

ACT 290

H.B. NO. 1422

A Bill for an Act Relating to Processed Milk.

Be It Enacted by the Legislature of the State of Hawaii:

The purpose of this Act is to set a ten-day maximum shelf life of fluid processed milk and to require milk processors to mark their milk cartons with the date after which the milk may not be sold.

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Milk; storage, shelf life, and dating requirements. (a) No fluid processed milk shall be offered for sale unless the milk is cooled to, packaged, and stored at a temperature of not more than 45 degrees Fahrenheit before it is purchased by or delivered to the consumer.

(b) Every container of fluid processed milk held in retail and wholesale stores, restaurants, schools, or similar establishments for resale shall be conspicuously and legibly marked with the designation of the month and day of the month after which the milk shall not be sold or offered for sale for human consumption. The designation may be numerical, such as “8- 15”, or may use an abbreviation for the month, such as “AUG 15” or “AU 15”. The designation of the date shall be preceded by the words “Sell by” or “Not to be sold after”, or the statement on the container “Not to be sold after the date stamped above” shall appear legibly on the container. The designation date shall not exceed ten days beginning after midnight on the day on which the fluid milk was processed.

(c) No fluid processed milk shall be sold after the date designated on the container.

(d) All dairy products that are sterilized, ultra-pasteurized, cultured, or packaged in a hermetically sealed container are exempt from coverage by this section.

(e) For the purposes of this section:

“Hermetically sealed container” means a container that is designed and intended to secure against the entry of microorganisms and thereby maintain the commercial sterility of its contents after processing.

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“Ultra-pasteurized” means thermally processed at or above 280 degrees Fahrenheit for at least two seconds, either before or after packaging so as to produce a product that has an extended shelf life under refrigerated conditions.

(f) The director of health, upon discovery of scientific data which shall include microbiological and organoleptical methods indicating that shelf life could be lengthened or shortened in the interest of public health, may specify another “sell by” date, but in no event shall such “sell by” date, exceed twelve days.

(g) Whoever violates any provision of this section or rules adopted by the director of health pursuant thereto shall be fined not less than \$5 nor more than \$100.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1984.)

Note

1. Edited pursuant to HRS §23G-16.5.