

4400 Health Systems Protection

4461 State of Delaware Milk Code

1.0 State of Delaware Milk Code

- 1.1 Name. These Regulations shall hereby be known as the “State of Delaware Milk Code”.
- 1.2 Variance. The Regulatory Agency may grant a variance by modifying or waiving the requirements of these Regulations if in the opinion of the Regulatory Agency a health hazard or nuisance will not result from the variance or waiver.
- 1.3 Location. A copy of the complete State of Delaware Milk Code is available for public view at the following location: Office of Food Protection, 417 Federal Street, Dover, Delaware 19903. A copy is also available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM209789.pdf>

2.0 Adoption of United States Department of Health and Human Services’ Grade “A” Pasteurized Milk Ordinance 2009 Revision.

The State of Delaware Milk Code adopts, as if fully set forth herein, the United States Department of Health and Human Services’ Grade “A” Pasteurized Milk Ordinance 2009 Revision as amended herein. The production, transportation, processing, handling, sampling, examination, labeling and sale of all Grade “A” milk and milk products sold for the ultimate consumption within the State of Delaware; the inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk hauler/samplers; and the issuing and revocation of permits to milk producers, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors shall be regulated in accordance with the provisions of the current edition of the Grade “A” PMO.

- 2.1 Insert as footnote 1 the phrase “State of Delaware”.
- 2.2 Amend Section 1, Subpart JJ “Regulatory Agency” by deleting the first sentence in its entirety and substituting in lieu thereof the following, “The

Regulatory Agency shall mean the Secretary of the Delaware Department of Health and Social Services or their authorized representative.”

- 2.3 Amend Section 3 by deleting the phrase “seventy-two (72) hours” as it appears therein and substituting in lieu thereof the following “ten (10) government business days”.
- 2.4 Amend Section 16 by deleting the section in its entirety and substituting in lieu thereof the following, “Any person who shall violate any of the provisions of these Regulations shall be penalized in accordance with these Regulations and Title 16 of the Delaware Code.”
- 2.5 Amend Section 17 by deleting the section in its entirety and substituting in lieu thereof the following, “All current or previous regulations or parts of regulations in conflict with these Regulations are hereby repealed and these Regulations shall be in full force and effect on May 10, 2011.”