

26:1A-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:1A-7; 24:10-57.17

(Milk-certified-- (non-pasteurized)-- prohibit sale)

LAWS OF: 1987

CHAPTER: 302

Bill No: A3893

Sponsor(s): Azzolina and others

Date Introduced: March 12, 1987

Committee: Assembly: Health and Human Resources

Senate: -----

Amended during passage: Yes

Date of Passage: Assembly: June 11, 1987

Senate: September 10, 1987

Date of Approval: November 4, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

DO NOT WRITE IN THESE SPACES

11-4-87

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3893**STATE OF NEW JERSEY**

INTRODUCED MARCH 12, 1987

By Assemblyman AZZOLINA, Assemblywoman SMITH, Assemblyman
Littell, Assemblywoman Farragher and Assemblyman Penn

AN ACT concerning the sale of certified milk, amending P. L. 1947,
c. 177 *and P. L. 1964, c. 62* and repealing R. S. 24:10-74 through
R. S. 24:10-88.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 7 of P. L. 1947, c. 177 (C. 26:1A-7) is amended to
2 read as follows:

3 7. The Public Health Council shall have power, by the affirmative
4 vote of a majority of all its members, to establish, and from time
5 to time amend and repeal, such reasonable sanitary regulations
6 not inconsistent with the provisions of this act or the provisions
7 of any other law of this State as may be necessary properly to
8 preserve and improve the public health in this State. The regula-
9 tions so established shall be called the State Sanitary Code.

10 The State Sanitary Code may cover any subject affecting public
11 health, or the preservation and improvement of public health and
12 the prevention of disease in the State of New Jersey, including the
13 immunization against disease of all school children in the State
14 of New Jersey. In addition thereto, and not in limitation thereof,
15 said State Sanitary Code may contain sanitary regulations: (a)
16 prohibiting nuisances hazardous to human health; (b) (deleted by
17 amendment) (c) regulating the use of privies and cesspools; (d)
18 regulating the disposition of excremental matter; (e) regulating
19 the control of fly and mosquito breeding places; (f) regulating the
20 detection, reporting, prevention and control of communicable and
21 preventable diseases; (g) regulating the conduct of public funerals;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted May 18, 1987.**

22 (h) regulating the conduct of boarding homes for children; (i)
 23 regulating the conduct of maternity homes and the care of maternity
 24 and infant patients therein; (j) regulating the conduct of camps;
 25 (k) **regulating the production, distribution and sale of certified**
 26 **milk;** (*Deleted by amendment, P. L., c. . . .*) (*Now pending*
 27 *before the Legislature as this bill*) (l) regulating the preparation,
 28 handling, transportation, burial or other disposal, disinterment and
 29 reburial of dead human bodies; and (m) prescribing standards of
 30 cleanliness for public eating rooms and restaurants.

31 Prior to the final adoption by the council of any sanitary regula-
 32 tion or amendment thereto or repealer thereof the council shall
 33 hold a public hearing thereon. The council shall cause to be pub-
 34 lished, at least once, not less than 15 days prior to such hearing,
 35 in each of the counties of the State in a newspaper published in
 36 each of said counties, or if no newspaper be published in any such
 37 county, then in a newspaper circulated in such county, a notice of
 38 such hearing, specifying the time when and the place where such
 39 hearing will be held, together with a brief summary of the proposed
 40 regulation, amendment or repealer and a statement that copies of
 41 the text thereof may be obtained from the State Commissioner of
 42 Health or from the board of health of any municipality in the State.
 43 The State Department of Health shall prepare and make available
 44 on request therefor, copies of the text of such proposed regulations
 45 and changes therein in the manner described in such public notice.

1 *2. Section 17 of P. L. 1964, c. 62 (C. 24:10-57.17) is amended to
 2 read as follows:

3 17. No person shall sell, offer for sale, or distribute to the ulti-
 4 mate consumer any milk or cream **other than certified milk,** that
 5 is not pasteurized **provided, however, that nothing herein con-**
 6 **tained shall prohibit a local board of health from adopting an**
 7 **ordinance requiring the pasteurization of certified milk sold within**
 8 **its jurisdiction**.*

1 ***[2.]*** *3.* R. S. 24:10-74 through R. S. 24:10-88 are repealed.

1 ***[3.]*** *4.* This act shall take effect immediately.

FOOD AND NUTRITION

Prohibits sale of certified milk.

ASSEMBLY, No. 3893

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1987

By Assemblyman AZZOLINA, Assemblywoman SMITH, Assemblyman
Littell, Assemblywoman Farragher and Assemblyman Penn

AN ACT concerning the sale of certified milk, amending P. L. 1947,
c. 177 and repealing R. S. 24:10-74 through R. S. 24:10-88.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 7 of P. L. 1947, c. 177 (C. 26:1A-7) is amended to
2 read as follows:

3 7. The Public Health Council shall have power, by the affirmative
4 vote of a majority of all its members, to establish, and from time
5 to time amend and repeal, such reasonable sanitary regulations
6 not inconsistent with the provisions of this act or the provisions
7 of any other law of this State as may be necessary properly to
8 preserve and improve the public health in this State. The regula-
9 tions so established shall be called the State Sanitary Code.

10 The State Sanitary Code may cover any subject affecting public
11 health, or the preservation and improvement of public health and
12 the prevention of disease in the State of New Jersey, including the
13 immunization against disease of all school children in the State
14 of New Jersey. In addition thereto, and not in limitation thereof,
15 said State Sanitary Code may contain sanitary regulations: (a)
16 prohibiting nuisances hazardous to human health; (b) (deleted by
17 amendment) (c) regulating the use of privies and cesspools; (d)
18 regulating the disposition of excremental matter; (e) regulating
19 the control of fly and mosquito breeding places; (f) regulating the
20 detection, reporting, prevention and control of communicable and
21 preventable diseases; (g) regulating the conduct of public funerals;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.**

22 (h) regulating the conduct of boarding homes for children; (i)
 23 regulating the conduct of maternity homes and the care of maternity
 24 and infant patients therein; (j) regulating the conduct of camps;
 25 (k) [regulating the production, distribution and sale of certified
 26 milk;] (*Deleted by amendment, P. L., c. . . .*) (*Now pending*
 27 *before the Legislature as this bill*) (l) regulating the preparation,
 28 handling, transportation, burial or other disposal, disinterment and
 29 reburial of dead human bodies; and (m) prescribing standards of
 30 cleanliness for public eating rooms and restaurants.

31 Prior to the final adoption by the council of any sanitary regula-
 32 tion or amendment thereto or repealer thereof the council shall
 33 hold a public hearing thereon. The council shall cause to be pub-
 34 lished, at least once, not less than 15 days prior to such hearing,
 35 in each of the counties of the State in a newspaper published in
 36 each of said counties, or if no newspaper be published in any such
 37 county, then in a newspaper circulated in such county, a notice of
 38 such hearing, specifying the time when and the place where such
 39 hearing will be held, together with a brief summary of the proposed
 40 regulation, amendment or repealer and a statement that copies of
 41 the text thereof may be obtained from the State Commissioner of
 42 Health or from the board of health of any municipality in the State.
 43 The State Department of Health shall prepare and make available
 44 on request therefor, copies of the text of such proposed regulations
 45 and changes therein in the manner described in such public notice.

1 2. R. S. 24:10-74 through R. S. 24:10-88 are repealed.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to repeal those statutes which provide a mechanism by which unpasteurized, fluid milk products (certified milk) can be sold. Specifically, this bill amends section 7 of P. L. 1947, c. 177 so that the Public Health Council is no longer directed to draft rules and regulations governing certified milk as part of the State Sanitary Code. This bill also repeals R. S. 24:10-74 through R. S. 24:10-88 which provide for regulations and standards governing the production, distribution and sale of certified milk.

This repeal is necessary due to the recent documented outbreaks of milk-borne disease traced to the consumption of unpasteurized fluid milk products. In addition, the federal Food and Drug Administration's Milk Safety Branch has issued a policy statement recommending that the sale of unpasteurized fluid milk products be prohibited since it is known as an unwarranted public health risk.

113893(1987)

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3893

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 1987

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 3893 with committee amendments.

As amended by the committee, this bill removes the statutory authority for the production, distribution and sale of certified milk in New Jersey.

Specifically, the bill removes from the State sanitary code established pursuant to P. L. 1947, c. 177 (C. 26:1A-1 et seq.), sanitary regulations adopted by the Public Health Council to govern the production, distribution and sale of certified milk. The bill also amends section 17 of P. L. 1964, c. 62 (C. 24:10-57.17) to provide that no person shall sell, offer for sale, or distribute to the ultimate consumer any unpasteurized milk or cream in this State. In addition, the bill repeals R. S. 24:10-74 through R. S. 24:10-88, which provide for regulations and standards governing the production, distribution and sale of certified milk in conformity with the State sanitary code.

The committee amended the bill to specify that no person shall sell, offer for sale, or distribute to the ultimate consumer any unpasteurized milk or cream in this State, by amending section 17 of P. L. 1964, c. 62 (C. 24:10-57.17). This will ensure that no certified milk produced in another state is sold in New Jersey. At this time, according to information supplied by the Department of Health, there is only one dairy nationally which produces certified milk, which is located in California, and which does not ship milk to New Jersey.

This bill is intended to address a public health risk posed by milk-borne disease which is attributable to the sale and consumption of unpasteurized fluid milk products, consistent with a recommendation by the federal Food and Drug Administration.