

## Amendment No. 525

Assembly Amendment to Assembly Bill No. 209 (BDR 51-1011)

**Proposed by:** Assembly Committee on Health and Human Services**Amendment Box:** Replaces Amendment No. 297.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KRO/RBL



Date: 4/18/2013

A.B. No. 209—Revises provisions governing the distribution and sale of raw milk.  
(BDR 51-1011)



ASSEMBLY BILL No. 209—ASSEMBLYMEN AIZLEY  
AND OHRENSCHALL

MARCH 7, 2013

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the distribution and sale of raw milk.  
(BDR 51-1011)FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to dairy products; ~~revising certain provisions governing the sale of milk and milk products to be consistent with federal law;~~ providing that raw milk certified by the county milk commission of the county in which the raw milk is produced may be sold anywhere in this State; making various other changes to provisions governing county milk commissions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a county milk commission to regulate the production and distribution of certified raw milk and certified raw milk products in that county. (NRS 584.207, 584.208) **Sections 2 and 3** of this bill provide that raw milk certified by the county milk commission of the county in which the raw milk is produced can be sold anywhere in this State. Section 2 requires, rather than authorizes, a county milk commission to adopt regulations to establish certain fees and charges. Section 2 also requires a county milk commission to conduct certain daily tests, regular inspections and analyses and to adopt certain regulations. Such regulations must include, without limitation, requirements for the labeling of certified raw milk, procedures for daily testing and requirements that an applicant for certification maintain liability insurance in a specified amount to insure against any potential adverse effect on human health that may result from the consumption of raw milk produced by the applicant.

**Section 1** of this bill ~~revises existing law relating to the sale of milk and milk products to be consistent with federal law, which prohibits the interstate sale of unpasteurized milk and milk products. (NRS 584.205; 21 C.F.R. § 1240.61))~~ removes the provision allowing raw milk to be imported to Nevada if produced under certain standards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 584.205 is hereby amended to read as follows:

584.205 1. In addition to the initial inspection of new applicants, the Commission shall, except as otherwise provided in subsection 2, direct a periodic inspection, not less than annually, of all facilities belonging to permittees to ascertain whether the services, facilities and equipment continue to comply with the regulations referred to in NRS 584.195.

2. Except as otherwise provided in NRS 584.208 and the regulations adopted pursuant to that section, milk ~~and~~ and milk products ~~, including certified raw milk and products made from it,~~ imported from outside the State of Nevada may be sold in this state without inspection by the Commission if: ~~[the requirements of paragraph (c) and the requirements of paragraph (a) or (b) are met:]~~

(a) ~~[In the case of certified raw milk and products made from it, they have been produced under standards adopted by the American Association of Medical Milk Commissions and under the statutory provisions of the State of California applicable to such products.~~

~~—(b)]~~ The milk and milk products have been produced, pasteurized, processed, transported and inspected under statutes or regulations substantially equivalent to the Nevada milk and milk products statutes and regulations ~~[(c) and] ; or~~

~~[(c)]~~ (b) The milk and milk products have been awarded an acceptable milk sanitation, compliance and enforcement rating by a state milk sanitation rating officer certified by the United States Public Health Service.

3. Whenever the Commission has reasonable grounds to believe that a seller of milk or milk products , including certified raw milk and products made from it, is violating any of the regulations adopted by the Commission or any county milk commission relating to the sanitation and grading of milk and milk products including certified raw milk and products made from it, or that the seller's facilities or products fail to meet the regulations, or that the seller's operation is in any other manner not in the best interests of the people of this state, the Commission may conduct a reasonable inspection, and if any violation or other condition inimical to the best interests of the people of this state is found, to take corrective action pursuant to NRS 584.180 to 584.210, inclusive.

**Sec. 2.** NRS 584.207 is hereby amended to read as follows:

584.207 1. Certified raw milk is unpasteurized, marketed milk which conforms to the regulations and standards ~~[adopted by the county milk commission]~~ for the production and distribution of certified raw milk and certified raw milk products ~~[(c)] adopted by the county milk commission of~~ the county in which ~~they~~ the certified raw milk and certified raw milk products are produced.

2. In each county in which certified raw milk or certified raw milk products are produced for public consumption, there must be a county milk commission to regulate the production and distribution of those products. The board of county commissioners shall appoint to the commission three members for terms of 4 years, all of whom are eligible for reappointment. The members must all be residents of the county and have the following respective qualifications:

(a) One member must be a physician licensed in this State and a member of the medical society of the state;

(b) One member must be a veterinarian licensed in this State and a member of the county or regional veterinarian association; and

(c) One member must be a representative of the public at large.

3. A county milk commission shall:

(a) Elect one of its members as chair and adopt appropriate rules to govern:

(1) The time and place of its meetings;

(2) Its rules of procedure; and

(3) Its recordkeeping and other internal operations.

(b) Adopt written regulations, which must be approved by the State Dairy Commission, governing the production, distribution and sale ~~in the county~~ of certified raw milk and products made from it, to protect the public health and safety and the integrity of the product. ~~The regulations so adopted must conform as nearly as practicable to, but may be more stringent than, the standards adopted by the American Association of Medical Milk Commissions.~~ include, without limitation:

(1) Requirements for the labeling of certified raw milk;

(2) Procedures for the daily testing required pursuant to paragraph (e);

(3) Requirements that an applicant for certification maintain liability insurance in a specified amount to insure against any potential adverse effect on human health that may result from the consumption of raw milk produced by the applicant; and

(4) Any fees and charges as are reasonably necessary to defray the costs and expenses incurred by the county milk commission in the performance of its duties under this section.

(c) Certify raw milk and the products thereof for any applicant producing raw milk within the county, whose product and methods of production, distribution and sale comply with the regulations and standards adopted by the county milk commission.

~~4. A county milk commission may:~~

~~(a) Establish and collect such:~~

~~(d) Collect any fees [and] or charges [as appear reasonably necessary to defray the costs and expenses incurred by it in the performance of its duties under this section.] imposed pursuant to regulations adopted pursuant to paragraph (b) and expend any money so collected as is necessary for [such performance.~~

~~(b) Conduct the performance of its duties under this section.~~

(e) Require such daily tests, regular inspections and analyses as are necessary to enable ~~the~~ the county milk commission to perform its duties under this section and employ such personnel and equipment as it deems necessary therefor.

~~5. 4.~~ Each applicant for certification must, as a condition for entertaining his or her application and as a condition for any certification granted, submit for testing by the county milk commission such samples as the county milk commission requests, and allow inspections by the county milk commission or its agents at any reasonable times, of any or all of the facilities, equipment, herds or other property employed in the applicant's dairy operations, including, without limitation, all of the applicant's books and records relating thereto.

**Sec. 3.** NRS 584.208 is hereby amended to read as follows:

584.208 1. Certified raw milk and products made from it may be sold anywhere in this State if the milk has been:

(a) Cooled to 45 degrees Fahrenheit or less immediately after being drawn from the cow or goat and maintained at or below that temperature until it is delivered to the consumer, at which time it may not contain more than 10 coliform bacteria per milliliter or more than 10,000 bacteria per milliliter; and

(b) Certified by the county milk commission of the county in which it was produced.

2. No person may come in contact with or be near raw milk before it is sold to the consumer unless the person maintains scrupulous cleanliness and is not afflicted with any communicable disease or in a condition to disseminate any disease which

1 can be transmitted by milk. No person may handle milk to be sold as raw unless the  
2 person has a physical examination before any employment requiring the person to  
3 do so and every 3 months thereafter while continuing in the employment.

4 3. The State Dairy Commission shall adopt regulations governing:

5 (a) Inspections to determine the health of cows and goats which produce milk  
6 for sale as raw milk.

7 (b) Inspections of dairy farms which produce milk for sale as raw milk and  
8 establishing minimum standards of cleanliness and sanitation for the farms.

9 (c) Examinations of all persons who come in contact with raw milk before it is  
10 sold to a consumer.

11 (d) Other matters connected with the production and sale of raw milk which  
12 the Commission deems necessary to protect the public health.

13 **Sec. 4.** This act becomes effective on July 1, 2013.