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Senate Bill No. 30

(Senators D. Hall, Trump, Blair, Williams and Karnes, *original sponsors*)

[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 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. Sale or resale of raw milk obtained from a share is
14 strictly prohibited.
- 15 (b) The agreement provided in subsection (a) of this section is required to be reported by the

1 herd seller to the Commissioner of Agriculture, or his or her designee, as set forth in this article.

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

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

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

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

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

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

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

17 (e) Any physician licensed by either the provisions of article three, chapter thirty of this code
18 or article fourteen of said chapter who makes a diagnosis that can be directly attributed to the
19 consumption of raw milk is required to report nonidentifying information related to the diagnosis
20 or treatment to the local health officer of the county in which the individual lives. The
21 Commissioner of the Department of Agriculture shall propose rules for legislative approval in
22 accordance with the provisions of article three, chapter twenty-nine-a of this code regarding the
23 contents of the report required pursuant to this subsection and impose an administrative penalty not

1 to exceed \$100 for a person who violates the provisions of this section.