
ENGROSSED SENATE BILL 5962

State of Washington

54th Legislature

1995 Regular Session

By Senators Rasmussen and Newhouse

Read first time 02/17/95. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to dairy products; amending RCW 15.36.121; and
2 creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The department of agriculture shall develop
5 a proposal to impose a civil penalty that would be in lieu of a degrade
6 or summary suspension for violations of the pasteurized milk ordinance.
7 The department shall inquire as to the acceptability of the proposed
8 civil penalty authority with the federal food and drug administration,
9 with regulatory agencies that implement the requirements of the
10 pasteurized milk ordinance in states to which milk produced in
11 Washington state is shipped, and with other public and private
12 organizations that may be affected by the issue. The department shall
13 provide a written report containing its conclusions and recommendations
14 to the house of representatives and senate committees having
15 jurisdiction over milk quality issues by December 15, 1995.

16 **Sec. 2.** RCW 15.36.121 and 1994 c 143 s 210 are each amended to
17 read as follows:

1 Except as permitted in this section, no milk producer or
2 distributor shall transfer milk or milk products from one container to
3 another on the street, or in any vehicle, or store, or in any place
4 except a bottling or milk room especially used for that purpose.

5 Milk and milk products sold in the distributor's containers in
6 quantities (~~less than~~) of one gallon or less shall be delivered in
7 standard milk bottles or in single-service containers. It shall be
8 unlawful for hotels, soda fountains, restaurants, groceries, hospitals,
9 and similar establishments to sell or serve any milk or milk products
10 except in the individual original container in which it was received
11 from the distributor or from a bulk container equipped with an approved
12 dispensing device: PROVIDED, That this requirement shall not apply to
13 cream or milk consumed on the premises in serving sizes not to exceed
14 two hundred thirty-six milliliters or one-half pint, which may be
15 served from the original bottle or from a dispenser approved for such
16 service.

17 It shall be unlawful for any hotel, soda fountain, restaurant,
18 grocery, hospital, or similar establishment to sell or serve any milk
19 or milk product which has not been maintained, while in its possession,
20 at a temperature of forty-five degrees Fahrenheit or less. If milk or
21 milk products are stored in water for cooling, the pouring lip of the
22 container shall not be submerged.

23 It shall be the duty of all persons to whom milk or milk products
24 are delivered to clean thoroughly the containers in which such milk or
25 milk products are delivered before returning such containers.
26 Apparatus, containers, equipment, and utensils used in the handling,
27 storage, processing, or transporting of milk or milk products shall not
28 be used for any other purpose without the permission of the director.

29 The delivery of milk or milk products to and the collection of milk
30 or milk products containers from residences in which cases of
31 communicable disease transmissible through milk supplies exists shall
32 be subject to the special requirements of the health officer.

--- END ---