WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
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.]
ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

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]

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.

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

1. Acquires a percentage ownership interest in a milk-producing animal;

2. Agrees to pay another for the percentage ownership interest for the care and boarding of the milk-producing animal at the dairy farm;

3. Is entitled to receive a fair share of the animal’s raw milk production as a condition of the contractual agreement;

4. Agrees to sign a written document acknowledging the inherent dangers of consuming raw milk that may contain
bacteria, such as Brucella, Campylobacter, Listeria, Salmonella and E. Coli, that has not been pasturized to remove bacteria and that is particularly dangerous to children, pregnant women and those with compromised immunity. The responsible party then agrees to release of the herd seller of liability for the inherent dangers of consuming raw milk; and

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

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

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

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

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

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

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

(1) Raw milk from milk-producing animals intended for consumption shall be from a herd that tested negative within the previous twelve months for brucellosis, tuberculosis and other diseases as required by the state veterinarian. Additions
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the 1st Day of April, 2015.

Governor