

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 30

(SENATORS D. HALL, TRUMP, BLAIR, WILLIAMS AND
KARNES, *ORIGINAL SPONSORS*)

[PASSED MARCH 12, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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[Passed March 12, 2015; in effect ninety days from passage]

AN ACT 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's raw milk; providing for payment for a percentage ownership for care and boarding of a milk-producing animal; providing for receipt of a share of raw milk pursuant to an agreement; requiring written document acknowledging the inherent dangers of consuming raw milk; providing immunity to herd seller; agreeing not to distribute raw milk; prohibiting sale or resale of raw milk; requiring herd-sharing agreements be reported; requiring physicians to report any disease related to

consumption of raw milk to local health department; setting forth required provisions for a herd-sharing agreement; requiring a herd seller meet animal health requirements set by state veterinarian for milk-producing animals; setting forth required health standards for milk-producing animals; requiring a physician to report to local health department any diagnosis attributed to consumption of raw milk; providing rule-making authority; and providing administrative penalties.

Be it enacted by the Legislature of West Virginia:

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
2 contrary, a responsible party may enter into a written shared
3 animal ownership agreement to consume raw milk in which
4 he or she:

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

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

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

12 (4) Agrees to sign a written document acknowledging the
13 inherent dangers of consuming raw milk that may contain

14 bacteria, such as Brucella, Campylobacter, Listeria,
15 Salmonella and E. Coli, that has not been pasturized to
16 remove bacteria and that is particularly dangerous to children,
17 pregnant women and those with compromised immunity.
18 The responsible party then agrees to release of the herd seller
19 of liability for the inherent dangers of consuming raw milk;
20 and

21 (5) Agrees not to distribute raw milk. Sale or resale of
22 raw milk obtained from a share is strictly prohibited.

23 (b) The agreement provided in subsection (a) of this
24 section is required to be reported by the herd seller to the
25 Commissioner of Agriculture, or his or her designee, as set
26 forth in this article.

27 (c) The agreement provided in subsection (a) of this
28 section shall contain the following:

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

30 (2) A valid, current address of the farmer, farm or dairy;
31 and

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

34 (d) The herd seller shall meet the animal health
35 requirements for milk-producing animals established by the
36 state veterinarian, in accordance with state and national
37 standards, including the following:

38 (1) Raw milk from milk-producing animals intended for
39 consumption shall be from a herd that tested negative within
40 the previous twelve months for brucellosis, tuberculosis and
41 other diseases as required by the state veterinarian. Additions

42 to the herd shall test negative for the diseases within the
43 previous thirty days before introduction into the herd; and

44 (2) Milk-producing animals producing bloody, stringy or
45 abnormal milk, but with only slight inflammation of the udder,
46 shall be excluded from the milking herd until reexamination
47 shows that the milk has become normal. Milk-producing
48 animals showing chronic mastitis, whether producing
49 abnormal milk or not, shall be permanently excluded from the
50 milking herd.

51 (e) Any physician licensed by either the provisions of
52 article three, chapter thirty of this code or article fourteen of
53 said chapter who makes a diagnosis that can be directly
54 attributed to the consumption of raw milk is required to report
55 nonidentifying information related to the diagnosis or
56 treatment to the local health officer of the county in which the
57 individual lives. The Commissioner of the Department of
58 Agriculture shall propose rules for legislative approval in
59 accordance with the provisions of article three, chapter
60 twenty-nine-a of this code regarding the contents of the report
61 required pursuant to this subsection and impose an
62 administrative penalty not to exceed \$100 for a person who
63 violates the provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2015.

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Governor