

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1390**

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**Introduced by Committee on Agriculture (Eggman (Chair), Olsen  
(Vice Chair), Dahle, Quirk, and Yamada)**

March 4, 2013

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An act to amend Section 34008 of the Food and Agricultural Code,  
relating to milk products.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Committee on Agriculture. Milk products:  
pasteurization: goat milk.

Existing law requires that all market milk and market milk products,  
and all milk for manufacturing purposes and manufactured milk  
products, be pasteurized at the plant where those products are processed  
and packaged. This provision does not apply to certain products,  
including licensed milk products plants that are used exclusively for  
the preparation of ice cream and other, specified milk products.

This bill would additionally exempt from the above provision *goat  
milk cheese produced at a licensed milk production plants that produce  
goat milk products on their premises products plant that is manufactured  
from curds made from goat milk products pasteurized offsite, provided  
the products are produced, that has been pasteurized, ultrapasteurized,  
or aseptically processed, concentrated, condensed, or dried in accordance  
with specified provisions processed at certain milk products plants.*  
The bill would also make a technical change by deleting an obsolete  
provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 34008 of the Food and Agricultural Code  
2 is amended to read:

3 34008. (a) All market milk and market milk products, and all  
4 milk for manufacturing purposes and manufactured milk products,  
5 shall be pasteurized at the plant where processed and packaged  
6 unless otherwise provided in this division.

7 (b) This section does not apply to any of the following:

8 (1) Licensed milk products plants that are used exclusively for  
9 the preparation of ice cream or ice milk that is manufactured on  
10 the premises from ice cream mix, ice milk mix, or premix that is  
11 supplied by a licensed milk products plant.

12 (2) Products sold through soft-serve establishments, including  
13 frozen yogurts and frozen dairy desserts.

14 ~~(3) Licensed milk production plants that produce goat milk  
15 products on their premises from goat milk products pasteurized  
16 offsite, provided these products are produced, pasteurized,  
17 ultrapasteurized, aseptically processed, concentrated, condensed,  
18 or dried under regulations that are substantially equivalent to those  
19 set forth in Section 34001 or 34001.5, and the plants are registered  
20 in accordance with the federal FDA Food Safety Modernization  
21 Act (Public Law 111-353).~~

22 *(3) Goat milk cheese produced at a licensed milk products plant,  
23 excluding cottage cheese, manufactured from curds, provided the  
24 curds were made only from goat milk that has been pasteurized,  
25 ultrapasteurized, or aseptically processed, as defined in Sections  
26 34001, 34001.5, and 39701, respectively, at either of the following:*

27 *(A) A licensed milk products plant.*

28 *(B) A milk products plant that meets sanitation requirements  
29 substantially similar to those established by Article 3 (commencing  
30 with Section 33761) of Chapter 6, and that is registered as a food  
31 facility with the United States Food and Drug Administration in  
32 accordance with the federal Food, Drug, and Cosmetics Act (21  
33 U.S.C. Sec. 350d).*

34 (c) The secretary may, by regulation, provide for additional  
35 exemptions from this section.

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