

Existing Alaska Administrative Code 3.20.19

Article 1 Milk and Milk Products

18 AAC 32.010. Purpose and applicability of 18 AAC 32.010 - 18 AAC 32.060

(a) The purpose of 18 AAC 32.010 - 18 AAC 32.060 is to safeguard public health and safety by ensuring that milk and milk products from a cow, goat, or sheep, that are to be sold as part of commerce and intended for human consumption, are manufactured, sold, and delivered in a safe and wholesome condition.

(b) The provisions of 18 AAC 32.010 - 18 AAC 32.060 apply to (1) each milk producer, each wholesale milk distributor, and each owner or operator of a milk processing plant, receiving station, or transfer station whose milk or milk products are to be sold as part of commerce and are intended for human consumption; (2) each milk hauler who (A) collects, for the milk producer, milk processing plant, or the department, samples the raw milk for pasteurization or for bacterial, chemical, temperature standards, or compliance testing; or (B) hauls milk from a milk producer or other milk distributor to a milk processing plant, receiving station, or transfer station; and (3) a processor of a milk product.

(c) The provisions of 18 AAC 32.010 - 18 AAC 32.060 do not apply to a person who owns a cow, goat, or sheep and uses the milk from the animal for that person's personal use.

18 AAC 32.020. Adoption of the Grade A pasteurized milk ordinance and associated documents

(a) A person described in 18 AAC 32.010(b) shall follow the applicable requirements set out in the following documents, adopted by reference: (1) Grade "A" Pasteurized Milk Ordinance (PMO), 2011 revision, as amended from time to time, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, except that (A) the term "bulk milk pickup tanker" has the meaning given "bulk milk tanker" in 18 AAC 32.990; (B) the terms "clean," "milk distributor," "milk producer," "person," and "transfer station" have the meanings given in 18 AAC 32.990; (C) the term "sanitization" has the meaning given "sanitize" in 18 AAC 32.990; (D) this adoption by reference does not include sections 15 (enforcement), 16 (penalty), and 17 (repeal and date of effect); (2) Methods of Making Sanitation Ratings of Milk Shippers, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (3) Evaluation of Milk Laboratories, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (4) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (5) 21 C.F.R. Part 110, as revised as of April 1, 2012; (6) 21 C.F.R. Part 131, Part 133, and Part 135, as revised as of April 1, 2012.

(b) The department will use the procedures in and requirements of the documents adopted by reference in (a) of this section to determine compliance with 18 AAC 32.010 - 18 AAC 32.060.

18 AAC 32.030. General operating and permit requirements (a) A person described in 18 AAC 32.010(b) may not conduct an activity described in 18 AAC 32.010(a) or (b) unless (1) the person has a current permit issued by the department under this section; and (2) the department has confirmed compliance with this chapter by inspections conducted as provided in the PMO. (b) An applicant shall apply for a permit, using a form supplied by the department. If the application is for a facility in which an activity described in 18 AAC 32.010(b)(1) or (b)(3) occurs, the application must include a facility plan, including a plot plan, of the entire premises; the facility plan must meet the requirements of the PMO and must include (1) the location of buildings and property boundaries; (2) a plumbing schematic that shows hot and cold potable water lines and nonpotable

water lines; (3) a floor plan with the specifications of the finish materials used for floors, walls, and ceilings; and (4) proof that the facility's (A) drinking water supply and treatment complies with [18 AAC 80](#); (B) wastewater disposal complies with [18 AAC 72](#); and (C) solid waste disposal complies with [18 AAC 60](#). (c) The department will, in its discretion, request additional information before issuing a permit. (d) If the department issues a permit under this section, it will assign a permit number to the facility or milk hauler. (e) A permit issued under this section does not expire. The permit (1) may not be transferred from one owner, operator, or facility to another; and (2) is subject to the suspension, revocation, and reinstatement provisions of section 3 of the PMO. (f) If the owner or operator of a facility required by this section to have a permit changes, or if the location of a facility required by this section to have a permit changes, the owner or operator of the facility shall submit a new permit application and obtain a permit.

18 AAC 32.040. Labeling; milk processing plant code numbers (a) In addition to the permit number assigned under [18 AAC 32.030](#), the department will assign a plant code number to each milk processing plant. To meet the labeling requirements of the PMO, the owner or operator of the plant shall place on each milk product carton or container (1) the code number assigned by the department; or (2) the name and address of the plant where the milk was pasteurized. (b) Upon request from the department, a person described in [18 AAC 32.010](#)(b) shall provide the department access to or copies of the following documents in order to verify compliance with the labeling requirements of the PMO: (1) each formula used to produce the milk or milk product; (2) records or invoices from each supplier of each ingredient used to make the milk or milk product, including raw, pasteurized, or heat-treated milk; those records or invoices must show the (A) name of the supplier; (B) product and amount purchased; and (C) date of purchase.

18 AAC 32.050. Ungraded milk If the commissioner finds that an emergency exists, the commissioner will, in the commissioner's discretion, authorize the sale of pasteurized milk and milk products that have not been graded or the grade of which is unknown. A person who sells milk or a milk product subject to an authorization under this section shall ensure that the milk or milk product is labeled "ungraded."

18 AAC 32.060. Raw milk and raw milk products Except as provided in [18 AAC 32.010](#)(c), a milk producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the dairy farm unless (1) the product is being transported directly to a milk processing plant with a permit issued under [18 AAC 32.030](#) or by another state; or (2) the product has been decharacterized with an approved denaturant and labeled "FOR ANIMAL FOOD NOT FOR HUMAN CONSUMPTION" in letters at least three inches high on each container; for purposes of this paragraph, "approved denaturant" means (A) finely powdered charcoal; (B) FD & C Blue No. 1, FD, & C Blue No. 2, Ultramarine Blue; or (C) FD & C Green No. 3, FD & C Red. No. 3, or FD & C Red No. 40.