



Ohio Administrative Code Rule 901:11-4-03 Procedures and prohibitions.

Effective: May 15, 2007

(A) No person shall produce, provide, sell, offer, expose for sale, or have in their possession with the intent to sell, any milk or milk product which is adulterated or misbranded. Any adulterated or misbranded milk or milk products may be impounded by the director and disposed of in accordance with applicable laws or regulations.

(B) Upon notification by the director that a milk or milk product contains an adulterant or that an emergency exists that presents a clear and present danger as described in rule 901:11-1-02 of the Administrative Code the hauler shall:

(1) Not transport raw milk from a milk producer's dairy farm found violative under rule 901:11-1-02 or 901:11-2-05 of the Administrative Code until such time that subsequent analysis of the milk producer's milk is no longer positive for drug residue; provided the milk hauler may transport milk for the purpose of disposal;

(2) Not transport the adulterated product from the designated location until such time that subsequent analysis shows the product to meet or exceed acceptable food safety standards; and

(3) Immediately notify the director and the milk processor, of the ultimate disposition of the raw milk, if the milk processor does not perform the ultimate disposition.

(C) The milk hauler or weigher, sampler, or tester shall not:

(1) Switch producer raw milk samples;

(2) Falsify sample collection, weight, temperature, or test data in a fashion to provide false or misleading results to the producer, processor, purchasing organization, or any regulatory agency;

(3) Represent one producer's milk as that from another;



- (4) Fail to report tanks, meters or scales that are known to have been tampered with, or altered or improperly installed;

- (5) Offer or expose for sale; or use for human consumption; or have in his or her possession; or distribute for human consumption any milk or milk product which is adulterated or misbranded, as provided in the applicable provisions of Chapter 3715. of the Revised Code and rules adopted thereunder, or exceeds the specific tolerances set forth in regulations adopted under the Food, Drug and Cosmetic Act 21 U.S.C. 201, 301, 402, or 406 as amended by the FDA Modernization Act of 1997;

- (6) Sell, offer, or expose for sale or use for human consumption, or have in his or her possession with intent to sell or distribute for human consumption, any milk or milk product that is produced at an unlicensed facility or a facility whose license was suspended or revoked by the director;

- (7) Manipulate any operation or data so as to produce false or misleading information or results;

- (8) Make a false or misleading report; or

- (9) Engage in any deceptive practice that would affect prompt and accurate producer payment.