

noxious weed seeds on the general farm lands of the state. It shall be unlawful for any person to violate any regulations so promulgated by the Director of Agriculture.

Passed the House February 24, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 168.

[H. B. 348.]

FLUID MILK AND FLUID MILK PRODUCTS.

AN ACT relating to the production, handling, sale and disposition of fluid milk and fluid milk products intended or used as such for human consumption; establishing standards and defining terms; providing for the grading and inspection of such products; providing for the creation of local inspection units; providing for the issuance and cancellation of certificates of approval and permits; defining the powers and duties of certain officers; defining offenses and prescribing penalties therefor; amending sections 11 and 53, chapter 192, Laws of 1919, as amended (sections 6174 and 6215, Rem. Rev. Stat.); repealing section 60, chapter 192, Laws of 1919, as amended (section 6222, Rem. Rev. Stat.).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. *Definitions.* This act may be cited as the "Washington State Uniform Fluid Milk Act." For the purpose of this act, terms shall apply as herein defined unless the context clearly indicates otherwise.

"Washington State Uniform Fluid Milk Act."

Definitions.

(a) *Milk.* "Milk" is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten (10) days before and seven (7) days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which milk contains not less than eight per cent (8%) milk solids not fat, and not less than three and one-quarter

"Milk."

Sale of milk testing below standards herein fixed.

per cent (3.25%) of milk fat: *Provided, however,* That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.

"Milk fat" or "butter fat."

(b) *Milk Fat or Butter Fat.* "Milk fat" or "butter fat" is the fat of milk.

"Cream" and "sour cream."

(c) *Cream and Sour Cream.* "Cream" is a portion of milk which contains not less than eighteen per cent (18%) milk fat. "Sour cream" is cream the acidity of which is more than two-tenths of one per cent (.2%), expressed as lactic acid.

"Half and half."

(d) *Half and Half.* "Half and half" is a product consisting of a mixture of milk and cream homogenized which contains not less than ten per cent (10%) of milk fat.

"Defatted milk."

(e) *Defatted Milk.* "Defatted milk" is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than three and one-quarter per cent (3.25%).

"Milk beverage."

(f-1) *Milk Beverage.* A "milk beverage" is a food compound or confection consisting of milk to which has been added syrup or flavor consisting of wholesome ingredients.

"Defatted milk beverage."

(f-2) *Defatted Milk Beverage.* A "defatted milk beverage" is a food compound or confection consisting of defatted milk to which has been added a syrup or flavor consisting of wholesome ingredients.

"Buttermilk."

(g) *Buttermilk.* "Buttermilk" is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, defatted milk, reconstituted defatted milk, evaporated or condensed milk or defatted milk, or milk or defatted milk powder. It contains not less than eight per cent (8%) of milk solids not fat.

"Vitamin D milk."

(h) *Vitamin D Milk.* "Vitamin D milk" is milk the vitamin D content of which has been increased

by a method and in an amount approved by the Director of Agriculture.

(i) *Reconstituted or Recombined Milk and Cream.* "Reconstituted" or "recombined milk" is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. "Reconstituted" or "recombined cream" is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, defatted milk or water. Reconstituted or recombined milk or cream must be properly labeled as such.

"Reconstituted" or "recombined milk."

(j) *Goat Milk.* "Goat milk" is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this act. The word "cow" shall be interpreted to include "goats."

"Goat Milk."

(k) *Homogenized Milk.* "Homogenized milk" is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after forty-eight (48) hours storage no visible cream separation occurs on the milk and the fat percentage of the top 100 milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten per cent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing.

"Homogenized milk."

(l) *Milk Products.* "Milk products" shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, Vitamin D milk, butter-milk, defatted milk, reconstituted or recombined milk and cream, milk beverages, defatted milk beverages, and any other product made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the Director of Agriculture.

"Milk products."

(m) *Pasteurization.* The terms "pasteurization," "pasteurized," and similar terms, shall be taken to

"Pasteurization."

refer to the process of heating every particle of milk or milk products to at least one hundred forty-three (143) degrees Fahrenheit, and holding at such temperature for at least thirty (30) minutes, or to at least one hundred sixty (160) degrees Fahrenheit, and holding at such temperature for at least fifteen (15) seconds in approved and properly operated equipment under the provisions of this act: *Provided*, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the Director of Agriculture.

"Adulterated" and "mis-branded milk and milk products."

(n) *Adulterated and Misbranded Milk and Milk Products.* Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this act does not conform with its definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the Director of Agriculture and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

"Milk producer."

(o) *Milk Producer.* A "milk producer" is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

"Milk distributor."

(p) *Milk Distributor.* A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

"Dairy" or "dairy farm."

(q) *Dairy or Dairy Farm.* A "dairy" or "dairy farm" is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

"Milk plant."

(r) *Milk Plant.* A "milk plant" is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled,

pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

(s) *Health Officer.* The term "health officer" shall mean the county or city health officer as defined in section 6091 or 6092 of Remington's Revised Statutes of Washington, or his authorized representatives. "Health officer."

(t) *Average Bacterial Plate Count, Direct Microscopic Count, Reduction Time, and Cooling Temperature.* "Average bacterial plate count," and the "average direct microscopic count," shall be taken to mean the logarithmic average, and "average reduction time" and "average cooling temperature" shall be taken to mean the arithmetic average, of the respective results of the last four (4) consecutive samples, taken upon separate days. "Average bacterial count," "direct microscopic count," "reduction time" and "cooling temperature."

(u) *Person.* The word "person" shall mean any individual, partnership, corporation, company, trustee, or association. "Person."

(v) *Director of Agriculture.* "Director of Agriculture" shall mean the Director of Agriculture of the State of Washington or his duly authorized representative. "Director of Agriculture."

(w) *And/or.* Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply. "And/or."

SEC. 2. *The Sale of Adulterated, Misbranded, or Ungraded Milk or Milk Products Prohibited.* No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, in the fluid state for direct consumption as such, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products: *Provided*, That in an emergency the sale of ungraded milk or milk products may be au- Sale of adulterated, misbranded, or ungraded milk or milk products.

Emergencies.

thorized by the Director of Agriculture, in which case they shall be labeled "ungraded."

Impounding and disposal by Director.

Adulterated, misbranded, and/or ungraded milk or milk products may be impounded and disposed of by the Director of Agriculture.

Permits.

SEC. 3. *Permits.* It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this act, who does not possess a permit from the Director of Agriculture or an authorized inspection service as defined in this act.

Requirements for permit.

Only a person who complies with the requirements of this act shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Not transferable.

Temporary suspension of permits.

Such a permit may be temporarily suspended by the Director of Agriculture or health officer of a milk inspection unit upon violation by the holder of any of the terms of this act, or for interference with the Director of Agriculture or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the Director of Agriculture upon serious or repeated violations.

Labeling.

SEC. 4. *Labeling.* All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this act shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this act; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the word "reconstituted" or "recombined" if the contents are reconstituted or recombined and (7) in the case of Vitamin

Contents of labels.

D milk the designation "Vitamin D Milk", the source of the Vitamin D and the number of units per quart: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

The label or mark shall be in letters of a size, kind, and color approved by the Director of Agriculture and shall contain no marks or works which are misleading.

SEC. 5. *Inspection of Dairy Farms and Milk Plants.* Prior to the issuance of a permit and at least once every six (6) months the Director of Agriculture shall inspect all dairy farms and all milk plants: *Provided*, That the Director of Agriculture may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the Director of Agriculture discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three (3) days, and the second inspection shall be used in determining compliance with the grade requirements of this act. Any violation of the same requirement of this act on such reinspection shall call for immediate degrading or suspension of permit.

Inspection of dairy farms and milk plants.

Violations of sanitation.

Degrading or suspension of permit.

One copy of the inspection report shall be posted by the Director of Agriculture in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the Director of Agriculture. Another copy of the inspection report shall be filed with the records of the Director of Agriculture.

Inspection report.

Director shall have access to premises.

Distributors shall furnish samples of milk products upon request.

Examination of milk and milk products.

Raw milk.

Every milk producer and distributor shall upon the request of the Director of Agriculture permit him access to all parts of the establishment, and every distributor shall furnish the Director of Agriculture, upon his request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts.

SEC. 6. *The Examination of Milk and Milk Products.* During each six (6) months period at least four (4) samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the Director of Agriculture: *Provided*, That in the case of raw milk for pasteurization the Director of Agriculture may accept the results of non-official laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the Director of Agriculture as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the Director of Agriculture may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests, and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods for the Examination of Dairy Products," recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the Director of Agriculture may deem necessary for the detection of adulteration. Samples may be taken by the Director of Agriculture at any time prior to the final delivery of the milk or milk products. All proprietors of cafes,

stores, restaurants, soda fountains, and other similar places shall furnish the Director of Agriculture, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the Vitamin D content of Vitamin D milk shall be made when required by the Director of Agriculture in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the Director of Agriculture shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three (3) days, for determining a new average in accordance with section 1. Violation of the grade requirement by the new average or by any subsequent average during the remainder of the current six (6) months period shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

Violation of
grade re-
quirements.

Whenever the positive coliform test falls beyond the limit for the grade then held, the Director of Agriculture shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three (3) days. Immediate degrading or suspension of permit shall be called for if the grade requirements is [are] violated by such additional sample, or if the grade requirement is violated, within ninety (90) days after the collection of such additional sample, by more than one out of the last four (4) samples taken on separate days.

Coliform
test.

In case of violation of the phosphatase test requirement, the cause of under-pasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Phosphatase
test.

Grading of
milk and
milk
products.

SEC. 7. *The Grading of Milk and Milk Products.* Grade of milk and milk products as defined in this act shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Vitamin D
milk.

Certified
raw milk.

Certified Milk-Raw. Certified milk-raw is raw milk which conforms with requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the Director of Agriculture and the State Health Department.

Grade A
raw milk.

Grade A Raw Milk. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation, and the bacterial plate count or the direct microscopic clump count of which does not exceed 20,000 per milliliter, or the methylene blue reduction time of which is not less than seven (7) hours, as determined in accordance with section 6.

Grade A raw
milk for pas-
teurization.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of the following items of sanitation except item 24r (bottling and capping), item 25r (personnel, health), and such portions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm, does not exceed 100,000 per milliliter, or the resazurin reduction time of which to P 7/4 is not less than three (3) hours, as determined in accordance with section 6.

Item 1r. *Cows, Tuberculosis and Other Diseases.* Except as provided hereinafter, a tuberculin test of

all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve (12) months thereafter, by an accredited and licensed veterinarian approved by the Washington State Department of Agriculture or veterinarian employed by the Bureau of Animal Industry, United States Department of Agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the Director of Agriculture for accredited herds. A certificate signed by the veterinarian or attested to by the Director of Agriculture [Agriculture] and filed with the Director of Agriculture shall be evidence of the above test: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the Director of Agriculture shall be accepted in lieu of annual testing.

Test of cows for tuberculosis and other diseases.

Certificate of test.

Modified accredited area system.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from Bang's disease, as shown by blood serum tests or other approved tests for agglutinins against *Brucella* organisms made in a laboratory approved by the Director of Agriculture. All such herds shall be retested at least every twelve (12) months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the Bang's test, all milk from that herd is to be pasteurized until the three (3) consecutive Bang's tests obtained at thirty (30) day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test. Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody,

Tests for Bang's disease.

Retested.

Certificate of test.

Disposition of diseased animals.

stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

Other diseases.

For other diseases such tests and examinations as the Director of Agriculture may require after consultation with State Livestock Sanitary officials shall be made at intervals and by methods prescribed by him.

Dairy barns.

Item 2r. *Dairy Barn, Lighting.* A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking.

Lighting.

Ventilation and air space.

Item 3r. *Dairy Barn, Air Space, Ventilation.* Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

Floors of milking stable.

Item 4r. *Milking Stable, Floors, Animals.* The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized tight, two-inch tongue and groove wood, impregnated with waterproofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine or fowl shall be permitted in the milking stable. If dry cows, calves or bulls are stabled therein, they shall be confined in stalls, stanchions, or pens.

Animals other than milking cows.

Walls and ceiling of milking stable.

Item 5r. *Milking Stable, Walls and Ceilings.* The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight.

If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust-tight containers.

Storage of feed.

Item 6r. *Cow Yard.* The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulations of organic wastes. Swine shall be kept out.

Cow yard.

Item 7r. *Manure Disposal.* All manure shall be removed and stored at least fifty (50) feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided,* That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies.

Manure disposal

Item 8r. *Milk House or Room, Construction.* There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above, except as may be approved by the Di-

Milk house or room shall be provided.

Construction of milk house.

rector of Agriculture; shall not open directly into a stable or into any room used for domestic purposes; shall have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

Milk house shall be clean and free of flies.

Item 9r. *Milk House or Room, Cleanliness and Flies.* The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

Toilets.

Item 10r. *Toilet.* Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

Water supply.

Item 11r. *Water Supply.* The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the State Board of Health.

Construction of utensils.

Item 12r. *Utensils, Construction.* All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth non-absorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall

be welded or soldered flush. Woven wire cloth or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not re-used. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

Item 13r. *Utensils, Cleaning.* All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage.

Utensils must be thoroughly clean.

Item 14r. *Utensils, Bactericidal Treatment.* All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

Utensils shall be sterilized before using.

Item 15r. *Utensils, Storage.* All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used.

Storage of utensils.

Item 16r. *Utensils, Handling.* After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

Handling of utensils after bactericidal treatment.

Item 17r. *Milking, Udders and Teats, Abnormal Milk.* Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution immediately preceding the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed

Milking.

Udders and teats to be clean.

Abnormal milk.

of as to preclude the infection of the cows and the contamination of milk utensils.

Flanks, bellies and tails of milking cows.

Item 18r. *Milking, Flanks.* The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

Milkers' hands.

Item 19r. *Milkers' Hands.* Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

Wet hand milking prohibited.

Milkers shall wear clean clothes.

Item 20r. *Clean Clothing.* Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

Milk stools.

Item 21r. *Milk Stools.* Milk stools shall be kept clean.

Removal of milk.

Item 22r. *Removal of Milk.* Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

Cooling of milk and milk products for consumption in raw state.

Item 23r. *Cooling.* Milk and milk products for consumption in the raw state shall be cooled within thirty (30) minutes after completion of milking to fifty (50) degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with section 6. Milk for pasteurization shall be cooled within thirty (30) minutes after completion of milking to sixty (60) degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Cooling of milk for pasteurization.

Bottling and capping of raw milk.

Item 24r. *Bottling and Capping.* Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means

of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

Item 25r. *Personnel, Health.* The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or para-typhoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State Health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Medical examination of dairy personnel.

Infected personnel.

Item 26r. *Vehicles and Surroundings.* All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be used when more than one deck of cans are transported.

Vehicles used for transporting of milk or milk products.

The immediate surroundings of the dairy shall be kept clean and free of health menaces.

Surroundings of dairy

Grade B Raw Milk. Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding 100,000 per milliliter, or an average direct microscopic count not exceeding 100,000 per cubic

Grade B raw milk.

centimeter if clumps are counted or 600,000 per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half (3½) hours, as determined under section 1 and 6.

Grade C raw milk.

Grade C Raw Milk. Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk.

Certified milk pasteurized.

Certified Milk-Pasteurized. Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

Grade A pasteurized milk.

Grade A Pasteurized Milk. Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the following items of sanitation, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding 20,000 per milliliter or a positive coliform test in more than two (2) out of four (4) samples taken on separate days as determined in accordance with section 6.

Receiving and collection stations.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collecting stations with respect to compliance with items 1p to 15p, inclusive, and 17p, 19p, 22p and 23p, except that the partitioning requirement of item 5p shall not apply.

Inspection.

Floors.

Item 1p. *Floors.* The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

Item 2p. *Walls and Ceilings.* Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair.

Walls and ceilings.

Item 3p. *Doors and Windows.* Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self-closing.

Doors and windows.

Item 4p. *Lighting and Ventilation.* All rooms shall be well lighted and ventilated.

Light and ventilation.

Item 5p. *Miscellaneous, Protection From Contamination.* The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies, other insects and rodents shall be used. There shall be separate rooms for (a) the pasteurization, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the Director of Agriculture.

Protection from contamination.

Item 6p. *Toilet Facilities.* Every milk plant shall be provided with toilet facilities approved by the Director of Agriculture. Toilet rooms shall not open directly into any room in which milk, milk products,

Toilet facilities.

equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing section 13 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

Water supply.

Item 7p. *Water Supply.* The water supply shall be easily accessible adequate and of a safe, sanitary quality according to standards approved by the State Board of Health.

Hand-washing facilities.

Item 8p. *Hand-Washing Facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Sanitary piping.

Item 9p. *Sanitary Piping.* All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

Construction and repair of containers.

Item 10p. *Construction and Repair of Containers and Equipment.* All multi-use containers and equipment with which milk or milk products come in contact shall be so constructed and located as to be easily cleaned and shall be kept in good repair. All single-service containers, closures and gaskets used shall have been manufactured, packaged, transported and handled in a sanitary manner.

Plumbing and disposal of waste.

Item 11p. *Plumbing and Disposal of Wastes.* All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by backflow or siphonage.

Item 12p. *Cleaning and Bactericidal Treatment of Containers and Equipment.* All milk and milk products containers, including tank trucks and tank cars and all equipment, except single-service containers, shall be thoroughly cleaned after each usage. All such containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer or distributor by a milk plant each container, including tank trucks and tank cars, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

Cleaning and bactericidal treatment of containers and equipment.

Item 13p. *Storage of Containers and Equipment.* After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

Storage of containers and equipment.

Item 14p. *Handling of Containers and Equipment.* Between bactericidal treatment and usage and during usage, containers and equipment shall be handled or operated in such manner as to prevent contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

Handling of containers and equipment.

Item 15p. *Storage of Caps, Parchment Paper, and Single-service Containers.* Milk bottle caps or cap stock, parchment paper for milk cans and single-service containers and gaskets shall be purchased

Storage of caps, parchment paper and single-service containers.

and stored only in sanitary tubes, wrappings, and cartons, shall be kept therein in a clean, dry place, and shall be handled in a sanitary manner.

Pasteurization.

Item 16p. *Pasteurization.* Pasteurization shall be performed as described in section 1 of this act.

Cooling.

Item 17p. *Cooling.* All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty (50) degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two (2) hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of fifty (50) degrees Fahrenheit or less and maintained thereat until delivery, as determined in accordance with section 6.

Bottling.

Item 18p. *Bottling.* Bottling of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

Overflow milk and milk products.

Item 19p. *Overflow Milk.* Overflow milk or milk products shall not be sold for human consumption. Come-back milk shall not be sold or used for fluid milk or fluid cream.

Capping.

Item 20p. *Capping.* Capping of milk or milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

Medical examination of personnel of pasteurization plant.

Item 21p. *Personnel, Health.* The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organ-

Infected personnel.

isms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by State Health Department for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Item 22p. *Personnel, Cleanliness.* All persons coming in contact with milk, milk products, containers, or equipment shall wear clean, washable, light-colored outer garments and shall keep their hands clean at all times while thus engaged.

Personnel shall be clean.

Item 23p. *Vehicles.* All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

Vehicles used to transport milk and milk products.

Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage, and handling requirements of items 9p, 10p, 12p, 13p, and 14p. While containing milk or cream they shall be sealed and labeled in an approved manner.

Milk tank cars and tank trucks.

Grade B Pasteurized Milk. Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip-cover caps of item 20p and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk for pasteurization of not less

Grade B pasteurized milk.

than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding 40,000 per milliliter as determined in accordance with section 6.

Grade C pasteurized milk.

Grade C Pasteurized Milk. Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

Grades of milk and milk products which may be sold.

SEC. 8. *Grades of Milk and Milk Products Which May Be Sold.* From and after twelve (12) months from the effective date of this act, no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except certified milk pasteurized, certified raw-milk, grade A milk pasteurized, or grade A milk-raw, and the Director of Agriculture may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty (30) days or in emergencies during such longer period as he may deem necessary.

Revocation of permit or degrading of product for failure to maintain grade of milk.

Lowering of grades of milk.

SEC. 9. *Reinstatement of Permit (Supplementary Regrading).* If at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6, and 7 of this act, the Director of Agriculture shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Labeling.

Regrading and reinstatement of permit.

Any producer or distributor of milk or milk products the grade of which has been lowered by the Director of Agriculture, and who is properly labeling his milk and milk products, or whose permit has been suspended may at any time make application for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application, in case the lowered grade or the permit suspension was the

result of violation of the bacteriological or cooling temperature standards, the Director of Agriculture shall take further samples of the applicant's output, at a rate of not more than two (2) samples per week. The Director of Agriculture shall regrade the milk or milk products upward or reinstate the permit on compliance with grade requirements as determined in accordance with the provisions of section 6.

Investigation
by Director.

In case the lowered grade of the applicant's product or the permit suspension was due to a violation of an item other than bacteriological standard or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications had been conformed with. Within one (1) week of the receipt of such an application and statement the Director of Agriculture shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher-grade requirements, and in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

Statement of
applicant
that speci-
fications have
been com-
plied with.

SEC. 10. *Transferring or Dipping Milk: Delivery Containers: Cooling: Quarantined Residence.* Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle, or store, or in any place except a bottling or milk room especially used for that purpose.

Transfer of
milk or milk
products
from one
container to
another.

Milk and milk products sold in the distributor's containers in quantities less than one (1) gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, hospitals, and similar establishments to sell or serve any milk or milk products except in the individual original con-

Delivery
containers.

Cream consumed on premises. tainer in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided*, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

Cooling. It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty (50) degrees Fahrenheit or less. If milk or milk products are stored in water for cooling, the pouring lip of the container shall not be submerged.

Containers to be cleaned before returning. It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the Director of Agriculture.

Limitation on use of equipment and utensils. Containers delivered and collected from residence having communicable disease. The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exists shall be subject to the special requirements of the health officer.

Homogenized milk. Homogenized milk or homogenized cream shall not be mixed with milk or cream which has not been homogenized if sold or offered for sale as fluid milk or cream.

Milk and milk products from points beyond the limits of routine inspection. SEC. 11. *Milk and Milk Products from Points Beyond the Limits of Routine Inspection.* Milk and milk products from outside the State of Washington may not be sold in the State of Washington unless produced and/or pasteurized under provisions equiv-

alent to the requirements of this act: *Provided*, That the Director of Agriculture shall satisfy himself that the authority having jurisdiction over the production and processing is properly enforcing such provisions.

SEC. 12. *Future Dairies and Milk Plants.* All dairies and milk plants from which milk or milk products are supplied which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the grade A requirements of this act. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the Director of Agriculture for approval before work is begun. In the case of milk plants signed approval shall be obtained from the Director of Agriculture.

Future dairies and milk plants.

Plans submitted to Director.

SEC. 13. *Notification of Disease.* No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health officer immediately.

Persons having communicable disease.

Health officer to be notified.

SEC. 14. *Procedure When Infection Suspected.* When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of

Procedure when infection suspected.

the milk supply concerned from distribution and use, (2) the immediate exclusion of that person from milk handling, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Enforcement
of this act.

SEC. 15. Save as in this act provided this law shall be enforced by the Director of Agriculture in accordance with the interpretations contained in the United States Public Health Service Milk Code as from time to time adopted and amended.

Rules and
regulations.

SEC. 16. The Director of Agriculture shall have the power and duty (1) to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this act; (2) with the approval of the State Director of Health to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this act and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the Director of the State Department of Health, to approve the issuance of certificates of approval for such local milk inspection service units.

Local milk
inspection
service
units.

SEC. 17. Any city, township or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the Director of Agriculture for a certificate of approval. Upon receipt of such application the Director of Agriculture shall investigate and determine whether the city, township or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the Director of Agriculture, with the consent and approval of the Director of the State Department of Health, shall

issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the Director of Agriculture after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this act and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be cancelled by the Director of Agriculture after thirty (30) days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

Boundaries
of local
inspection
service unit.

Certificate
authorizing
inspection
unit.

Cancellation
of certificate.

SEC. 18. (a) Whenever a milk producer or milk distributor intends to deliver or sell fluid milk or fluid cream outside the jurisdiction of his own local milk inspection service unit, the Director of Agriculture, on application and after investigation and consultation with the health officer of each local milk inspection service unit concerned, shall designate which local milk inspection service unit shall conduct the inspections. The Director of Agriculture, in making such designations, shall in addition to other matters considered by him, take into consideration the geographical convenience of each local milk inspection service unit and the percentage of fluid milk or fluid cream sold and/or delivered within the jurisdiction of such local milk inspection service units. All fluid milk and fluid milk products so inspected may be sold and delivered within the jur-

Selling of
milk and
cream
outside of
local inspec-
tion unit.

isdiction of any local milk inspection service unit: *Provided*, That applicable ordinances of political subdivisions of government in said jurisdiction more stringent than, and not inconsistent with, the provisions of this act are not thereby violated. The local milk inspection service unit designated by the Director of Agriculture to render such inspection service shall issue permits in accordance with applicable provisions of all local ordinances of each city, township or county into which fluid milk or fluid milk products are sold or delivered.

Written protest concerning enforcement of act.

(b) In case of a written protest from any fluid milk producer, fluid milk distributor or health officer, concerning the enforcement of any provisions of this act, or of any rules and regulations thereunder, the Director of Agriculture, or his duly authorized assistant, within ten (10) days after receipt of such protest and after five (5) days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the Director of Agriculture or his duly authorized assistant shall make such written findings of fact and order as the circumstances may warrant: *Provided, however*, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five (5) days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken within ten (10) days of their effective date to the Superior Court of the county in which the hearing is held upon such notice and in such manner as appeals are taken from judgments rendered in Justice Court.

Summary hearing.

Findings and orders.

Appeal from findings and orders.

SEC. 19. Any person who shall violate or fail to comply with the provisions of this act or the rules, regulations or orders, issued under the authority of this act shall be guilty of a misdemeanor.

Penalty for violations of act.

SEC. 20. That section 11, chapter 192, Laws of 1919, as amended by section 4, chapter 27, Laws of 1922; section 3, chapter 192, Laws of 1927, and section 11, chapter 90, Laws of 1943 (section 6174, Rem. Rev. Stat.) be amended to read as follows:

Amendment.

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-three (143) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty (50) degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized, or uniformly heating of such milk to a temperature of not less than one hundred and sixty (160) degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen (15) seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-three (143) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, or of heating the same to a temperature of one hundred and seventy-six (176) degrees Fahrenheit, without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the

Pasteurization defined.

Proviso.

Milk or cream used to make butter or cheese.

manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided, further,* That the heating of milk to above one hundred and ten (110) degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

Proviso.

Amendment.

SEC. 21. That section 53, chapter 192, Laws of 1919, as amended by section 11, chapter 27, Laws of 1929 and section 10, chapter 213, Laws of 1929 (section 6215, Rem. Rev. Stat.) be amended to read as follows:

Milk and sweet cream shall be cooled.

Section 6215. All milk and sweet cream shall be cooled in the dairy where it is produced to a temperature of not more than sixty (60) degrees Fahrenheit within thirty (30) minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty (60) degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty (50) degrees Fahrenheit until delivered to the consumer: *Provided,* Nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

Repealing clause.

SEC. 22. That section 60, chapter 192, Laws of 1919, as amended by section 11, chapter 213, Laws of 1929 (section 6222, Rem. Rev. Stat.) be hereby repealed.

SEC. 23. Except as expressly provided, nothing in this act shall be construed as effecting or being in-

tended to effect a repeal of sections 6164 to 6284, both inclusive, of Remington's Revised Statutes, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this act shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers, and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not substitutions therefor.

Certain acts
not repealed.

SEC. 24. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portion of the act.

Partial
invalidity.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 169.

[H. B. 393.]

CONDITIONAL SALE OR LEASE OF RAILROAD EQUIPMENT AND ROLLING STOCK.

AN ACT relating to certain contracts for the conditional sale or lease of railroad equipment and rolling stock, and providing for the recording thereof; amending the Laws of the Territory of Washington, 1883, pages 62 and 63 (secs. 10540 and 10541, Rem. Rev. Stat.) and adding thereto a new section to be known as section 4.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 1, Laws of the Territory of Washington, 1883, page 62 (sec. 10540, Rem. Rev. Stat.), is amended to read as follows:

Amendment.