

23.0745.01003

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1515

Introduced by

Representatives Holle, Christensen, Dakane, Henderson, Hoverson, Prichard, Rios, Toman,
Tveit

Senators Myrdal, Schaible

1 A BILL for an Act to create and enact ~~at three~~ new ~~section~~~~sections~~ to chapter 4.1-25 of the North
2 Dakota Century Code, relating to the sale of raw milk directly to a consumer, raw milk safety
3 standards, and standards for raw milk farmers.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Sale of raw milk directly to a consumer - Sale to retailer prohibited.**

8 A dairy farm, producing and selling ~~grade A~~ raw milk under a ~~grade A permit~~ raw milk license
9 issued by the commissioner, may sell raw milk directly to a consumer for personal consumption.
10 A sale under this section must occur at the location of the dairy farm. A dairy farm may not sell
11 raw milk to a wholesaler or retail store for mass consumption under this chapter. The
12 commissioner may adopt rules ~~imposing~~ regarding the issuance of a raw milk license and may
13 impose other standards in the interest of public safety, wholesomeness of product, consumer
14 interest, sanitation, adequate supply, saleability, and labeling and promotion of raw milk for
15 personal consumption.

16 **SECTION 2.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Labeling, identity, and safety standards for raw milk.**

19 1. Raw milk and raw milk products must bear the following label:

20 WARNING: Raw (unpasteurized) milk and raw milk dairy products may contain
21 disease-causing micro-organisms. Individuals at highest risk of disease from
22 these organisms include newborns and infants; the elderly; pregnant women;

- 1 those taking corticosteroids, antibiotics or antacids; and those having chronic
2 illnesses or other conditions that weaken their immunity.
- 3 2. All individuals who come in contact with raw milk shall exercise scrupulous cleanliness
4 and may not be afflicted with any communicable disease or be in a condition to
5 disseminate the germs of any communicable disease that may be conveyed by milk.
- 6 **SECTION 3.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
7 and enacted as follows:
- 8 **Standards for raw milk farmers.**
- 9 A raw milk producer in this state shall:
- 10 1. Test for coliform bacteria at least monthly.
11 2. Test for standard plate count at least monthly.
12 3. Ensure raw milk does not contain:
13 a. Salmonella spp.;
14 b. E. coli 0157:H7;
15 c. Campylobacter spp.; or
16 d. Listeria monocytogenes.
- 17 4. Sell raw milk for direct human consumption that is from that raw milk producer's farm
18 only.
- 19 5. Provide documentation to the commissioner verifying herds are tuberculosis free and
20 tested one time per year.
- 21 6. Provide documentation to the commissioner verifying herds are brucellosis free.
- 22 7. Create a risk analysis and management plan that addresses:
- 23 a. New animal risk introduction and risk mitigation;
24 b. Herd health;
25 c. Milk handling and management;
26 d. Environmental management;
27 e. Feed sources;
28 f. Human factors;
29 g. Nutritional management of dairy cow, goat, sheep, or other lactating mammals;
30 h. Management of freshened animals and new offspring;
31 i. Management of bulls;

- 1 j. The provision of testing procedures for indicator bacteria;
- 2 k. The creation and utilization of checklists to document annual, monthly, weekly,
- 3 and daily management practices; and
- 4 l. The development of protocols for action steps in the event of substandard
- 5 results.

