

PUBLIC CHAPTER NO. 627**HOUSE BILL NO. 1360**

By Representatives Niceley, Bass, Faulkner, Borchert, McDaniel, Ford, Halford, Weaver, Litz, Shaw, Bone, Evans, Watson, Dennis, Hensley, Rich, Eldridge, Hawk, Yokley, Curtis Johnson

Substituted for: Senate Bill No. 1899

By Senators Faulk, Barnes, Berke, Black, Burchett, Burks, Finney, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey

AN ACT to amend Tennessee Code Annotated, Title 44 and Title 53, to enact the "Dairy Farmers Prosperity Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 3, is amended by adding Sections 2 through 11 inclusive of this act as a new Part 3.

SECTION 2. This part shall be known and may be cited as the "Dairy Farmers Prosperity Act".

SECTION 3. Notwithstanding any provision of law to the contrary, there is established a category of milk to be known as "Tennessee prime milk" and to be certified as such by the department for sale at retail.

SECTION 4. For the purposes of this part, "Tennessee prime milk" means a quantity of milk obtained by the milking of one (1) or more healthy cows, not less than eighty percent (80%) of which quantity of milk is produced in Tennessee.

SECTION 5. Processors electing to have their milk certified as "Tennessee prime milk" shall make application to the department for such purpose and submit to all inspections deemed necessary by the department to attain such certification.

SECTION 6.

"Tennessee prime milk" sold at retail shall meet the following standards:

(1) Reduced fat milk shall contain at least ten percent (10%) milk solids not fat (SNF);

(2) Non-fat or skim milk shall contain at least nine percent (9%) milk solids not fat (SNF);

(3) Whole milk shall contain at least eight and one-half percent (8.5%) milk solids not fat (SNF);

(4) Milk set out in subdivisions (1) – (3) shall only contain milk or any other product that is produced in the United States; and

(5) Milk set out in subdivisions (1) – (3) shall only be packaged, bottled or processed in the United States.

SECTION 7. The milk solids not fat (SNF) content and butterfat content shall be included on the labeling of all quantities and containers of "Tennessee prime milk" sold at retail.

SECTION 8.

(a) Only those products meeting the standards established in Section 6 shall be labeled and sold as "Tennessee prime milk."

(b) Dairy processors certified by the department to offer for sale "Tennessee prime milk" shall maintain documentation from a qualified laboratory acceptable to the department, such documentation to reflect monthly analyses of each product labeled "Tennessee prime milk" to ensure compliance with the standards established in Section 6.

(c) All such documentary records, as well as all milk procurement and milk processing records, shall be made available to the commissioner upon request.

(d)(1) In addition to the monthly analyses required by subsection (b), the commissioner may obtain samples of products for analyses to ensure compliance with the standards established in Section 6, at the commissioner's discretion.

(2) The cost of performing such analyses and shipment to a qualified laboratory of such samples shall be borne by the appropriate processor.

SECTION 9. In order to facilitate the production and sale of "Tennessee prime milk," dairy cooperatives doing business in Tennessee shall sell any reasonable quantity of milk to a dairy products plant or trade products plant that processes or packages "Tennessee prime milk" at the request of any such plant.

SECTION 10. The commissioner of agriculture shall promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with title 4, chapter 5.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: February 18, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 3rd day of March 2010


PHIL BREDESEN, GOVERNOR