

COMMITTEE SUBSTITUTE

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Senate Bill No. 30

(By Senators D. Hall, Trump, Blair, Williams and Karnes)

[Originating in the Committee on Health and Human Resources;
reported February 18, 2015.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-7, relating to shared animal ownership agreements to consume raw milk; acquiring percentage ownership interest in a milk-producing animal and its raw milk; requiring written document acknowledging the inherent dangers of consuming raw milk; agreeing not to distribute raw milk; requiring reporting of herd-sharing agreements to Commissioner of Agriculture and Commissioner of Bureau for Public Health; requiring physicians to report any disease related to consumption of raw milk to local health department; providing for rule-making authority to set out the contents of the report; and requiring herd seller to meet animal health and testing requirements established by state veterinarian.

Be it enacted by the Legislature of West Virginia:

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That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-1-7, to read as follows:

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§19-1-7. Shared animal ownership agreement to consume raw milk.

1 (a) Notwithstanding any other provision of the law to the contrary, a responsible party may
2 enter into a written shared animal ownership agreement to consume raw milk in which he or she:

3 (1) Acquires a percentage ownership interest in a milk-producing animal;

4 (2) Agrees to pay another for the percentage ownership interest for the care and boarding of
5 the milk-producing animal at the dairy farm;

6 (3) Is entitled to receive a fair share of the animal's raw milk production as a condition of the
7 contractual agreement;

8 (4) Agrees to sign a written document acknowledging the inherent dangers of consuming raw
9 milk that may contain bacteria, such as Brucella, Campylobacter, Listeria, Salmonella and E. Coli,
10 that has not been pasturized to remove bacteria and that is particularly dangerous to children,
11 pregnant women and those with compromised immunity. The responsible party then agrees to
12 release of the herd seller of liability for the inherent dangers of consuming raw milk; and

13 (5) Agrees not to distribute raw milk.

14 (b) The agreement provided in subsection (a) of this section is required to be reported by one
15 or both of the parties to the agreement to both the Commissioner of Agriculture, or his or her
16 designee, as set forth in this article and the Commissioner of the Bureau for Public Health, or his or
17 her designee, as set forth in article one, chapter sixteen of this code.

18 (c) The herd seller shall meet the animal health requirements for milk-producing animals

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1 established by the state veterinarian, in accordance with state and national standards, including the
2 following:

3 (1) Raw milk from milk-producing animals intended for consumption shall be from a herd
4 that tested negative within the previous twelve months for brucellosis, tuberculosis and other
5 diseases as required by the state veterinarian. Additions to the herd shall test negative for the
6 diseases within the previous thirty days before introduction into the herd; and

7 (2) Milk-producing animals producing bloody, stringy or abnormal milk, but with only slight
8 inflammation of the udder, shall be excluded from the milking herd until reexamination shows that the
9 milk has become normal. Milk-producing animals showing chronic mastitis, whether producing
10 abnormal milk or not, shall be permanently excluded from the milking herd.

11 (d) Any physician licensed by either the provisions of article three, chapter thirty of this code
12 or article fourteen of said chapter who makes a diagnosis that can be directly attributed to the
13 consumption of raw milk is required to report nonidentifying information related to the diagnosis
14 or treatment to the local health officer of the county in which the individual lives. The Secretary of
15 the Department of Health and Human Resources shall propose rules for legislative approval in
16 accordance with the provisions of article three, chapter twenty-nine-a of this code regarding the
17 contents of the report required pursuant to this subsection.