

Part VIII  
Milk and Milk Products Which May Be Sold

2VAC5-490-70. Milk or milk products which may be sold.

A. Except as specified in subsection B of this section from and after September 10, 1993, a person may sell, offer for sale, or expose for sale in the Commonwealth only grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products to the final consumer, or to restaurants, soda fountains, and grocery stores.

B. No person may sell, offer for sale, or expose for sale in the Commonwealth any pasteurized, ultra-pasteurized, or aseptically processed milk or milk products which have not been graded or the grade of which is not known to the final consumer, or to restaurants, soda fountains, and grocery stores unless the Commissioner of Agriculture and Consumer Services makes a finding in writing (which the Commissioner of Agriculture and Consumer Services may renew for terms not to exceed 90 days per term, without limitation) that the supply of grade A raw milk for pasteurization, ultra-pasteurization, or aseptic processing is not adequate to meet the nutritional needs of any person who secures milk in Virginia; or the supply of pasteurized, ultra-pasteurized, or aseptically processed milk or milk product at retail is not available for purchase by any person who secures milk in Virginia.

C. No person may sell, offer for sale or, expose for sale in, or possess in the Commonwealth any pasteurized, ultra-pasteurized, or aseptically processed milk or milk products under the provision of subsection B of this section unless the milk or milk product is labeled "ungraded."

Statutory Authority

§ [3.2-5206](#) of the Code of Virginia.

Historical Notes

Derived from VR115-05-01 § 7, eff. October 15, 1986; amended, Virginia Register Volume 3, Issue 10, eff. March 18, 1987; Volume 9, Issue 23, eff. September 8, 1993; Volume 23, Issue 20, eff. May 23, 2007.

2VAC5-490-73. Mandatory pasteurization for all milk, milk products, condensed milk, condensed milk products, dry milk, and dry milk products in final package form intended for direct human consumption.

No person shall sell or hold with intent to sell or offer to sell in intrastate commerce any milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product in final package form for direct human consumption unless the product has been pasteurized or is made from milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product

that has all been pasteurized, except where alternative procedures to pasteurization are provided for under 21 CFR Part 133 for curing of certain cheese varieties.

#### Statutory Authority

§ [3.2-5206](#) of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 23, Issue 20, eff. May 23, 2007; amended, Volume 27, Issue 9, eff. December 10, 2010.

2VAC5-490-75. Sale of unpasteurized milk for human consumption prohibited.

No person may offer to sell or sell, barter, trade, or accept any goods or services in exchange for unpasteurized milk if the unpasteurized milk is intended for human consumption.

#### Statutory Authority

§ [3.2-5206](#) of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 23, Issue 20, eff. May 23, 2007.