HOUSE BILL NO. HB0017

Raw milk.

Sponsored by: Joint Agriculture, State and Public Lands and Water Resources Interim Committee

A BILL

for

AN ACT relating to dairy marketing; generally prohibiting retail sale and distribution of raw milk; specifying requirements for sales and distribution of raw milk; requiring warning statements; requiring registration of farms or dairies selling raw milk; providing for sampling of raw milk; making conforming amendments; providing for rulemaking; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 11-36-111 is created to read:

11-36-111. Raw milk; rulemaking.

(a) The acquisition of raw milk from cows or goats by a consumer for use or consumption by the consumer shall not
constitute the sale of raw milk and shall not be prohibited if all of the following conditions are met:

(i) The owner of a cow, goat, cow shares or goat shares receives raw milk directly from the farm or dairy where the cow, goat or dairy herd is located and the farm or dairy is registered pursuant to subsection (b) of this section. A person who is the owner of a cow share or goat share in a cow, goat or dairy herd may receive raw milk on behalf of another owner of the same cow, goat or dairy herd. A person who is not an owner of a cow share or goat share in the same cow, goat or dairy herd shall not receive raw milk on behalf of the owner of a cow share or goat share;

(ii) The milk is obtained pursuant to a cow share or a goat share;

(iii) A prominent warning statement that the milk is not pasteurized is delivered to the consumer with the milk or is displayed on a label affixed to the milk container;
(iv) Information describing the standards used by the farm or dairy with respect to herd health, and in the production of milk from the herd, is provided to the consumer by the farmer together with results of tests performed on the cows or goats that produced the milk, tests performed on the milk and an explanation of the tests and test results.

(b) Registration of a farm or dairy as required by paragraph (a)(i) of this section shall be accomplished by delivering to the department a written statement containing:

(i) The name of the farmer, farm or dairy;

(ii) A valid, current address of the farmer, farm or dairy; and

(iii) A statement that raw milk is being produced at the farm or dairy.

(c) No person shall sell or offer to sell raw, unpasteurized milk in Wyoming, except as provided in this section.
(d) No person who, as a consumer, obtains raw milk in accordance with this section shall sell or redistribute the milk.

(e) No producer of raw milk shall publish any statement that implies approval or endorsement by the department.

(f) For purposes of this section, "a cow share" or "a goat share" is an undivided interest in a cow, goat or herd of cows or goats, created by a written contractual relationship between a consumer and a farmer that includes a legal bill of sale to the consumer for an interest in the cow, goat or dairy herd and a boarding contract under which the consumer boards the cow, goat or dairy herd in which the consumer has an interest with the farmer for care and milking, and under which the consumer is entitled to receive a share of milk from the cow, goat or dairy herd.

(g) For purposes of this section, a "herd" shall not exceed:

(i) Five (5) lactating cows;
(ii) Ten (10) lactating goats.

(h) The director shall promulgate rules and regulations necessary for the administration of the cow share and goat share program provided for in this section. Procedures for promulgation shall be those outlined in the Wyoming Administrative Procedure Act.

Section 2. W.S. 11-36-102(a)(xiii) and 11-36-110(a) by creating a new paragraph (iv) are amended to read:

11-36-102. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. 11-36-101 through 11-36-110.

11-36-110. Powers of director or board; failure to obey subpoenas; amendment of orders.

(a) The director or the board, with respect to matters within their respective jurisdictions, may:
(iv) Certify persons licensed by the department under the provisions of W.S. 11-36-111 as duly qualified persons for the purpose of collecting raw milk samples for official analysis in accordance with minimum qualifications established by the department.

Section 3. This act is effective July 1, 2011.