

SB 30 (veto)

FILED

2015 APR -2 P 12: 34

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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FOR

Senate Bill No. 30

(SENATORS D. HALL, TRUMP, BLAIR, WILLIAMS AND
KARNES, *ORIGINAL SPONSORS*)

[PASSED MARCH 12, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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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
2 contrary, a responsible party may enter into a written shared
3 animal ownership agreement to consume raw milk in which
4 he or she:

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

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

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

12 (4) Agrees to sign a written document acknowledging the
13 inherent dangers of consuming raw milk that may contain

14 bacteria, such as Brucella, Campylobacter, Listeria,
15 Salmonella and E. Coli, that has not been pasturized to
16 remove bacteria and that is particularly dangerous to children,
17 pregnant women and those with compromised immunity.
18 The responsible party then agrees to release of the herd seller
19 of liability for the inherent dangers of consuming raw milk;
20 and

21 (5) Agrees not to distribute raw milk. Sale or resale of
22 raw milk obtained from a share is strictly prohibited.

23 (b) The agreement provided in subsection (a) of this
24 section is required to be reported by the herd seller to the
25 Commissioner of Agriculture, or his or her designee, as set
26 forth in this article.

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

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

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

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

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

38 (1) Raw milk from milk-producing animals intended for
39 consumption shall be from a herd that tested negative within
40 the previous twelve months for brucellosis, tuberculosis and
41 other diseases as required by the state veterinarian. Additions

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Mark Robinson
.....
Chairman Senate Committee

John B. Hill
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Mark A. Barnes
.....
Clerk of the Senate

Shirley D. Harris
.....
Clerk of the House of Delegates

Phillip Palumbo
.....
President of the Senate

Robert M. Latta
.....
Speaker of the House of Delegates

The within *is approved* this the *18*
Day of *April*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2015

Time 10: 51 AM