

24: 10- 57.23

LEGISLATIVE HISTORY CHECKLIST
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(Milk products--open
code dating)

NJSA: 24:10-57.23

LAWS OF: 1992 CHAPTER: 151

BILL NO: A1502

SPONSOR(S) Colburn

DATE INTRODUCED: May 28, 1992

COMMITTEE: ASSEMBLY: Health & Human Services
SENATE: Health & Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: July 20, 1992
SENATE: November 9, 1992

DATE OF APPROVAL: November 24, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KEG: pp

[FIRST REPRINT]
ASSEMBLY, No. 1502

STATE OF NEW JERSEY

INTRODUCED MAY 28, 1992

By Assemblyman COLBURN

1 AN ACT concerning fluid milk products and amending P.L.1964,
2 c.62.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

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

8 23. Containers of milk, certified milk, Vitamin D milk,
9 homogenized milk, low fat milk, protein fortified low fat milk,
10 skim milk, protein fortified skim milk, nonfat milk, protein
11 fortified nonfat milk, flavored milks and dairy drinks, buttermilk,
12 cultured buttermilk, yogurt, eggnog, creams, half-and-half and
13 all other fluid milk products designated by the department shall
14 be marked with the name and address of the processor or the
15 pasteurizing plant number as assigned by the department or the
16 state of origin and the name and address of the distributor. All
17 containers of fluid milk products, including those mentioned
18 above, intended for sale to consumers, (except for those products
19 which are sterilized and packaged in hermetically sealed
20 containers), shall be marked with a legend "NOT TO BE SOLD
21 AFTER" , or "SELL BY" , or any other clearly understandable
22 legend approved by the department, followed or accompanied by
23 the first three letters of the month where possible, but in no
24 instance less than two letters, or numerical designation approved
25 by the department to designate the month and the day of the
26 month which shall be a date established [in regulation by the
27 department following the date of pasteurization. The date] by
28 the processor and which shall be based on consideration of
29 wholesomeness and consumer palatability of the product. ¹[The
30 date of pasteurization shall be that of 6 a.m. at the end of the
31 24-hour period during which pasteurization took place.]¹ If two
32 letters are used the letters MR shall mean MARCH and MY shall
33 mean MAY; JN shall mean JUNE and JL shall mean JULY. No
34 fluid milk product listed in this section shall be sold or offered
35 for sale after 11:59 p.m. of the date appearing on the containers
36 so marked.

37 [Based upon differences in manufacturing procedures and
38 evidence relating to keeping quality of the product, the
39 department may determine that the "shelf-life expiration date"
40 applicable to some fluid milk products other than milk be
41 determined by the processor. When any processor is authorized
42 by the department to establish a "shelf-life expiration date" for

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHH committee amendments adopted June 15, 1992.

1 a fluid milk product other than milk, the] The processor, prior to
2 determining the date beyond which any such fluid milk product
3 may not be sold or offered for sale, shall notify the department
4 of the intended "shelf-life expiration date" selected by him for
5 such fluid milk product intended for sale. All data and material
6 used by the processor or manufacturer in his determination of
7 this date shall be made available to the commissioner upon
8 request. If the data and material submitted does not, in the
9 opinion of the commissioner, justify the "shelf-life expiration
10 date" , the commissioner shall prohibit the sale of the product
11 until such time as satisfactory data is supplied or until a new
12 "shelf-life expiration date" consistent with the data is applied to
13 the product.

14 The department shall periodically review the keeping quality of
15 milk and milk products by scientific shelf-life tests, recognizing
16 the different methods of pasteurization, processing and
17 packaging, to determine that shelf-life expiration dates stated on
18 the containers assure the consumer of acceptable quality milk
19 and milk products when kept under normal storage conditions.
20 Samples for shelf-life evaluation will be obtained at the
21 processing plant, from delivery trucks or from retail outlets. The
22 temperature of the sample at the time of collection shall be
23 officially recorded by the collector. Nothing herein contained
24 shall be construed to prohibit the department from taking special
25 samples for analysis and making special tests in order to assure
26 all milk and milk products comply with the minimum standards of
27 freshness, quality and palatability. In the event the department
28 determines a processor's or a manufacturer's shelf-life for a
29 given product is improper, the department shall immediately take
30 such samples as are necessary for full and complete recheck of
31 the shelf-life of the product. If the full and complete recheck
32 confirms that the shelf-life of the product is improper, the
33 department shall serve written notice on the processor or
34 manufacturer and the processor or manufacturer immediately
35 upon receipt of such notice shall alter the shelf-life expiration
36 date of the product to comply with the department findings.
37 Compliance shall be with the next processing of the product after
38 receipt of such department notice. This rule does not apply to
39 containers of fluid milk products which are not to be sold in the
40 State of New Jersey.

41 (cf: P.L.1979, c.330, s.1)

42 2. This act shall take effect immediately.

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47 Establishes open-code dating for fluid milk products.

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2 of the intended "shelf-life expiration date" selected by him for
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43 STATEMENT
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45 This bill establishes open-code dating for fluid milk products.
46 Currently, the law permits the expiration date for all fluid milk
47 products to be determined by regulation, and the Department of
48 Health has established the expiration date at 10 days following
49 the date of pasteurization (N.J.A.C.8:21-10.12) for milk,
50 certified milk, Vitamin D milk, homogenized milk, low fat milk,
51 protein fortified low fat milk, skim milk, protein fortified skim
52 milk, nonfat milk and protein fortified nonfat milk. Open-code
53 dating would enable the milk industry in New Jersey to remain
54 competitive with neighboring states such as Pennsylvania and
55 New York, without any sacrifice in consumer quality.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1502

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1992

The Assembly Health and Human Services Committee favorably reports Assembly Bill No. 1502 with committee amendments.

As amended by the committee, this bill amends section 23 of P.L.1964, c.62 (C.24:10-57.23) to establish open-code dating for fluid milk products. Currently, the law permits the expiration date for all fluid milk products to be determined by regulation, and the Department of Health has established the expiration date at 10 days following the date of pasteurization (N.J.A.C.8:21-10.12) for milk, certified milk, Vitamin D milk, homogenized milk, low fat milk, protein fortified low fat milk, skim milk, protein fortified skim milk, nonfat milk and protein fortified nonfat milk. Open-code dating would enable the milk industry in New Jersey to remain competitive with neighboring states such as Pennsylvania and New York, without any sacrifice in consumer quality.

The committee amended the bill at the request of the Department of Health, which supports the bill, to delete a provision in section 23 of P.L.1964, c.62 that the date of pasteurization shall be that of 6 a.m. at the end of the 24-hour period during which pasteurization took place. The meaning of this provision is unclear, and it has had no bearing on the enforcement of this statute.

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1502

STATE OF NEW JERSEY

DATED: OCTOBER 8, 1992

The Senate Health and Human Services Committee favorably reports Assembly Bill No. 1502 (1R).

This bill amends section 23 of P.L.1964, c.62 (C.24:10-57.23) to establish open-code dating for fluid milk products. Currently, the law permits the expiration date for all fluid milk products to be determined by regulation, and the Department of Health has established the expiration date at 10 days following the date of pasteurization (N.J.A.C.8:21-10.12) for milk, certified milk, Vitamin D milk, homogenized milk, low fat milk, protein fortified low fat milk, skim milk, protein fortified skim milk, nonfat milk and protein fortified nonfat milk. Open-code dating would enable the milk industry in New Jersey to remain competitive with neighboring states such as Pennsylvania and New York, without any sacrifice in consumer quality.