of the
5 permitted producer.

6 (b) Each processor shall be appointed by the director from a list of two (2)
7 persons nominated by the executive committee of the Dairy Products
8 Association of Kentucky. If a processor becomes president of the Dairy
9 Products Association of Kentucky during his or her term, the executive
10 committee shall appoint an alternate to serve the remainder of the term of the
11 processor.

12 (c) The sampler-weigher and tester shall be at-large appointees and shall be
13 appointed by the director.

14 (4) Appointments to the board shall be for a term of three (3) years, or until their
15 successors are appointed, except that the terms of office of the members first
16 appointed shall be as follows: two (2) members shall be appointed for one (1) year,
17 two (2) members shall be appointed for two (2) years, and three (3) members shall
18 be appointed for three (3) years. The respective terms of the first members shall be
19 designated by the director at the time of their appointment. No appointed board
20 member shall serve more than two (2) consecutive terms.

21 (5) Board members not already employed by the state shall be compensated at the rate
22 of one hundred dollars (\$100) per day for board service and be reimbursed for any
23 actual expense incurred while performing board duties.

24 ➔Section 8. The Milk Safety Branch within the Division of Public Health
25 Protection and Safety, Department for Public Health, Cabinet for Health and Family
26 Services, shall be moved to the Kentucky Department of Agriculture. All programmatic
27 staff, personnel, records, files, equipment, resources, funding, and administrative

- 1 functions of the Milk Safety Branch shall be transferred to the Kentucky Department of
- 2 Agriculture.