



Rules of
Department of Agriculture
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Raw Milk and Milk Products

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**Title 2—DEPARTMENT OF
AGRICULTURE**

**Division 80—State Milk Board
Chapter 3—Production and
Distribution of Grade “A” Raw
Milk and Milk Products**

**2 CSR 80-3.001 Adoption of the Grade “A”
Pasteurized Milk Ordinance (PMO), 2019
Revision of the United States Department
of Health and Human Services, Public
Health Service, Food and Drug
Administration**

PURPOSE: This rule provides for the adoption of the **Grade “A” Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration** which is the recommended ordinance for adoption by state and local governments for the sanitary control of Grade “A” milk and milk products.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The **Grade “A” Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration** establishes minimum standards which must be complied with for satisfactorily producing and for processing Grade “A” raw milk for pasteurization and Grade “A” pasteurized milk and milk products in Missouri. The document further contains administrative procedures, which provide information as to satisfactory compliance with the required items of sanitation. The **Grade “A” Pasteurized Milk Ordinance (PMO), 2019 Revision** is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the **Pasteurized Milk Ordinance (PMO)**.

AUTHORITY: section 196.939, RSMo 2016.*
Original rule filed Sept. 17, 2020, effective April 30, 2021.

*Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.

2 CSR 80-3.010 Definitions
(Rescinded April 30, 2021)

AUTHORITY: section 196.939, RSMo 2016.
Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed April 30, 2018, effective Nov. 30, 2018. Rescinded: Filed Sept. 17, 2020, effective April 30, 2021.

**2 CSR 80-3.020 The Sale of Adulterated,
Ungraded, or Misbranded Milk or Milk
Products Prohibited**

PURPOSE: This rule provides for the control of adulterated, ungraded, or misbranded Grade “A” Raw milk or milk products, or a combination of these. This rule corresponds with Section 2 of the federal **Grade “A” Pasteurized Milk Ordinance (PMO)**, as adopted in 2 CSR 80-3.001.

(1) No person shall produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, within the state of Missouri, or its jurisdiction, any milk or milk product which is adulterated or misbranded. Provided that, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the regulatory agency, in which case those products shall be labeled ungraded.

(2) Any adulterated or misbranded milk or milk product may be impounded under proper authority by the regulatory agency and disposed of in accordance with applicable laws or regulations, including the **Grade “A” Pasteurized Milk Ordinance**, as adopted in 2 CSR 80-3.001.

AUTHORITY: section 196.939, RSMo 2016.*
Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed Nov. 6, 2020, effective May 30, 2021.

*Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.

2 CSR 80-3.030 Permits

PURPOSE: This rule provides for the

issuance of permits to individuals involved in the production and distribution of Grade “A” raw milk and milk products.

(1) Every producer-distributor producing and distributing Grade “A” raw milk under terms of these regulations shall secure a permit from the state authority. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons, locations, or both.

AUTHORITY: section 196.939, RSMo 2016.*
Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed Nov. 6, 2020, effective May 30, 2021.

*Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.

2 CSR 80-3.040 Labeling

PURPOSE: This rule provides regulations for the proper labeling of Grade “A” raw milk or milk products.

(1) All containers shall be plainly labeled Grade “A” Raw with the name of the contents, net volume of contents, plant number, and the name and address of the producer-distributor. Label must include “WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”

(2) The label shall be in letters of an approved size, kind, and color and shall contain no marks or words which are misleading.

AUTHORITY: section 196.939, RSMo 2016.*
Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed Nov. 6, 2020, effective May 30, 2021.

*Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.

**2 CSR 80-3.050 Inspection of Production
and Distribution Facilities**
(Rescinded April 30, 2021)

AUTHORITY: section 196.939, RSMo 2000.
Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Rescinded: Filed Sept. 17, 2020, effective April 30, 2021.

**2 CSR 80-3.060 The Examination of Milk and Milk Products**

PURPOSE: This rule specifies sampling frequency and required chemical, pathological, and bacteriological test to be conducted on Grade "A" raw milk and milk products.

(1) During each six- (6-) month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined at a State of Missouri approved laboratory. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, somatic cell counts, coliform counts, cooling temperature, and other laboratory and screening tests shall conform to the procedures in the most current edition of *Standard Methods for the Examination of Dairy Products* of the American Public Health Association as recommended by the *Grade "A" Pasteurized Milk Ordinance* (PMO), as adopted in 2 CSR 80-3.001.

(2) Whenever two (2) of the last four (4) consecutive bacterial plate counts, somatic cell counts, coliform counts, and cooling temperature taken on separate days, exceeds the limit of the standards for the milk, milk product, or both, the state authority shall send a written notice to the producer and/or distributor concerned. This notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample shall be taken within fourteen (14) days of the sending of the notice, but not before the lapse of three (3) days. Immediate suspension of the permit in accordance with 2 CSR 80-3.030, the court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacterial plate counts, somatic cell counts, coliform counts, and cooling temperature.

(3) At issuance of permit, and two (2) times during each twelve (12) month period, thereafter, a sample must be taken prior to the final delivery of the milk or milk products and tested for the presence of pathogenic bacteria including *Salmonella*, *Listeria monocytogenes*, *Campylobacter*, and *E. Coli* 0157:H7. There shall be no pathogenic bacteria detected. Should a sample test positive for pathogenic bacteria including *Salmonella*, *Listeria monocytogenes*, *Campylobacter*, or *E. Coli* 0157:H7 the state authority shall send written notice of suspension to distribute to the producer and/or distributor. This notice shall be in effect until a clearing sampling is

obtained for distribution of product. At the discretion of the Missouri State Milk Board, pathogen isolates obtained from the milk or milk products must be tested by whole genome sequencing. All pathogen testing must be reported to the Missouri State Milk Board within seventy-two (72) hours from the date the results were issued. State Milk Board is responsible for initial regulatory sampling and testing and one (1) sampling and testing per year thereafter. The Grade "A" Raw Milk permit holder is responsible to arrange sampling and pay for testing one (1) time each year and for clearing sampling and testing.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Amended: Filed April 30, 2018, effective Nov. 30, 2018. Amended: Filed Nov. 6, 2020, effective May 30, 2021.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.070 The Grading of Milk and Milk Products

PURPOSE: This rule provides standards which Grade "A" raw milk and milk products must meet.

(1) Grades shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial count standards shall be doubled in the case of cream. The grade of milk product shall be that of the lowest grade of milk product used in its preparation.

(A) Grade "A" raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation. The bacterial plate count of the milk shall not exceed twenty thousand (20,000) per milliliter and not more than ten (10) coliform per milliliter as determined in accordance with 2 CSR 80-3.001.

1. Cow health. All herds and additions shall be tested and found free of tuberculosis before any milk is sold, and all herds shall be retested at least every twelve (12) months thereafter until accredited or certified by the United States Department of Agriculture as a tuberculosis-free herd. The tests and retests shall be made and any reactors disposed of, in accordance with the latest requirements approved by the United States Department of Agriculture (USDA), for tuberculosis-free accredited herds, in effect at the time of the

adoption of these regulations. A certificate identifying each animal signed by the veterinarian or attested to by the state authority, and filed as directed by the state authority, shall be evidence to the previously-mentioned test.

A. All herds and additions shall be tested and found free of brucellosis before any milk is sold, and all herds shall be retested at least every twelve (12) months thereafter until accredited or certified by the United States Department of Agriculture as a brucellosis-free herd. Tests and retests shall be made, and any reactors disposed of in accordance with the latest requirements by the USDA, in effect at the time of the adoption of these rules. A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test and filed as directed by the state authority, shall be evidence of the previous test.

B. Cows which show a complete induration of one (1) quarter or extensive induration in one (1) or more quarters of the udder, upon physical examination whether secreting abnormal milk or not, shall be permanently excluded from the milking herd, provided that this shall not apply in the case of quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until reexamination shows that the milk has become normal.

C. For other diseases, such tests and examinations as the state authority may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him/her, and any diseased animals or reactors shall be disposed of as s/he may require.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed April 30, 2010, effective Nov. 30, 2010. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed Nov. 6, 2020, effective May 30, 2021.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.080 Suspension and Reinstatement of Permit

PURPOSE: This rule provides regulations pertaining to the suspension and reinstatement of permits.

(1) If at any time a lower grade shall become justified, the state authority immediately



shall suspend the permit in accordance with 2 CSR 80-3.001 or 2 CSR 80-3.070. This rule corresponds with Section 3 of the federal Grade “A” Pasteurized Milk Ordinance (PMO), as adopted in 2 CSR 80-3.001.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed Nov. 6, 2020, effective May 30, 2021.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.090 Transferring or Dipping Milk: Delivery Containers; Cooling; Quarantined Residences

PURPOSE: This rule provides regulations pertaining to transferring or dipping of milk, delivery containers, cooling, and quarantined residences.

(1) Except as permitted in this rule, no milk producer/distributor shall transfer milk or milk products from one (1) container to another on the street, or in any vehicle or store, or in any place except a bottling or milkroom especially used for that purpose. The sale of dip milk is prohibited.

(2) Milk and cream sold in the distributor’s containers in quantities of one (1) gallon or less shall be delivered in standard milk bottles or in single-service containers.

(3) It shall be the duty of all persons to whom milk or milk products are delivered to thoroughly clean the containers in which the milk or milk products are delivered before returning those containers.

(4) The delivery of milk or milk products to, and the collection of milk or milk product containers from, residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the state authority.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.100 Notification of Disease

PURPOSE: This rule provides regulations for the notification of disease to the state authority.

(1) No person with any disease in a communicable form or who is a carrier of a communicable disease shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of having any disease in a communicable form or of being a carrier of a communicable disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of a communicable disease shall notify the state authority immediately.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.110 Procedure When Infection is Suspected

PURPOSE: This rule provides regulations pertaining to the procedure when infection is suspected.

(1) When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the state authority is authorized to require any of the following measures:

(A) The immediate exclusion of that person from milk handling;

(B) The immediate exclusion of the milk supply concerned from distribution and use; and

(C) Adequate medical and bacteriological examination of the person, of his/her associates, and of his/her and their body discharges.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013.*

**Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

2 CSR 80-3.120 Enforcement Interpretation

(Rescinded April 30, 2021)

AUTHORITY: section 196.939, RSMo 2016.

Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Amended: Filed April 30, 2018, effective Nov. 30, 2018. Rescinded: Filed Sept. 17, 2020, effective April 30, 2021.

2 CSR 80-3.130 Adoption of the Grade “A” Pasteurized Milk Ordinance (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration by Reference (Rescinded November 30, 2018)

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Rescinded: Filed April 30, 2018, effective Nov. 30, 2018.