

Title 15 - Mississippi Department of Health

Part 13 – Food Protection

Subpart 74 – Milk and Dairy

- Rule 1.1.4. Each frozen dessert manufacturer shall obtain an annual permit. An application for a permit shall be made to the Health Authority upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Each application for a permit shall be accompanied by a permit fee in the amount set forth in Chapter 4 of this Subpart. When the Health Authority is in receipt of all required information and the permit fee, the annual permit shall be issued.
- Rule 2.1.5. The Milk Ordinance is amended by:
1. Deleting the words "or its jurisdiction" wherever the words appear in the Milk Ordinance, and substitute the words "Health Authority" for the words "Regulatory Agency" wherever the words appear in the Milk Ordinance.
 2. Deleting the words "twelve months from the date this ordinance is adopted" as they appear on page 121, Section 9, Milk and Milk Products Which May Be Sold, of the Milk Ordinance, and substitute the words "the effective date of this Ordinance".
 3. Adding the following Definitions to Section 1:
 - a. **Imitation Milk or Imitation Milk Products.** Imitation milk or imitation milk products shall be taken to mean any substance, mixture, or compound in part or whole regardless of the name under which it may be processed, packaged, or sold or offered for sale in imitation or having the appearance or semblance of milk or milk products and which may or may not contain any milk or milk products. Imitation milk and milk products shall contain the minimum percentages of wholesome fat or oil other than milkfat and solids not fat as defined in this Regulation for milk and milk products. Where the words "milk" and/or "milk products" appear in this Regulation, they shall be interpreted to include "imitation milk" and/or "imitation milk products". Except that, substances, mixtures, or compounds having the appearance or semblance of milk or milk products that are prominently and conspicuously labeled as NON-DAIRY PRODUCTS and which contain no amount of any major milk constituent shall not be defined as imitation milk or imitation milk products and are exempt from the requirements of this Regulation. NON-DAIRY-PRODUCTS may contain very small amounts of milk constituent derivatives added for functional purposes.

- b. **Breed Milk.** Breed milk is milk produced from dairy farms milking exclusively one recognized breed of dairy cows, and complying with the definition of "milk".
 - c. **Sour Cream Dressing.** Sour cream dressing is made in semblance of sour cream and contains not less than 18 percent milkfat; except, that when the product is characterized by the addition of nutritive sweetener or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the product; but, in no case does the product contain less than 14.4 percent milkfat. Sour cream dressing has a titratable acidity of not less than one-half (0.5%) percent calculated as lactic acid. The blend of all ingredients used shall be pasteurized; except, that volatile flavoring substances, enzymes, bacterial cultures, and acidifying agents may be added following pasteurization.
 - d. **Cottage Cheese.** Cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight not less than four (4%) percent milkfat and not more than 80 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.128.
 - e. **Lowfat Cottage Cheese.** Lowfat cottage cheese is the soft uncured cottage cheese prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight not less than one-half (0.5%) percent milkfat and not more than two (2%) percent milkfat and not more than 82.5 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.131.
 - f. **Cottage Cheese Dry Curd or Dry Curd Cottage Cheese.** Cottage cheese dry curd or dry curd cottage cheese is the soft uncured cheese prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight less than one-half (0.5%) percent milkfat and not more than 80 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.129.
4. Making the following changes in Section 3, Permits:
- a. After the first paragraph on page 38, add the following paragraphs:
 - 1. Dairy farms, milk haulers, transfer stations, and receiving stations shall obtain annual permits. When such permits expire, but were in good standing prior to expiration, an application for permit will not be required, and the health authority shall issue the annual permit. When such permits expire, but were not in good standing prior to expiration

(the permitting inspection revealed a violation or violations), an application for a permit shall be made to the Health Authority upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Fees will be assessed in accordance with Chapter 4 of this Subpart.

2. Milk plants including milk and milk product processing plants, imitation milk and imitation milk product processing plants, and single-service container and closure (for milk and milk products and imitation milk and imitation milk products) fabricating plants shall obtain annual permits. An application for a permit shall be made to the Health Authority upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Each application for a permit shall be accompanied by a permit fee in the amount set forth in Chapter 4 of this Subpart, payable to the Mississippi State Department of Health. Failure to submit fee on initial application shall result in disapproval of application. Failure to submit fee with subsequent annual application shall result in revoking the permit. When the Health Authority is in receipt of all required information and the permit fee, the annual permit shall be issued.
5. Insert the following italicized phrase shown below into the same sentence of the third paragraph on page 38: “.....*imminent hazard to the public health; or whenever adulterated or misbranded milk and milk products are found; or in any case of a willful refusal.....*”
6. Delete the last paragraph of Administrative Procedures under Suspension of Permit on page 39. Substitute the following paragraph for the first and second paragraphs under Reinstatement of Permits - Administrative Procedures on page 39: “*Any milk producer, milk hauler, or milk plant, receiving station, or transfer station operator whose permit has been suspended may make written application for the reinstatement of his/her permit. Within one (1) week or less of the receipt of notification of any person whose permit has been suspended, the Health Authority shall make such inspections(s) and/or take sample(s) as deemed necessary to determine compliance with the requirements of this Regulation, in accordance with Sections 5, 6, and 7 of the Milk Ordinance.*”
7. Making the following change in Section 4, Labeling:
 - a. Amend #1. labeling requirement on page 40 as follows:
 - b. The words "Grade A"; except, in the case of imitation milk and imitation milk products.
8. Making the following changes in Section 5, Inspection of Dairy Farms and Milk Plants:
 - a. Delete the entire paragraph and title concerning Certified Industry

Inspection Program under the Administrative Procedures on page 44.

- b. Change the first sentence of the paragraph under Inspection Reports of the Administrative Procedures on page 45 as written below:
 - i. A copy of the inspection report shall be filed by the regulatory agency and retained for at least 24 months.
9. Making the following changes in Section 6, the Examination of Milk and Milk Products:
- a. Insert the italicized phrase shown below into the same sentence of the fifth paragraph on page 45: “.....*During any consecutive six months, at least four samples of pasteurized milk, ultra-pasteurized, and aseptically processed milk, flavored milk, flavored lowfat milk, flavored skim milk,.....*”
 - b. Delete the italicized phrase shown below from the fifth paragraph on page 45: “.....*flavored skim milk, each fat level of lowfat milk and each milk product defined in this Ordinance, except aseptically processed, shall be collected in at least four separate months,.....*”
 - c. Insert the italicized sentence below into the sixth paragraph on page 45: “.....*Samples of milk and milk products shall be taken while in the possession of the producer or distributor at any time prior to delivery to the store or consumer. Samples may be collected by the Health Authority from "drop shipments" of packaged milk and milk products after such products have been delivered to the cooler of a retail establishment by a distributor and are no longer in the possession of the distributor. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the Health Authority.....*”
 - d. Amend the first paragraph on page 46 to read as follows by adding the italicized wording as shown below: *Required bacterial counts, somatic cell counts, cooling temperature checks, and such other tests deemed necessary shall be performed on raw milk for pasteurization. In addition, drug tests on producer's milk shall be conducted at least four times during any consecutive 6 months. Required bacterial counts, test for milkfat content, coliform determination, drug test, phosphatase test, adulterant test, cooling temperature check, and such other tests deemed necessary shall be performed on pasteurized milk, ultra-pasteurized, and aseptically processed milk and milk products as applicable.*
 - e. Insert the italicized words shown below into the same sentence of the second paragraph on page 46.
 - i.*Whenever two of the last four consecutive bacterial*

counts (except those for aseptically processed milk and milk products), milkfat tests, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days,.....

- ii.instituted whenever the standard is violated by three of the last five bacterial counts (except those for aseptically processed milk and milk products), milkfat tests, coliform determinations, cooling temperatures or somatic cell counts.
 - f. Insert the following paragraph between the second and third paragraphs on page 46: *“Whenever a freezing point determination exceeds the standard, the cause shall be determined. Where the cause is added water, it shall be corrected and any milk or milk product involved shall not be offered for sale.”*
 - g. Insert the following paragraph between the fifth and sixth paragraphs on page 46: *“The suspension of permit shall be rescinded when the results of the last sample comply with applicable standards. However, when the permit is suspended within six (6) months of the last suspension, it will be reinstated when the results of three (3) of the last five (5) samples comply with applicable standards. Samples shall be taken at a rate of not more than two (2) per week. No milk produced on a dairy farm while under permit suspension shall be sold Grade A.”*
10. Adding provisions promulgated concerning "Equivalent Penalty" immediately after the Paragraph on Penalties of Appendix "N"; Part II, Regulatory Agency Responsibilities; Part B, Enforcement, on page 315 that are required by the "Grade A Pasteurized Milk Ordinance" to be developed and enforced by the Mississippi State Department of Health as follows: ***“Equivalent Penalties.*** *The Health Authority shall use equivalent penalties where their use is allowed in Appendix "N". Provided; all milk used as equivalent penalty has been dumped to waste, and the dairy farmer whose Grade A permit has been suspended due to drug residual has not been paid for the milk dumped to waste nor has benefited financially for the milk dumped to waste. The weight of milk or the number of milkings proposed as equivalent penalty against the suspension period may include: (1) the dairy farmer's production found to be adulterated that is contributed to a tanker load that is also found to be adulterated; (2) the remaining weight of milk on the same adulterated tanker load of milk that was paid for by the dairy farmer whose Grade A permit was suspended: and/or, (3) milk in the dairy farmer's bulk milk tank(s) at the time of suspension of permit, due to positive drug residual, that is dumped to waste on the farm. Equivalent penalty cannot be "saved" and applied to a future permit suspension. The Health Authority shall request evidence in the form of information by telephone and documentation from the dairy farmer and/or management of the member dairy farmer's bulk tank unit concerning certification of the weight of milk or number of milkings dumped to waste. Financial instruments indicating payment or non-payment to the suspended dairy farmer for milk dumped to waste and indicating payment by the suspended dairy farmer for other milk on the adulterated tanker*

load of milk that was dumped to waste due to drug residual shall be provided the Health Authority upon request. If at any time and for any reason the Health Authority cannot obtain the evidence required above, an equivalent penalty counted against the suspension period will not be allowed when dealing with a suspended dairy farmer belonging to the non-cooperating bulk tank unit; and, the penalty will be the dumping of milk on the farm for the suspension period from that time forward.”

- 11. Amending Table 1., Chemical, Bacteriological, And Temperature Standards, in Section 7 on page 51 as follows:

- a. Insert the following standards after "Somatic Cell Count" in the "Grade A Raw Milk And Milk Products For Pasteurization, Ultra-Pasteurization, Or Aseptic Processing" Section of the Table:

Freezing Point - 0.530 Degrees C. or Lower.

Pesticides and Other Deleterious Chemicals.....Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Safe Levels

- 12. Insert the following standards after "Drugs" in the "Grade A Pasteurized Milk And Bulk Shipped Heat-Treated Milk Products" Section of the Table:

Freezing Point - 0.525 Degrees C. or Lower.

Pesticides and Other Deleterious Chemicals Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Safe Levels.

Milkfat Content As required by Product Definition herein.

- 13. Insert the following standards after "Drugs" in the "Grade A Aseptically Processed Milk And Milk Products" Section of the Table:

Freezing Point - 0.525 Degrees C. or Lower.

Pesticides and Other Deleterious Chemicals Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Safe Levels.

Milkfat Content As required by Product Definition herein.

- a. Making the following changes in the "Sanitation Requirements for Grade A Pasteurized, Ultra-Pasteurized and Aseptically Processed Milk and Milk Products" in Section 7, Standards for Milk and Milk Products, starting on page 73: Insert the italicized phrase shown below into the same sentence of the first paragraph under Item 1p., Floors-- Construction, on page 73: *“.....sloped, provided with trapped drains at least four (4) inches in diameter and kept in good repair.....”*

- b. Substitute the following paragraphs as appropriate for the first paragraph and Administrative Procedures 1 and 2 under Item 2p on page 74: *“Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, and of all rooms in which the functional purpose may require cleaning with water and or chemicals, shall have a smooth, washable, light-colored surface, in good repair, equivalent to glazed tile, and not less than ten (10) feet in height.”*

14. Administrative Procedures

- a. This item is deemed satisfied when: *Walls of all rooms in which milk is handled, processed or stored, or in which milk containers, utensils, or cases are washed, and of all rooms in which the functional purpose may require cleaning with water and/or chemicals, such as mechanical rooms, clean-in-place operations room, tank gallery, and refrigerated rooms, are constructed of sheet metal, dairy type tile, cement block, brick, concrete, cement plaster, or similar impervious materials of light color and smooth, washable surface.*

SOURCE: Miss. Code Ann. § 75-31-65

Chapter 3 REGULATION GOVERNING THE PRODUCTION AND SALE OF MILK AND MILK PRODUCTS

Chapter 4 REGULATION GOVERNING FEES

Rule 4.1.1 Fees necessary to support program functions shall be assessed according to the following chart:

Activity Type	Payment Frequency	Fee
Frozen Dessert Permit	Per year	\$345
Milk Processor Permit	Per year	\$345
IMS Rating Fee	Per rating	\$200
Milk Processor – Startup Plan Review	Per new facility application	\$200
Milk Producer and/or Processor Reinspection and/or Followup	Per visit	\$50
Industry tester/equipment reseal fee	Per visit	\$200
Receiver/sampler Permit	Per year	\$100
Unofficial, Warning, Degrade samples	Per visit	\$50
Water samples taken at milk processing plants and wash stations	Per sample	\$50
Single Service Container sampling	Per collection	\$50

SOURCE: Miss. Code Ann. § 75-31-65