



Sen. David Koehler

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09800SB3157sam001

LRB098 16192 RPM 56165 a

1 AMENDMENT TO SENATE BILL 3157

2 AMENDMENT NO. _____. Amend Senate Bill 3157 by replacing
3 everything after the enacting clause with the following:

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

1 sealer" whenever used in this Act.

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

4 (1) (Blank). ~~"Dairy farm" means any place or premise~~
5 ~~where one or more cows or goats are kept, and from which a~~
6 ~~part or all of the milk or milk products are provided,~~
7 ~~sold, or offered for sale to a milk plant, transfer~~
8 ~~station, or receiving station.~~

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

12 (3) (Blank). ~~"Milk plant" means any place, premise, or~~
13 ~~establishment where milk or milk products are collected,~~
14 ~~handled, processed, stored, pasteurized, aseptically~~
15 ~~processed, bottled, or prepared for distribution.~~

16 (4) (Blank). ~~"Milk product" means any product~~
17 ~~including cream, light cream, light whipping cream, heavy~~
18 ~~cream, heavy whipping cream, whipped cream, whipped light~~
19 ~~cream, sour cream, acidified light cream, cultured sour~~
20 ~~cream, half and half, sour half and half, acidified sour~~
21 ~~half and half, cultured half and half, reconstituted or~~
22 ~~recombined milk and milk products, concentrated milk,~~
23 ~~concentrated milk products, skim milk, lowfat milk, frozen~~
24 ~~milk concentrate, eggnog, buttermilk, cultured milk,~~
25 ~~cultured lowfat milk or skim milk, cottage cheese, yogurt,~~
26 ~~lowfat yogurt, nonfat yogurt, acidified milk, acidified~~

1 ~~lowfat milk or skim milk, low sodium milk, low sodium~~
2 ~~lowfat milk, low sodium skim milk, lactose reduced milk,~~
3 ~~lactose reduced lowfat milk, lactose reduced skim milk,~~
4 ~~aseptically processed and packaged milk and milk products,~~
5 ~~and milk, lowfat milk or skim milk with added safe and~~
6 ~~suitable microbial organisms.~~

7 (5) "Receiving station" means any place, premise, or
8 establishment where raw milk is received, collected,
9 handled, stored or cooled and prepared for further
10 transporting.

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

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

16 (8) "Director" means the Director of the Illinois
17 Department of Public Health.

18 (9) "Embargo or hold for investigation" means a
19 detention or seizure designed to deny the use of milk or
20 milk products which may be unwholesome or to prohibit the
21 use of equipment which may result in contaminated or
22 unwholesome milk or dairy products.

23 (10) "Imminent hazard to the public health" means any
24 hazard to the public health when the evidence is sufficient
25 to show that a product or practice, posing or contributing
26 to a significant threat of danger to health, creates or may

1 create a public health situation (1) that should be
2 corrected immediately to prevent injury and (2) that should
3 not be permitted to continue while a hearing or other
4 formal proceeding is being held.

5 (11) "Person" means any individual, group of
6 individuals, association, trust, partnership, corporation,
7 person doing business under an assumed name, the State of
8 Illinois, or any political subdivision or department
9 thereof, or any other entity.

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

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

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

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

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

26 ~~(A) "Bulk milk pickup tank" means the tank, and~~

1 ~~those appurtenances necessary for its use, used by a~~
2 ~~milk hauler sampler to transport bulk raw milk for~~
3 ~~pasteurization from a dairy farm to a milk plant,~~
4 ~~receiving station, or transfer station.~~

5 ~~(B) "Milk transport tank" means a vehicle,~~
6 ~~including the truck and tank, used by a milk hauler to~~
7 ~~transport bulk shipments of milk from a transfer~~
8 ~~station, receiving station, or milk plant to another~~
9 ~~transfer station, receiving station, or milk plant.~~

10 (17) "Certified pasteurizer sealer" means a person who
11 has satisfactorily completed a course of instruction and
12 has demonstrated the ability to satisfactorily conduct all
13 pasteurization control tests, as required by rules adopted
14 by the Department.

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

16 (410 ILCS 635/10) (from Ch. 56 1/2, par. 2210)

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

1 The enforcing agency has the responsibility to prevent the
2 distribution of adulterated milk and milk products and to
3 inform the public of adulterated milk and milk products already
4 in commerce. In response to a confirmed foodborne outbreak or
5 when a high risk of infection exists, the enforcing agency
6 shall require pathogen testing to be performed on the
7 implicated milk and milk products. At least 4 times during
8 every 6-month period, representatives of the enforcing agency
9 shall collect samples of milk from each milk plant for testing
10 in accordance with the rules adopted under this Act and the
11 Grade A Pasteurized Milk Ordinance. Examination standards and
12 enforcement thereof shall be in accordance with the rules
13 adopted under this Act and the Grade A Pasteurized Milk
14 Ordinance. ~~The samples shall be tested for salmonella. If a~~
15 ~~product tests unsatisfactorily, two more samples, each~~
16 ~~obtained on separate days, shall be tested; if the average of~~
17 ~~the 3 test results fails to meet the enforcing agency's~~
18 ~~standards, the milk plant shall be in violation of this Act.~~

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

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