

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1786

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H.P. 1278

House of Representatives, February 20, 2014

### **An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NOON of Sanford.  
Cosponsored by Senator TUTTLE of York and  
Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, MASTRACCIO  
of Sanford, Senators: BOYLE of Cumberland, JACKSON of Aroostook, PATRICK of Oxford,  
VITELLI of Sagadahoc.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §416** is enacted to read:

3 **§416. Farm-produced dairy products**

4 **1. Definitions.** As used in this section, unless the context indicates otherwise, the  
5 following terms have the following meanings.

6 A. "Farm-produced dairy product" means a dairy product, including but not limited  
7 to yogurt, kefir and fluid milk, that is sold on the same farm on which the dairy  
8 product is produced.

9 B. "Farm-produced dairy product producer" means a person who produces farm-  
10 produced dairy products.

11 C. "Informed end consumer" means, with regard to farm-produced dairy products, a  
12 person who:

13 (1) Purchases or consumes the farm-produced dairy product;

14 (2) Does not resell the farm-produced dairy product or process and sell food  
15 prepared with the farm-produced dairy product; and

16 (3) Has been informed that the farm-produced dairy product was not produced in  
17 a food establishment licensed under Title 22, chapter 551 and that the farm-  
18 produced dairy product has not been inspected.

19 **2. License not required for sale of farm-produced dairy products.** A farm-  
20 produced dairy product producer is exempt from licensing requirements under Part 7,  
21 chapter 601 and Title 22, chapter 551 for sales of farm-produced dairy products when:

22 A. The sales and transfers of the farm-produced dairy product are made directly to an  
23 informed end consumer on the premises on which the farm-produced dairy product  
24 was produced;

25 B. The farm-produced dairy product producer allows each customer to visually  
26 inspect the farm where the farm-produced dairy product was produced. A farm-  
27 produced dairy product producer may require customers who choose to inspect the  
28 farm to follow sanitary procedures determined by the farm-produced dairy product  
29 producer; and

30 C. The farm-produced dairy product producer does not advertise the farm-produced  
31 dairy product in any manner other than in a face-to-face exchange between the farm-  
32 produced dairy product producer and the customer.

33 **3. Farm-produced dairy products and premises exempt from inspection.** Farm-  
34 produced dairy products produced and sold in this State and the premises on which a  
35 farm-produced dairy product is produced are not subject to inspection by the department  
36 under section 446 or Part 7, chapter 601 or Title 22, section 2162 or 2164 when the  
37 transaction is between a farm-produced dairy product producer and an informed end  
38 consumer in accordance with subsection 2.

1            **4. Labeling.** Farm-produced dairy products sold pursuant to this section must be  
2 sold in packages and with a label on each package containing the name, address and  
3 phone number of the farm-produced dairy product producer. The farm-produced dairy  
4 product must also be clearly labeled with the following statement: "This food has been  
5 produced at a facility that is exempt from licensing and inspection by the State of Maine."  
6 If the dairy product is made from unpasteurized milk, the label must also contain the  
7 words "not pasteurized."

8            **5. Commissioner's authority.** Notwithstanding subsection 3, when the  
9 commissioner is investigating an outbreak of a foodborne illness and has reason to  
10 believe that a farm-produced dairy product is adulterated pursuant to Title 22, section  
11 2156, subsection 1, the commissioner shall inspect and may detain, embargo or condemn  
12 those products in accordance with Title 22, section 2159.

13            **Sec. 2. 22 MRSA §2176** is enacted to read:

14            **§2176. Application**

15            This subchapter does not apply to the sale of farm-produced dairy products to  
16 informed end consumers pursuant to Title 7, section 416.

17            **SUMMARY**

18            This bill facilitates direct sales of dairy products sold on the same farm on which the  
19 product is produced by exempting those sales from state licensing and inspection  
20 requirements if certain conditions are met.