**12:05:06:06.  Retail sampling.** Bacterial counts, phosphatase, butterfat, and total solids/moisture testing must be performed on milk and milk products that are sampled at retail stores and other places as determined by the secretary. The results of such examinations must be determined by using validated test methods found in Standard Methods for the Examination of Dairy Products Official Methods for Analysis and by standards found in the Grade A Pasteurized Milk Ordinance and 21 CFR §131 to determine compliance. If two of the last four consecutive samples exceeded the standards, the secretary shall send a written notice to the manufacturer concerned. The notice must remain in effect as long as two of the last four samples exceed the limit of the standard. An additional sample must be taken to determine compliance. Immediate suspension of the permit must be instituted if three of the last five consecutive samples exceed the standard. When public health is in imminent danger due to high coliform counts or positive phosphatase, or any adulterant, the secretary shall immediately suspend sale of the product in violation. The secretary shall direct the procedure to reinstate these products.

 **Source:** 35 SDR 183, effective February 2, 2009; 36 SDR 208, effective June 29, 2010; 38 SDR 219, effective June 26, 2012; 41 SDR 119, effective February 11, 2015; 46 SDR 46, effective October 8, 2019.

 **General Authority:** SDCL 39-6-9.

 **Law Implemented:** SDCL 39-6-9, 39-6-10.