

## **902 KAR 50:010. Definitions for milk and milk products.**

RELATES TO: KRS 217.015, 217.025, 217.035, 217C.030, 247.4453, 247.453, 7 C.F.R. 58.101, 21 C.F.R. 131.3(b), 133.3(d), 135.3, 178.1010

STATUTORY AUTHORITY: KRS 194A.050(1), 211.180(1)(c), 217C.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires 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 211.180(1)(c) authorizes the cabinet to promulgate administrative regulations for the safe handling of food and food products. KRS 217C.040 authorizes the cabinet to regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, sale and other matters relating to milk and milk products as may be necessary to protect the public health. This administrative regulation defines terms applicable to 902 KAR Chapter 50.

### **Section 1. Definitions.**

- (1) "Adulterated " means any milk or milk product adulterated as provided by KRS 217.025.
- (2) "Cabinet" is defined by KRS 217C.030(2).
- (3) "Certified sample collector" or "Certified sampler" means an employee of the department, fieldman or milk hauler who has been approved to collect milk samples for regulatory purposes.
- (4) "Cleaned-in-place" means the procedure by which sanitary pipeline or pieces of dairy equipment are mechanically cleaned-in-place by circulation.
- (5) "Dairy farm" means a place where one (1) or more milking cows or goats are kept for milking purposes, and from which a part or all of the milk produced is delivered, sold, or offered for sale to a dairy, plant, receiving station or transfer station.
- (6) "Department" means the Department for Public Health.
- (7) "Distributor" means a permitted person, place, or location that sells or contributes permitted products to the consumer.
- (8) "Goat milk" is defined by 7 C.F.R. 58.101(k)(2).
- (9) "Grade A milk and milk products" means those products produced, processed, transported and distributed in accordance with 902 KAR 50:110.
- (10) "Handler" is defined by KRS 247.453(7).
- (11) "Inspector" means an employee of the department who is qualified, trained, and authorized to:
  - (a) Perform dairy farm or plant inspections, or both;
  - (b) Grade raw milk;
  - (c) Evaluate quality control programs of milk plants; and
  - (d) Carry out the enforcement procedures of the department's administrative regulations relating to milk and milk products.
- (12) "Manufactured milk and milk products" means those products produced, processed, transported and distributed in accordance with the department's manufacturing milk administrative regulations.
- (13) "Milk" is defined by 21 C.F.R. 131.110(a).
- (14) "Milk grader" means a person who is qualified for the grading of raw milk in accordance with quality standards and procedures.
- (15) "Milk hauler" or "hauler" means any person who transports milk or raw milk products to or from a milk plant, receiving station or transfer station.
- (16) "Milk plant" or "plant" means any place, premises, or establishment where milk or milk products are processed, stored, pasteurized, aseptically processed and packaged, or prepared for distribution.

- (17) "Misbranded " means any milk or milk product misbranded as provided by KRS 217.035.
- (18) "Official laboratory" means the biological, chemical, or physical laboratory which is under the direct supervision of the department.
- (19) "Officially designated laboratory" means a designated milk industry or commercial laboratory authorized by the department for the examination of producer samples, commingled milk tank truck samples, milk containers, or finished products.
- (20) "Pasteurized" is defined by:
- (a) 7 C.F.R. 58.101(n) for products having dairy ingredients with a fat content of ten (10) percent or more, or contain added sweeteners, and condensed milk;
  - (b) 21 C.F.R. 131.3(b) for milk and cream;
  - (c) 21 C.F.R. 133.3(d) for cheese and related cheese products; and
  - (d) 21 C.F.R. 135.3 for frozen desserts.
- (21) "Person" is defined by KRS 217.015(32).
- (22) "Producer" is defined by KRS 247.4453(3).
- (23) "Receiving station" is defined by 7 C.F.R. 58.101(y).
- (24) "Sanitizing solution" is defined by 21 C.F.R. 178.1010.
- (25) "Transfer station" is defined by 7 C.F.R. 58.101(z).
- (26) "Use by" means the date on a consumer package or container of Grade A pasteurized milk or milk products subsequent to the date of manufacturing, processing or packaging that represents the period of time the product will remain unspoiled and acceptable for consumption when transported, handled and stored under approved conditions. The terms "Sale by" or "Best if used by" shall have the same meaning as "use by".
- (1 Ky.R. 279; eff. 1-8-1975; 79; eff. 8-7-1984; 13 Ky.R. 543; eff. 10-2-1986; 18 Ky.R. 1453; eff. 1-10-1992; 47 Ky.R. 435; eff. 11-19-2020.)