

111TH CONGRESS  
1ST SESSION

# H. R. 778

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. PAUL introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTERSTATE TRAFFIC OF UNPASTEURIZED**  
4 **MILK AND MILK PRODUCTS.**

5 (a) SALE ALLOWED.—Notwithstanding the Federal  
6 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)  
7 and section 361 of the Public Health Service Act (42  
8 U.S.C. 264), and any regulations or other guidance issued  
9 thereunder, a Federal department, agency, or court may  
10 not take any action (administrative, civil, criminal, or oth-

1 erwise) that would prohibit, interfere with, regulate, or  
2 otherwise restrict the interstate traffic of milk, or a milk  
3 product, that is unpasteurized and packaged for direct  
4 human consumption solely on the basis that the milk or  
5 milk product is unpasteurized and is therefore adulter-  
6 ated, misbranded, or otherwise in violation of Federal law.

7 (b) DEFINITIONS.—In this section, the following defi-  
8 nitions apply:

9 (1) The terms “interstate traffic”, “milk”, and  
10 “milk products” have the meanings given those  
11 terms in section 1240.3 of title 21, Code of Federal  
12 Regulations (as in effect on the date of enactment  
13 of this Act).

14 (2) The term “packaged for direct human con-  
15 sumption” means milk and milk products that are  
16 packaged for the final consumer and intended for  
17 human consumption. Such term does not include  
18 milk and milk products that are packaged for addi-  
19 tional processing, including pasteurization, before  
20 being consumed by humans.

21 (3) The term “pasteurized” means the process  
22 of heating milk and milk products to the applicable  
23 temperature specified in the tables contained in sec-  
24 tion 1240.61 of title 21, Code of Federal Regula-  
25 tions (or successor regulations), and held continu-

- 1 ously at or above that temperature for at least the
- 2 corresponding specified time in such tables.

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