

COMMITTEE SUBSTITUTE

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Senate Bill No. 30

(By Senators D. Hall, Trump, Blair, Williams and Karnes)

[Originating in the Committee on Health and Human

Resources;

reported February 18, 2015.]

A BILL 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

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animal and its raw milk; requiring written document acknowledging the inherent dangers of consuming raw milk; agreeing not to distribute raw milk; requiring reporting of herd-sharing agreements to Commissioner of Agriculture and Commissioner of Bureau for Public Health; requiring physicians to report any disease related to consumption of raw milk to local health department; providing for rule-making authority to set out the contents of the report; and requiring herd seller to meet animal health and testing requirements established by state veterinarian.

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

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raw milk.

1 (a) Notwithstanding any other provision of the law to
2 the contrary, a responsible party may enter into a written
3 shared animal ownership agreement to consume raw milk in
4 which he or she:

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

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

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

13 (4) Agrees to sign a written document acknowledging
14 the inherent dangers of consuming raw milk that may contain
15 bacteria, such as Brucella, Campylobacter, Listeria,
16 Salmonella and E. Coli, that has not been pasturized to

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1 remove bacteria and that is particularly dangerous to children,
2 pregnant women and those with compromised immunity. The
3 responsible party then agrees to release of the herd seller of
4 liability for the inherent dangers of consuming raw milk; and

5 (5) Agrees not to distribute raw milk.

6 (b) The agreement provided in subsection (a) of this
7 section is required to be reported by one or both of the parties
8 to the agreement to both the Commissioner of Agriculture, or
9 his or her designee, as set forth in this article and the
10 Commissioner of the Bureau for Public Health, or his or her
11 designee, as set forth in article one, chapter sixteen of this
12 code.

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

17 (1) Raw milk from milk-producing animals intended

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1 for consumption shall be from a herd that tested negative
2 within the previous twelve months for brucellosis,
3 tuberculosis and other diseases as required by the state
4 veterinarian. Additions to the herd shall test negative for the
5 diseases within the previous thirty days before introduction
6 into the herd; and

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

14 (d) Any physician licensed by either the provisions of
15 article three, chapter thirty of this code or article fourteen of
16 said chapter who makes a diagnosis that can be directly
17 attributed to the consumption of raw milk is required to report

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1 nonidentifying information related to the diagnosis or
2 treatment to the local health officer of the county in which the
3 individual lives. The Secretary of the Department of Health
4 and Human Resources shall propose rules for legislative
5 approval in accordance with the provisions of article three,
6 chapter twenty-nine-a of this code regarding the contents of
7 the report required pursuant to this subsection.