



COLORADO

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

PROGRAM:	RETAIL FOOD
EFFECTIVE REGULATION:	<i>Colorado Retail Food Establishment Rules and Regulations, July 1, 2013</i>
INTERPRETIVE MEMO NO.:	17-01
DATE:	May 15, 2017
SUBJECT:	Raw Milk Distribution

Colorado Retail Food Establishment Rules and Regulations (6 CCR 1010-2), Rule 3-305(C) and the portion of Rule 3-305(C)(2), which delineate that raw milk can be supplied to, held by or distributed by a Retail Food Establishment, violate 25-5.5-117, C.R.S. Rule 3-305(C) requires a Retail Food Establishment to meet the requirements of 25-5.5-117, C.R.S. However, there is no instance where a Retail Food Establishment can meet the statutory requirements delineated in this statutory section as a Retail Food Establishment is not a person or consumer that can be an "owner of a cow, goat, cow share or goat share" (hereafter referred to as "owner"). Similarly, 25-5.5-117, C.R.S. indicates that an owner can only receive raw milk directly from the farm or dairy, or from another owner. Statute does not authorize a Retail Food Establishment to be an owner or otherwise distribute raw milk. While an owner of a cow, goat, cow share or goat share may also hold a license to operate a retail food establishment; this is coincidental. Any activities authorized by an "owner" in their individual capacity cannot be transferred to the Retail Food Establishment therefore the sale, storage or distribution of raw milk cannot occur within the confines of a Retail Food Establishment.

Rule 3-305(C) and the portion Rule 3-305(C)(2) that reads, "Only an owner or shareholder of a cow, goat or dairy herd may distribute raw milk from a retail food establishment," is effectively rescinded as there is no instance where a Retail Food Establishment can engage in these activities and be in compliance with 25-5.5-117, C.R.S.

This Interpretive Memo is in effect until 6 CCR 1010-02 can be revised and this conflict with statute can be addressed. This conflict with statute will be incorporated into the current stakeholder process to revise 6 CCR 1010-2 and any proposed revisions offered to the State Board of Health.

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented uniformly.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.

Jeff Lawrence, Director
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