

24:10-57.23

LEGISLATIVE HISTORY CHECKLIST

(Milk and milk products--require labeling for last date of sale)

HJSA 24:10-57.23

LAWS OF 1979

CHAPTER 330

Bill No. A1634

Sponsor(s) Visotcky and others

Date Introduced Sept. 25, 1979

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes

~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 11, 1978

Senate Dec. 6, 1979

Date of approval Jan. 21, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly Yes ~~xx~~

Senate Yes ~~xx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing ~~xxx~~ No

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1634

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 25, 1978

By Assemblymen VISOTCKY, HOLLENBECK, CONTILLO
 and BAER

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend "An act concerning the production, handling and distribution of milk, cream and milk products, supplementing Title 24 of the Revised Statutes and repealing sections 24:10-1 to 24:10-57, inclusive, and 24:10-89 to 24:10-103, inclusive, of the Revised Statutes and chapter 195 of the laws of 1938", approved May 18, 1964 (P. L. 1964, c. 62).

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

1 1. Section 23 of P. L. 1964, c. 62 (C. 24:10-57.23) is amended to
 2 read as follows:

3 23. Containers of milk, certified milk, Vitamin D milk, **[and]**
 4 homogenized milk, *low fat milk, protein fortified low fat milk, skim*
 5 *milk, protein fortified skim milk, nonfat milk, protein fortified*
 6 *nonfat milk, flavored milks and dairy drinks, buttermilk, cultured*
 7 *buttermilk, yogurt, eggnog, creams, half-and-half and all other*
 8 *fluid milk products *designated by the department** shall be
 9 marked with the *name and address of the processor or the*
 10 *pasteurizing plant number as assigned by the department or*
 11 *the state of origin and the name and address of the distributor.*
 12 **[The]** *All containers of fluid milk products, including those*
 12A *mentioned above, intended for sale to consumers, (except for*
 13 *those products which are sterilized and packaged in hermetically*
 14 *sealed containers), shall be marked with **[the]** a legend "NOT TO*
 15 *BE SOLD AFTER", or "SELL BY", or any other clearly under-*
 16 *standable legend approved by the department, **[(insert in a clear***
 17 *and legible manner)] followed or accompanied by the first three*
 18 *letters of the month where possible, but in no instance less than two*
 19 *letters, or numerical designation approved by the department to*
 20 *designate the month and the **[date]** *day* of the month which*

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

21 shall be **[no later than 5 days following the date of pasteurization.]**
 22 *a date established in regulation by the department following the*
 23 *date of pasteurization. The date shall be based on consideration of*
 24 *wholesomeness and consumer palatability of the product. The date*
 25 *of pasteurization shall be that of 6 a.m. at the end of the 24-hour*
 26 *period during which pasteurization took place. If two letters are*
 27 *used the letters MR shall mean MARCH and MY shall mean MAY;*
 28 *JN shall mean JUNE and JL shall mean JULY **[)]**.**[']** No fluid*
 29 *milk product listed in this section shall be sold or offered for sale*
 30 *after 11:59 p.m. of the date appearing on the containers so marked.*

31 ****[The]*** *Based upon differences in manufacturing procedures*
 32 *and evidence relating to keeping quality of the product, the*
 33 *department may determine that the "shelf-life expiration date"*
 34 *applicable to some fluid milk products other than milk be*
 35 *determined by the processor. When any processor is authorized*
 36 *by the department to establish a "shelf-life expiration date" for*
 37 *a fluid milk product other than milk, the* processor, prior to*
 38 *determining the date beyond which any *such* **[of his]*** fluid*
 39 *milk **[products]*** *product* may not be sold or offered for sale,*
 40 *shall notify the department of the intended "shelf-life expiration*
 41 *date" selected by him for **[each of the]*** *such* fluid milk*
 42 ***[products]*** *product* intended for sale. All data and material*
 42A *used by the processor or manufacturer in his determination of this*
 42B *date shall be made available to the commissioner upon request. If*
 42C *the data and material submitted does not, in the opinion of the*
 42D *commissioner, justify the "shelf-life expiration date", the com-*
 42E *missioner shall prohibit the sale of the product until such time as*
 42F *satisfactory data is supplied or until a new "shelf-life expiration*
 42G *date" consistent with the data is applied to the product.*****

43 *The department shall periodically review the keeping quality of*
 44 *milk and milk products by scientific shelf-life tests, recognizing the*
 45 *different methods of pasteurization, processing and packaging, to*
 46 *determine that shelf-life expiration dates stated on the containers*
 47 *assure the consumer of acceptable quality milk and milk products*
 48 *when kept under normal storage conditions. Samples for shelf-life*
 49 *evaluation will be obtained at the processing plant, from delivery*
 50 *trucks or from retail outlets. The temperature of the sample at the*
 51 *time of collection shall be officially recorded by the collector. Noth-*
 52 *ing herein contained shall be construed to prohibit the department*
 53 *from taking special samples for analysis and making special tests*
 54 *in order to assure all milk and milk products comply with the*
 55 *minimum standards of freshness, quality and palatability. In the*

56 *event the department determines a processor's or a manufacturer's*
57 *shelf-life for a given product is improper, the department shall im-*
58 *mediately take such samples as are necessary for full and complete*
59 *recheck of the shelf-life of the product. If the full and complete*
60 *recheck confirms that the shelf-life of the product is improper, the*
61 *department shall serve written notice on the processor or manu-*
62 *facturer and the processor or manufacturer immediately upon re-*
63 *ceipt of such notice shall alter the shelf-life expiration date of the*
64 *product to comply with the department findings. Compliance shall*
65 *be with the next processing of the product after receipt of such*
66 *department notice. This rule does not apply to containers of fluid*
67 *milk products which are not to be sold in the State of New Jersey.*

1 2. This act shall take effect immediately.

STATEMENT

Currently, the only statutory protection offered consumers for the freshness of milk and milk products applies to whole white milk. This is through a "pull date" law enacted in 1972. Also, the Department of Health has the authority, by regulation, to establish pull dates for other milk products. The Department has established such dates for most products.

This legislation, more comprehensive than existing law, would require the Department to establish such pull dates for all fluid milk products. It recognizes that the "shelf life" differs among these products and, therefore, authorizes the Department to establish varying pull dates for the different products.

A. 1634 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1634
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 1978

This bill requires the Department of Health to establish expiration dates for all fluid milk products. It further requires that the container of such products be marked with appropriate expiration dates.

The committee amended the bill to clarify the role of the processors of fluid milk products in determining expiration dates. As amended the bill indicates that the department may determine that a "shelf-life expiration date" applicable to some fluid milk products other than milk may be established by the processor.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1634
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1979

This bill requires the Department of Health to establish expiration dates for all fluid milk products. It further requires that the container of such products be marked with appropriate dates.

The bill also authorizes the department to permit fluid milk products processors to establish the "shelf-life expiration date" that would be applicable to some fluid milk products other than milk.