

## LEGISLATIVE BILL 900

Approved by the Governor April 16, 1986

Introduced by Agriculture & Environment Committee,  
R. Johnson, 34, Chairperson; Sieck, 24;  
Barrett, 39; Chizek, 31; Eret, 32; Pirsch,  
10; Vickers, 38

AN ACT relating to agriculture; to amend sections 2-3901 to 2-3906, 2-3908 to 2-3912, 2-3914, 2-3915, 2-3917 to 2-3919, 2-3922 to 2-3925, 2-3928 to 2-3930, 2-3935, and 2-3938 to 2-3947, Reissue Revised Statutes of Nebraska, 1943; to harmonize internal references in the Nebraska Pasteurized Milk Law; to change a provision relating to the restriction of the sale of milk and milk products; to change a provision relating to regulatory functions performed by political subdivisions; to define and redefine terms; to change provisions relating to the quality testing of milk, herd health requirements, storage, sanitation, and water requirements, and pasteurization; to provide a fee; to provide powers and duties for the Department of Agriculture; to eliminate provisions related to the sale of milk and cream; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 2-3933, 81-258 to 81-261, and 81-263, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 2-3901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3901. (1) The Legislature hereby adopts by reference the provisions of Part II of the Grade A Pasteurized Milk Ordinance - 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it ~~existed~~ exists on January 1, ~~1980~~ 1986, including Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of this section. ~~These portions of Part II of the Grade A~~

Pasteurized Milk Ordinance - 1978 Recommendations of the United States Public Health Service/Feed and Drug Administration adopted by sections 2-3901 to 2-3946 shall for purposes of sections 2-3901 to 2-3946 be referred to as the ordinance-

(2) Sections 9, 15, 16, and 17 of the ordinance expressly adopted by reference pursuant to subsection (1) of this section shall be replaced by sections 2-3903, 2-3904, 2-3909, and 2-3912 respectively.

(3) Certified copies of the ordinance shall be filed in the offices of the Secretary of State, Clerk of the Legislature, and Department of Agriculture.

Sec. 2. That section 2-3902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3902. The Nebraska Pasteurized Milk Law ordinance and sections 2-3901 to 2-3946 shall, after April 24, 1980 July 1, 1986, be used for the regulation of: (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products, other than milk and milk products regulated under the Nebraska Manufacturing Milk Act, sold for ultimate consumption within the State of Nebraska, (2) the inspection of dairy herds, dairy farms, milk plants, plants fabricating single service articles, transfer stations, receiving stations, milk haulers, and milk distributors, and (3) the issuance, suspension, and revocation of permits.

Sec. 3. That section 2-3903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3903. (1) Except as provided in subsections (2) ~~to (4)~~ and (3) of this section, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments.

(2) 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 such milk and milk products shall be labeled as ungraded.

(3) Any milk plant which, on April 24, 1980, is engaged in the pasteurization of Grade A raw milk for use in milk and milk products to be labeled as Grade B may continue to do so, as long as such plant complies in all other respects with the provisions of the ordinance and sections 2-3901 to 2-3946-

(3) (4) Milk and milk products produced by

farmers exclusively for sale at the farm directly to customers for consumption and not for resale shall be exempt from the ordinance and sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law.

Sec. 4. That section 2-3904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3904. The ordinance and sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law shall be administered and enforced by the Department of Agriculture.

Sec. 5. That section 2-3905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3905. (1) The Department of Agriculture may contract with local governmental subdivisions for the conduct of any or all of the regulatory functions authorized under the ordinance and sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law, except for the issuance, suspension, or revocation of permits.

(2) Local governmental subdivisions shall be compensated by the department based upon the regulatory functions contracted for and the amount of milk produced and processed by permit holders inspected by the subdivision.

(2) (3) Regulatory activities performed by a subdivision acting under a contract authorized by this section shall conform with the provisions of the ordinance and sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law and shall be deemed to have the same effect as those performed by the department.

(3) (4) The term regulatory agency as used in the ordinance and sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law shall mean the department and any local governmental subdivision under contract with the department.

Sec. 6. That section 2-3906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3906. (1) As a condition precedent to the issuance of a permit issued pursuant to the ordinance or sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law, and on or before August 1 of each year thereafter, the following described permit fees shall be paid to the department:

Milk Plant	\$100.00
Receiving Station	\$100.00
Plant Fabricating	
Single-Service Articles	\$100.00

Milk Distributor	\$75.00
Transfer Station	\$50.00
Milk Hauler	\$25.00
Milk Producer	No Fee

(2) All raw milk produced on farms or pasteurized in plants holding permits issued under the ordinance or sections 2-3901 to 2-3946 Nebraska Pasteurized Milk Law shall be subject to the payment of inspection fees as prescribed in subsections (3) to (6) of this section. All fees shall be paid on or before the fifteenth of the month for milk produced or processed during the preceding month. Inspection fees for milk pasteurized outside of Nebraska shall be paid by the person shipping such raw milk outside the state. Inspection fees for milk pasteurized within Nebraska shall be paid by the plant pasteurizing such raw milk.

(3) The inspection fee on raw milk produced on a Grade A farm holding a permit issued under sections 2-3901 to 2-3946 the Nebraska Pasteurized Milk Law and pasteurized at a Grade A plant holding a permit issued under sections 2-3901 to 2-3946 such law shall be three cents per hundredweight of raw milk pasteurized.

(4) The inspection fee on raw milk produced on a Grade A farm holding a permit issued under sections 2-3901 to 2-3946 the Nebraska Pasteurized Milk Law and pasteurized at a manufacturing milk plant shall be two and one half cents per hundredweight of raw milk pasteurized in Nebraska, or per hundredweight of raw milk shipped from Nebraska, as appropriate.

(5) The inspection fee on raw milk produced on a Grade A farm holding a permit issued under sections 2-3901 to 2-3946 the Nebraska Pasteurized Milk Law and pasteurized at a plant located outside of Nebraska shall be two and one half cents per hundredweight of raw milk shipped from Nebraska.

(6) The inspection fee on raw milk produced on a Grade A farm not holding a permit issued under sections 2-3901 to 2-3946 the Nebraska Pasteurized Milk Law and pasteurized at a Grade A plant holding a permit issued under sections 2-3901 to 2-3946 such law shall be three-fourths of one cent per hundredweight of raw milk pasteurized.

Sec. 7. That section 2-3908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3908. The Department of Agriculture may adopt and promulgate reasonable rules and regulations to aid in the administration and enforcement of sections 2-3901 to 2-3946 and the ordinance the Nebraska

Pasteurized Milk Law.

Sec. 8. That section 2-3909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3909. (1) The Department of Agriculture may apply for a restraining order or a temporary or permanent injunction against any person violating or threatening to violate ~~sections 2-3901 to 2-3946, the ordinance, the Nebraska Pasteurized Milk Law~~ or the rules and regulations adopted ~~and promulgated~~ pursuant to ~~the ordinance or sections 2-3901 to 2-3946, such law~~ in order to insure compliance with the provisions thereof. The district court of the county where the violation is occurring or is about to occur shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of other remedies at law, and shall be granted without bond.

(2) It shall be the duty of the county attorney of the county in which violations of ~~sections 2-3901 to 2-3946 or the ordinance the Nebraska Pasteurized Milk Law~~ are occurring or are about to occur, when notified of such violations or threatened violations by the department, to cause appropriate proceedings under subsection (1) of this section to be instituted and pursued in the district court without delay.

Sec. 9. That section 2-3910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3910. The Director of Health shall make and publish the results of periodic surveys of milksheds to determine the degree of compliance with the sanitary requirements for the production, processing, handling, distribution, sampling, and hauling of milk and milk products as provided in ~~sections 2-3901 to 2-3946 and the ordinance the Nebraska Pasteurized Milk Law~~. The Director of Health shall have the power to issue reasonable rules and regulations in accordance with the procedure defined in Chapter 84, article 9, for the interpretation and enforcement of this section. Such a survey or rating of a milkshed shall follow the procedures prescribed by the United States Public Health Service in its documents entitled Methods of Making Sanitation Ratings of Milksheds, 1978 Edition, Milk Supplies, and Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers, 1979 Revision as such documents exist on July 1, 1986,

copies of which shall be kept on file in the offices of the Secretary of State, the Director of Health, and the Director of Agriculture.

Sec. 10. That section 2-3911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3911. All fees paid to the department in accordance with the Nebraska Pasteurized Milk Law sections 2-3901 to 2-3912 shall be paid to the state treasury and by the State Treasurer credited to the Pure Milk Cash Fund, which is hereby created. All money credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering the provisions of sections 2-3901 to 2-3912 such law. Any money in the Pure Milk Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 11. That section 2-3912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3912. Sections 2-3901 to 2-3912 and the provisions of Part II of the Grade A Pasteurized Milk Ordinance -- 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it exists on January 1, 1986, including Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of section 2-3901, that part of the ordinance expressly adopted by reference under subsection (1) of section 2-3901 shall be known and may be cited as the Nebraska Pasteurized Milk Law.

Sec. 12. That section 2-3914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3914. As used in sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act, unless the context otherwise requires:

- (1) Department shall mean the Department of Agriculture;
- (2) Director shall mean the Director of Agriculture or his or her duly authorized agent;
- (3) License shall mean a license issued under sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act by the director;
- (4) Fieldman shall mean an individual qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and

generally employed by a processing or manufacturing plant for the purpose of dairy farm inspections and quality control work;

(5) Inspector shall mean an employee of the Department of Agriculture, qualified, trained, and authorized to perform dairy farm or plant inspections and raw milk grading;

(6) Milk grader or bulk milk collector shall mean an individual licensed by the Department of Agriculture who is qualified and trained for the grading of raw milk in accordance with the quality standards set forth in sections 2-3913 to 2-3946;

(7) (6) Producer shall mean the person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station for manufacturing purposes and those who receive payment for this product;

(8) (7) Dairy farm or farm shall mean a place or premise premises where one or more milking cows or goats are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes;

(9) (8) Dairy plant, plant, or receiving station; shall mean any place, premise premises, or establishment where milk or dairy products are received or handled for processing or manufacturing or prepared for distribution. When plant is used in connection with the production, transportation, grading, or use of milk, it shall mean any plant that handles or purchases milk for manufacturing purposes, and ; when used in connection with minimum specifications for plants or licensing of plants, it shall mean only those plants that manufacture dairy products;

(10) (9) Transfer station shall mean any place, premise premises, or establishment where milk for manufacturing purposes or manufactured milk products are transferred directly from one transport tank to another;

(11) (10) Milk transporter or milk hauler Hauler-sampler shall mean any individual who transports raw milk and raw milk products for manufacturing purposes to or from a milk plant, a receiving station, or a transfer station and who grades or samples such milk;

(12) (11) Milk shall mean the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats or cows. Milk includes only milk for manufacturing purposes. Goat milk or commingled cow and goat milk may be used to manufacture dairy products that are legally

provided for in Title 21, Code of Federal Regulations, as it exists on July 1, 1986, or for nonstandardized products when properly labeled;

{13} (12) Milk for manufacturing purposes shall mean milk produced for processing and manufacturing into products not required by law to be of Grade A quality;

{14} (13) Acceptable milk shall mean milk that qualifies under the provisions of section 2-3916 sections 2-3915 to 2-3917 and section 15 of this act as to sight and odor and that is classified acceptable for somatic cells, and bacterial estimate, antibiotic residues, and sediment;

{15} (14) Probational milk shall mean milk classified undergrade for somatic cells, or bacterial estimate, or sediment that may be accepted by plants for specific time periods;

{16} (15) Reject milk shall mean milk that does not qualify under the provisions of section 2-3916 as to sight and odor which is rejected by the plant under the provisions of rules and regulations promulgated by the Director of Agriculture sections 2-3915 to 2-3917 and section 15 of this act;

(16) Adulterated milk and dairy products shall mean any milk or dairy products in which one or more of the conditions described in section 402 of the Federal Food, Drug, and Cosmetic Act, as it exists on July 1, 1986, exist;

{17} Excluded milk shall mean all of a producer's milk excluded from the market under provisions of the rules and regulations promulgated by the Director of Agriculture;

{18} (17) Dairy products shall mean products allowed to be made from milk for manufacturing purposes and not required to be of Grade A quality;

{19} Farm certification shall mean certification by a fieldman or inspector that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom, utensils and equipment, and water supply have been found to meet the applicable requirements of sections 2-3913 to 2-3946 for the production of milk to be used for manufacturing purposes;

{20} (18) Official methods shall mean Official Methods of Analysis of the Association of Official Agricultural Analytical Chemists, a publication of the Association of Official Agricultural Analytical Chemists;

{21} (19) Standard methods shall mean Standard



Methods for the Examination of Dairy Products, a publication of the American Public Health Association; ~~(22)~~ (20) 3-A sanitary standards shall mean the standards for dairy equipment formulated by the 3-A sanitary standards committees representing the International Association of Milk and Food Sanitarians, the United States Public Health Service, and the Dairy Industry Committee, published by the International Association of Milk and Food Sanitarians;

~~(23)~~ (21) C-I-P or cleaned-in-place shall mean the procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation;

~~(24)~~ (22) Person shall mean any individual, plant operator, partnership, corporation, company, firm, trustee, or association; and

~~(23)~~ (23) A state certified ~~(25)~~ (25) An officially designated laboratory shall mean an industry or commercial laboratory authorized to do official work by the director for the examination of milk for manufacturing purposes or manufactured milk products certified under the Grade A Interstate Milk Shippers Program or that has been certified by the department to perform official work for examination of milk for manufacturing purposes as required in the Nebraska Manufacturing Milk Act.

Sec. 13. That section 2-3915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3915. The classification of raw milk for manufacturing purposes shall be based on organoleptic examination, sight and odor, and quality control tests for somatic cells, and bacterial estimate, sediment, and antibiotic residues.

Sec. 14. That section 2-3917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3917. All dairy plants shall run the quality tests set out in this section in ~~the manner prescribed a state certified laboratory and, except as provided in subdivision (8) of this section, report the results to the department upon request.~~ The test methods shall be those set out in the standard methods and official methods.

(1) Milk shall be classified for bacterial estimates as follows by one of the listed methods: Direct microscopic clump count, standard plate count, or plate loop count. Bacterial limits of individual producer milk shall not exceed one million per

milliliter.

Bacterial estimate	Direct microscopic clump count or standard plate count or plate loop count	Methylene blue test, colorized in --	Resazurin reduction time to Munsell color standard 5P7/4
Acceptable	Not over 3,000,000 per ml-	Not less than two and one half hours-	Not less than one and one half hours-
Undergrade (Probation- al) (4 wks-)	Over 3,000,000 per ml-	Less than two and one half hours-	Less than one and one half hours-

(2) Bacterial estimates shall be run at least four times each six months at irregular intervals at times designated by the director on representative samples of each producer's milk. When probational milk is disclosed, the producer shall be notified immediately, and a weekly testing schedule on that producer's milk shall be commenced. If acceptable milk is not disclosed after four weeks of testing, all further milk shall be rejected by the plant until subsequent testing indicates acceptable milk again being produced.

(3) All dairy plants shall smell all raw milk received. Milk failing to meet the odor standards of section 2-3916 shall be rejected.

(4) Laboratory examinations for the presence of unwholesome mammary secretions of an inflammatory, infectious, physiological, or environmental origin shall be conducted at least four times each six months at irregular intervals at times designated by the director on representative samples of each producer's milk. Such examinations shall begin with a screening test to determine whether or not the sample exceeds a Wisconsin Mastitis Test result of ~~twenty-one~~ eighteen millimeters or higher.

(5) If a sample exceeds the screening test results set out in subdivision (4) of this section, either of the following tests may be used to obtain an official result:

- (a) Direct microscopic somatic cell count, or equivalent, or
- (b) Electronic somatic cell counting

procedure. Whenever an official result indicates a somatic cell count of more than one ~~and one half~~ million somatic cells per milliliter, the procedure set out under subdivision (6) of this section shall be applied.

(6) ~~A written notice shall be sent by the dairy plant to the producer advising of the excessive somatic cell count.~~ Whenever any two out of four consecutive somatic cell counts exceed a one million and one half per milliliter, a the producer shall be sent a written notice by the department. A producer sample shall be taken between three and twenty-one days after the second excessive count. If that sample indicates an excessive count, the producer's milk shall be rejected by the plant until subsequent testing indicates a somatic cell count of less than a one million and one half cells per milliliter. For three weeks after the acceptable count is obtained, the producer's milk shall be tested at least once a week, but no more than twice a week. Testing at this frequency shall continue, if necessary, until three consecutive acceptable counts are obtained, after which testing may return to the routine frequency prescribed in subdivision (4) of this section.

(7) Milk from cows known to be infected with mastitis, ~~or~~ milk containing residues of antibiotics or other drugs, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. The milk shall be disposed of. Cows that secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply. Milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotic residues.

(8) Each producer's milk shall be tested by the plant at least four times each six months at irregular intervals at times designated by the director for antibiotic residues. Load samples may be tested in lieu of individual producer samples if all the producer samples are available to identify the responsible producer in case of positive results. Milk found to contain antibiotic residues shall be handled as prescribed in subdivision (7) of this section. State certified laboratories shall immediately notify the department of antibiotic residues. When a producer's milk shows positive results, such producer shall immediately be cut off from all markets. The producer shall not be reinstated until subsequent testing shows the producer's milk to be free of antibiotic residues. Dairy plants shall not use any milk or dairy products

known to contain unacceptable levels of antibiotic residues for the manufacture of milk or dairy products for human consumption.

(9) Each producer's milk shall be tested by the department at least once a year for residues of pesticides, or other harmful chemicals. Milk found to contain excessive residues of such substances shall be handled as prescribed in subdivision (7) of this section.

Sec. 15. (1) Milk shall be classified for sediment content, regardless of the results of the appearance and odor examination described in section 2-3916, according to sediment standards as follows:

(a) No. 1: Acceptable, not to exceed fifty hundredths milligrams or its equivalent;

(b) No. 2: Acceptable, not to exceed one and fifty hundredths milligrams or its equivalent;

(c) No. 3: Probational, not over ten days, not to exceed two and fifty hundredths milligrams or its equivalent; and

(d) No. 4: Reject, over two and fifty hundredths milligrams or its equivalent.

(2) Methods for determining the sediment content of the milk of individual producers shall be the methods described in the standard methods. Sediment content shall be based on comparison with applicable charts of subpart T, sections 58.2728 to 58.2732 of the United States Sediment Standards for Milk and Milk Products, 7 C.F.R. 58, as such standards exist on July 1, 1986.

(3) Sediment testing shall be performed at least four times every six months at irregular intervals as designated by the director.

(4) If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified as No. 4, the milk shall be rejected. A producer's milk that is classified as No. 3 may be accepted for a period not to exceed ten calendar days. If at the end of ten days the producer's milk does not meet acceptable sediment classification No. 1 or No. 2, it shall be rejected from the market. If the sediment disc is classified as No. 4, the milk shall be rejected and no further shipments accepted unless the milk meets the requirements of No. 3 or better.

Sec. 16. That section 2-3918, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3918. All herds shall meet the following

herd health requirements:

(1) All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept; -

(2) The herd shall be located in an area within the state which meets the requirements of a modified accredited area in which not more than one half of one per cent of the cattle have been found to be infected with tuberculosis as determined by the department pursuant to sections 54-706 to 54-722. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the program provided by sections 54-706 to 54-722. All additions to the herd shall be from an area or from herds meeting these same requirements; and -

(3) The herd shall be located in an area within the state in which the percentage of cattle affected with brucellosis does not exceed one per cent and the percentage of herds in which brucellosis is present does not exceed five per cent; in accordance with provisions of sections 54-1301 to 54-1347 which complies with the Nebraska Bovine Brucellosis Act and any rules and regulations adopted and promulgated pursuant to such act. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. All additions to the herd shall be from an area or from herds meeting these same requirements. All milk offered for sale for manufacturing purposes shall be from herds meeting the requirements of Plan A for the eradication of brucellosis in accordance with the provisions of sections 54-1301 to 54-1347.

Sec. 17. That section 2-3919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3919. A milking barn, milking area, or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. Such milking barn, area, or parlor shall be physically separated by solid partitions or doors from other parts of the barn or building which do not meet the requirements of this section. It shall be well lighted and ventilated, and the floors and gutters in the milking barn, area, or parlor shall be constructed of concrete or other impervious material. The walls and ceilings shall be kept free from filth, and the floors shall be scraped daily. The facility shall be kept clean, the manure removed daily, and no swine, fowl, or other animals shall be permitted in any part of the

milking barn, area, or parlor. Only articles necessary for the conduct of normal milking operations shall be kept in the milking barn, area, or parlor.

Sec. 18. That section 2-3922, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3922. Milk in cans shall be cooled immediately after milking to sixty degrees Fahrenheit or lower unless delivered to the plant within two hours after milking. The cooler, tank, or refrigerated unit shall be kept clean. Milk in farm bulk tanks shall be cooled to forty degrees Fahrenheit or lower within two hours after milking and maintained at fifty degrees Fahrenheit or lower until transferred to the transport tank.

Sec. 19. That section 2-3923, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3923. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk in cans or in farm bulk tanks. It shall not be used for any other purpose. Adequate facilities for washing and storing milking equipment shall be provided either in the milkhouse or milkroom or in a nearby enclosed facility. Where C-I-P equipment is used, hot and cold running water shall be provided.

Any C-I-P equipment installed after April 24, 1980, shall be provided with hot and cold running water under pressure. If the milkhouse or milkroom is a part of the barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor in operation on April 24, 1980, and used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged, and maintained, need not be partitioned. All milkhouses or milkrooms newly constructed or extensively remodeled after April 24, 1980, shall be separated from the milking barn or milking parlor by a partition, and shall be ceiled and screened to prevent the entrance of dust, flies, and other contamination. Concentrates, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. All outside doors shall be self-closing. No animals shall be allowed in the milkhouse or milkroom.

if a farm bulk tank is used, it The farm bulk

tank shall be properly located in the milkhouse for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhose connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

Sec. 20. That section 2-3924, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3924. Utensils, milk cans, milking machines, including pipeline systems, and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. New or replacement can lids shall be umbrella type. All new utensils, new farm bulk tanks, and equipment shall meet 3-A sanitary standards in effect on July 1, 1986, and comply with applicable rules and regulations of the department.

Sec. 21. That section 2-3925, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3925. The dairy farm water supply shall be safe, clean, and ample for the cleaning of dairy utensils and equipment. The water supply shall meet the bacteriological standards established by the Department of Health at all times. Water samples shall be taken, analyzed, and found to be in compliance with the requirements of the Nebraska Manufacturing Milk Act sections 2-3901 to 2-3946 prior to the issuance of a license to the producer, and whenever any major change to the well or water source occurs. Wells or water sources which do not meet the construction standards of the Department of Health shall be tested annually, and wells which do meet the construction standards of the Department of Health shall be tested every three years. Whenever major alterations or repairs occur or a contaminated water source or well cannot be readily corrected, the water supply shall be unacceptable until such time as the construction standards are met and an acceptable supply is demonstrated.

Sec. 22. That section 2-3928, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3928. (1) At the dairy plant and the receiving station, there shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protected against contamination. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross-connection between potable water lines and nonpotable water lines or between public and private water supplies. Bacteriological examinations shall be made of the plant's sanitary water supply taken at the plant at least twice a year. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) The location, construction, and operation of any well shall comply with regulations of the Department of Health.

(3) Drinking water facilities of a sanitary type shall be provided in the plant and should be conveniently located.

(4) Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single-service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Containers shall be provided for used towels and other wastes. The containers may be metal or plastic, disposable or reusable, and shall have self-closing covers.

(5) Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only those boiler water additives approved by the department shall be used, or a secondary steam generator shall be used, in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers, and



condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for Producing Culinary Steam for Processing Milk and Milk Products as published by the National Association of Food and Dairy Equipment Manufacturers.

(6) The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surfaces shall comply with the 3-A Accepted Practices for Supplying Air Under Pressure in effect January 1980 July 1, 1986.

(7) Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight fitting lids. Waste shall be stored in an area or room in a manner to protect it from flies and vermin. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry waste paper and cardboard shall be kept to a minimum and disposed of in a manner that is environmentally acceptable.

Sec. 23. That section 2-3929, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3929. (1) Dairy plant equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable when necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings, or any specialized equipment shall be constructed of stainless steel, or other materials which under conditions of intended use are as equally corrosion resistant. Nonmetallic parts other than glass having product contact surfaces shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials in effect January 1980 July 1, 1986. Equipment and utensils used for cleaning shall be in an acceptable condition, such as not rusty, pitted, or corroded. All equipment and piping shall be designed and installed so as to be easily accessible for

cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes, except certain piping cleaned-in-place, or fittings, including valves and connections, shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place. All C-I-P systems shall comply with the 3-A Accepted Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems in effect January 1980 July 1, 1986.

(2) Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator, and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil, or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be easily cleaned and shall be so designed that moisture or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3-A Accepted Practices for Supplying Air Under Pressure in effect July 1, 1986. Storage tanks or vats intended to hold product for longer than approximately eight hours shall be equipped with adequate insulation. New or replacement storage tanks or vats shall comply with the appropriate 3-A Sanitary Standards for Storage Tanks for Milk and Milk Products in effect January 1980 July 1, 1986, and shall be equipped with thermometers in good operating order.

(3) All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(4) Coil and dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft end of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be

acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel, except that any nonmetallic parts shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials in effect January 1980 July 1, 1986, as applicable. Each pasteurizer used for heating product at a temperature of five degrees Fahrenheit or more above the minimum pasteurization temperature need not have the airspace heater. It shall be equipped with an airspace thermometer to insure a temperature at least five degrees Fahrenheit above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(5) When pasteurization is intended or required, the entire pasteurization system an approved timing pump or device, recorder controller, automatic flow diversion valve, and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all such equipment used for pasteurization, to assure complete pasteurization. The entire facility shall comply with the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High Temperature Short Time Pasteurizers in effect January 1980 July 1, 1986. After the unit has been tested according to the 3-A accepted practices in effect January 1980 July 1, 1986, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. The system shall be rechecked semiannually to assure continued compliance with the 3-A accepted practices in effect January 1980 July 1, 1986. Sealing and rechecking of the unit shall be performed by the department. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(6) Recorder charts shall be marked to show date and plant identification, reading of the indicating thermometer at a particular referenced reading point on the recording chart, amount and name of product, product temperature at which the cut in and cut out function, record of the period in which flow diversion valve is in forward-flow position, and signature or initials of operators.

(7) Pumps used for milk and dairy products shall be of the sanitary type and constructed to comply with 3-A Sanitary Standards for Pumps for Milk and Milk Products in effect ~~January 1980~~ July 1, 1986. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(8) New equipment and replacements, including all plastic parts and rubber and rubber-like material for parts and gaskets having product contact surfaces, shall comply with 3-A sanitary standards in effect ~~January 1980~~ July 1, 1986. If 3-A sanitary standards are not available, such equipment and replacements shall meet the general requirements of this section. Only material that is sanitary, readily cleanable, and nontoxic shall be used for product contact surfaces, parts, and gaskets.

Sec. 24. That section 2-3930, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3930. (1) It shall be unlawful for any person to engage in business as a milk producer, ~~milk grader, bulk milk collector~~ hauler-sampler, bulk milk hauler, dairy plant, cream station, or transfer station unless such person fully complies with the licensing requirements set forth in subsections (2) through (5) of this section.

(2) Except as provided in subsection (5) of this section, all persons engaged in a business listed under subsection (1) of this section must obtain an annual license from the department, which license shall expire on July 31 of the year following issuance. Licenses shall be issued only following an inspection revealing that the applicant is in compliance with ~~sections 2-3901 to 2-3946~~ the Nebraska Manufacturing Milk Act. Applicants for a license shall submit a written application to the department on forms prescribed by the department, and shall pay the annual license fees set forth in subsection (3) of this section.

(3) The department shall charge the following license fees:

(a) Dairy Plant	\$100.00
(b) Transfer station	50.00
<del>(c) Grader, collector, or hauler</del>	<del>25.00</del>
<u>(c) Hauler-sampler</u>	<u>25.00</u>
(d) Cream station	25.00
<del>(e) Producer</del>	<del>None</del>
<u>(e) Producer</u>	<u>35.00</u>

(4) All license fees paid to the department in accordance with ~~sections 2-3901 to 2-3946~~ the Nebraska Manufacturing Milk Act shall be paid to the state treasury and shall be credited by the State Treasurer to the Manufacturing Milk Cash Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering ~~sections 2-3901 to 2-3946~~ such act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(5) Individuals licensed as milk haulers under the Nebraska Pasteurized Milk Law shall not be required to be licensed or to pay fees as milk graders, bulk milk collectors, or bulk milk haulers haulers-samplers under the provisions of this section.

(6) The thirty-five dollar fee for producer permits shall be paid for by the dairy plant purchasing the producer's milk. The fee shall be paid prior to the issuance of new permits and before milk may be accepted by the dairy plant. The dairy plant shall pay the renewal fee of thirty-five dollars as provided in this section.

(7) The department may impose a penalty in addition to the license fees due for any such fees that are more than one month delinquent. Such penalty may not exceed ten per cent of the total fee for each month or portion of a month of delinquency.

Sec. 25. No person shall adulterate milk or dairy products or manufacture, produce, distribute, sell, or offer for sale any adulterated milk or dairy products.

Sec. 26. That section 2-3935, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3935. When milk and milk products pasteurization is intended or required, or when a product is designated pasteurized, pasteurization shall be accomplished by heating every particle of milk or skim milk to a temperature of not less than one hundred forty-five degrees Fahrenheit and cream and other milk products to at least one hundred fifty degrees Fahrenheit and ice cream mix to at least one hundred fifty-five degrees Fahrenheit and holding them at those temperatures continuously for not less than thirty minutes, or milk or skim milk to a temperature of one hundred sixty-one degrees Fahrenheit and cream and other milk products to at least one hundred sixty-six degrees Fahrenheit for not less than fifteen seconds, and ice

cream mix to at least one hundred seventy-five degrees Fahrenheit for not less than twenty-five seconds, or by any other combination of temperature and time giving equivalent results. The phenol value of the pasteurized product shall be no greater than the maximum specified for the particular product, as determined by the rules and regulations of the department.

Cream for buttermaking shall be pasteurized at a temperature of not less than one hundred sixty-five degrees Fahrenheit and held continuously in a vat at such temperature for not less than thirty minutes, or at a temperature of not less than one hundred eighty-five degrees Fahrenheit for not less than fifteen seconds, or any other temperature and holding time approved by the director that will assure pasteurization and comparable keeping-quality characteristics. If the vat method of pasteurization is used, vat covers shall be kept closed during the holding and cooling periods.

Sec. 27. That section 2-3938, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3938. The director may suspend a license upon evidence of violation by the holder of any of the terms of ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act, or for interference with the director in the performance of his or her duties.

The director may revoke a license for serious or repeated violations.

The director shall, before revoking a license for violation of the terms of ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act, give at least ten days' notice in writing containing a statement of the alleged violation and the time and place of such hearing. The notice may be served by delivery of a copy personally to the licensee, or by mailing a copy to the last-known business address of the licensee. The hearing shall be conducted by the director, or by a qualified employee of the department designated by the director as hearing officer. The parties may appear in person or by counsel. The licensee shall be afforded a full hearing on the charges contained in the notice of hearing.

All testimony shall be upon oath or affirmation, subject to cross-examination, and shall be reported verbatim and made a part of the record. The common law rules of evidence shall not apply, but evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of a sort upon which persons are accustomed to rely, shall be excluded. The director, within a reasonable time after the hearing,

shall, upon the basis of the record made at the hearing, issue findings of fact, conclusions, and order.

A decision of the director revoking a license may be appealed to the district court of Lancaster County. Such appeal shall be taken in the manner provided in section 60-4207 for appeals from an order of the Director of Motor Vehicles suspending, canceling, or revoking a motor vehicle operator's license. The evidence presented at the hearing shall constitute the record on appeal. The court shall set aside the order, findings, and conclusions, if it finds that they are not in accordance with law or are not supported by substantial evidence.

Sec. 28. That section 2-3939, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3939. (1) The director shall enforce the provisions of sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act. He or she shall have the power to:

(a) (1) Promulgate Adopt, promulgate, and publish in accordance with the procedure defined in sections 84-901 to 84-916, reasonable rules and regulations for the interpretation, administration, and enforcement of sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act, and not inconsistent therewith, relating to the establishment of minimum standards for milk for manufacturing purposes and its production and processing, including, but not necessarily limited to, the production, transportation, handling, grading, processing, packaging, labeling, and storage of milk and milk products, rules of practice governing hearings, procedures for certification of licensed facilities and personnel, inspection of facilities and the records and reports required of licensees, and rules governing the rejection and exclusion of milk unfit for manufacturing purposes, except ; PROVIDED, that such rules and regulations shall not impede or prevent the free flow of wholesome manufactured milk, in raw or in product form, in interstate commerce. So ; AND PROVIDED FURTHER, that so far as applicable, the director shall adopt official methods, standard methods, and 3-A sanitary standards as defined in subdivisions (20); (21); and (22) of section 2-3914;

(b) (2) Administer oaths and affirmations, certify all official acts, and issue subpoenas for the production of witnesses or of documents in connection with any investigation or proceeding under sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act;

and

(c) (3) Whenever he or she has reason to believe that any licensee may be in possession of information relevant to an investigation by him or her of suspected violations of the provisions of sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act or any rules and regulations adopted and promulgated thereunder, to require such person to file with him or her in such form as he or she may prescribe special reports or answers in writing to specific questions, furnishing such information. Any person who shall fail without lawful cause to file such reports or answers within a reasonable period of time fixed by the director or who shall willfully make or cause to be made a false statement in any such reports or answers in writing, shall be guilty of a Class V misdemeanor.

(2) The department may temporarily waive any of the requirements of the Nebraska Manufacturing Milk Act when emergency conditions necessitate such action or when such a waiver would be in the public interest.

Sec. 29. That section 2-3940, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3940. (1) The premises, facilities, equipment, and practices of each licensee under sections 2-3901 to 2-3946 the Nebraska Manufacturing Milk Act may be inspected by the department at any time and each licensed producer shall be inspected by a licensed fieldman at least once a year, to determine whether sections 2-3913 to 2-3946 are such act is being complied with or whether legal or administrative measures need to be employed to bring about appropriate compliance. New producers shall be inspected by the department within two weeks after receipt by the department of the application and inspection results submitted by the responsible fieldman.

(2) All inspections shall be recorded on forms prescribed by the department. The original form shall be posted on the premises inspected, and one copy shall be filed with the department.

Sec. 30. That section 2-3941, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3941. (1) Each plant or any other person purchasing raw milk for manufacturing purposes from producers licensed under sections 2-3913 to 2-3946 the Nebraska Manufacturing Milk Act shall employ, contract with, or otherwise provide for the services of a competent and qualified fieldman who shall be



responsible for:

(a) Informing new producers about the requirements of dairy farm sanitation;

(b) Initial approval of new producers;

(c) Submitting applications and water samples on new producers;

(d) Notifying the department of all transfer producers within five days after they first provide milk to the plant;

(e) Special inspections or duties upon request of the department; and

(f) Advising the department of any circumstances that could be of public health significance.

In carrying out their duties and responsibilities under the Nebraska Manufacturing Milk Act, fieldmen shall perform the duties in the manner prescribed by the department, insuring that the dairy farm sanitation requirements of sections 2-3901 to 2-3946 and the regulations adopted pursuant to sections 2-3913 to 2-3946 are complied with by the producers selling their milk to the plant. In carrying out their responsibilities under sections 2-3913 to 2-3946, fieldmen shall thoroughly inspect the premises, methods, and facilities of each producer selling milk to the plant at least once a year, and more frequently where significant sanitation deficiencies need to be corrected. Such inspections shall be performed in the manner prescribed by the department in duly adopted regulations under sections 2-3913 to 2-3946. In addition to routine inspections, the fieldmen shall inspect all transfer producers within ten days after they first provide their milk to the plant.

(2) As a condition precedent to performing services as a fieldman, each individual desiring to so act shall obtain an annual fieldman's license from the department, which license shall expire on July 31 of the year following issuance. A fieldman's license shall be issued after a proper application therefor has been made to the department accompanied by the license fee of twenty-five dollars, and after the fieldman has demonstrated his or her competence and qualifications to the department in the manner set out in subsection (3) of this section.

(3) Applicants for a fieldman's license shall demonstrate competence in evaluating and insuring the sanitary methods for producing and handling milk by passing an examination required by the department and successfully completing a training course prescribed by

the department.

(4) The department may require fieldmen to annually maintain their level of competence by attending and participating in seminars or other educational activities arranged for by the department. Such activities arranged for by the department may be conducted with the assistance of the University of Nebraska. When such activities are required, the department may charge a fee to defray the expenses incurred, which fee may not exceed fifty dollars or the actual per person cost in conducting the seminar or program, whichever is less.

(5) The department shall be authorized, after due notice and an opportunity for a hearing, to revoke a fieldman's license for violation by the holder of ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act or the rules and regulations adopted pursuant to ~~sections 2-3913 to 2-3946~~ such act, for failing to fully and properly carry out the duties of a fieldman as prescribed, or for failing to maintain the qualifications and level of competence required of a fieldman.

(6) No plant may operate at any time without the services of a licensed fieldman.

~~(7) The department may temporarily waive any of the requirements of this section when emergency conditions necessitate such action, or when such a waiver would be in the public interest.~~

Sec. 31. That section 2-3942, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3942. (1) The director or his or her duly authorized agent shall have access during regular business hours to any licensed facility in which milk is used or stored for use in the manufacture, processing, packaging, or storage of manufactured milk products; or to enter any vehicle being used to transport or hold such milk or manufactured milk products for the purpose of inspection and to secure specimens or samples of any milk or milk product after paying or offering to pay for such sample or specimen.

(2) The director or his or her duly authorized agent shall have access during regular business hours to the books and records of any licensee under ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act, when such access is necessary to properly administer and enforce ~~sections 2-3913 to 2-3946~~ such act.

Sec. 32. That section 2-3943, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

2-3943. Whenever it shall appear that any person is violating or threatening to violate any of the provisions of ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act or the rules and regulations adopted and promulgated thereunder, the director may bring an action against such person in the district court of Lancaster County. The court may issue such orders, including temporary restraining orders, as the facts may warrant, without first requiring proof that an adequate remedy at law does not exist. Relief shall be granted without bond.

Sec. 33. That section 2-3944, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3944. The director may enter into reciprocal agreements with other states governing the inspection of milk to insure compliance with minimum standards for milk for manufacturing purposes when he or she deems such an agreement to be in the best interests of the public health and welfare of the citizens of Nebraska, if such other state shall have established by statute or regulation similar standards governing the production, manufacture, handling, and storage of milk and milk products as are contained in ~~sections 2-3913 to 2-3946~~ the Nebraska Manufacturing Milk Act.

Sec. 34. That section 2-3945, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3945. Any person or licensee violating the provisions of sections 2-3913 to 2-3946 Nebraska Manufacturing Milk Act, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director, or his or her duly authorized agents, in performance of their his or her duties in connection with the enforcement of ~~sections 2-3913 to 2-3946~~ such act or the rules and regulations issued by the director, shall be guilty of a Class V misdemeanor.

Sec. 35. That section 2-3947, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3947- When a producer desires to switch to a new plant, the new plant shall not accept any milk until the new plant requests, either by phone or in writing, and obtains assurance from the department that the producer's milk may be accepted.

A producer who desires to switch to a new plant while on a probationary or reject status shall first request the department to verify the producer's

quality prior to offering milk to the new plant. The new plant shall not accept any milk until acceptable quality tests are obtained by the department. When a milk producer discontinues milk delivery at one plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding ninety days and a statement of the status of his license and date of issue. The previous buyer shall furnish the new buyer with such information within twenty-four hours after receipt of a written request, unless the records have been destroyed by means over which he has no control; PROVIDED, that the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer shall then make a written request to the old buyer for the producer's record.

If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such fact to the director and shall request a farm inspection to be made promptly to confirm or establish licensure of the transfer producer's farm.

In lieu of the quality record from the previous buyer the producer may furnish the new buyer with a copy of the milk quality tests received with each remittance, monthly or semi-monthly, for the preceding ninety-day period.

Sec. 36. That section 2-3946, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3946. Sections 2-3913 to 2-3946 and sections 15, 25, and 35 of this act shall be known and may be cited as the Nebraska Manufacturing Milk Act.

Sec. 37. This act shall become operative on July 1, 1986.

Sec. 38. That original sections 2-3901 to 2-3906, 2-3908 to 2-3912, 2-3914, 2-3915, 2-3917 to 2-3919, 2-3922 to 2-3925, 2-3928 to 2-3930, 2-3935, and 2-3938 to 2-3947, Reissue Revised Statutes of Nebraska, 1943, and also sections 2-3933, 81-258 to 81-261, and 81-263, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 39. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.