

# SENATE NO. 195

## **AN ACT** RELATIVE TO LICENSING OF MILK PASTEURIZATION PLANTS LOCATED WITHIN THE COMMONWEALTH

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by striking out section 48A, as  
2 appearing in the 2002 Official Edition, and inserting in place thereof the following section:-  
3       Section 48A. No person shall maintain an establishment for the pasteurization of milk  
4 without a license from the department of public health, hereinafter in this section called the  
5 department. Any person desiring such a license may make written application to the department,  
6 stating the location of the establishment and such other information as may be required by rules and  
7 regulations for the enforcement of this section. The application for each license and biennial  
8 license renewal shall be accompanied by a fee as determined annually by the commissioner of  
9 administration under the provision of section three B of chapter seven. Upon receipt of the  
10 application the department shall cause an examination of the sanitary condition of the establishment  
11 to be made, and if it is found to be in sanitary condition, and in accordance with the requirements of

12 said rules and regulations, and otherwise properly equipped for the business of pasteurizing milk,  
13 and if the applicant is deemed responsible and suitable for licensure, the department shall issue a  
14 license authorizing the applicant to carry on such establishment for the pasteurization of milk for  
15 two years.

16 Subject to the requirements of chapter 30A, the department may refuse to issue or renew,  
17 suspend or revoke a license to operate a milk pasteurization plant if (1) any statement in the license  
18 application or in any other documentation submitted to the department is determined to be false or  
19 misleading; (2) the applicant or licensee has been convicted of a crime relating to the pasteurization,  
20 storage, distribution or sale of milk, or the processing, storage, distribution or sale of food; (3) the  
21 applicant or licensee has failed to comply with any applicable provision of this chapter or any  
22 applicable rule or regulation; or (4) the applicant or licensee refuses to admit representatives of the  
23 department at any reasonable time for purposes of inspection. The commissioner may, without a  
24 prior hearing, suspend a license if he finds that such licensee is operating his business in a manner  
25 which is endangering or may cause imminent danger to the public health. In every case of  
26 suspension of a license without a prior hearing, the licensee shall be promptly afforded an  
27 opportunity for such hearing.

28 The department may make such rules and regulations as may be necessary for the  
29 enforcement of this section. Such rules and regulations may provide administrative penalties for the  
30 violation of this section or of any rule or regulation promulgated hereunder not to exceed \$500 for  
31 any single violation. Each day that a violation continues shall be deemed a separate violation.

32 Whoever, himself or by his servant or agent, violates any provision of this section, shall be  
33 punished for the first offense by a fine of not more than \$500, and for a subsequent offense by a fine  
34 of not less than \$500 nor more than \$1000.

35           The superior court shall have jurisdiction to enjoin any violation of this section or to take  
36 such other action as equity and justice may require.

37 SECTION 2. Chapter 94 is hereby further amended by striking out section 40 and inserting in place  
38 thereof the following section:-

39           Section 40. No person, other than a producer selling milk or cream, or both, shall display  
40 the word “dairy” on any vehicle used by him or his authorized agent in the business of selling milk  
41 or cream, unless such person has a license, in full force and effect, issued under section 48A.

42 Whoever engages in the business of selling milk or cream from any vehicle for household deliveries  
43 shall display conspicuously on the outside of each vehicle so used the name and principal place of  
44 business of the licensee in letters not less than one and one-half inches in height.

45 SECTION 3 . Section 305C of Chapter 94 is hereby amended in line 8 by striking out the word  
46 “forty,”.

47 SECTION 4 . Sections 41 and 41A of Chapter 94 are hereby repealed.