

(B) DUTIES OF SECRETARY.

THE SECRETARY SHALL:

(1) REVIEW FROM TIME TO TIME THE KEEPING QUALITY OF MILK PRODUCTS BY CONDUCTING SCIENTIFIC SHELF-LIFE STUDIES THAT RECOGNIZE DIFFERENT METHODS OF PASTEURIZATION; AND

(2) AFTER HOLDING A PUBLIC HEARING, ADOPT RULES AND REGULATIONS THAT ESTABLISH THE MAXIMUM SHELF-LIFE SELL-BY PERIOD FOR EACH KIND OF MILK PRODUCT.

(C) CONTAINER MARKINGS.

(1) AFTER A PUBLIC HEARING, THE SECRETARY SHALL ADOPT RULES AND REGULATIONS THAT ESTABLISH A METHOD FOR CONSPICUOUSLY MARKING, ON THE MILK PRODUCT CONTAINER, THE LAST DATE ON WHICH THE PRODUCT MAY BE SOLD.

(2) EACH MILK PRODUCT CONTAINER SHALL BE MARKED AS REQUIRED BY RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(D) SELL-BY PERIOD ESTABLISHED.

(1) A MILK PRODUCT THAT IS COOLED TO, PACKAGED, AND STORED AT 45 DEGREES FAHRENHEIT OR LESS BEFORE IT IS PURCHASED BY OR DELIVERED TO THE ULTIMATE CONSUMER HAS A SHELF-LIFE SELL-BY PERIOD OF 7 DAYS.

(2) IF A SCIENTIFIC STUDY JUSTIFIES A MODIFICATION OF THE TEMPERATURE REQUIREMENTS OF THIS SUBSECTION, THE SECRETARY, AFTER A PUBLIC HEARING, MAY ADOPT RULES AND REGULATIONS THAT MODIFY THE TEMPERATURE REQUIREMENTS OF THIS SUBSECTION.

(E) EXTENSION OF SELL-BY PERIOD.

(1) A MILK PROCESSOR MAY APPLY FOR PERMISSION TO EXTEND THE SHELF-LIFE SELL-BY PERIOD OF A MILK PRODUCT BY NOT MORE THAN 5 DAYS.

(2) IF AN APPLICATION UNDER THIS SUBSECTION IS SUPPORTED BY A SCIENTIFIC STUDY OF SHELF-LIFE AND THE STUDY IS ACCEPTABLE TO THE SECRETARY, THE SECRETARY SHALL GRANT PERMISSION TO EXTEND THE SHELF-LIFE SELL-BY PERIOD BY NOT MORE THAN 5 DAYS.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsections (b) through (e) of this section are new language derived without substantive change from former Article 43, § 574.