

HOUSE No. 4879

Section 22 contained in the engrossed Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (see House, No. 4835), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment A of House, No. 4884). August 13, 2018.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act providing for the manufacture and distribution of raw milk.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the manufacture and distribution of raw milk, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws, as appearing in the 2016 Official Edition, is hereby
2 amended by inserting after section 13E the following section:-

3 Section 13F. (a) A dairy farmer manufacturing raw milk for human consumption shall be
4 licensed under section 16A and under section 5 of chapter 94A. A licensed raw milk farmer may
5 deliver raw milk directly to a consumer, off-site from the farm if the raw milk farmer has a
6 direct, contractual relationship with the consumer. The raw milk farmer may contract with a third
7 party for such delivery; provided, however, that the raw milk farmer shall maintain the
8 contractual relationship with the consumer. The raw milk farmer may deliver raw milk through a
9 community-supported agriculture delivery system; provided, however, that the raw milk farmer

10 shall maintain a contractual relationship with the consumer. Delivery may be made directly to
11 the consumer's residence or to a pre-established receiving site. A receiving site shall not be in a
12 retail setting, with the exception of a community-supported agriculture delivery system, in which
13 case the raw milk shall be kept separate from retail items for sale and shall not be accessible to
14 the general public.

15 (b) A raw milk farmer may sell raw milk from the farmer's farm stand even if the stand
16 is not contiguous to the farmer's raw milk dairy; provided, however, that the farmer shall comply
17 with section 3 of chapter 40A.

18 (c) The department of agricultural resources and the department of public health, acting
19 jointly, shall adopt and promulgate rules and regulations governing the handling, packaging,
20 storage, testing and transportation of raw milk; provided, however, that any delivery vehicle
21 transporting raw milk shall comply with the inspection requirements set forth in sections 33, 35
22 and 40.

23 (d) The label on any raw milk sold pursuant to this section shall contain: (i) the identity
24 of the farm where the raw milk was packaged, including the licensee's name, address and license
25 number; and (ii) the following warning: "Raw milk is not pasteurized. Pasteurization destroys
26 organisms that may be harmful to health."