



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 | Phone: 573-751-6400 | FAX: 573-751-6010
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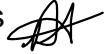



Paula F. Nickelson
Director


Michael L. Parson
Governor

Technical Bulletin RFP24-04

TO: Local Public Health Agency Administrators
Local Public Health Agency Environmental Health Specialists
Bureau of Environmental Health Services Environmental Health Specialists

THROUGH: Dusty Johnson, Chief, Bureau of Environmental Health Services 

THROUGH: Mark Jenkerson, Program Operations Manager, Bureau of Environmental Health Services 

FROM: Paige Anderson, Retail Food Program Manager, Bureau of Environmental Health Services 

SUBJECT: Regulation of raw (unpasteurized) milk and milk product at retail

DATE: September 30, 2024

CONTACT: Paige Anderson, Retail Food Program Manager
Bureau of Environmental Health Services
Paige.Anderson@health.mo.gov
(573) 751-6095

Raw unpasteurized milk and products made from raw milk (butter, creamers, cheeses, etc.) remains a subject of interest for both regulators and some consumers across Missouri. Many individuals reach out to the Missouri Department of Health and Senior Services (DHSS) and Local Public Health Agencies (LPHAs) for guidance on questions such as where they can sell it, how they can sell it, who they can sell it to. This technical bulletin is intended to clarify how DHSS' food safety rules and authority intersects with retail raw milk sales and associated raw milk products.

This technical bulletin is intended to share DHSS' current thinking on this subject. Technical bulletins do not create or confer any rights for or on any person and do not operate to bind DHSS, LPHAs or the public. Alternative approaches may be possible if the approach satisfies the requirements of the applicable statutes and regulations.

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Raw milk is a high-risk product. The U.S. Food and Drug Administration has tracked 143 outbreaks associated with the consumption of raw milk and raw milk products since 1987¹. Studies have shown that most of these outbreaks occur in areas in which the sale of unpasteurized milk is allowed^{2,3}. As it is the general duty and responsibility of DHSS to safeguard the health of the people in the state, the Department supports the application of effective measures such as pasteurization to protect the safety of the food supply.

DHSS, LPHAs and the State Milk Board all have historically had a regulatory interest in raw milk sales. It is important that we clarify the DHSS and LPHAs role on this matter. The DHSS authority on raw milk sales only applies to food establishments and regulated childcare facilities. Inspection, regulation, and enforcement of fluid milk and fluid milk product is assigned to the State Milk Board (which is administered by the Missouri Department of Agriculture) in 196.520-196.959 RSMo. A key provision in state law regarding raw milk is 196.935 RSMo, which states in part “Only pasteurized graded fluid milk and fluid milk products as defined in subdivision (3) of section 196.931 shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; *except an individual may purchase and have delivered to him for his own use raw milk or cream from a farm.*”

Retail food safety is generally regulated by DHSS and LPHAs using the Missouri Food Code 19 CSR 20-1.025 or an equivalent local ordinance. According to 3-201.11 of the Code, food establishments must obtain food from inspected and approved sources that comply with applicable laws. In Missouri, raw milk is not an inspected food item from an approved source. When raw milk products are observed for sale at a retail food establishment, they are considered an unapproved sourced food item and cannot be sold, sampled or served. DHSS/LPHA Environmental Health Specialists that encounter raw milk or raw milk products for sale at a retail food establishment shall document the violation on the inspection report and cite 3-201.11 *Compliance with Food Law*. The establishment shall be instructed to cease the sale or use of raw milk products and remove product from commerce.

DHSS’ Sanitation Inspection Guidelines for Family Homes and for Licensed Group Child Care Homes, Licensed Child Care Centers and License-Exempt Child Care Facilities also prohibit the serving of raw milk in regulated childcare facilities.

DHSS does not have a role in regulating raw milk transactions between the farmer and the end consumer outside of food establishments and regulated childcare providers. DHSS will maintain its focus on prohibiting the use/sale of raw milk and raw milk products in the aforementioned regulated establishments. Given the raw milk delivery allowance provided under 196.935 RSMo, DHSS declines to consider ordinary activities conducted by a farmer in

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the delivery of raw milk to the end consumer to be within the activities described in the definition of a food establishment. This would not be the case if the farmer were to sell or deliver regulated food products in conjunction with raw milk. LPHAs are advised to route any concerns regarding raw milk and raw milk product transactions between the farmer and the end consumer to the State Milk Board. DHSS retains its statutory authorities to conduct epidemiological investigations; remove unapproved, adulterated and/or misbranded product from commerce; and other authorities to assess and prevent the spread of communicable disease.

If you have any questions or concerns about your authority in relation to raw milk, please contact your DHSS District Supervisor. Click here for the map and contact information of DHSS District Supervisors <https://health.mo.gov/atoz/ehog/pdf/ehog-district-map.pdf>.

Resources:

- Chapter 196: <https://revisor.mo.gov/main/OneChapter.aspx?chapter=196>
- State Milk Board: <https://agriculture.mo.gov/animals/milk/>

References:

¹<https://www.fda.gov/food/buy-store-serve-safe-food/food-safety-and-raw-milk>

²https://wwwnc.cdc.gov/eid/article/18/3/11-1370_article

³<https://www.cambridge.org/core/journals/epidemiology-and-infection/article/foodborne-illness-outbreaks-linked-to-unpasteurised-milk-and-relationship-to-changes-in-state-laws-united-states-19982018/4822109E69DDAB37E92CAAB41AB1CC0F>

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