

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4095

BY DELEGATES HOWELL, WAXMAN, ROWAN, CADLE,
BIBBY, SUMMERS, D. JEFFRIES, COOPER, BARNHART AND

D. KELLY

(BY REQUEST)

[Introduced January 10, 2020; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §19-11E-1, §19-11E-2, and §19-11E-3, all relating to defining the term milk,
 3 prohibiting its use in certain cases and requiring actions by other states to make the law
 4 effective.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11E. MILK LABELING.

§19-11E-1. Definitions.

1 As used in this article the following words are defined as follows:

2 (1) "Milk" means the lacteal secretion, practically free of colostrum, obtained by the
 3 complete milking of one or more healthy hooved mammals, including members of the order
 4 cetartiodactyla, including:

5 (i) Family Bovidae, including cattle, water buffalo, sheep, goats and yaks;

6 (ii) Family Cervidae, including deer, reindeer, and moose; and

7 (iii) Family Equidae, including horses and donkeys.

8 (2) "Grade A milk" means the milk of a cow, goat or other hooved mammal produced,
 9 processed, pasteurized bottled, packaged or prepared in accordance with the law.

10 (3) "Manufactured milk" means the milk of a cow, goat or other hooved mammal which is
 11 not Grade A milk and which is produced, processed, pasteurized, bottled, packaged or prepared
 12 in accordance with "Milk for Manufacturing Purposes and Its Production and Processing:
 13 recommended Requirements".

§19-11E-2. Milk labeling.

1 (a) After the milk product has been processed, each milk product shall be labeled with:

2 (1) The description of that milk product under this article or the rules proposed by the
 3 Commissioner of Agriculture under the provisions of §29A-3-1 et seq.; and

4 (2) Any other information the commissioner requires by rule.

5 (b) This section does not apply to human breast milk.

6 (c) A person may not state on a label of a food product that the product is milk unless the
7 product meets the definition of “milk” established in this article.

8 (d) The commissioner shall establish and implement a plan to enforce the prohibition of
9 subsection (c) of this section, including notice of the department’s intent to implement a ban on
10 all products that do not meet the requirements of subsection (c) of this section, including plant-
11 based products mislabeled as milk.

§19-11E-3. Contingency of article.

1 The effectiveness of this article is contingent upon the enacting of a similar law in any 11
2 states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky,
3 Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia,
4 and West Virginia. The Department of Agriculture shall notify the legislative manager within 10
5 days after 11 states of these 14 states have enacted a law similar to this article. If notice of
6 enactment is not received by the legislative manager on or before October 1, 2029, this article is
7 null and void with no further action required by the Legislature.

NOTE: The purpose of this bill is to define the term “milk” and limit its use to products that meet the definition.

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