

112TH CONGRESS
1ST SESSION

S. 1955

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTERSTATE TRAFFIC OF UNPASTEURIZED**
4 **MILK AND MILK PRODUCTS.**

5 (a) SALE ALLOWED.—Notwithstanding the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.),
7 section 361 of the Public Health Service Act (42 U.S.C.
8 264), and any regulations or other guidance issued under
9 such Act or section, a Federal department, agency, or
10 court may not take any action (such as administrative,

1 civil, criminal, or other actions) that would prohibit, inter-
2 fere with, regulate, or otherwise restrict the interstate
3 traffic of milk, or a milk product, that is unpasteurized
4 and packaged for direct human consumption, if such re-
5 striction is based on the determination that, solely because
6 such milk or milk product is unpasteurized, such milk or
7 milk product is adulterated, misbranded, or otherwise in
8 violation of Federal law.

9 (b) DEFINITIONS.—In this section, the following defi-
10 nitions apply:

11 (1) The terms “interstate traffic”, “milk”, and
12 “milk product” have the meanings given those terms
13 in section 1240.3 of title 21, Code of Federal Regu-
14 lations (as in effect on the date of enactment of this
15 Act).

16 (2) The term “packaged for direct human con-
17 sumption” means milk and milk products that are
18 packaged for the final consumer and intended for
19 human consumption. Such term does not include
20 milk and milk products that are packaged for addi-
21 tional processing, including pasteurization, before
22 being consumed by humans.

23 (3) The term “pasteurized” means the process
24 of heating milk and milk products to the applicable
25 temperature specified in the tables contained in sec-

1 tion 1240.61 of title 21, Code of Federal Regula-
2 tions (or successor regulations), and held continu-
3 ously at or above that temperature for at least the
4 corresponding specified time in such tables.

○