

1 AN ACT to amend the Grade A Pasteurized Milk and Milk  
2 Products Act concerning milk trucks.

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

5 Section 5. The Grade A Pasteurized Milk and Milk Products  
6 Act is amended by changing Sections 2, 3, 5, 5.1, 6, 9, 10,  
7 12, 15, and 19 as follows:

8 (410 ILCS 635/2) (from Ch. 56 1/2, par. 2202)

9 Sec. 2. The purpose of this Act is to protect, promote,  
10 and preserve the public health and general welfare by  
11 providing for the establishment and enforcement of minimum  
12 standards for cleanliness and safe sanitation practices for  
13 all Grade A milk and milk products and to provide for  
14 inspection and issuance of permits to operators of dairy  
15 farms, milk plants, receiving stations, transfer stations,  
16 milk hauler-samplers, milk tank trucks ~~bulk--milk-pickup~~  
17 ~~tanks~~, and certified pasteurizer sealers.

18 (Source: P.A. 89-526, eff. 7-19-96.)

19 (410 ILCS 635/3) (from Ch. 56 1/2, par. 2203)

20 Sec. 3. Definitions.

21 (a) As used in this Act "Grade A" means that milk and  
22 milk products are produced and processed in accordance with  
23 the latest United States Public Health Service - Food and  
24 Drug Administration Grade A Pasteurized Milk Ordinance as may  
25 be amended. The term Grade A is applicable to "dairy farm",  
26 "milk hauler-sampler", "milk plant", "milk product",  
27 "receiving station", "transfer station", "milk tank truck"  
28 ~~"bulk-milk-pickup-tank"~~, and "certified pasteurizer sealer"  
29 whenever used in this Act.

30 (b) Unless the context clearly indicates otherwise,

1 terms have the meaning ascribed as follows:

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

7 (2) "Milk" means the milk of cows or goats and  
8 includes skim milk and cream.

9 (3) "Milk plant" means any place, premise, or  
10 establishment where milk or milk products are collected,  
11 handled, processed, stored, pasteurized, aseptically  
12 processed, bottled, or prepared for distribution.

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

31 (5) "Receiving station" means any place, premise,  
32 or establishment where raw milk is received, collected,  
33 handled, stored or cooled and prepared for further  
34 transporting.

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

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

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

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

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

21           (11) "Person" means any individual, group of  
22 individuals, association, trust, partnership,  
23 corporation, person doing business under an assumed name,  
24 the State of Illinois, or any political subdivision or  
25 department thereof, or any other entity.

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

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

33           (14) "Milk hauler-sampler" means a person who is  
34 qualified and trained for the grading and sampling of raw

1 milk in accordance with federal and State quality  
2 standards and procedures.

3 (15) "Cleaning and sanitizing facility" means any  
4 place, premise or establishment where milk tank trucks  
5 are cleaned and sanitized.

6 (16) "Milk tank truck" includes both a bulk pickup  
7 tank and a milk transport tank.

8 (A) "Bulk milk pickup tank" means the tank,  
9 and those appurtenances necessary for its use, used  
10 by a milk hauler-sampler to transport bulk raw milk  
11 for pasteurization from a dairy farm to a milk  
12 plant, receiving station, or transfer station.

13 (B) "Milk transport tank" means a vehicle,  
14 including the truck and tank, used by a milk hauler  
15 to transport bulk shipments of milk from a transfer  
16 station, receiving station, or milk plant to another  
17 transfer station, receiving station, or milk plant.

18 (17) "Certified pasteurizer sealer" means a person  
19 who has satisfactorily completed a course of instruction  
20 and has demonstrated the ability to satisfactorily  
21 conduct all pasteurization control tests, as required by  
22 rules adopted by the Department.

23 (Source: P.A. 89-526, eff. 7-19-96.)

24 (410 ILCS 635/5) (from Ch. 56 1/2, par. 2205)

25 Sec. 5. After the effective date of this Act, it shall  
26 be unlawful for any person to establish, maintain, conduct,  
27 or operate a dairy farm, milk plant, receiving station, or  
28 transfer station processing milk or milk products, to  
29 establish and operate a cleaning and sanitizing facility or  
30 milk tank truck ~~bulk-milk-pickup--tank~~, to haul or sample  
31 milk, or to act as a certified pasteurizer sealer within this  
32 State, or to bring into and distribute from out-of-state milk  
33 and milk products without first obtaining a permit therefor

1 from the Department.

2 The Department may prescribe and conduct examinations, a  
3 portion of which may be written, to test the knowledge of  
4 milk hauler-samplers and certified pasteurizer sealers as a  
5 condition for awarding permits.

6 Permits issued by the Department for certified  
7 pasteurizer sealers, cleaning and sanitizing facilities, milk  
8 plants, and receiving or transfer stations shall expire on  
9 December 31 of each year. Permits issued to milk  
10 hauler-samplers shall expire on March 31 of each year.  
11 Permits issued for milk tank trucks ~~bulk-milk-pickup-tanks~~  
12 shall remain valid indefinitely unless revoked by the  
13 Department for noncompliance with the rules promulgated under  
14 this Act or the milk tank truck ~~bulk-milk-pickup-truck~~ is  
15 transferred or removed from service. Permits issued for dairy  
16 farms shall have no expiration date and shall remain valid  
17 indefinitely unless revoked by the Department for  
18 noncompliance with the rules promulgated under this Act or  
19 discontinuation of the dairy farm operation for which a  
20 permit was issued.

21 Applications for original permits or renewals shall be  
22 made on forms furnished by the Department. Each application  
23 shall contain: (1) the name and address of the applicant or  
24 names and addresses of the partners if the applicant is a  
25 partnership, or the names and addresses of the officers if  
26 the applicant is a corporation, or the names and addresses of  
27 all persons having a financial interest therein if the  
28 applicant is a group of individuals, association or trust;  
29 and (2) the location of the plant, station, cleaning and  
30 sanitizing facility, certified pasteurizer sealer, milk tank  
31 truck ~~bulk-milk--pickup--tank~~, or milk hauler-sampler. A  
32 permit shall be valid only in the hands of the person to whom  
33 it is issued and shall not be the subject of sale, assignment  
34 or other transfer, voluntary or involuntary, nor shall the

1 permit be valid for any premises, milk tank truck bulk--milk  
2 pickup--tank, certified pasteurizer sealer, or milk  
3 hauler-sampler other than the one for which originally  
4 issued.

5 (Source: P.A. 89-526, eff. 7-19-96.)

6 (410 ILCS 635/5.1) (from Ch. 56 1/2, par. 2205.1)

7 Sec. 5.1. (a) The Department shall charge a fee of \$100  
8 for each permit issued to a milk plant; \$50 for each permit  
9 issued to a receiving station, transfer station, or cleaning  
10 and sanitizing facility; \$25 for each permit issued to a milk  
11 hauler-sampler; \$25 for each permit issued for a milk tank  
12 truck bulk--milk--pickup--tank; and \$100 for each certified  
13 pasteurizer sealer. In addition to such fees, the Department  
14 shall assess a late fee if an application for renewal of a  
15 permit is received after the expiration date of the existing  
16 permit. The late fee shall be \$50 for a permit issued to a  
17 milk plant; \$25 for a permit issued to a receiving station,  
18 transfer station, or cleaning and sanitizing facility; and  
19 \$15 for a permit issued to a milk hauler-sampler.

20 (b) All permit fees charged under this Section shall be  
21 deposited into the Food and Drug Safety Fund.

22 (Source: P.A. 89-526, eff. 7-19-96.)

23 (410 ILCS 635/6) (from Ch. 56 1/2, par. 2206)

24 Sec. 6. If the Department finds that a dairy farm, milk  
25 hauler-sampler, milk plant, cleaning and sanitizing facility,  
26 receiving station, transfer station, milk tank truck bulk  
27 milk-pickup-tank, or pasteurizer sealer for which a permit is  
28 sought is not in compliance with the provisions of this Act  
29 or the rules and regulations relating thereto, but that such  
30 dairy farm, milk plant, cleaning and sanitizing facility,  
31 transfer or receiving station, milk tank truck bulk--milk  
32 pickup--tank, milk hauler-sampler, or pasteurizer sealer may

1 operate without undue prejudice to the public health, the  
2 Department may issue a conditional permit setting forth the  
3 conditions on which the permit is issued, the manner in which  
4 the dairy farm, milk plant, cleaning and sanitizing facility,  
5 transfer or receiving station, milk tank truck ~~bulk--milk~~  
6 ~~pickup-tank~~, milk hauler-sampler, or pasteurizer sealer fails  
7 to comply with the Act and such rules and regulations and  
8 shall set forth the time, not to exceed 90 days, within which  
9 the applicant must make any changes or corrections necessary  
10 in order for such dairy farm, milk plant, cleaning and  
11 sanitizing facility, transfer or receiving station, milk tank  
12 truck ~~bulk--milk--pickup--tank~~, milk hauler-sampler, or  
13 pasteurizer sealer to fully comply with this Act and the  
14 rules and regulations relating thereto.

15 (Source: P.A. 89-526, eff. 7-19-96.)

16 (410 ILCS 635/9) (from Ch. 56 1/2, par. 2209)

17 Sec. 9. All permits for farms, plants or stations as  
18 provided for in this Act shall be displayed in a conspicuous  
19 place for public view within or on the premises. A sticker or  
20 decal identifying the permit number must be displayed on the  
21 milk tank truck ~~bulk-milk-pickup-tank~~ immediately adjacent to  
22 the manufacturer's identification plate. A milk  
23 hauler-sampler shall maintain upon his person his permit or  
24 renewal at all such times as he is operating a milk tank  
25 truck or collecting a sample. A certified pasteurizer sealer  
26 shall maintain upon his or her person his or her permit or  
27 renewal at all times during which he or she is testing a  
28 pasteurizer.

29 (Source: P.A. 89-526, eff. 7-19-96.)

30 (410 ILCS 635/10) (from Ch. 56 1/2, par. 2210)

31 Sec. 10. After proper identification, authorized  
32 representatives of the enforcing agency are authorized and

1 shall have the power to enter, at reasonable times, all dairy  
2 farms, milk plants, cleaning and sanitizing facilities,  
3 receiving stations, transfer stations, or vehicles used to  
4 transport milk and milk products under its jurisdiction, for  
5 the purpose of inspecting, sampling, and investigating  
6 conditions relating to the enforcement of this Act and the  
7 rules and regulations promulgated hereunder.

8 At least 4 times during every 6-month period,  
9 representatives of the enforcing agency shall collect samples  
10 of milk from each milk plant for testing. The samples shall  
11 be tested for salmonella. If a product tests  
12 unsatisfactorily, two more samples, each obtained on separate  
13 days, shall be tested; if the average of the 3 test results  
14 fails to meet the enforcing agency's standards, the milk  
15 plant shall be in violation of this Act.

16 Written notice of all violations shall be given to the  
17 dairy farm, milk plant, cleaning and sanitizing facility,  
18 receiving or transfer station, milk hauler-sampler, milk tank  
19 truck ~~bulk-milk-pickup-tank~~, or certified pasteurizer sealer.  
20 (Source: P.A. 89-526, eff. 7-19-96.)

21 (410 ILCS 635/12) (from Ch. 56 1/2, par. 2212)

22 Sec. 12. Whenever the enforcing agency finds that an  
23 imminent hazard to the public health exists which requires  
24 immediate action to protect the public health, it may,  
25 without any administrative procedure to bond, bring an action  
26 for immediate injunctive relief to require that such action  
27 be taken as the court may deem necessary to meet the  
28 emergency, including the closing of the dairy farm, milk  
29 plant, receiving or transfer station, cleaning and sanitizing  
30 facility, milk hauler-sampler, milk tank truck ~~bulk--milk~~  
31 ~~pickup---tank~~, or certified pasteurizer sealer or the  
32 suspension or revocation of the permit. Notwithstanding any  
33 other provision of this Act, such order shall be effective



1 immediately. The court may issue an ex parte order and shall  
 2 schedule a hearing on the matter no later than 3 working days  
 3 from the date of the injunction. Where this Act is being  
 4 enforced by the State of Illinois, the State's Attorney of  
 5 the county in which the violation occurred or the Attorney  
 6 General shall bring such actions in the name of the People of  
 7 the State of Illinois. When, in the opinion of the enforcing  
 8 agency, such conditions are abated, it may authorize  
 9 reopening the plant, cleaning and sanitizing facility or  
 10 station, and the injunctive order shall be dissolved.

11 (Source: P.A. 89-526, eff. 7-19-96.)

12 (410 ILCS 635/15) (from Ch. 56 1/2, par. 2215)

13 Sec. 15. The Department shall, in accordance with The  
 14 Illinois Administrative Procedure Act, promulgate, publish  
 15 and adopt rules, regulations and standards as may be  
 16 necessary for the proper enforcement of this Act. The rules,  
 17 regulations and standards shall include but not be limited to  
 18 requirements for dairy farms, milk hauler-samplers, milk tank  
 19 trucks ~~bulk--milk--pickup--tanks~~, milk plants, certified  
 20 pasteurizer sealers, cleaning and sanitizing facilities,  
 21 receiving stations and transfer stations.

22 (Source: P.A. 89-526, eff. 7-19-96.)

23 (410 ILCS 635/19) (from Ch. 56 1/2, par. 2219)

24 Sec. 19. It is declared to be the law of this State,  
 25 pursuant to paragraphs (h) and (i) of Section 6 of Article  
 26 VII of the Illinois Constitution that the regulation of dairy  
 27 farms, milk plants, cleaning and sanitizing facilities,  
 28 receiving stations, transfer stations, milk tank trucks ~~bulk~~  
 29 ~~milk--pickup--tanks~~, milk hauler-samplers, and certified  
 30 pasteurizer sealers is an exercise of exclusive State power  
 31 which may not be exercised concurrently by a home rule unit  
 32 unless provided otherwise in Section 4 of this Act.

1 (Source: P.A. 89-526, eff. 7-19-96.)

2 Section 99. Effective date. This Act takes effect

3 January 1, 2002.