

# NEW BRUNSWICK FARM PRODUCTS COMMISSION

## ORDER NO. 2020-05

Pursuant to subsection 57(1)(b) of the *Natural Products Act*, the New Brunswick Farm Products Commission makes the following order:

### SHORT TITLE

1. This Order may be cited as the “**Dairy Licensing Exemption Order**”.

### DEFINITIONS

2. In this Order:

“**Act**” means the *Natural Products Act* S.N.B. (1999, c N-1.2);

“**bulk tank milk grader**” means a person who grades and samples milk, determines and records the volume of milk in a farm bulk tank and transfers milk from a farm bulk tank to a milk tank truck;

“**Class A distributor**” means a person who, as a principal, purchases or receives fluid milk products or fluid cream products from a provincial milk processor for the purpose of distributing those products to a retailer or food service;

“**Class B distributor**” means a person who, as a principal, purchases or receives fluid milk products or fluid cream products processed at a dairy plant located outside the Province of New Brunswick for the purpose of distributing those products to a retailer or food service;

“**Class C distributor**” means a person who, as a principal, purchases or receives fluid milk products or fluid cream products processed at a dairy plant located outside the Province of New Brunswick and from a provincial milk processor for the purpose of distributing those products to a retailer or food service;

“**Commission**” means the New Brunswick Farm Products Commission;

“**dairy products trade**” means the undertaking for commercial purposes of producing, handling, processing, pasteurizing, homogenizing, bottling, packaging, transporting, delivering or selling milk or cream or any one or more of such undertakings;

“**fluid milk products**” mean those products defined in section 9 of this order;

“**fluid cream products**” mean those products defined to in section 10 of this order;

**“milk dealer”** means a person who, as a principal, purchases or receives milk for the purpose of processing or selling fluid milk products or fluid cream products. For purposes of licencing under the Act, a milk dealer will be classified as one or more of the following categories:

- a) Provincial milk processor
- b) Class A distributor
- c) Class B distributor
- d) Class C distributor

**“milk grader”** means a person who grades and samples milk in a dairy plant;

**“producer”** means a person who produces and sells or supplies milk or cream from his or her own herd to a board established under the Act;

**“provincial milk processor”** means a milk dealer who operates a dairy plant for the processing of fluid milk or fluid cream products within the Province of New Brunswick.

**“retailer”** means a person who owns or operates a retail outlet;

**“retail outlet”** means a shop, establishment, or other place where fluid milk or fluid cream is sold at retail or kept for sale;

**“transporter”** means a carrier by any means of fluid milk or fluid cream on a highway, as defined in the *Highway Act*, in the Province.

## **PURPOSE OF THE ORDER**

3. The purposes of this Order are to exempt all persons specified in section 4 of the order from the licensing requirement of subsections 45(1) and (2) of the Act; to prescribe sub-classifications of Milk Dealer as: Provincial milk processor, Class A distributor, Class B distributor and Class C distributor for the purposes of subsection 44(1) of the Act; and to define fluid milk and fluid cream products.

## **EXEMPTIONS**

4. Pursuant to paragraph 57(1)(b) of the *Natural Products Act*, the Commission exempts all persons engaged in the dairy products trade from the application of subsections 45(1) and (2) of the Act, except those persons classified by the Commission as a milk dealer, a Provincial milk processor, a Class A distributor, a Class B distributor, a Class C distributor, a transporter, a milk grader, a bulk tank milk grader or a producer.
5. Pursuant to paragraph 57(1)(a) of the Act, the Commission prescribes the classification of Provincial Milk Processor for the purpose of subsection 44(1) of the Act, as being a milk dealer who operates a dairy plant for the processing of fluid milk or fluid cream products within the Province of New Brunswick.

6. Pursuant to paragraph 57(1)(a) of the Act, the Commission prescribes the classification of class A distributor for the purpose of subsection 44(1) of the Act, as being a person who, as a principal, purchases or receives fluid milk products or fluid cream products from a provincial milk processor for the purpose of distributing those products to a retailer or food service.
7. Pursuant to paragraph 57(1)(a) of the Act, the Commission prescribes the classification of class B distributor for the purpose of subsection 44(1) of the Act, as being a person who, as a principal, purchases or receives fluid milk products or fluid cream products processed at a dairy plant located outside the Province of New Brunswick for the purpose of distributing those products to a retailer or food service.
8. Pursuant to paragraph 57(1)(a) of the Act, the Commission prescribes the classification of class C distributor for the purpose of subsection 44(1) of the Act, as being a person who, as a principal, purchases or receives fluid milk products or fluid cream products from a provincial milk processor and from a dairy plant located outside the Province of New Brunswick for the purpose of distributing those products to a retailer or food service.
9. Pursuant to paragraph 57(1)(e) of the Act, the Commission defines fluid milk products as those products listed as Class 1(A) of the Commission's Wholesale Milk Pricing Order.
10. Pursuant to paragraph 57(1)(f) of the Act, the Commission defines fluid cream products as those products listed as Class 1(B) of the Commission's Wholesale Milk Pricing Order.
11. Order 2018-11 is hereby repealed.
12. This Order shall come into force on April 1, 2021.

Dated at Fredericton, New Brunswick this 9<sup>th</sup> day of December 2020.

December 9, 2020  
Date



---

Robert Shannon, Chair