

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Raw milk.

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

A BILL

for

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

8

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

10

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

12

13 **11-36-111. Raw milk.**

1

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

6

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

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

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22 (iii) A prominent warning statement that the milk
23 is not pasteurized is delivered to the consumer with the

1 milk or is displayed on a label affixed to the milk
2 container;

3

4 (iv) Information describing the standards used by
5 the farm or dairy with respect to herd health, and in the
6 production of milk from the herd, is provided to the
7 consumer by the farmer together with results of tests
8 performed on the cows or goats that produced the milk,
9 tests performed on the milk and an explanation of the tests
10 and test results.

11

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

16

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

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

21

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

1

2 (c) No person shall sell or offer to sell raw,
3 unpasteurized milk in Wyoming, except as provide din this
4 section.

5

6 (d) No person who, as a consumer, obtains raw milk in
7 accordance with this section shall sell or redistribute the
8 milk.

9

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

13

14 (f) No person shall sell or offer for sale any raw
15 milk for other than human consumption unless it has first
16 been treated with a dye approved by the department.

17

18 (g) For purposes of this section, "a cow share" or "a
19 goat share" is an undivided interest in a cow, goat or herd
20 of cows or goats, created by a written contractual
21 relationship between a consumer and a farmer that includes
22 a legal bill of sale to the consumer for an interest in the
23 cow, goat or dairy herd and a boarding contract under which

1 the consumer boards the cow, goat or dairy herd in which
2 the consumer has an interest with the farmer for care and
3 milking, and under which the consumer is entitled to
4 receive a share of milk from the cow, goat or dairy herd;

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

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9 **11-36-102. Definitions.**

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11 (a) As used in this act:

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13 (xiii) "This act" means W.S. 11-36-101 through
14 ~~11-36-110~~ 11-36-111.

15

16 **11-36-110. Powers of director or board; failure to**
17 **obey subpoenas; amendment of orders.**

18

19 (a) The director or the board, with respect to
20 matters within their respective jurisdictions, may:

21

22 (iv) Certify persons licensed by the department
23 under the provisions of W.S. 11-36-111 as duly qualified

1 persons for the purpose of collecting raw milk samples for
2 official analysis in accordance with minimum qualifications
3 established by the department.

4

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

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7 **[Staff Note: Raw milk production is still subject to the**
8 **TB testing requirements under W.S. 11-19-205 through**
9 **11-19-212.**

10 **Staff Note: Will this bill require any additional**
11 **positions or funding?**

12 **Staff Note: Should there be a penalty for violation of**
13 **this section?]**

14

15

(END)