



State Raw Milk Legislation

by Pete Kennedy, Esq. - March 10, 2011

A number of raw milk bills have been introduced in the state Houses in the current legislative session. What follows is a state-by-state summary of the bills that have been introduced.

IOWA – House File 394 (HF 394), a bill that will allow the sale of raw milk and raw milk products to individuals on the farm and through delivery by producers, was voted out of the House Economic Growth Committee and was scheduled to go to the full House for a vote. Dairy farmers selling under the bill would be subject neither to licensing nor inspection. State law currently prohibits any sale of raw milk and raw milk products other than cheese aged sixty days or more. Supporters of the bill subsequently determined they did not have the votes for passage and withdrew the bill from the House debate calendar. With the Iowa legislative session being two years, the bill can be put back on the debate calendar next January without having to be either reintroduced or passed through committee again.

MASSACHUSETTS – Legislation has been introduced that would allow licensed raw milk farmers to deliver raw milk directly to the consumer off site from the farm. The farmer may also contract with a third party to deliver raw milk to the consumer. Current law allows only the on-farm sale of raw milk by licensed farmers. In the last year, the Massachusetts Department of Agriculture and Resources (MDAR) has threatened enforcement action against buyers clubs that have sent agents out to the farm to pick up raw milk for club members.

A second bill, the “cowshare” bill, would establish the right of those who have a partial or complete ownership interest in a dairy animal to legally obtain milk from that animal for the owners own personal use. The bill was introduced in response to recent threat by MDAR that it will take action against farmers operating cow- or herd-share programs.

MINNESOTA – Current statute allows the sale of raw milk and cream “occasionally secured or purchased for personal use by any consumer at the place or farm where the milk is produced”; this is in conflict with the Minnesota Constitution which provides that one may sell or peddle the products of the farm occupied and cultivated by that person. A bill has been introduced that would rectify the inconsistency. HF255 (and companion bill SF147) would allow direct farm-to-consumer sales and delivery of raw milk and raw milk products such as cream, butter, yogurt and cheese on a regular basis. Delivery can also be made by either the seller’s or buyer’s agent and can take place at farmers’ markets, farmstands or designated delivery sites among other locations. In the past year, the Minnesota Department of Agriculture (MDA) has cracked down on the delivery of raw milk, even executing a criminal search warrant at a consumer’s residence where delivery took place.

NEW JERSEY – Assembly Bill 743 (and companion bill S-2702) would allow the sale of raw milk and raw milk products (e.g., yogurt, kefir, butter and cheese) by a licensed dairy either directly to consumers or to retail stores. The bill also states that if a farmer and the consumer enter into a contract for shared ownership of a cow no raw milk permit shall be required. Current law prohibits the sale of raw milk and raw milk products except for cheese aged sixty days or more. The bill has been voted out of the Agricultural and Natural Resources Committee and is going to the full Assembly for a vote.

OREGON – House Bill HB 2222 would allow the licensed sale of raw milk and raw milk products direct to consumers and to retail stores. Current law allows the unlicensed sale of raw milk on the farm by dairies with no more than two producing dairy cows, nine producing goats or nine producing sheep. The new bill would not affect this microdairy exception.



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TENNESSEE – House Bill 898 seeks to clarify Tennessee’s “cowshare” law. The bill simply states that no law “shall be construed as prohibiting the independent or partial owner of any hooved animal from using the milk from the animal or a dairy product made from such milk for the owner’s personal consumption or other personal use.” Current law provides that the milk from the animal can be used for the owner’s personal use but does not mention the right to have that milk processed into other dairy products.

TEXAS – HB 75 would expand the venues where licensed dairy farmers can sell raw milk and raw cheese aged sixty days or more. Currently, licensees can only sell raw milk on the farm. The new law would enable the farmer to sell directly to a consumer at the consumer’s residence or “any other location where producers customarily sell their products directly to consumers” (e.g. at farmers’ markets, farmstands). DairyMax, a regional dairy promotion organization, violated the law by running ads attacking raw milk to discourage support of the bill. Federal law only allows dairy check-off fees to go toward promoting milk and milk products.

WASHINGTON – Legislation has been introduced that would exempt from regulation on-farm raw milk sales if the farm has no more than two producing cows, nine producing goats, or nine producing sheep. Current law allows the sale of raw milk only by licensed dairies.

WYOMING – Legislation (HB 0017) was introduced that would have legalized cowshare, goatshare and herdshare contracts—“herd” being defined as no more than five lactating cows or ten lactating goats. There’s currently no law prohibiting herdshares; however, the Wyoming Department of Agriculture views raw milk distribution through share programs as being the illegal sale of raw milk and recently sent ‘cease and desist’ letters to several farmers it suspected of operating shareholder dairies.

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