

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Division of Environmental Health and Sustainability – promulgated by Colorado Board of Health

## COLORADO GRADE A PASTEURIZED MILK AND FLUID MILK PRODUCTS

### 6 CCR 1010-4

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### 1. Statutory Authority:

§ 25-1.5-104(1)(b)(I), Colorado Revised Statutes.

#### 2. Adoption of United States Public Health Service Ordinance:

Applicability of the Grade “A” Pasteurized Milk Ordinance and the prohibition of the sale of raw milk.

The provisions and supplements of the U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Grade “A” Pasteurized Milk Ordinance (PMO), 2009 Revision, including the Grade “A” Condensed and Dry Milk Products and Condensed and Dry Whey – Supplement I to the Grade “A” Pasteurized Milk Ordinance, including supplements, administrative procedures and appendices in effect as of this date, shall apply to regulate dairy sanitation and the labeling and grading of milk pursuant to the provisions of §25-1.5-104(1)(b)(I), in so far that they are not inconsistent with Colorado statutes and regulations, except that:

a. In the PMO as indicated, “State of Colorado” shall be inserted in all footnotes numbered (2).

#### 3. Definitions:

a. Regulatory Agency , as defined in the PMO, shall mean the Colorado Department of Public Health and Environment and its authorized representative.

b. Jurisdiction , as used in the PMO, shall mean the State of Colorado.

c. Ordinance , as used in the PMO, shall mean the rules and regulations of the State of Colorado.

d. Cottage cheese, dry curd cottage cheese, and low fat cottage cheese , defined in the Code of Federal Regulations, Title 21, Sections 133.128 and 133.129, manufactured or sold in the State of Colorado, shall meet the applicable requirements of the PMO.

#### 4. License Requirements:

Any person desiring to operate a dairy farm, milk plant or receiving station or to sample or test milk or cream for the purpose of payment in this state, before undertaking such operation, shall make application to the Department. The application shall be made on forms prepared or furnished by the Department, and shall set forth such information as the Department may require, including the name and address of the applicant. With the exception of dairy farm licenses, all other licenses shall be issued for a year or any part of a year from July 1 through June 30 issued of the following year.

#### 5. Denial and Suspension of Licenses:

All denials, suspensions or revocations of licenses shall be conducted in accordance with the provisions of Sections 24-4-104 and 24-4-105, Colorado Revised Statutes.

**6. Incorporation by Reference:**

- a. These rules incorporate by reference the U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration *Grade "A" Pasteurized Milk Ordinance (PMO) 2009 Revision*, including the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey – Supplement I to the Grade "A" Pasteurized Milk Ordinance, including supplements, administrative procedures, appendices, and coded Food and Drug Administration Interpretative Memoranda. These rules do not include later amendments to or editions of the incorporated materials.
- b. The Division of Environmental Health and Sustainability shall maintain certified copies of the complete text of the incorporated materials, which shall be available for public inspection during regular business hours, and shall provide certified copies of the materials at cost upon request. For information regarding how the incorporated materials may be obtained or examined, contact:

Division Director

Division of Environmental Health and Sustainability

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, Colorado 80246-1530

- c. Materials incorporated by reference have been submitted to the State Publications Depository and Distribution Center and may be examined at any state publications depository library.

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**Editor's Notes**

**History**

Entire rule eff. 10/15/2010.