

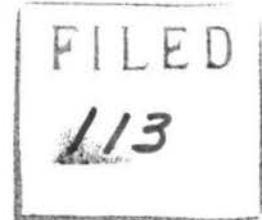
MILK:
FARMERS:
DAIRIES:
AGRICULTURE:

Section 4 of House Bill No. 1280 prohibits a dairy farmer from selling raw milk to the general public from a distribution center set up by the dairy farmer and located away from his farm premises.

OPINION NO. 113

March 29, 1973

Honorable R. Wendell Bailey
Representative, District 152
Room 100-C, State Capitol Building
Jefferson City, Missouri 65101



Dear Representative Bailey:

This is in response to your request for an opinion as to whether or not Section 4 of House Bill No. 1280, 76th General Assembly, prohibits a dairy farmer from selling raw milk to the general public from a distribution center set up by the dairy farmer at a location other than his farm premises.

House Bill No. 1280, Section 4, provides as follows:

"No person shall sell, offer for sale, expose for sale, transport, or deliver any graded fluid milk or graded fluid milk products in this state unless the milk or milk products are graded and produced, transported, processed, manufactured, distributed, labeled and sold under state milk inspection and the same has also been produced or pasteurized as required by a regulation authorized by section 6 of this act and under proper permits issued thereunder. Only pasteurized graded fluid milk and fluid milk products as defined in section 2(4) shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; except an individual may purchase and have delivered to him for his own use raw milk or cream from a farm."

It is obvious that this section prohibits the sale of milk in this state unless it has been produced in accordance with regulations issued pursuant to this statute and under proper permits as

Honorable R. Wendell Bailey

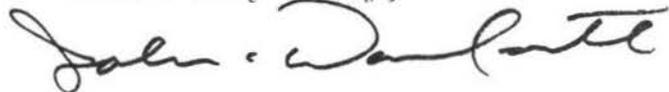
issued thereunder, with the limited exception allowing an individual to purchase raw milk or cream directly from the farm premises where it originated and have it delivered to him for his own use.

CONCLUSION

It is the opinion of this office that Section 4 of House Bill No. 1280 prohibits a dairy farmer from selling raw milk to the general public from a distribution center set up by the dairy farmer and located away from his farm premises.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard L. Wieler.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General