



Province of Alberta

DAIRY INDUSTRY ACT

Revised Statutes of Alberta 2000
Chapter D-2

Current as of November 1, 2010

Office Consolidation

© Published by Alberta Queen's Printer

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Dairy Industry Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Dairy Industry Act		
Dairy Industry	139/99	147/2002, 217/2002, 9/2007, 107/2008, 320/2009, 51/2012, 214/2014

DAIRY INDUSTRY ACT

Chapter D-2

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1 In this Act,
- (a) "Alberta Milk" means Alberta Milk, a board established under the *Marketing of Agricultural Products Act*;
 - (a.1) "analyst" means a person designated as an analyst under section 3;

- (b) “approved laboratory” means a laboratory designated as an approved laboratory under section 24;
- (c) “bulk milk grader” means a person licensed under this Act as a bulk milk grader;
- (d) “contamination” means the introduction to or occurrence in dairy products, equipment and utensils in contact with dairy products or the dairy products environment of any biological or chemical agent, pathogen, pest, foreign material or substance that has the potential to compromise food safety or render the dairy product unfit for human consumption and sale;
- (e) “dairy animals” means cows, goats and sheep and other species, kept for the purpose of milking;
- (f) repealed 2002 c11 s2;
- (g) “dairy farm” means premises where one or more dairy animals are kept from which a part or all of the milk is sold, offered for sale or supplied for human consumption, and includes all buildings and land occupied or used in connection with the production of milk;
- (h) “dairy plant” means a building where a processor processes a dairy product, and the land associated with that building;
- (i) “dairy product” means
 - (i) milk;
 - (ii) a product of milk that contains no oil or fat other than that of milk and contains a minimum of 50% milk ingredients by weight;
 - (iii) a product of milk that is prescribed by a standard for dairy products in the regulations under the *Canada Agricultural Products Act* (Canada);
- (j) “Director” means the person designated as Director under section 2;
- (k) “farm-separated cream” means the fatty liquid separated from raw milk on a dairy farm;
- (l) “inspection agency” means a corporation designated as an inspection agency under section 25;

- (m) “inspector” means the Director and a person designated as an inspector under section 3;
- (n) “milk” means a normal lacteal secretion obtained from the mammary gland of a dairy animal;
- (o) “milk component” means milk fat, protein and other solids or other components of milk designated by the Director;
- (o.1) “Milk Plan” means the Alberta Milk Plan Regulation under the *Marketing of Agricultural Products Act*;
- (p) “milk transport vehicle” means a vehicle used for the transport of milk or farm-separated cream from a dairy farm to a dairy plant or from a dairy plant to another dairy plant;
- (q) “milk transport vehicle depot” means a building or shelter where milk or farm-separated cream is transferred from one milk transport vehicle to another;
- (r) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (s) “package” means a container or covering used for the packing, wrapping or covering of a dairy product;
- (t) “pasteurize” means to destroy pathogens in every particle of milk or dairy product by heat or other process;
- (u) “pest” means any vermin that may contaminate dairy products;
- (v) “process” means,
 - (i) with respect to milk, to pasteurize, homogenize, package or treat milk so that the milk’s form or composition is altered in any manner, and includes the cleaning and sanitizing of any surface, including the surface of equipment that comes into contact with the milk while it is being pasteurized, homogenized, packaged or treated, and
 - (ii) with respect to dairy products other than milk, to manufacture, modify, pasteurize, prepare, reconstitute, package or store dairy products, and includes the cleaning and sanitizing of any surface,

including the surface of equipment that comes into contact with the dairy product while it is being manufactured, modified, pasteurized, prepared, reconstituted, packaged or stored;

- (w) “processor” means any person who processes, for sale, 50 litres or more of milk or dairy product on any day, but does not include a retail establishment that operates or uses a freezing device to freeze a frozen dairy product mix manufactured by a processor licensed under this Act or the *Marketing of Agricultural Products Act*;
- (x) “producer” means a person who sells, or supplies for sale or processing, milk or farm-separated cream that has been produced by one or more dairy animals owned or controlled by that person;
- (y) “raw milk” means milk that has not been pasteurized;
- (z) “sale” includes trading, bartering and giving without expectation of compensation.

RSA 2000 cD-2 s1;2002 c11 s2

Director

2(1) The Minister may designate an employee of the Government of Alberta or of an agency of the Government of Alberta as Director.

(2) The Director is an inspector for the purposes of this Act.

(3) The Director may in writing delegate any power or duty conferred or imposed on the Director by this Act or the regulations to employees of the Government of Alberta, to inspectors or to Alberta Milk or any other person except the power to issue variances or carry out the powers and duties of the Director under section 30.

(4) The Director may impose conditions on a delegation under subsection (3) and may set the term of a delegation made under subsection (3).

RSA 2000 cD-2 s2;2002 c11 s2

Personnel

3(1) The Director may designate employees of the Government of Alberta or of an agency of the Government of Alberta, employees of the Government of Canada or of an agency of the Government

of Canada or any other individuals as analysts or inspectors for the purposes of this Act.

(2) The Director may impose conditions on a designation under subsection (1) and may set the term of a designation made under subsection (1).

1999 cD-1.2 s3

Licences

Licences required

4(1) No person shall be a producer or processor of dairy products unless that person holds a producer or processor licence issued under this Act or the *Marketing of Agricultural Products Act*.

(2) No person other than a person who holds a processor licence issued under this Act or the *Marketing of Agricultural Products Act* shall operate a dairy plant.

(3) No person other than an inspector or a person who holds a bulk milk grader licence shall take samples of a producer's raw milk for the purposes of

- (a) determining its weight, volume, contents and milk components and obtaining data to determine the grade, and
- (b) accepting or rejecting the raw milk at a dairy farm.

(4) No person other than a person who holds a licence under this Act that authorizes the person to operate a pasteurizer shall operate a pasteurizer at a dairy plant.

RSA 2000 cD-2 s4;2002 c11 s2

Licences issued

5(1) The Director may issue licences in accordance with the regulations and may impose conditions on the licences in addition to the conditions imposed by the regulations.

(2) A person whose application for a licence is refused or who objects to a condition imposed by the Director on the licence may request a review in accordance with section 23.

1999 cD-1.2 s5

Suspension or cancellation of licence

6(1) If, in the opinion of the Director, the holder of a licence issued under this Act has failed to comply with this Act, the regulations or the conditions imposed on the licence, has provided false or misleading information on the application for a licence or owes fees under this Act, the Director may, by giving written notice to the licensee, suspend or cancel the licence.

(2) A written notice under subsection (1) must include the reason for the suspension or cancellation.

(3) A person whose licence is suspended or cancelled may request a review of the decision in accordance with section 23.

1999 cD-1.2 s6

Dairy farm, plant licence recommendations

7(1) If the Director, on reasonable and probable grounds, is satisfied that a dairy farm or dairy plant will be operated so that it meets the requirements of this Act and the regulations, the Director may recommend to Alberta Milk that it issue a licence or lift the suspension of a licence in accordance with the regulations under the *Marketing of Agricultural Products Act*.

(2) If the Director, on reasonable and probable grounds, is of the opinion that a dairy farm or dairy plant does not meet the requirements of this Act or the regulations, the Director may recommend to Alberta Milk that it suspend or cancel the licence in accordance with the regulations under the *Marketing of Agricultural Products Act*.

RSA 2000 cD-2 s7;2002 c11 s2

Inspection**Access to premises**

8(1) For the purpose of determining whether this Act and the regulations are being complied with, the Director and an inspector may at any reasonable hour enter and inspect any building, land, milk transport vehicle or milk transport vehicle depot, other than a private dwelling place that is used as a dwelling, that the Director or inspector believes on reasonable and probable grounds is, or is used in connection with, a dairy farm, dairy plant, milk transport vehicle, milk transport vehicle depot or laboratory where dairy products are tested for the purposes of this Act.

(1.1) For the purpose of determining whether this Act and the regulations are being complied with, the Director and an inspector

may, at any reasonable hour, enter and inspect any vehicle that the Director or inspector believes on reasonable and probable grounds is used to transport dairy products for sale.

(2) In carrying out an inspection under this section, the Director or inspector may

- (a) inspect, review, examine, evaluate and take samples from any package, dairy product, dairy animal, thing, process or activity to which this Act applies and photograph or otherwise record anything with respect to them that the Director or inspector considers would be of assistance,
- (a.1) stop and inspect a vehicle described in subsection (1.1) or a milk transport vehicle,
- (b) require any person in a building or on the land that is, or is used in connection with, a dairy farm, dairy plant, milk transport vehicle depot or laboratory where dairy products are tested for the purposes of this Act, or in a vehicle described in subsection (1.1) or milk transport vehicle, to provide assistance to the Director or inspector in carrying out an inspection and to be interviewed and to make full disclosure either orally or in writing about any matter concerning any dairy product, dairy animal, thing, process or activity to which this Act applies,
- (c) on providing notice when practical, temporarily close or disconnect, or require temporary closure or disconnection of, any thing, process or activity to which this Act applies,
- (d) review, perform or require to be performed any tests that the Director or inspector considers necessary on any package, dairy product, dairy animal, thing, process or activity in or on a dairy farm, dairy plant, vehicle described in subsection (1.1), milk transport vehicle or milk transport vehicle depot, and take samples and remove any thing, if necessary, for the purpose of having tests performed, and
- (e) demand the production, within a reasonable time, of any licence, record or other document pertaining in any manner to compliance with this Act or the regulations and may on giving a receipt for it remove it for not more than 48 hours for the purpose of making copies of it.

RSA 2000 cD-2 s8;2002 c11 s2

Identification for inspector, etc.

9 The Director and an inspector, when acting under the authority of section 8, must carry identification in the form provided for in the regulations, and on the request of an owner, operator or other person in charge of a building, land, milk transport vehicle or milk transport vehicle depot referred to in section 8 must show the identification and explain the Director's or inspector's powers and duties under section 8.

1999 cD-1.2 s9

Order to comply

10 If the owner, operator or other person in charge of a building, land, milk transport vehicle or milk transport vehicle depot refuses to allow the Director or an inspector to exercise the powers conferred under section 8 or hinders or interferes with the exercise of those powers, the Director or inspector may apply to a judge of the Court of Queen's Bench for an order

- (a) directing the owner, operator or other person to do or refrain from doing anything the judge considers necessary in order to enable the Director or inspector to exercise the powers under section 8, and
- (b) for the purpose of providing protection, authorizing a peace officer to accompany the Director or inspector on an inspection under section 8.

RSA 2000 cD-2 s10;2009 c53 s45

Seized, detained dairy product

11(1) If an inspector is of the opinion, on reasonable grounds, that a person has contravened this Act or the regulations, the inspector may seize or detain or place a notice of seizure or detention on and take away any dairy product or other thing by means of or in relation to which the inspector reasonably believes the contravention was committed.

(2) An inspector may order that any dairy product or thing seized, detained or taken away pursuant to subsection (1) be held until, in the opinion of the inspector, this Act and the regulations have been complied with.

(2.1) An inspector may order that any dairy product seized, detained or taken away pursuant to subsection (1) that in the opinion of the inspector does not meet the requirements of this Act or the regulations be disposed of in the manner directed by the inspector.

(2.2) On making an order under subsection (2.1), the inspector must, on request of the person whose dairy product is subject to the order, provide a sample of the dairy product to an approved laboratory for testing.

(3) No person shall without the written permission of an inspector or the Director

- (a) remove a notice of seizure or detention placed by an inspector, or
- (b) remove a dairy product or thing seized or detained by an inspector.

RSA 2000 cD-2 s11;2002 c11 s2

Grade, Dairy Product Standards

Test results

12(1) The weight, volume and content of milk, milk components and data obtained to determine the grade, as determined by a bulk milk grader, analyst or inspector,

- (a) constitute the weight, volume, content and milk components for the purposes of this Act and the *Marketing of Agricultural Products Act*,
- (b) constitute the data for determining the grade of the milk under the *Marketing of Agricultural Products Act*, and
- (c) are the basis on which settlement for the sale of the milk by a producer to a processor must be made for the purposes of this Act and the *Marketing of Agricultural Products Act*.

(2) A producer may, in accordance with section 23, request a review of the determination of the data obtained to determine the grade, weight, volume or content of milk or of any component of the milk produced by the producer.

RSA 2000 cD-2 s12;2002 c11 s2

Producing standards

13(1) The buildings, land, equipment and utensils of a dairy farm that are used in connection with dairy purposes must meet the requirements of the regulations.

(2) Producers must meet the requirements of the regulations when taking care of their dairy animals, when drawing milk from the

dairy animals and when handling and storing milk, farm-separated cream and dairy utensils.

1999 cD-1.2 s13

Milk supply stop order

14(1) If an inspector is satisfied that a producer has contravened section 13, the inspector may, by written notice given to the producer, order the producer to cease supplying milk to a processor until the contravention is remedied to the satisfaction of the inspector.

(2) If an inspector makes an order under subsection (1), the inspector must give notice of the order

- (a) to Alberta Milk if the producer is licensed by Alberta Milk and, if Alberta Milk informs the inspector of the processors to whom the producer usually supplies milk, to those processors, and
- (b) if the producer is licensed under this Act, to the processors to whom the producer usually supplies milk.

(3) A producer against whom an order is made under subsection (1) must comply with the order but may request a review in accordance with section 23.

(4) A processor shall not accept milk from a producer if the processor knows or ought reasonably to know that the milk is the subject of an order under subsection (1).

(5) If an inspector who made an order under subsection (1) is satisfied that the producer is meeting and will meet the requirements of section 13, the inspector must, by written notice given to the producer, cancel that order.

(6) If an inspector cancels an order under subsection (5), the inspector must give notice of the cancellation

- (a) to Alberta Milk if the producer is licensed by Alberta Milk and, if Alberta Milk informs the inspector of the processors to whom the producer usually supplies milk, to those processors, and
- (b) if the producer is licensed under this Act, to the processors to whom the producer usually supplies milk.

RSA 2000 cD-2 s14;2002 c11 s2

Processing standards

15(1) The buildings, land, equipment, utensils, materials and ingredients used in processing dairy products in a dairy plant must meet the requirements of the regulations.

(2) The processing of a dairy product and the transportation of a dairy product from a dairy plant to another dairy plant must meet the requirements of the regulations.

RSA 2000 cD-2 s15;2002 c11 s2

Dairy product stop order

16(1) If an inspector is satisfied that a processor has contravened section 15, the inspector may, by written notice given to the processor, order the processor to cease selling dairy products until the contravention is remedied to the satisfaction of the inspector.

(2) If an inspector makes an order under subsection (1) and the processor is licensed by Alberta Milk, the inspector must give notice of the order to Alberta Milk.

(3) A processor against whom an order is made under subsection (1) must comply with the order but may request a review in accordance with section 23.

(4) If an inspector who made an order under subsection (1) is satisfied that the processor is meeting and will meet the requirements of section 15, the inspector may cancel that order.

(5) If an inspector cancels an order under subsection (4), the inspector must give written notice of the cancellation to the processor and to Alberta Milk if the processor is licensed by Alberta Milk.

RSA 2000 cD-2 s16;2002 c11 s2

Rejection of abnormal milk

17(1) A bulk milk grader may reject raw milk in a producer's bulk milk tank, if, in the opinion of the bulk milk grader, it is contaminated, is abnormal in colour or odour, does not meet the temperature requirements set out in the regulations or cannot be sampled in accordance with the regulations.

(2) On rejecting raw milk under subsection (1), the bulk milk grader must give the producer, the processor who would have received the raw milk and the Director written notice of the rejection and the reasons for the rejection.

(3) If a producer is aggrieved by a bulk milk grader's decision to reject raw milk under subsection (1), the producer may demand that a sample of the raw milk be provided to a processor for a review of the decision.

(4) The processor who receives a sample of raw milk under subsection (3) must test the sample and confirm or reverse the decision of the bulk milk grader to reject the milk.

(5) A processor may accept raw milk rejected under this section for use in the manufacture of a dairy product only if

- (a) the processor is satisfied that the raw milk is acceptable for that use, and
- (b) the processor has the equipment and facilities required for the manufacture of that product.

(6) No person shall mix raw milk rejected under this section with any other milk to be used for human consumption.

(7) If a producer is aggrieved by a decision of the processor to reject raw milk under subsection (4), the producer may demand a review of the decision by an inspector whose decision is final, and the inspector may confirm or reverse the decision of the processor to reject the raw milk.

(8) If an inspector reverses a decision of a processor to reject raw milk under subsection (4), the processor must pay for the raw milk.

1999 cD-1.2 s17

Inspector's prohibition

18(1) An inspector may order a producer not to sell or supply a shipment of milk to a processor if, in the opinion of the inspector, the milk does not meet the requirements of this Act and the regulations.

(2) No person shall mix milk ordered not to be sold or supplied under subsection (1) with any other milk to be used for human consumption.

1999 cD-1.2 s18

Rejection of milk containing a drug residue

19(1) A processor must ensure that each shipment of milk delivered to the processor is, on its arrival, tested for drug residues in accordance with the regulations.

(2) If a shipment of milk delivered to a processor does not meet the requirements of the regulations with respect to drug residues, the processor must reject the milk and none of the milk may be used for processing, but the processor must ensure that samples are taken and supplied in accordance with the regulations.

1999 cD-1.2 s19

Determination of raw milk components

20(1) A person who takes samples of and tests raw milk delivered to a processor to determine its components and to determine whether the raw milk meets the requirements of the regulations must do so in accordance with this Act and the regulations.

(2) A bulk milk grader who takes a sample of raw milk to determine its weight, volume, content and milk components and to obtain data to determine the grade for the purposes of this Act and for the administration of the *Marketing of Agricultural Products Act*, including but not restricted to the Milk Plan, must, when required pursuant to the regulations, deliver the sample to a processor, and the processor must, in accordance with the regulations, deliver it to an approved laboratory.

(3) An inspector who takes a sample of raw milk to determine its contents and milk components and to obtain data to determine its grade for the purposes of this Act and for the administration of the Milk Plan and the *Marketing of Agricultural Products Act* must deliver the sample to an approved laboratory.

RSA 2000 cD-2 s20;2002 c11 s2

Test results

21 An approved laboratory must

- (a) give the results of tests it carries out under this Act to the Director, Alberta Milk if the producer or processor who supplied the sample is licensed by Alberta Milk, and the processor who supplied the sample that was tested, and
- (b) on request give the results of the tests to the producer of the milk.

RSA 2000 cD-2 s21;2002 c11 s2

Records of tests

22(1) A processor must keep at the dairy plant the records of any test of milk, farm-separated cream and dairy product made at the

dairy plant for one year, or for a longer time if so required by the regulations.

(2) The Director, an inspector and an analyst may, and a producer may with respect to milk that the producer has delivered to the dairy plant, examine the records referred to in subsection (1) at the dairy plant during regular business hours.

1999 cD-1.2 s22

Reviews

Review process

23(1) The following may apply to the Minister in writing, with reasons, for a review:

- (a) a person whose application for a licence under this Act is refused;
- (b) a licensee under this Act who objects to a condition imposed on the licensee's licence by the Director;
- (c) a person whose licence under this Act is suspended or cancelled;
- (d) a producer against whom an order is made under section 14 or 18;
- (e) a producer of milk of which the weight, volume, contents or milk components are determined, or from which data is obtained to determine the grade, by a bulk milk grader, analyst or inspector;
- (f) a processor against whom an order is made under section 16;
- (g) a person whose dairy product is subject to an order under section 11(2.1).

(2) On receiving a written request under subsection (1), the Minister may

- (a) direct the Director to consider a matter described in subsection (1)(e), (f) or (g) or reconsider a matter referred to in subsection (1)(a) to (d), or
- (b) appoint one or more persons to hold a hearing within 30 days with respect to any matter referred to in subsection (1).

- (3)** A person appointed under subsection (2)(b) may
- (a) determine if representations will be oral or by written submission, and
 - (b) consider any new evidence that is raised or presented in a hearing.
- (4)** The Director, on reconsidering a matter referred to in subsection (1)(a) to (d) or on considering a matter described in subsection (1)(e) or (f), and the person appointed under subsection (2)(b) who holds a hearing under subsection (3) may
- (a) in the case of the Director, issue a licence subject to any conditions imposed by the Director,
 - (b) in the case of the person appointed under subsection (2)(b), direct that a licence be issued by the Director subject to any conditions included in the direction,
 - (c) confirm, vary or cancel a condition imposed on a licence,
 - (d) confirm a suspension or cancellation,
 - (e) vary the term of suspension,
 - (f) substitute a suspension for a cancellation,
 - (g) reinstate the suspended or cancelled licence, subject to any conditions the Director or the person who holds a hearing considers appropriate,
 - (h) confirm or vary a determination of data, the content of milk components or the weight or the volume of milk, or
 - (i) confirm, vary or cancel an order under section 11(2.1) and, if the Director or person appointed under subsection (2)(b) cancels the order, the Director or person may order that compensation be paid to the person whose dairy product was subject to the order under section 11(2.1).

RSA 2000 cD-2 s23;2002 c11 s2

Other Matters

Approved laboratory

24(1) The Minister may designate a laboratory as an approved laboratory for the purpose of performing tests referred to in the regulations.

(2) The Minister may impose conditions on a designation under subsection (1).

(3) Tests in an approved laboratory to determine the contents and milk components of milk and to obtain data to determine its grade for the purposes of this Act and the administration of the *Marketing of Agricultural Products Act*, including but not restricted to the Milk Plan, must be performed by an analyst.

(4) The Minister may set the fees that may be charged by the owner of an approved laboratory for the tests referred to in subsection (1).

RSA 2000 cD-2 s24;2002 c11 s2

Inspection agency

25(1) The Minister may designate as an inspection agency a corporation that employs inspectors.

(2) The Minister may impose conditions on a designation under subsection (1).

(3) Inspectors employed by an inspection agency may carry out inspections under this Act and the regulations as authorized by the Minister's designation.

(4) The Minister may set the fees that may be charged by an inspection agency for inspections carried out pursuant to this section.

1999 cD-1.2 s25

Collecting fees

26(1) The owner of an approved laboratory may, or Alberta Milk on the request of and on behalf of the owner of an approved laboratory may, collect the fees referred to in section 24(4).

(2) An inspection agency may, or Alberta Milk on the request of and on behalf of an inspection agency may, collect the fees referred to in section 25(4).

(3) If Alberta Milk undertakes to collect a fee referred to in subsection (1) or (2), the approved laboratory or inspection agency may not undertake collection of that fee.

(4) Alberta Milk may

(a) collect fees from a producer or processor, and

- (b) if Alberta Milk holds money for a producer or processor and that producer or processor owes a fee referred to in subsection (1) or (2), deduct the amount of the fee from the money it holds for the producer or processor and remit the amount of the fee to the approved laboratory or inspection agency.

RSA 2000 cD-2 s26;2002 c11 s2

Assessments

27(1) The Minister may assess every producer and processor for a reasonable proportion of the total cost of inspections and of performing tests on raw milk under this Act.

(2) The Minister may fix and determine the time when the assessments are payable and the method by which they are to be paid.

1999 cD-1.2 s27

Collection of assessments, lab fees

28 All assessments under section 27 are debts due to the Crown and may be collected by the Crown or by Alberta Milk on behalf of the Crown.

RSA 2000 cD-2 s28;2002 c11 s2

Certificate of analyst as evidence

29 A certificate or report of an analyst relating to the analysis of milk, a dairy product or material submitted by an inspector or bulk milk grader to the analyst is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the signature or the official character of the analyst who signs it.

1999 cD-1.2 s29

Variances

30(1) The Director may issue a written variance with respect to any dairy product, dairy animal, thing, process or activity to which the regulations apply if the Director is of the opinion that the variance provides approximately equivalent or greater food safety than that provided for by the regulations.

(2) The Director may impose conditions on the variance.

(3) The *Regulations Act* does not apply to variances issued under this section.

1999 cD-1.2 s30

Giving notice

31 If a written notice is required to be given to a person under this Act, the notice is sufficiently given if it is given by personal service to that person or sent to that person by registered mail at that person's place of work or residential address last known to the Director or if it is given in accordance with the regulations.

1999 cD-1.2 s31

Sharing information

31.1(1) An inspector and the Director may disclose information, including personal information, respecting tests, test results, data to determine grades, inspections, licences and orders pursuant to this Act

- (a) to Alberta Milk, if the information relates to milk produced or processed by a licensee of Alberta Milk, and Alberta Milk may collect and use that information for the purposes of administering the Milk Plan and the *Alberta Milk Marketing Regulation* under the *Marketing of Agricultural Products Act* and the regulations of Alberta Milk, and
- (b) to the owner of an approved laboratory, and the owner may collect and use that information for the purposes of administering this Act.

(2) Alberta Milk must, on the request of the Director, disclose information, including personal information, respecting licences, grades, quota and transportation of milk pursuant to the Milk Plan to the Director, and the Director and inspectors may collect and use that information for the purposes of administering this Act.

(3) The owner of an approved laboratory must, on the request of the Director, disclose information, including personal information, respecting tests, test results and data to determine grades, and the Director and inspectors may collect and use that information for the purposes of administering this Act.

2002 c11 s2

Offences**Offences re contamination**

32(1) A producer who sells or supplies to a dairy plant, or to any place where raw milk or farm-separated cream is collected for sale or shipment to a dairy plant,

- (a) raw milk from which any milk component has been taken, or
- (b) milk or farm-separated cream from a dairy animal that the producer knows or ought reasonably to know is diseased

is guilty of an offence and liable to a fine of not more than \$25 000.

(2) A person who knowingly contaminates a dairy product that is for sale for human consumption is guilty of an offence and liable to a fine of not more than \$25 000.

1999 cD-1.2 s32

Offences re tests

33(1) A person who contaminates or tampers with a sample of milk, farm-separated cream or dairy product taken for a test so that the results of the test could be affected is guilty of an offence and liable to a fine of not more than \$25 000.

(2) A person who knowingly misreads or misinterprets the results of any test made for the purposes of this Act or the regulations is guilty of an offence and liable to a fine of not more than \$25 000.

1999 cD-1.2 s33

Offence re Act

34 A person who contravenes section 4, 14(4), 17(6), 18(2) or 20(2) is guilty of an offence and liable to a fine of not more than \$25 000.

1999 cD-1.2 s34

Offences re inspection

35(1) A person who obstructs, hinders or otherwise impedes the Director or an inspector in the carrying out of duties or powers under section 8 is guilty of an offence and liable to a fine of not more than \$25 000.

(2) A person who

- (a) removes a notice of seizure or detention placed by an inspector, or
- (b) removes a dairy product placed under seizure or detention by an inspector

without the written permission of an inspector or the Director is guilty of an offence and liable to a fine of not more than \$25 000.

1999 cD-1.2 s35

Regulations

36 A person who contravenes a provision of the regulations is guilty of an offence and liable to a fine of not more than \$25 000.

1999 cD-1.2 s36

Forfeiture of dairy products

37 If a person is convicted of an offence under this Act or the regulations, in addition to any penalty imposed, the dairy products by means of or in relation to which the offence was committed are forfeited to the Crown and may be disposed of in the manner that the court directs.

1999 cD-1.2 s37

Presumption and proof of offence

38 In a prosecution of an offence under this Act,

- (a) the possession by a person of dairy products is proof, in the absence of evidence to the contrary, of the intent to sell or use them in contravention of this Act, the regulations or a licence, and
- (b) a package containing a dairy product that bears
 - (i) a name and address purporting to be the name and address of the person by whom it was packed, or
 - (ii) a registered number purporting to be the registered number of the dairy plant where it was processed

is proof, in the absence of evidence to the contrary, that the dairy product was packed and that the package was marked by the person whose name and address appears on the package or by the person operating the dairy plant whose registered number appears on the package.

1999 cD-1.2 s38

Evidence

38.1(1) In a prosecution for an offence under this Act,

- (a) the description of a commodity purporting to be a dairy product on a package is admissible in evidence, in the

absence of evidence to the contrary, as proof of the contents of the package and of the grade or class of the dairy product, and

- (b) an invoice purporting to record the sale of a dairy product is admissible in evidence, in the absence of evidence to the contrary, as proof of the sale of the grade or class of the dairy product set out on the invoice at the price and in the quantity specified on the invoice.

(2) In a prosecution for an offence under this Act, if it is shown

- (a) that any package admitted in evidence indicates on the package the measure of its capacity or of its contents, and
- (b) that the package is or was filled or approximately filled at the time or times material to the offence,

it is deemed that the measure of the contents of the package is the same as the measure of its capacity or contents as indicated on the package.

2002 c11 s2

Analyst's report as evidence

38.2(1) In this section, "analyst" means a person designated as an analyst under section 3 or under the *Food and Drugs Act* (Canada).

(2) In a prosecution for an offence under this Act, a certificate or report purporting to be signed by an analyst relating to the analysis or ingredients of any commodity submitted to the analyst may be admitted in evidence, in the absence of evidence to the contrary, of the facts stated in the certificate or report and of the authority of the person making it, without proof of the person's appointment or signature.

2002 c11 s2

Regulations

Regulations

39(1) The Lieutenant Governor in Council may make regulations

- (a) establishing grades for raw milk produced by a species other than *Bos taurus* and respecting the grading of raw milk produced by a species other than *Bos taurus*;

- (a.1) respecting standards related to food safety of milk, farm separated cream and dairy products and data to determine grades;
- (b) repealed 2002 c11 s2;
- (c) respecting
 - (i) components of dairy products, and
 - (ii) the taking and handling of samples of dairy products and the performing of tests on dairy products;
- (d) respecting the storage of dairy products by processors and producers, the handling and storage of dairy products at milk transport vehicle depots and the transportation of dairy products by milk transport vehicles;
- (e) respecting
 - (i) the location, construction, layout, operation, maintenance and alteration of dairy plants,
 - (ii) the equipment and utensils in a dairy plant,
 - (iii) the location, construction, layout, operation, maintenance, cleaning, sanitizing and alteration of buildings and structures used or intended to be used for milking and storage of milk on a dairy farm, and
 - (iv) the fabrication, capacity, installation, maintenance, cleaning and sanitizing of equipment and utensils used or intended to be used in connection with milk or dairy animals on a dairy farm;
- (f) respecting the processing of dairy products;
- (g) governing the state of health required of any person employed in a dairy plant or on a producer's premises or in any other capacity that involves the handling of dairy products or equipment or utensils used in connection with dairy products;
- (h) respecting the milking, housing and standards of health required of dairy animals from which milk is drawn for human consumption, and the handling and storage of that milk;
- (i) respecting

- (i) the issuance, classification and conditions of licences, and
 - (ii) applications for and qualifications required for a licence;
 - (j) respecting the identification of persons designated under sections 2 and 3;
 - (k) respecting records in respect of test results, dairy animals and dairy products;
 - (l) respecting the giving of written notices.
- (2) The Minister may make regulations respecting forms for the purposes of this Act.

RSA 2000 cD-2 s39;2002 c11 s2



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