

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 387

BY SENATOR KARNES

[Originating in the Committee on Agriculture and
Rural Development; reported on January 27, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §19-1-7, relating to shared animal ownership agreements to consume raw
3 milk; acquiring percentage ownership interest in milk-producing animal's raw milk;
4 providing for payment for percentage ownership for care and boarding of milk-producing
5 animal; providing for receipt of a share of raw milk pursuant to an agreement; requiring
6 written document acknowledging the inherent dangers of consuming raw milk; setting forth
7 required provisions for shared animal ownership agreements; requiring herd seller meet
8 animal health requirements established by state veterinarian; providing immunity to herd
9 seller; prohibiting the distribution, sale or resale of raw milk; requiring shared animal
10 ownership agreements be filed; requiring parties and physicians to report illnesses related
11 to consumption of raw milk; requiring Commissioner of Agriculture contact other parties
12 consuming raw milk from same herd seller of illnesses; providing administrative penalties;
13 and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 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
5 of 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
7 the contractual agreement;

8 (4) Agrees to sign a written document acknowledging the inherent dangers of consuming

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

13 (5) Agrees not to distribute raw milk. The sale or resale of raw milk obtained from a herd
14 share is strictly prohibited.

15 (b) The signed and executed shared animal ownership agreement shall be filed by the
16 herd seller with the Commissioner of Agriculture, and shall contain the names, addresses and
17 phone numbers of the herd seller and the responsible party so that either party may be contacted
18 in the event of an illness.

19 (c) The herd seller shall meet the animal health requirements for milk-producing animals
20 established by the state veterinarian, in accordance with state and national standards, including
21 the following:

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

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

30 (d) Parties to a shared animal ownership agreement and physicians who become aware
31 of an illness directly related to consuming raw milk shall report the illness to the local health
32 department and the Commissioner of Agriculture, who has the shared animal ownership
33 agreements on file and shall contact and warn other parties consuming raw milk from the same
34 herd seller.

35 (e) The commissioner may impose an administrative penalty not to exceed \$100 for a
36 person who violates the provisions of this section.

37 (f) The Secretary of the Department of Health and Human Resources, in cooperation with
38 the Commissioner of Agriculture, may propose rules for promulgation in accordance with the
39 provisions of article three, chapter twenty-nine-a of this code in compliance with raw milk dairy
40 industry standards.

NOTE: The purpose of this bill is to permit shared animal ownership agreements to consume raw milk. The bill permits acquiring percentage ownership interest in a milk-producing animal's raw milk. The bill provides for payment for a percentage ownership for care and boarding of a milk-producing animal. The bill provides for receipt of a share of raw milk pursuant to an agreement. The bill requires a written document acknowledging the inherent dangers of consuming raw milk. The bill requires a herd seller meet animal health requirements set by state veterinarian for milk-producing animals. The bill sets forth required health standards for milk-producing animals. The bill provides immunity to herd seller. The responsible party agrees not to distribute raw milk. The bill prohibits the sale or resale of raw milk. The bill requires herd-sharing agreements be filed with the Commissioner of Agriculture. The bill requires parties and physicians to report any illness related to consumption of raw milk. The bill provides rulemaking and administrative penalties.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.