

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Grade A Pasteurized Milk and Milk Products
5 Act is amended by changing Sections 3 and 10 as follows:

6 (410 ILCS 635/3) (from Ch. 56 1/2, par. 2203)

7 Sec. 3. Definitions.

8 (a) As used in this Act "Grade A" means that milk and milk
9 products are produced and processed in accordance with the
10 current Grade A Pasteurized Milk Ordinance as adopted by the
11 National Conference on Interstate Milk Shipments and the United
12 States Public Health Service - Food and Drug Administration and
13 all other applicable federal regulations. The term Grade A is
14 applicable to "dairy farm", "milk hauler-sampler", "milk
15 plant", "milk product", "receiving station", "transfer
16 station", "milk tank truck", and "certified pasteurizer
17 sealer" whenever used in this Act.

18 (b) Unless the context clearly indicates otherwise, terms
19 have the meaning ascribed as follows:

20 (1) (Blank). ~~"Dairy farm" means any place or premise~~
21 ~~where one or more cows or goats are kept, and from which a~~
22 ~~part or all of the milk or milk products are provided,~~
23 ~~sold, or offered for sale to a milk plant, transfer~~

1 ~~station, or receiving station.~~

2 (2) "Milk" means the milk of cows, ~~or~~ goats, sheep,
3 water buffalo, or other hooved mammals and includes skim
4 milk and cream.

5 (3) (Blank). ~~"Milk plant" means any place, premise, or~~
6 ~~establishment where milk or milk products are collected,~~
7 ~~handled, processed, stored, pasteurized, aseptically~~
8 ~~processed, bottled, or prepared for distribution.~~

9 (4) (Blank). ~~"Milk product" means any product~~
10 ~~including cream, light cream, light whipping cream, heavy~~
11 ~~cream, heavy whipping cream, whipped cream, whipped light~~
12 ~~cream, sour cream, acidified light cream, cultured sour~~
13 ~~cream, half and half, sour half and half, acidified sour~~
14 ~~half and half, cultured half and half, reconstituted or~~
15 ~~recombined milk and milk products, concentrated milk,~~
16 ~~concentrated milk products, skim milk, lowfat milk, frozen~~
17 ~~milk concentrate, eggnog, buttermilk, cultured milk,~~
18 ~~cultured lowfat milk or skim milk, cottage cheese, yogurt,~~
19 ~~lowfat yogurt, nonfat yogurt, acidified milk, acidified~~
20 ~~lowfat milk or skim milk, low sodium milk, low sodium~~
21 ~~lowfat milk, low sodium skim milk, lactose-reduced milk,~~
22 ~~lactose-reduced lowfat milk, lactose-reduced skim milk,~~
23 ~~aseptically processed and packaged milk and milk products,~~
24 ~~and milk, lowfat milk or skim milk with added safe and~~
25 ~~suitable microbial organisms.~~

26 (5) "Receiving station" means any place, premise, or

1 establishment where raw milk is received, collected,
2 handled, stored or cooled and prepared for further
3 transporting.

4 (6) "Transfer station" means any place, premise, or
5 establishment where milk or milk products are transferred
6 directly from one milk tank truck to another.

7 (7) "Department" means the Illinois Department of
8 Public Health.

9 (8) "Director" means the Director of the Illinois
10 Department of Public Health.

11 (9) "Embargo or hold for investigation" means a
12 detention or seizure designed to deny the use of milk or
13 milk products which may be unwholesome or to prohibit the
14 use of equipment which may result in contaminated or
15 unwholesome milk or dairy products.

16 (10) "Imminent hazard to the public health" means any
17 hazard to the public health when the evidence is sufficient
18 to show that a product or practice, posing or contributing
19 to a significant threat of danger to health, creates or may
20 create a public health situation (1) that should be
21 corrected immediately to prevent injury and (2) that should
22 not be permitted to continue while a hearing or other
23 formal proceeding is being held.

24 (11) "Person" means any individual, group of
25 individuals, association, trust, partnership, corporation,
26 person doing business under an assumed name, the State of

1 Illinois, or any political subdivision or department
2 thereof, or any other entity.

3 (12) "Enforcing agency" means the Illinois Department
4 of Public Health or a unit of local government electing to
5 administer and enforce this Act as provided for in this
6 Act.

7 (13) "Permit" means a document awarded to a person for
8 compliance with the provisions of and under conditions set
9 forth in this Act.

10 (14) (Blank). ~~"Milk hauler sampler" means a person who~~
11 ~~is qualified and trained for the grading and sampling of~~
12 ~~raw milk in accordance with federal and State quality~~
13 ~~standards and procedures.~~

14 (15) (Blank). ~~"Cleaning and sanitizing facility" means~~
15 ~~any place, premise or establishment where milk tank trucks~~
16 ~~are cleaned and sanitized.~~

17 (16) (Blank). ~~"Milk tank truck" includes both a bulk~~
18 ~~pickup tank and a milk transport tank.~~

19 ~~(A) "Bulk milk pickup tank" means the tank, and~~
20 ~~those appurtenances necessary for its use, used by a~~
21 ~~milk hauler sampler to transport bulk raw milk for~~
22 ~~pasteurization from a dairy farm to a milk plant,~~
23 ~~receiving station, or transfer station.~~

24 ~~(B) "Milk transport tank" means a vehicle,~~
25 ~~including the truck and tank, used by a milk hauler to~~
26 ~~transport bulk shipments of milk from a transfer~~

1 ~~station, receiving station, or milk plant to another~~
2 ~~transfer station, receiving station, or milk plant.~~

3 (17) "Certified pasteurizer sealer" means a person who
4 has satisfactorily completed a course of instruction and
5 has demonstrated the ability to satisfactorily conduct all
6 pasteurization control tests, as required by rules adopted
7 by the Department.

8 (Source: P.A. 97-135, eff. 7-14-11.)

9 (410 ILCS 635/10) (from Ch. 56 1/2, par. 2210)

10 Sec. 10. After proper identification, authorized
11 representatives of the enforcing agency are authorized and
12 shall have the power to enter, at reasonable times, all dairy
13 farms, milk plants, cleaning and sanitizing facilities,
14 receiving stations, transfer stations, or vehicles used to
15 transport milk and milk products under its jurisdiction, for
16 the purpose of inspecting, sampling, and investigating
17 conditions relating to the enforcement of this Act and the
18 rules and regulations promulgated hereunder.

19 The enforcing agency has the responsibility to prevent the
20 distribution of adulterated milk and milk products and to
21 inform the public of adulterated milk and milk products already
22 in commerce. In response to a confirmed foodborne outbreak or
23 when a high risk of infection exists, the enforcing agency
24 shall require pathogen testing to be performed on the
25 implicated milk and milk products. At least 4 times during

1 every 6-month period, representatives of the enforcing agency
2 shall collect samples of milk from each milk plant for testing
3 in accordance with the rules adopted under this Act and the
4 Grade A Pasteurized Milk Ordinance. Examination standards and
5 enforcement thereof shall be in accordance with the rules
6 adopted under this Act and the Grade A Pasteurized Milk
7 Ordinance. ~~The samples shall be tested for salmonella. If a~~
8 ~~product tests unsatisfactorily, two more samples, each~~
9 ~~obtained on separate days, shall be tested; if the average of~~
10 ~~the 3 test results fails to meet the enforcing agency's~~
11 ~~standards, the milk plant shall be in violation of this Act.~~

12 Written notice of all violations shall be given to the
13 dairy farm, milk plant, cleaning and sanitizing facility,
14 receiving or transfer station, milk hauler-sampler, milk tank
15 truck, or certified pasteurizer sealer.

16 (Source: P.A. 92-216, eff. 1-1-02.)