

5/24/78

Introduced by: Gary Grant
78-123

ORDINANCE NO. 3742

1
2 AN ORDINANCE relating to milk; authorizing
3 the sale of grade A raw milk to the final
4 consumer, prohibiting the sale of misbranded
5 milk; repealing Sections 1, 3, 5, 6, 6A, 8,
6 9A, 9B, 10, 11, and 13 through 16, and Items
7 1r through 21r and 1p through 22p of
8 Resolution 32224 and KCC 8.48.010 through
9 8.48.040, 8.48.060, 8.48.070, 8.48.100
10 through 8.48.630; amending Sections 4 and 9
11 of Resolution 32224 and KCC 8.48.050 and
12 8.48.090; and adding new sections.

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. Section 9 of Resolution 32224 and KCC 8.48.050
15 are hereby amended as follows:

16 Milk and milk products which may be sold. (~~From and~~
17 ~~after thirty days from the date on which the resolution codified~~
18 ~~in this chapter is adopted, only~~) Only grade A pasteurized milk
19 and milk products (~~or certified milk raw and milk products or~~
20 certified milk pasteurized and milk products) or grade A raw
21 milk or raw milk products shall be sold to the final consumer or
22 to retail outlets, approved by the director, (~~or~~) and only grade
23 A pasteurized milk and milk products shall be sold to
24 restaurants, soda fountains, grocery stores, or similar
25 establishments: Provided, that in an emergency, the sale of
26 pasteurized milk and milk products which have not been graded, or
27 the grade of which is unknown, may be authorized by the director;
28 in which case, such milk and milk products shall be labeled
29 "ungraded" (~~Provided further, that these milk distributors~~
30 offering for sale or selling grade A raw milk as of the date of
31 the adoption of the resolution codified in this title are hereby
32 authorized to continue said sales for a period of eighteen months
33 from the date)).

34 SECTION 2. Section 4 of Resolution 32224 and KCC 8.48.090
35 are hereby amended as follows:

36 Labeling. All bottles or bottle caps, containers, and
37 packages (~~enclosing~~) which enclose milk or milk products as
38 defined in Section (~~8.48.010~~) 3 of this amendatory ordinance

5/24/78

1 and which are sold or distributed or offered for sale or
 2 distribution to the final consumer shall be conspicuously labeled
 3 or marked with:

4 (1) The name of the contents as given in the
 5 definition of this title; (~~(2)--The word "reconstituted" or~~
 6 ~~"recombined" if the product is made by reconstitution or~~
 7 ~~recombination;~~)

8 (2) The word "reconstituted" or "recombined" if the
 9 product is made by reconstitution or recombination;

10 (3) The grade of contents;

11 (4) The word "pasteurized" if the contents are
 12 pasteurized and the identity of the plant where pasteurized;

13 (5) The word "raw" if the contents are raw and the
 14 name or other identity of the producer;

15 (6) The designation "vitamin D" and the number of
 16 U.S.P. units per quart in the case of vitamin D milk or milk
 17 products;

18 (7) The volume or proportion of water to be added for
 19 recombining in the case of concentrated milk or milk products;

20 (8) The words "nonfat milk solids added" and the
 21 percentage added if such solids have been added, except that this
 22 requirement shall not apply to reconstituted or recombined milk
 23 or milk products;

24 (9) The words "artificially sweetened" in the name if
 25 nonnutritive and/or artificial sweeteners are used; and

26 (10) The common name of stabilizers, distillates and
 27 ingredients. Provided, that

28 (~~(a)--Only the identity of the milk producer shall be~~
 29 ~~required on cans delivered to a milk plant which receives only~~
 30 ~~Grade-A raw milk for pasteurization, and which immediately dumps,~~
 31 ~~washes, and returns the cans to the milk producer;~~)

32 (~~(b)--The identity of both milk producer and the grade~~
 33 ~~shall be required on cans delivered to a milk plant which~~

/24/78

1 receives-both-Grade-A-raw-milk-for-pasteurization-and-ungraded
2 raw-milk,-and-which-immediately-dumps,-washes,-and-returns-the
3 cans-to-the-milk-producer;))

4 ((e)) (a) In the case of concentrated milk products,
5 the specific name of the produce shall be substituted for the
6 generic term "concentrated milk products" e.g., "homogenized
7 concentrated milk," "concentrated skim milk," "concentrated
8 chocolate milk,"; and

9 ((d)) (b) In the case of flavored milk or flavored
10 reconstituted milk, the name of the principal flavor shall be
11 substituted for the word "flavored," and

12 ((e)) (c) In the case of cultured milk and milk
13 products, the special type culture used may be substituted for
14 the word "cultured," e.g., "acidophilus buttermilk," "bulgarian
15 buttermilk," and "yogurt."

16 ((All-vehicles-and-transport-tanks-containing-milk-or
17 milk-products-shall-be-legibly-marked-with-the-name-and-address
18 of-the-milk-plant-or-hauler-in-possession-of-the-contents.))

19 ((Tanks-transporting-raw-milk-and-milk-products-to-a
20 milk-plant-from-sources-of-supply-not-under-the-routine
21 supervision-of-the-director-are-required-to-be-marked-with-the
22 name-and-address-of-the-milk-plant-or-hauler-and-shall-be-sealed;
23 in-addition,-for-each-such-shipment,-a-shipping-statement-shall
24 be-prepared-containing-at-least-the-following-information:))

25 ((1)--Shippers'-name,-address,-and-permit-number;))

26 ((2)--Permit-number-of-hauler,-if-not-employee-of
27 shipper;))

28 ((3)--Point-of-origin-of-shipments;))

29 ((4)--Tanker-identity-number;))

30 ((5)--Name-of-product;))

31 ((6)--Weight-of-product;))

32 ((7)--Grade-of-product;))

33 ((8)--Temperature-of-product;))

5/24/78

- 1 ((9)--Date-of-shipment;))
- 2 ((10)--Name-of-supervising-health-authority-at-the
- 3 point-of-origin;))
- 4 ((11)--Whether-the-contents-are-raw,-pasteurized,-or
- 5 otherwise-heat-treated;))
- 6 ((Such-statement-shall-be-prepared-in-triplicate-and
- 7 shall-be-kept-on-file-by-the-shipper,-the-consignee,-and-the
- 8 carrier-for-a-period-of-six-months-for-the-information-of-the
- 9 health-authority;))

10 The labeling information which is required on all

11 bottles, containers or packages of milk or milk products shall be

12 in letters of ((an-acceptable)) a size, kind, and color

13 satisfactory to the director and shall contain no marks or words

14 which are misleading.

15 NEW SECTION. SECTION 3. There is hereby added to KCC 8.48

16 a new section to read as follows:

17 Definitions. All technical terminology used in this

18 chapter, not defined in this section, shall be interpreted in

19 conformance with RCW chapter 15.36 and WAC chapter 16-101. As

20 used in this chapter, the following terms shall have the

21 following meanings:

22 (1) "Adulterated Milk and milk product" means any milk to

23 which water has been added, or any milk or milk product which

24 contains any unwholesome substance or which if defined in RCW

25 15.36 or WAC 16-101 does not conform with its definition.

26 (2) "Director" means the director of the Seattle-King

27 County department of public health.

28 (3) "Milk products" include cream, light cream, coffee

29 cream, table cream, whipping cream, light whipping cream, heavy

30 cream, heavy whipping cream, whipped cream, whipped light cream,

31 whipped coffee cream, whipped table cream, sour cream, cultured

32 sour cream, half-and-half, cultured half-and-half, reconstituted

33 or recombined milk and milk products, concentrated milk,

5/24/78

1 concentrated milk products, skim milk, skimmed milk, fortified
2 milk and milk products, vitamin D milk and milk products,
3 homogenized milk, flavored milk or milk products, buttermilk,
4 cultured buttermilk, cultured milk, cultured whole milk
5 buttermilk, and acidified milk and milk products.

6 This definition is not intended to include such products as
7 sterilized milk and milk products hermetically sealed in a
8 container and so processed, either before or after sealing, as to
9 prevent micorbial spoilage, or evaporated milk, condensed milk,
10 butter, ice cream and other frozen desserts, dry milk products
11 (except as defined in this chapter), or cheese except when they
12 are combined with other substances to produce any pasteurized
13 milk or milk products defined herein.

14 (4) "Misbranded milk and milk products" means any milk or
15 milk products which fail to conform in any respect with the
16 statements on the label.

17 (5) "Raw milk" is unpasteurized milk.

18 NEW SECTION. SECTION 4. There is hereby added to KCC 8.48
19 a new section to read as follows:

20 Handling of raw milk. Raw milk and milk products stored in
21 containers accessible to the final consumer shall be clearly
22 labeled as such and shall be physically separated from
23 pasteurized milk and milk products.

24 NEW SECTION. SECTION 5. There is hereby added to KCC 8.48
25 a new section to read as follows:

26 Enforcement. The director is hereby authorized to enforce
27 the provisions of this chapter, the ordinances and resolutions
28 codified in it, and any rules and regulations promulgated
29 thereunder pursuant to the notice and order and enforcement and
30 penalty provisions of Title 23.

31 SECTION 6. The following are hereby repealed: Sections 1,
32 3, 5, 6, 6A, 8, 9A, 9B, 10, 11, and 13 through 16, and Items 1r
33 through 21r, and 1p through 22p of Resolution 32224 and

5/24/78

1 KCC 8.48.010 through 8.48.040, 8.48.060, 8.48.070, and 8.48.100
2 through 8.48.630.

3 INTRODUCED AND READ for the first time this 14th day of
4 February, 1978.

5 PASSED this 19th day of June, 1978.

6
7 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

8
9 Bernard Stern
Chairman

10
11 ATTEST:

12 Dorothy M. Quinn
13 Deputy Clerk of the Council

14 APPROVED this _____ day of _____, 19____.

15
16
17 King County Executive

18 DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE

19 DATED: June 29, 1978
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