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**HOUSE BILL NO. 408**

Offered January 17, 1996

*A BILL to amend and reenact §§ 3.1-533 and 3.1-539 of the Code of Virginia and to repeal §§ 3.1-531 and 3.1-543 of the Code of Virginia, relating to measurement of the composition of milk or cream.*

Patrons—Weatherholtz, Albo, Callahan, Drake, Dudley, Forbes, Landes, Ruff, Wardrup, Way and Wilkins; Senator: Hanger

Referred to Committee on Agriculture

**Be it enacted by the General Assembly of Virginia:****1. That §§ 3.1-533 and 3.1-539 of the Code of Virginia are amended and reenacted as follows:**

§ 3.1-533. Manipulators of machines to procure certificates; renewal of certificate; revocation by Commissioner.

No inspector of milk or cream, and no person in any milk inspection laboratory, shall manipulate the Babcock or other centrifugal machine for the purpose of determining the composition of milk or cream for purposes of inspection; ~~and no~~. No person in any milk depot, ice cream factory, confectionery, creamery, cheese factory, condensed milk factory, or other place in this Commonwealth shall manipulate the Babcock or other centrifugal machine for the purpose of determining the composition or value of milk or cream, or shall take samples or weigh milk or cream, as a basis for payment in buying or selling, without first obtaining a certificate from the Commissioner that he is competent to perform such work. ~~The fee for such certificate to weigh or sample milk, or a certificate to test and sample milk or cream, shall be one dollar and shall be paid by the applicant therefor to the Commissioner.~~ All such certificates shall be renewed annually without further examination at the discretion of the Commissioner upon application ~~and payment of one dollar~~. Unless a person holding a valid tester's, weigher's and sampler's certificate renews said certificate within one year after *its* expiration date, he shall be required to successfully pass the applicable examination before a new certificate *shall* be issued. ~~In case~~ If any holder of a certificate is notified by the Commissioner, his assistants or agents to correct his use of a Babcock or other centrifugal machine, or his method of sampling or weighing, and such person or holder of a certificate so notified fails to comply with the notice and correct his use of a Babcock or other centrifugal machine, or his methods of sampling or weighing, he shall be deemed guilty of a violation of the provisions of this article, and the Commissioner may forfeit his certificate. No holder of a certificate whose authority to manipulate a Babcock or other centrifugal machine or to sample or weigh milk or cream has been revoked by the Commissioner shall thereafter manipulate in this Commonwealth any centrifugal machine or sample or weigh milk or cream for the purposes herein specified until his certificate has been renewed.

§ 3.1-539. Test of measurers; inspection of machines and scales; right of entry.

~~It shall be the duty of the~~ *The* Commissioner ~~and he is authorized, to test or cause to be tested all bottles, pipettes and other measuring glasses or utensils submitted to him as provided in § 3.1-531, to shall inspect or cause to be inspected at least once each year every Babcock or other centrifugal machine or cream test or butterfat test scales used in this Commonwealth by an inspector of milk or cream or by any person in any milk inspection laboratory for purposes of inspection, or by any person in any milk depot, ice cream factory, confectionery, creamery, cheese factory, condensed milk factory or other place for determining the composition or value of milk or cream as a basis for payment in buying or selling; and to collect or cause to be collected the fees provided for by law.~~ The Commissioner, his assistants or agents, are further authorized to enter upon any premises in this Commonwealth where any centrifugal machine or cream test and butterfat test scales is used as aforesaid to inspect the same and to ascertain if the provisions of law are complied with.

**2. That §§ 3.1-531 and 3.1-543 of the Code of Virginia are repealed.**

INTRODUCED

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