**South Carolina General Assembly**

124th Session, 2021-2022

**H. 5041**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Trantham, McDaniel, Hiott, McCabe, Bennett, Jones, Long, Wooten, Yow, Forrest, Crawford, M.M. Smith, Blackwell, Huggins, Bryant, Jordan, Oremus, Calhoon, Morgan, McGarry, Ligon, G.R. Smith, Burns, Hyde, May, Bustos, Matthews, B. Newton, Bannister, B. Cox, Dillard, Hixon, J.L. Johnson, V.S. Moss, Murray, Thayer and Willis

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Introduced in the House on March 1, 2022

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Milk, provide definition of milk

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/1/2022 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj\20220301.docx))

3/1/2022 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 7](file:///h:\hj\20220301.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5041&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/1/2022](file:///p:\pprever\2021-22\5041_20220301.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑49‑100 SO AS TO PROHIBIT LABELING A FOOD PRODUCT AS MILK UNLESS THE PRODUCT MEETS THE DEFINITION OF MILK; TO AMEND SECTION 46‑49‑10, RELATING TO DEFINITIONS, SO AS TO DEFINE “MILK”; AND TO AMEND SECTION 46‑50‑30, RELATING TO DEFINITIONS, SO AS TO DEFINE “MILK”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 49, Title 46 of the 1976 Code is amended by adding:

“Section 46‑49‑100. (A) After milk is processed, each milk product must be labeled with:

(1) the description of the milk product; and

(2) any other information required by the department.

(B) A food label may not state that a food product is milk unless the product meets the requirements of Section 46‑49‑10(9).

(C) The department must establish and implement a plan to enforce the prohibition in subsection (A), including notice of the department’s intent to implement a ban on all products that do not meet the requirements of Section 46‑49‑10(9), including plant‑based products mislabeled as milk.

(D) This section does not apply to human breast milk.”

SECTION 2. Section 46‑49‑10(9) of the 1976 Code is amended to read:

“(9) ~~‘Milk’ means the clean lacteal secretion obtained by the complete milking of one or more healthy cows, including milk cooled, pasteurized, standardized, or otherwise processed with a view of selling it as fluid milk, cream, skimmed milk, cultured milk, or as another fluid milk product~~ ‘Milk’ means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy hooved mammals, including members of the order Cetartiodactyla, including:

(a) Family Bovidae, including cattle, water buffalo, sheep, goats, and yaks;

(b) Family Cervidae, including deer, reindeer, and moose; and

(c) Family Equidae, including horses and donkeys.”

SECTION 3. Section 46‑50‑30, Article II, Section 2, item (6) of the 1976 Code is amended to read:

“(6) ~~‘Milk’ means the lacteal secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes~~ ‘Milk’ means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy hooved mammals, including members of the order Cetartiodactyla, including:

(a) Family Bovidae, including cattle, water buffalo, sheep, goats, and yaks;

(b) Family Cervidae, including deer, reindeer, and moose; and

(c) Family Equidae, including horses and donkeys.”

SECTION 4. This act takes effect upon approval by the Governor.

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