

Sen. Paul Raw Milk Amendment

(a) *Sale Allowed.*--Notwithstanding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), section 361 of the Public Health Service Act (42 U.S.C. 264), and any regulations or other guidance issued under such Act or section, a Federal department, agency, or court may not take any action (such as administrative, civil, criminal, or other actions) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if such restriction is based on the determination that, solely because such milk or milk product is unpasteurized, such milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

(b) *Definitions.*--In this section, the following definitions apply:

(1) The terms "interstate traffic", "milk", and "milk product" have the meanings given those terms in section 1240.3 of title 21, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) The term "packaged for direct human consumption" means milk and milk products that are packaged for the final consumer and intended for human consumption. Such term does not include milk and milk products that are packaged for additional processing, including pasteurization, before being consumed by humans.

(3) The term "pasteurized" means the process of heating milk and milk products to the applicable temperature specified in the tables contained in section 1240.61 of title 21, Code of Federal Regulations (or successor regulations), and held continuously at or above that temperature for at least the corresponding specified time in such tables.