

## HOUSE BILL NO. HB0017

Raw milk.

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

A BILL

for

1 AN ACT relating to dairy marketing; generally prohibiting  
2 retail sale and distribution of raw milk; specifying  
3 requirements for sales and distribution of raw milk;  
4 requiring warning statements; requiring registration of  
5 farms or dairies selling raw milk; providing for sampling  
6 of raw milk; making conforming amendments; providing for  
7 rulemaking; and providing for an effective date.

8

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

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

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13 **11-36-111. Raw milk; rulemaking.**

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15 (a) The acquisition of raw milk from cows or goats by  
16 a consumer for use or consumption by the consumer shall not

1 constitute the sale of raw milk and shall not be prohibited  
2 if all of the following conditions are met:

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4 (i) The owner of a cow, goat, cow shares or goat  
5 shares receives raw milk directly from the farm or dairy  
6 where the cow, goat or dairy herd is located and the farm  
7 or dairy is registered pursuant to subsection (b) of this  
8 section. A person who is the owner of a cow share or goat  
9 share in a cow, goat or dairy herd may receive raw milk on  
10 behalf of another owner of the same cow, goat or dairy  
11 herd. A person who is not an owner of a cow share or goat  
12 share in the same cow, goat or dairy herd shall not receive  
13 raw milk on behalf of the owner of a cow share or goat  
14 share;

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16 (ii) The milk is obtained pursuant to a cow share  
17 or a goat share;

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19 (iii) A prominent warning statement that the milk  
20 is not pasteurized is delivered to the consumer with the  
21 milk or is displayed on a label affixed to the milk  
22 container;

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1           (iv) Information describing the standards used by  
2 the farm or dairy with respect to herd health, and in the  
3 production of milk from the herd, is provided to the  
4 consumer by the farmer together with results of tests  
5 performed on the cows or goats that produced the milk,  
6 tests performed on the milk and an explanation of the tests  
7 and test results.

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9           (b) Registration of a farm or dairy as required by  
10 paragraph (a)(i) of this section shall be accomplished by  
11 delivering to the department a written statement  
12 containing:

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

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

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19           (iii) A statement that raw milk is being produced  
20 at the farm or dairy.

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22           (c) No person shall sell or offer to sell raw,  
23 unpasteurized milk in Wyoming, except as provided in this  
24 section.

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2 (d) No person who, as a consumer, obtains raw milk in  
3 accordance with this section shall sell or redistribute the  
4 milk.

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6 (e) No producer of raw milk shall publish any  
7 statement that implies approval or endorsement by the  
8 department.

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10 (f) For purposes of this section, "a cow share" or "a  
11 goat share" is an undivided interest in a cow, goat or herd  
12 of cows or goats, created by a written contractual  
13 relationship between a consumer and a farmer that includes  
14 a legal bill of sale to the consumer for an interest in the  
15 cow, goat or dairy herd and a boarding contract under which  
16 the consumer boards the cow, goat or dairy herd in which  
17 the consumer has an interest with the farmer for care and  
18 milking, and under which the consumer is entitled to  
19 receive a share of milk from the cow, goat or dairy herd.

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21 (g) For purposes of this section, a "herd" shall not  
22 exceed:

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24 (i) Five (5) lactating cows;

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2 (ii) Ten (10) lactating goats.

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4 (h) The director shall promulgate rules and  
5 regulations necessary for the administration of the cow  
6 share and goat share program provided for in this section.  
7 Procedures for promulgation shall be those outlined in the  
8 Wyoming Administrative Procedure Act.

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10 **Section 2.** W.S. 11-36-102(a)(xiii) and 11-36-110(a)  
11 by creating a new paragraph (iv) are amended to read:

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13 **11-36-102. Definitions.**

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15 (a) As used in this act:

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17 (xiii) "This act" means W.S. 11-36-101 through

18 ~~11-36-110~~ 11-36-111.

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20 **11-36-110. Powers of director or board; failure to**  
21 **obey subpoenas; amendment of orders.**

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23 (a) The director or the board, with respect to  
24 matters within their respective jurisdictions, may:

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(iv) Certify persons licensed by the department under the provisions of W.S. 11-36-111 as duly qualified persons for the purpose of collecting raw milk samples for official analysis in accordance with minimum qualifications established by the department.

**Section 3.** This act is effective July 1, 2011.

(END)