

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Unpasteurized milk.

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

A BILL

for

1 AN ACT relating to dairy marketing; providing for the sale
2 of unpasteurized milk and unpasteurized milk products;
3 specifying requirements for the sale and distribution of
4 the milk and milk products; requiring warning statements;
5 requiring registration of farms or dairies selling the milk
6 and milk products; providing for sampling of the milk;
7 making conforming amendments; authorizing rulemaking;
8 providing for enforcement; providing for penalties; and
9 providing for an effective date.

10

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

12

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

1

2 **11-36-111 Selling unpasteurized milk; testing;**

3 **rulemaking; enforcement; penalty.**

4

5 (a) A producer may register and sell unpasteurized
6 milk or milk products using unpasteurized milk provided the
7 following conditions are met:

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9 (i) The milk or milk product contains a
10 conspicuous notification that the milk or milk product is
11 not pasteurized;

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13 (ii) Information describing the standards used by
14 the farm or dairy with respect to herd health, and in the
15 production of milk from the herd, is available to the
16 department together with:

17

18 (A) The results of tests performed on the
19 cows, sheep or goats that produced the milk;

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21 (B) The results of tests performed on the
22 milk; and

23

1 (C) An explanation of the tests and test
2 results.

3

4 (b) A farm or dairy shall test the milk or milk
5 products at a frequency of at least four (4) separate
6 months during any consecutive six (6) month period. Each
7 batch of milk shall test negative for drugs. Milk quality
8 tests and drug tests shall be conducted utilizing testing
9 methods approved by the department. In no event shall the
10 milk or milk products exceed the standards for bacteria,
11 coliform or somatic cells as established by the department.

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13 (c) Whenever three (3) of the last five (5)
14 consecutive bacteria, coliform or somatic cell tests
15 exceeds any of the milk quality standards under subsection
16 (b) of this section, no milk shall be offered for human
17 consumption until the milk meets the standard.

18

19 (d) Milk testing positive for drugs shall not be used
20 for human consumption.

21

1 (e) All cows, sheep or goats shall be tuberculosis
2 and brucellosis free and shall be tested for tuberculosis
3 and brucellosis annually.

4

5 (f) Registration of a farm or dairy as required by
6 subsection (a) of this section shall be accomplished by
7 delivering to the department a written statement
8 containing:

9

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

11

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

14

15 (iii) A statement that unpasteurized milk or
16 unpasteurized milk products are being produced at the farm
17 or dairy.

18

19 (g) No producer of unpasteurized milk or
20 unpasteurized milk products as provided in this section
21 shall publish any statement that implies approval or
22 endorsement by the department.

23

1 (h) The department shall be responsible for the
2 administration and enforcement of this section and may
3 promulgate and enforce rules necessary to administer this
4 section.

5

6 (j) Notwithstanding subsection (c) of this section,
7 the department may issue a hold order to stop the
8 distribution of unpasteurized milk or unpasteurized milk
9 products when it is deemed necessary to protect human
10 health.

11

12 (k) The director may bring civil actions to enjoin
13 violation of the provisions of this section.

14

15 (m) Any person who violates the provisions of this
16 section shall be guilty of a misdemeanor and upon
17 conviction shall be subject to a fine not exceeding seven
18 hundred fifty dollars (\$750.00) or imprisonment not to
19 exceed six (6) months, or by both.

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21 **Section 2.** W.S. 11-36-102(a)(xiii) is amended to
22 read:

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