

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session
March 22, 2013**

The Committee on Health and Human Services was called to order by Chair Marilyn Dondero Loop at 12:08 p.m. on Friday, March 22, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Dondero Loop, Chair
Assemblywoman Ellen B. Spiegel, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Wesley Duncan
Assemblyman Andy Eisen
Assemblyman John Hambrick
Assemblyman Pat Hickey
Assemblyman Joseph M. Hogan
Assemblyman Andrew Martin
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Michael Sprinkle

COMMITTEE MEMBERS ABSENT:

Assemblyman Steven Brooks (excused)
Assemblywoman Michele Fiore (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Paul Aizley, Clark County Assembly District No. 41

Minutes ID: 578



Assemblyman James Ohrenschall, Clark County Assembly District No. 12

STAFF MEMBERS PRESENT:

Kirsten Bugenig, Committee Policy Analyst
Janel Davis, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

Lynn Hettrick, Executive Director, Nevada Dairy Commission
Mark McAfee, CEO and Founder, Organic Pastures Dairy Co., LLC,
Fresno, California
Brett Ottolenghi, Private Citizen, Nye County, Nevada
Michael M. DeLee, JD/MBA, DeLee Law Offices, LLC
Lynn Chapman, Private Citizen, Carson City, Nevada
Juanita Cox, representing People Organized for the Next Generation
Joannah Schumacher, representing Gifted Minds With Too Little Time
Mary Margaret Stratton, Private Citizen, Clark County, Nevada
Mark Swalinkavich, Private Citizen, Las Vegas, Nevada
John Schroeder, Private Citizen, Carson City, Nevada
Bianca Montes, Private Citizen, Las Vegas, Nevada
Joe Sacco, Private Citizen, Las Vegas, Nevada
Sonya Race, Private Citizen, Las Vegas, Nevada
Doug Busselman, representing Nevada Farm Bureau
Tracey Green, M.D., State Health Officer, Health Division, Department of
Health and Human Services; Medical Director, Division of Mental
Health and Developmental Services, Department of Health and
Human Services
Kiki Corbin, representing Label GMO Nevada
John Davidson, Private Citizen, Sparks, Nevada
Kunall Patel, Private Citizen, Sparks, Nevada
Marcia Litsinger, Owner and Operator, Churchill Butte Small Organic
Farms
Alexis Miller, Private Citizen, Reno, Nevada
Elisika Arango, CHC, Health and Happiness Coach
Craig Witt, representing Full Circle Compost
James B. Moorhead, representing the Universal Freedom Network
Nick Brannigan, Private Citizen, Nevada
Michele Grabley, Private Citizen, Pahrump, Nevada
Doug McDonald, Private Citizen, Henderson, Nevada
Jesse Alexander, Private Citizen, Stagecoach, Nevada
Nylene Schoellhorn, Private Citizen, Silver Springs, Nevada

Skye Telka, Member, Board of Directors, Great Basin Community Food
CO-OP; Education Director, Urban Roots Garden Classrooms
Cali Best, Private Citizen, Las Vegas, Nevada
Judith Scott, Private Citizen, Las Vegas, Nevada
Kelly A. Reuss, Applied Kinesiologist Chiropractic, Floriston, California
Fred Davies, representing A Healing Touch Center
JD Mumma, representing Human Excellence
Lea Tauchen, representing the Retail Association of Nevada

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] Today we will begin with our work session. The Committee's Policy Analyst, Kirsten Bugenig, will give us an update on each bill.

Assembly Bill 28: Revises the definition of "sentinel event" for the purpose of provisions relating to the health and safety of patients at certain medical facilities. (BDR 40-311)

Kirsten Bugenig, Committee Policy Analyst:

[Ms. Bugenig read from the work session document ([Exhibit C](#)).] The first bill is Assembly Bill 28, heard on February 20, 2013. Dr. Tracey Green presented the bill. The reason it was brought forth was to standardize reporting requirements and remove ill-fitting terminology. Assembly Bill 28 revises the definition of "sentinel event" to include those events in Appendix A of the Serious Reportable Events in Healthcare—2011 Update: A Consensus Report. This would also include subsequent revisions to the lists of events as published in the National Quality Forum (NQF). If the NQF ceases to exist, the last version of the publication would be considered the most current version. There were no amendments proposed at the bill hearing.

Chair Dondero Loop:

I will accept a motion.

ASSEMBLYMAN HAMBRICK MOVED TO DO PASS ASSEMBLY BILL 28.

ASSEMBLYMAN MARTIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND FIORE WERE ABSENT FOR THE VOTE.)

Kirsten Bugenig:

The next bill on the work session is Assembly Bill 29. This bill was heard on February 11, 2013. Misty Allen of the Department of Health and Human Services presented this bill. It was brought forth to adjust Nevada's high suicide rates.

Assembly Bill 29: Creates the Committee to Review Suicide Fatalities. (BDR 40-307)

[Ms. Bugenig read from the work session document ([Exhibit D](#)).] This would be a 10-member committee representing a county coroner, medical examiner, health care provider, suicide prevention organization, substance abuse and prevention organization, mental health agency, law enforcement, injury prevention, Native American tribes, advocates for persons with mental illness, and any other person appointed by the director. There were two conceptual amendments that were submitted and they are included in the work session document ([Exhibit D](#)). The first is from Clark County. It adds language to subsection 4 to distinguish a separate investigation from the coroner's investigation into a death, as well as adding language to prevent concerns and the disclosure of documents as a result of a prior attorney general's opinion. The second amendment was submitted by the Department of Health and Human Services (DHHS) and removes the designation of the director's office so the committee is housed in the department. It replaces the other person appointed to the one who represents veterans. This was in response to members' suggestions. It also strengthens language relating to confidentiality of information to mirror the child death review. That was also in response to members' concerns.

Chair Dondero Loop:

Thank you. I will now accept a motion.

ASSEMBLYMAN SPRINKLE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 29.

ASSEMBLYMAN EISEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND FIORE
WERE ABSENT FOR THE VOTE.)

Kirsten Bugenig:

[Ms. Bugenig read an explanation of the bill from the work session document ([Exhibit E](#)).] The next bill is Assembly Bill 53. This was heard on Friday,

March 1, 2013. It was presented by Tina Gerber Wynn, Deputy Administrator, Nevada Aging and Disability Services Division.

Assembly Bill 53: Revises certain provisions relating to the review and reporting of traumatic brain injuries. (BDR 38-308)

This bill removes duplication of data that is collected by two different divisions currently, and also dissolves an inactive subcommittee. Assembly Bill 53 repeals requirements that information on traumatic brain injuries be reported to the Nevada Aging and Disability Services Division. Currently this information is collected by the Health Division, which maintains a registry. That collection of information is considered redundant. The bill abolishes the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities. This subcommittee has been inactive since 2010 according to testimony; however, representation for persons with traumatic brain injury will continue to be present on the Commission. There were no amendments proposed for this bill.

Chair Dondero Loop:

Is there a motion?

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS
ASSEMBLY BILL 53.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND FIORE
WERE ABSENT FOR THE VOTE.)

Kirsten Bugenig:

[Ms. Bugenig read a description of the bill from the work session document ([Exhibit F](#)).] The next bill is Assembly Bill 69 heard on March 8, 2013. This was presented by Assemblyman Elliot Anderson. It is brought forth to address constituent concerns about a proposed site of a crematory project. The bill adds a requirement that the operation of a crematory is located in an industrial-use zone and is at least 1,000 feet from a nonindustrial-use zone. Additional zoning requirements are applied to crematories that are operated by a licensed cemetery or funeral home. Crematories in operation prior to October 1, 2013, are not impacted by the new provisions of the bill. The bill also requires the Nevada State Funeral Board to examine the location when issuing a license to operate a crematory.

Assembly Bill 69: Requires a crematory for human remains to be located in a certain area. (BDR 40-25)

As the members recall, Assemblyman Elliot Anderson presented a mock-up amendment ([Exhibit F](#)), which is attached. The amendment changes the zoning requirements to apply to proposed crematories in incorporated cities of populations of 60,000 or more, as well as unincorporated towns adjacent to those cities. A license cannot be issued by the Board unless the proposed crematory is located in an area zoned for mixed, commercial, or industrial use. It also revises the feet to be 1,500 feet rather than 1,000 feet from any residential zone. It removes the requirement that the Board examine the location of a proposed crematory. Last, the amendment revises the zoning requirements for crematories located at the cemeteries and funeral establishments to be zoned for commercial or industrial use or any other location as local zoning permits.

Chair Dondero Loop:

Thank you. Is there a motion?

ASSEMBLYMAN EISEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 69.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND FIORE
WERE ABSENT FOR THE VOTE.)

Next, our policy analyst will discuss Assembly Bill 158.

Assembly Bill 158: Revises provisions governing the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-455)

Kirsten Bugenig, Committee Policy Analyst:

This bill was presented by Assemblywoman Diaz as well as former Senator Wiener and Christopher Roller. The reason Assembly Bill 158 was brought forth was a result of the 2011-2012 Interim. [Continued to read from work session document ([Exhibit G](#)).]

There was a mock-up amendment ([Exhibit G](#)) that was submitted after the hearing by Assemblywoman Diaz. The amendment changes the membership of the representation of an organization committed to the prevention and treatment of chronic disease from four members to three members and adds a representative from the Nevada System of Higher Education (NSHE).

Chair Dondero Loop:

I will accept a motion.

ASSEMBLYMAN SPRINKLE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 158.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND FIORE
WERE ABSENT FOR THE VOTE.)

Assemblyman Hickey:

I will be supporting Assemblywoman Diaz's bill. For the record, I always have some reluctance about expanding the size of boards. I will reserve the right to anyone who does not think this is a good idea; I just wanted to express that opinion.

Chair Dondero Loop:

I will open the hearing on Assembly Bill 209. Welcome, Assemblyman Aizley.

Assembly Bill 209: Revises provisions governing the distribution and sale of raw milk. (BDR 51-1011)

Assemblyman Paul Aizley, Clark County Assembly District No. 41:

There has been much debate about the topic of raw milk consumption over the past few years. I would like to start by providing some background information on the issue of raw milk in Nevada. [Continued to read from prepared testimony ([Exhibit H](#)).]

There are testimony and amendments posted on the Nevada Electronic Legislative Information System (NELIS). First, testimony from John Sheehan, Director, Division of Plant and Dairy Food Safety, USDA ([Exhibit I](#)). There is a letter from the Food and Drug Administration (FDA) ([Exhibit J](#)). There is testimony from the Southern Nevada Health District ([Exhibit K](#)), and a letter from Mark McAfee, Organic Pastures Dairy Co., LLC ([Exhibit L](#)). There is a proposed amendment ([Exhibit M](#)) on A.B. 209. That concludes my remarks. I would be happy to answer questions.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblyman Hickey:

Are you satisfied with the concerns some might have about the transportation of raw milk and the refrigeration required? How do you think that could be handled?

Assemblyman Aizley:

I have learned a lot about raw milk. I believe the requirement is to keep it at 40 degrees during transport. I feel fairly confident that those dealing with the transportation will do what they are supposed to do to preserve its nutritional value.

Assemblyman Oscarson:

I decided to do my own research. I got some raw milk, I drank it, and I loved it. I am hoping this bill passes so I can buy it. I believe some folks from Nye County are here today, and we are looking forward to participating in this process with them.

Assemblyman Aizley:

May I ask, how long ago did you drink the raw milk?

Assemblyman Oscarson:

About one week ago. My esteemed colleague and roommate tried it as well and I think liked it also.

Assemblyman Martin:

I understand that this is about consumer choice. Do you have any sense about the competitive issue of raw milk versus pasteurized milk, in terms of market share? Would it be offered at a higher or lower price? I am wondering if we are going to get any objections from the big dairy producers in that regard.

Assemblyman Aizley:

I do not know. I have not examined the price of production.

Chair Dondero Loop:

We will now go to those in support of A.B. 209.

Lynn Hettrick, Executive Director, Nevada Dairy Commission:

We are in support of A.B. 209 with the amendment that has been offered ([Exhibit M](#)). If the amendment is not attached, then we are not in support. I believe the sponsors are going to offer an amendment, and I will testify on the basis that that is what they are going to do. With the amendment, A.B. 209 allows for the transport of milk in the state of Nevada if it is produced in a certified raw milk facility in another county. Under state law, raw milk can only

be sold to a consumer if it is maintained at a temperature of under 45 degrees continuously until purchased by the consumer. Since the proposal is to produce this milk in Pahrump, and the bulk of the market is probably in Clark County, we feel that transporting milk bought in Pahrump in a car and driven 60 miles back to Las Vegas in 110-degree temperature would not be conducive to ensuring that milk is as safe as it can possibly be.

We support this bill in terms of the transport of milk being done in a cooler truck with the appropriate temperatures continuously maintained. We only support the bill in this regard. The proposed amendment ([Exhibit M](#)) essentially strikes the language that is in *Nevada Revised Statutes* (NRS) 584.205, section 1, subsection 3. As my understanding, the bulk of the language has been matched to a bill that the Dairy Commission submitted to the Senate. That bill is Senate Bill 80 and will be coming to this Committee. We are fine with the matching of the language from that bill. We are fine so long as the language in NRS 584.205, section 1, subsection 3 is amended back to as it exists.

Chair Dondero Loop:

We have an amendment in front of us as well as on NELIS. It does not have a name on it as to who submitted it. I am assuming the bill sponsor knows about this amendment and that it is a friendly amendment?

Lynn Hettrick:

Yes. If the amendment is indeed not offered, I would have to come back and testify in opposition. We believe this bill addresses only transportation and keeping the raw milk appropriately cooled so it is as safe as it can possibly be during transportation.

Chair Dondero Loop:

If you have not seen this amendment, will you please look at it and make sure you are okay with it?

Lynn Hettrick:

Yes.

Assemblyman Eisen:

This bill does not change what is available within one county. Under current law, in your reading of this bill, all it does is permit the sale of raw milk produced in one county to happen in another. Is that an accurate assumption?

Lynn Hettrick:

Yes. There are some other language changes you will see in the amendment ([Exhibit M](#)). It strikes a reference to the American Association of Medical Milk

Commissions. That language is also stricken in S.B. 80 because that Association no longer exists. The standards are changing. The direct answer to your question is yes. The milk is allowed to be produced under the regulation of a county commission with the rules approved by the Nevada Dairy Commission. It would be legal in the county where it is produced. As amended, this bill would allow that transport to another county.

Assemblyman Eisen:

The second question I have has to do with some of the data that I have been looking at in preparation for the presentation of this bill with regard to health issues, which is a great concern for many of us.

As I have looked at some of that data, there is information about increased amounts of potentially pathogenic bacteria in raw milk in comparison to pasteurized milk. My question is whether or not there is data that addresses raw milk specifically under the kinds of limitations that you are talking about in terms of how that is handled in transportation versus someone driving the milk across the desert in 110-degree heat.

Lynn Hettrick:

Raw milk is just that; it has not been pasteurized. It has not had the pathogens potentially in that milk killed by raising the temperature of the milk to 165 degrees for 15 seconds, which is what it takes to do it. Then, the milk is rapidly cooled and goes from there. There is the potential existence of pathogens to be in raw milk when warming the milk, like the process of making yogurt. A bacterial culture is introduced to the warm milk, that culture grows very rapidly, so rapidly that within a very short period of time, the milk becomes totally coagulated and becomes yogurt, which is a good and healthy product. The risk is that you could have pathogens that are not healthy. If you have that milk heated and it stayed warm for any length of time, you have the potential risk for pathogens multiplying to a level that would be significantly dangerous.

Chair Dondero Loop:

Does this affect a larger dairy operation?

Lynn Hettrick:

Not that I am aware of.

Chair Dondero Loop:

When I say larger dairy operation, I am talking about a larger company.

Lynn Hettrick:

I do not think the issue is in regard to what we consider to be a dairy. Over time we have, unfortunately, construed the name "dairy" in different manners. For example, Anderson Dairy in Clark County, which many of you are familiar with, does not produce milk and is not a dairy. They used to, and that is where their name Anderson Dairy came from.

The actual producers of milk have little concern about raw milk. Most of them legally ship raw milk to someone who pasteurizes it and then ships it; this is all common practice. From the producers' standpoint, they are not concerned with a raw milk bill per se. The concern for the processor, like Anderson Dairy, or a dairy that actually produces milk, would be an occurrence where people got ill from milk. The fact is, it will spread across the industry and affect everyone as a whole. There are people who have expressed concerns to us in that regard. The companies will say: "If you do this and somebody gets sick, it is going to impact my business even though I am not selling raw milk." I think that is the concern you are talking about.

Chair Dondero Loop:

While Anderson Dairy may not produce milk anymore, it would not make sense for them to drop "dairy" from their name when it has been Anderson Dairy since I had a milk box on my front porch as a child.

Assemblywoman Spiegel:

I know that raw milk is allowed to be sold in several counties, including Nye County, which also gets milk that has been pasteurized from presumably some of the big dairies. Have there been any instances that we know of where people have gotten sick and mistakenly thought it was from one of the big dairies versus the raw milk? Is there substantiation of this concern?

Lynn Hettrick:

There is no legal production of raw milk in Nevada today. The purchase and consumption of raw milk under state law would be illegal at this time. Mr. Oscarson, I do not know how you obtained raw milk, but it does not matter to me. Under Nevada state law, we have a statute that mirrors California law. California put in statutes allowing for the sale of raw milk through certified dairies and other ways. Those dairies were certified by a county milk commission. Nevada state law has the same procedure. No county has ever done that up until recently when Nye County approved a county milk commission. No production has begun at this time, so there is no legal raw milk dairy production in the state of Nevada.

I cannot directly answer your question as to whether or not transporting of the milk itself has caused issues. There is a lot of history received from various people on the risk of raw milk. I am here to support the fact that I would like to see it transported, cooled, and kept cool for as long as possible. We are not necessarily in support of the sale of raw milk, but we are in support of the safety of what is sold.

Assemblyman Oscarson:

For the record, I did not obtain my raw milk in Nye County, but I am not allowed to disclose exactly where I obtained it.

Mark McAfee, CEO and Founder, Organic Pastures Dairy Co., LLC, Fresno, California:

We are the largest organic dairy producer in California. We produce raw milk and sell it in 220 stores. As best we can guess from our Facebook posts and various different censuses, we have about 85,000 to 90,000 people a week drinking raw milk, and it is growing rapidly at about five times the value of pasteurized milk on the shelf. There is a real reason why people are dollar voting to buy raw milk at an extremely expensive price versus pasteurized milk. In California, pasteurized fluid milk is descending at approximately 1.5 percent per year. That includes a \$35 million investment made to promote pasteurized milk in California. There are physiological reasons why this decrease in consumption of pasteurized milk is occurring. It is not happening with yogurt or cheeses. Those products have been recultured and the bacteria has been added back in and they have been able to ferment, which is much more digestible and not allergenic.

If you were to take your smartphone out and do a Google search and type in "most allergenic food in America," you get a Centers for Disease Control (CDC) FDA website that says pasteurized milk is the No. 1 most allergenic food in America. I think the dollar voting is showing that. Parents understand that pasteurized milk is causing their children to have more mucus production, triggers allergies and asthma and ear infections. They are simply not buying pasteurized milk and using alternative foods.

In Europe, there have been four major studies: The PARSIFAL Study, the GABRIELA Study, the Amish Study, and the Pasture Study. All have been done, pre-reviewed, and are all internationally published. All of those studies are not in conflict with each other. They all say raw milk stabilizes the mast cells, reduces histamines, makes asthma go away, makes ear infections go away, and makes the immune system stronger.

I have summarized my comments in a letter ([Exhibit L](#)) that mentions important points. There is a project at the University of California, Davis (UC Davis) that is funded by the "Got Milk" check-off dollars from the pasteurized milk community industry in California. Those dollars support something called the International Milk Genomics Consortium. These are the best Ph.D.s who study raw milk, breast milk, and cow milk. Dr. Bruce German at UC Davis is very clear on his position on pasteurized milk versus raw milk. This research is found in an update called SPLASH! Milk science update. This was funded by the pasteurized milk community. When Dr. German came and gave the results of the project to the pasteurized milk community, he said we should process the milk less because we are causing problems in the consumption of it. The California Milk Advisory Board did not want to hear it. They said go back to your cave and figure out something good about pasteurized milk. So he went back to his cave and you did not hear about it. It is kind of a politically sensitive thing to say, but these are millions of dollars spent in the best scientific laboratories in UC Davis and the best scientists who are finding some real problems in fluid pasteurized milk.

One of the quotes that Dr. German makes is the "secret to the management of allergies and asthma is raw milk." I was not paid to come here and speak. I cannot even sell raw milk in Nevada. I came here because I know how many children need raw milk for their immune systems to develop, for their ear aches to go away, and for their asthma to stop. Asthma kills 4,000 children a year. We need to have more natural and more nutritional-based therapies for everyone. Literally, food is medicine. Nevada needs to feed itself. We do not need people driving up to Lake Tahoe at midnight with ice chests to rendezvous and get their raw milk and then drive it back to Nevada. We want Nevada to stand on its own two feet and feed its own people with a food that is coming back into vogue across the United States of America.

Earlier, it was alluded to that the National Farmers Union, one of the oldest in America founded in 1902, passed resolutions and planks supporting responsible raw milk production and access to raw milk consumers across the United States. Thank you for the opportunity to speak with you. Most of my comments are summarized in the letter I provided ([Exhibit L](#)).

I will tell you that the FDA is no friend of raw milk, but the FDA does not have any jurisdiction over state production of raw milk. In a state that has raw milk for human consumption, there are distinctly two different kinds of raw milk: raw milk for pasteurization—which is under the pasteurized milk ordinance—and raw milk for human consumption, which is an incredibly strictly monitored program where you do not find pathogens on a routine basis because it is tested.

Assemblyman Eisen:

When you mentioned that reference from the FDA, I did exactly the Google search you suggested, and I think it was the second hit and there was a document listed from the FDA. I just wanted to clarify. What I see under the list of eight foods as identified under the law that account for 90 percent of food allergic reactions is the word "milk." I do not see the word pasteurized. I want to make sure I am not looking at the wrong document, but it looks like what you described, and I do not see a reference to the term pasteurized. If there is such documentation, could you direct me to where that is?

Mark McAfee:

The FDA does not acknowledge raw milk. Ninety-seven percent of all milk consumed in America is pasteurized. There has been no documented case that I am aware of anywhere in the literature about allergies to raw milk. This is about pasteurized milk. There have been eight children who have died since 1998 from consumption of perfectly pasteurized milk because of the super allergenicity of it. As a physician, I think you can appreciate that, when you isolate a bacterial cell and you break it open, the internal cell contents of that cell are highly allergenic. With children who have leaky gut syndrome nowadays, it triggers asthma like crazy. I was a paramedic for 17 years and I responded to a lot of calls like that. It is a serious issue with pasteurized milk, but not so with raw milk. You will find that the FDA will not acknowledge the existence of raw milk for human consumption.

Assemblyman Eisen:

That was the other piece that was not clear to me. The suggestion of the connection directly between exposure to pasteurized milk and the risk of asthma. I do not think there is much remaining debate in the literature that there is a connection between allergies and asthma, but that is different from the implication you are making here. I want to make sure that this is what you intended to imply—that the consumption of pasteurized milk actually causes asthma—that is what it sounded like and that is not consistent with my understanding of the data where there is a correlation, but not a causative one.

I will also say that I have not seen data that specifically implicates the contents of a bacterial cell as a triggering antigen for allergic reactions. In contrast, let us say the surface antigens have a bacterial cell. If it were the surface antigens, the bacterial cell, using your rationale, there would actually be a higher risk with the raw milk than the pasteurized milk. I have not seen data that distinguishes whether we are talking about the internal contents of a cell or the external expressions.

Mark McAfee:

You make a very valid point. I will recite my point by saying that there is correlation between consumption of pasteurized dairy products and allergies and asthma; it is not a direct correlation. There are many children who can drink pasteurized milk and not have a problem, but there are children who go to the doctor and their doctor says to stop consuming dairy and their asthma and allergies get better. You are exactly right that there is not a direct correlation between the two; there is a causal relationship. What we find in the PARSIFAL Study and the GABRIELA Study in Europe is that the raw whey protein is actually the element that stabilizes mast cells and keeps the histamine response from occurring. Those studies are readily available on the Internet.

I wish we had more money to study raw milk because it has real value. It is the ultimate expression of 200 million years of evolution for the optimal food to feed babies and have them thrive. To pasteurize causes a disruption of that process.

Assemblyman Eisen:

In regard to the development of the ideal food or nutrition for babies, I would argue that it is not cow milk, but it is breast milk. Cow's milk is the ideal food that has developed for calves. The ideal food to feed human babies is human breast milk.

Mark McAfee:

Human breast milk is raw milk. That is my point.

Assemblywoman Pierce:

Are the regulations that California functions with by county, or are there state regulations?

Mark McAfee:

The California Department of Food and Agriculture has full authority over the entire state. The state regulations are consistent throughout, as I imagine they would be in Nevada.

Assemblywoman Pierce:

So, they are state regulations?

Mark McAfee:

Correct.

Brett Ottolenghi, Private Citizen, Nye County, Nevada:

I am here to take questions. I hope and intend to build the first legal raw dairy in Nye County. We would produce milk in accordance with the regulations that have been on the books for the last 25 to 30 years. The regulations already established in Nevada are much stricter than the regulations in California. If anyone has any questions about the dairy I intend to build, I would be happy to answer those.

Assemblyman Sprinkle:

As a soon-to-be new business owner, do you foresee any problems in being able to meet the regulations that are proposed? Could you address any concerns you may have as far as health risks?

Brett Ottolenghi:

A big concern was whether or not I would be able to comply with the regulations that are already on the books. I feel confident that I can. In preparation for this, over the last four years I have visited many dairies around the country, specifically ones that are noted for excelling in one particular area or another. I would look at dairies that are doing an especially good job at sanitation or animal care or are excelling in their fields. I have based the design of our dairy off of those dairies, in addition to working with Mr. McAfee as well as the Nevada Dairy Commission. We had a meeting with them to go over our plans and we have given a lot of thought to the process on how to keep this milk sterile throughout the production. I am confident that we can produce this cleanly and make a healthy product.

Assemblyman Sprinkle:

So you do not feel that these regulations are going to be cost-prohibitive for you as a start-up company?

Brett Ottolenghi:

I do not believe so. I actually like the standards. I think we need to have a high benchmark for the safety standards for legal raw milk because I am just as concerned as everybody else is about the non-legal raw milk, which could potentially give us a bad name if it were to make someone sick. I am for a strict production policy.

Assemblyman Hambrick:

Is your dairy a family or corporate dairy?

Brett Ottolenghi:

Can you explain the difference between family and corporate?

Assemblyman Hambrick:

Will your dairy be locally owned or a multiple-state, international corporation?

Brett Ottolenghi:

This would be a very small dairy. We are planning to start with 12 cows. It would be personally owned by my company and there would be no outside investors.

Assemblywoman Pierce:

Where do the regulations that you keep talking about come from?

Brett Ottolenghi:

The regulations have been on the books for a long time. I do not know where they were taken from originally, possibly California. It looks like they may have started with California law then went a little stricter.

Michael M. DeLee, JD/MBA, DeLee Law Offices, LLC:

I am here to speak in support of A.B. 209. I would like to go back to the amendment ([Exhibit M](#)) that Mr. Hettrick was talking about. I had the pleasure of working with him on the amendment to try to harmonize S.B. 80—which we also support—with A.B. 209.

Section 1 amends *Nevada Revised Statutes* (NRS) 584.205. This corresponds to section 14 in S.B. 80. We want to make sure that we do not have any conflicting provisions. Frankly, we did not know where some of the wording changes came from. It was not something that we asked for. We asked for a clarification about being able to have the product available statewide if it meets all of the state and local standards. Some of the clarifications came forward and were not exactly the same between the Senate version and the Assembly version.

Starting with section 1, subsection 2 of NRS 584.205, we are putting back in the first couple of lines, which are underlined in orange ([Exhibit M](#)), but taking the word "Milk" shown in blue, out. At the end of section 1, subsection 2, we are also adding back in the words "the requirements of paragraph . . ." and taking out paragraph (c) and leaving in paragraph (a) or (b). Section 1, subsection 2, paragraph (a) is deleted. We do not want to refer to the standards of the American Medical Milk Commission because they no longer exist. In section 1, subsection 3, we are putting the orange language back in, which reads: "including certified raw milk and products made from it." Again, we are not sure why that change was made, but we think the existing language in S.B. 80 is consistent.

I would like to answer some questions the Committee members had. The regulations in Nevada have been around for a very long time. They are covered for raw milk specifically under *Nevada Administrative Code* (NAC) 584.1611 through NAC 584.2881. There are some rigorous and extensive regulations already on the books. They were amended less than a year ago in May 2012. That regulatory process has been in place. We do not have a legal production facility, but we have the regulations. In 1979, the Legislature originally passed the enabling legislation for raw milk. I believe that was Assembly Bill No. 600 of the 60th Session. We appreciate S.B. 80 and the ability to enhance their enforcement of the legal importation of raw milk. We want to have the backstop provision to that so that Mr. Ottolenghi can provide safe, legal raw milk in Nevada.

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

In my four sessions of the Nevada State Legislature, this is the first time Lynn Chapman and I have come together and sat together in support of a bill. This must be a good bill. This bill has the potential to help urban and frontier counties because they have the potential for dairies in the frontier counties near our urban centers. For example, Lincoln, Nye, and Esmeralda Counties might serve the urban metropolises of Clark County. Douglas, Storey, and Lyon Counties could serve the urban areas in Washoe County and Carson City. This is a bill that I believe speaks not only to what Mr. Hettrick said in terms of the potential, but also it speaks to what Governor Sandoval said during his State of the State Address. On January 16, 2013, he said that he plans on moving forward on his Nevada Grown project to provide Nevada farm products for Nevadans and funds to market rural Nevada tourism as well. I think A.B. 209 goes hand in hand with what the Governor was saying. This bill has the potential to create agricultural jobs, jobs in trucking, and retail jobs in the urban centers where this might be sold. I urge your support for this bill. I do not know much about the scientific data, but I did meet Mr. Ottolenghi and worked with Assemblyman Aizley on this, and I am impressed with both of them.

Assemblywoman Spiegel:

In the formation of this bill, was there any discussion about product labeling and putting in a requirement that there would be a clear label of raw milk? Would there be a disclaimer about some of the risks associated with it being a non-pasteurized product?

Assemblyman Ohrenschall:

I believe that the NAC that Mr. DeLee cited already deals with that situation. He may be better equipped to answer that question.

Michael DeLee:

I would have to see the specific regulations. I think our objective is to make it a distinctive product. Mr. Ottolenghi wants to distinguish his product as being raw milk, so if there are not specific regulations, I am quite sure you are going to see raw milk all over as part of a marketing campaign because there is a premium as Mr. McAfee mentioned. There are higher costs involved with meeting high sanitary regulations. That will be part of the marketing, but I will check the regulations to get a formal answer.

Chair Dondero Loop:

For example, when she goes to sushi, she is aware that consuming raw fish could be a problem to her health. There are all kinds of warning labels.

Brett Ottolenghi:

There is a whole section on labeling. It gets down to even the font size. It is very clearly labeled, not just as raw milk, but with a full warning of all possible risks. It will take up one-third of our entire bottle. I do not remember the specifics on sizing, but it is outlined in the NRS.

Assemblyman Hickey:

We are going to hear a bill about genetically engineered food. If that bill were in effect, would raw milk have to comply with addressing that?

Brett Ottolenghi:

The next bill is about labeling genetically modified organisms (GMO). I have not read that bill, so I do not know if it would be required of our milk; however, I am supportive of labeling GMOs. We do not plan to feed our cows anything with GMO.

Lynn Chapman, Private Citizen, Carson City, Nevada:

I did not sign in to speak, but I felt compelled. I have a milk allergy. I have not had a glass of milk in many years. I really crave a glass of milk, so it is difficult. I would like to see this bill pass because it would give me a chance to have a glass of milk again. I think we should be labeling pasteurized milk due to all of the allergies.

Juanita Cox, representing People Organized for the Next Generation:

We approve of A.B. 209 and encourage its passage. Nevada and Nevadans need to have choices. Many Nevadans want a raw milk choice and often have to seek illegal means. This would encourage above-ground raw milk drinking. Even Jeb Bush, at the Tampa Bay, Florida, Republican Convention in 2012, encouraged choice, and choice in milk.

Joannah Schumacher, representing Gifted Minds With Too Little Time:

I represent a large bipartisan group of concerned men and women who want to be able to choose what they put into their bodies. As long as these items are clearly labeled, we can make these choices. Much as people can choose to eat an egg over easy or hard-boiled, we should not have to feel like criminals should we wish to consume them. I strongly encourage that you vote yes on this bill.

Chair Dondero Loop:

We will go to Las Vegas for support of the bill.

Mary Margaret Stratton, Private Citizen, Clark County, Nevada:

I am in support of this bill. I am a consumer of raw milk only. I will not buy pasteurized milk. I drive to California, bring my cooler, and purchase raw milk. It is not illegal to transport raw milk for personal use across state lines. I believe this bill will not impact the existing pasteurized dairy commercial interests. If anything, I would rather keep my tax dollars in Nevada. There are about 14 people outside waiting to hear the next bill, but they would like it to be known that they are also in support of this bill.

Mark Swalinkavich, Private Citizen, Las Vegas, Nevada:

I am here as a consumer to support the bill. I currently do not drink any milk. I drank raw milk in the past, but not in the state of Nevada. If the bill were to pass, I would periodically consume raw milk. I live a lifestyle where I try to eat as much raw food as possible because of the nutrients and enzymes. Raw foods have the least processing possible. I highly encourage this bill. People need to make their own choices. I agree that the raw milk needs to be transported cold. I do not like the idea of having to go underground and buy illegal raw milk. It should be legalized and controlled.

Chair Dondero Loop:

I have just received an email from the Legal Division. The label needs to read: "Unpasteurized dairy products may contain disease-causing organisms. Persons at highest risk of disease from these organisms include: newborns, infants, the elderly, pregnant women, and those with illnesses or other conditions that weaken the immunity."

John Schroeder, Private Citizen, Carson City, Nevada:

I have been a raw milk consumer personally since 2003. I have been severely lactose intolerant since I was a child, and raw milk was the only way I could consume milk. Since taking control of my own nutrition since the 1990s, I have not required any dental or physician visits. I never get sick. I have my own business and I provide health coaching for individuals about health, fitness, and nutrition. I found raw milk to be one of the most beneficial and nutritious foods

for people to consume. Over and over, I see how inflammatory rheumatoid arthritis conditions diminish—everything from asthma to irritable bowel syndrome, skin conditions, eczema, et cetera.

My concern is not so much the financial relationship between raw milk versus pasteurized milk, but the health relationship and the health benefit of being able to have a food that has been consumed by humans for a very long time before we figured out anything on the germ theory or pasteurization. At this point, I consume approximately 10 to 15 gallons of raw milk a week. That constitutes about 95 percent of my daily calories. It is a safe choice and provides good health. I say this not only for myself, but for my clients as well.

Bianca Montes, Private Citizen, Las Vegas, Nevada:

I have an inflammatory bowel disease called Crohn's colitis. I cannot consume regular pasteurized milk. I can consume certain probiotic-type foods such as yogurt. I have three children who also have inflammation issues from mild eczema to serious eczema. My youngest daughter, who is seven years old, has extreme inflammation issues with her stomach. She will be on the floor screaming if she drinks regular milk. For them to be able to get milk at all, we need raw milk to be legalized in Nevada. It would be a great benefit to children's bodies and to my body as well.

Joe Sacco, Private Citizen, Las Vegas, Nevada:

A lot of what I will say is going to echo the other support we have already heard. Like many others, I suffer from allergies. My sister, who is only 27 years old, has rheumatoid arthritis. I believe that allergies to pasteurized milk are a serious issue. I am supportive of any legislative measures that would bring raw organic milk to the state of Nevada.

Sonya Race, Private Citizen, Las Vegas, Nevada:

I am also a sufferer of allergies to pasteurized milk. My son is five years old, and his allergy has affected him in his lungs. He has severe allergy attacks that have resulted in going to the hospital. There have been times where we were afraid he was not going to make it. We have been able to manage most of this through organic eating and by drinking raw milk. I noticed a vast difference. We continued this practice in Colorado. When we moved to Nevada two years ago, his conditions worsened even when we tried to use the regular probiotic Kefir. Since then, we have pursued getting raw milk, but we have to go out of the state. It would be nice to support the state of Nevada and have these things available. We are still going to get the raw milk by going other places, but we would like to do so legally within our own state.

Chair Dondero Loop:

We will go to opposition for A.B. 209.

Doug Busselman, representing Nevada Farm Bureau:

We are opposing the passage of A.B. 209 on the basis that Nevada Farm Bureau policy states: we support only pasteurized milk and milk products being sold or distributed for human consumption. It is our understanding that A.B. 209 would place a county milk commission in charge of the determinations for necessary requirements. While the Nevada Dairy Commission would still have the authority for regulations to cover the production, distribution, and sale in the county of certified raw milk, and products from it, we are not clear on the basis for the Nevada Dairy Commission's health requirements or how federal health safety concerns are encompassed by the regulatory framework the Commission uses. [Continued to read from prepared testimony ([Exhibit N](#)).]

Assemblyman Hickey:

Do county milk commissions currently exist in all 17 counties in Nevada?

Doug Busselman:

It is my understanding that at this point in time only Nye County has taken the process of formulating a commission. Although that is not to say that others might not come forth in the future.

Assemblyman Hickey:

According to this bill, a commission would need to be in place before raw milk could be purchased, and therefore, regulated in that particular county. Is that correct?

Doug Busselman:

It is my understanding that a milk commission would be needed and the commission's regulations would need to be adopted by the Nevada Dairy Commission.

Assemblyman Hickey:

If this were to pass, could milk purchased in Nye County be sold or distributed in any way in neighboring counties?

Doug Busselman:

On page 4, section 3, line 8 of the bill, it says once a certified milk commission is authorized, it is available for sale anywhere in the state.

Assemblyman Oscarson:

You stated that the Nye County Milk Commission falls under the auspices of the Nevada Dairy Commission, is that correct?

Doug Busselman:

As I read the bill, it is my understanding that their regulations would be brought forward to the Dairy Commission for approval.

Assemblyman Oscarson:

Therefore, the Nevada Dairy Commission would have to approve the regulations for the manufacturing and for the milk that would be processed, sold, or transported between counties?

Doug Busselman:

Yes, that is my understanding.

Chair Dondero Loop:

Is there anyone else in opposition to A.B. 209?

Tracey Green, M.D., State Health Officer, Health Division, Department of Health and Human Services; Medical Director, Division of Mental Health and Developmental Services, Department of Health and Human Services:

The Nevada State Health Division has concerns about this bill. Specifically, we are concerned about the potential for an increase in food-borne illnesses, diseases, and deaths. I want to keep this simple and state the facts. Between 1998 and 2011, the CDC reported 148 outbreaks related to raw milk, specifically, 2,384 illnesses, 284 hospitalizations, and 2 deaths. Many of these involved children and the elderly. As the entity that collects, reports, and follows food-borne illnesses, the Health Division wanted to voice its concern that with the passing of this bill, we will see more risk and perhaps more of an increase in food-borne illness.

Chair Dondero Loop:

Are there any questions from the Committee?

Assemblyman Oscarson:

Do you have data on how much actual raw milk was sold? And what were those illnesses you mentioned related to? Was it transportation of milk?

Tracey Green:

Specifically, the illnesses were related to *Escherichia coli*, *Campylobacter*, *Salmonella*, and *Listeria*. I would be happy to provide you with the causes of the illnesses. I do not have sales data, but I can get that for you.

Assemblyman Eisen:

You mentioned some raw data about the outbreak, illnesses, and deaths associated with raw milk consumption. Do you have comparative data between the raw milk and pasteurized milk? We have heard today that the overwhelming majority of milk consumed is pasteurized, so we have to account for that difference in consumption.

Tracey Green:

I do not have that comparison data with me today. I can get outbreak data specifically related to raw milk for you. In my review of the CDC data, I did not see anything specific to pasteurized milk, but I would be happy to get that information and provide it to the Committee.

Chair Dondero Loop:

Is there anyone else in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] I will close the hearing on A.B. 209. I will open the hearing on Assembly Bill 330. We welcome back Assemblyman Aizley.

**Assembly Bill 330: Requires labeling of certain genetically engineered foods.
(BDR 51-955)**

Assemblyman Paul Aizley, Clark County Assembly District No. 41:

The primary purpose of A.B. 330 is to ensure that genetically engineered foods are not misbranded, but properly labeled in a clear and conspicuous manner that they are genetically engineered. That being said, the bill includes several exclusions that I will address.

I would like to review what products are required to have labels identifying them as genetically engineered in the proposed amendments to NRS 585. 1. Any genetically engineered food, (section 10, subsection 1) produced in the state; 2. Containers of seed (section 19, subsection 1) for agricultural crops, herbs, fruit trees, and vegetables that are cultivated commercially in this state and offered for sale; 3. All containers of agriculture products (section 20, subsection 1); and fruits, nuts, and vegetables (section 21, subsection 1) that are cultivated commercially and offered for sale in this state and intended for human consumption. [Continued to read from prepared testimony ([Exhibit O](#)).]

I want to point out that it is fairly difficult to list these different products. There is surely no intention to harm local industries. I am open for suggested amendments to approve and otherwise work on the bill.

Chair Dondero Loop:

Thank you. Are there any questions?

Assemblyman Eisen:

I have a question about clarifying one of my concerns about practicality. In section 10, subsection 2, paragraph (c), it states: "Food consisting entirely of, or derived entirely from, an animal which has not been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering." This is an exclusion from the requirement. If an animal is not genetically modified in any way, as defined under this bill, if the feed that was provided to that animal was genetically modified, that would not require labeling on products from that cow or animal. Is that an accurate interpretation?

Assemblyman Aizley:

Yes.

Chair Dondero Loop:

We will hear testimony in support of A.B. 330.

Kiki Corbin, representing Label GMO Nevada:

We are in favor of mandatory labeling of packaged genetically modified foods, otherwise known as genetically modified organisms (GMOs). I am a mother, a granddaughter, an ordained minister, a naturopathic practitioner, and a pastoral counselor here in Carson City. My life is dedicated to good health and happiness. I believe in the sanctity of life as God made it.

I am the leader from Nevada with The Coalition of States for Mandatory GMO Labeling. We are a coalition of 39 states. We have all submitted a model bill that has three years of development by state attorneys and attorneys from the largest nonprofits working on this issue behind it. [Continued to read from prepared testimony ([Exhibit P](#)).]

I have a sample label ([Exhibit Q](#)) I brought with me that has been handed out to share with you from the Netherlands GMO labeling law. You can see what a label could look like depending on what our legislation would look like.

Our researcher from the University of Nevada, Reno, was unable to attend. I will address the issue of health risk and safety. [Continued to read from prepared testimony ([Exhibit P](#)).]

Ninety percent of the population surveyed wants genetically modified food labeled. Sixty-one countries already have such labeling and more than ten

countries have banned GMO crops outright. There are 20 states right now with 31 bills and 9 states with bill draft requests (BDRs). The same companies that make GMO-free food also make our food. For example: ConAgra, Kellogg's, Kraft, et cetera. All of those companies already make GMO-free food, less than 0.9 percent. They know how to do that, so we are not asking them to do anything different. We, at Label GMO Nevada, are willing to work with all of the concerned parties to address this bill.

John Davidson, Private Citizen, Sparks, Nevada:

I am representing myself, but also a former owner of Davidson's Tea. As the owners of a 35-year old manufacturing business, my wife and I are well acquainted with all aspects of FDA and USDA labeling requirements. Our company produced over 400 products, each of which had to conform to original FDA labeling rules and, ultimately, to USDA National Organic Program labeling specifications. [Continued to read from prepared testimony ([Exhibit R](#)).]

Chair Dondero Loop:

Thank you. Are there any questions?

Assemblyman Hickey:

I am assuming you are aware of Proposition 37 in California that went down. There is a *Los Angeles Times* editorial about it quoting from the legislative analyst's office. They were worried that it would be construed, and I quote: ". . . construed by the courts to imply that processed foods could not be labeled as 'natural' even if they were not genetically engineered. Most of the burden for ensuring those foods are properly labeled would not fall on producers but on retailers"

You talked about no burden for producers such as yourself. I am concerned, and so is this editorial because it said that they would have to get a written statement from their suppliers verifying that there were no engineered ingredients—a paperwork mandate that could make it hard for mom-and-pop groceries or small tea producers, like you, to stay in business. I finish by saying enforcement would largely occur through lawsuits brought by members of the public who suspected grocers of selling unlabeled foods, and enforcement would be expensive to bring about compliance. Do you think any of those things could be problematic?

John Davidson:

I believe that the retailers are not required to post GMO labeling under this bill. The responsibility falls on the manufacturer and the producer to provide the label. In terms of our own experience with the research involved in acquiring organic certified products, which is essentially paralleled with what would be

required for people to produce non-GMO products, it would be a fairly simple matter. These kinds of statistics exist amongst raw material suppliers. They would be able to provide those to the manufacturer at no additional cost.

Kunall Patel, Private Citizen, Sparks, Nevada:

As a manufacturer, retailer, and a third-generation farmer of organic teas in India, our company is intimately involved in the production of an agricultural product from farm to table. Our parent company represents the largest organic exporter in India. In combination with our United States operation, Davidson's Organic Tea, we maintain a commitment to providing our product grown without the use of GMOs or processed ingredients in a certified organic facility in Sparks, Nevada. [Continued to read from prepared testimony ([Exhibit S](#)).]

Marcia Litsinger, Owner and Operator, Churchill Butte Small Organic Farms:

I remember in the early 1990s when GMOs were first planted. The Japanese government said they would watch us for one generation before they would buy. Look at us now: obesity, diabetes, food allergies, digestive disorders, and autism, all epidemics. What is new in our food? The doctors are telling cancer patients to bypass the GMOs in their diet, but how are they to know? It is not labeled. Mothers try to do their best to feed their children right. We are not proposing labeling of prepared foods, only packaged foods that we can buy in the grocery store.

Genetically Modified Organisms (GMOs) are not natural. They use nothing like traditional plant-breeding methods. They are a product of the chemical industry changing the genetic makeup of the seed itself. The gene sequence is broken and genes from other organisms are implanted by mechanical means. Genes from animals, vegetables, viruses, and bacteria are artificially injected into the gene of the seed. As an organic farmer, I am not allowed to use this method of growing and I am exempt from this bill. However, I support agriculture in all aspects in Nevada. I am concerned about parts in the bill that relate to agriculture and livestock. I would like to keep the focus on packaged foods. As a mother, grandmother, and great grandmother, I thank you for your consideration of this bill.

Lynn Chapman, Private Citizen, Carson City, Nevada:

In addition to milk products, I am allergic to corn and wheat. I am tested every six months and I asked my doctor specifically if this was because of genetically modified corn. He answered with, "absolutely." I have been suffering from allergies since 2008. Janine Hansen's son went on his mission with their church. He did not make it out for one year because he had so many allergies. He suffered from intestinal bleeding and he almost died. He had to return home from the mission and he was sick for six months. Allergies happen with

genetically modified foods. Studies have shown that foods modified in the laboratories impose health hazards. The evidence presented in a paper by the American Academy of Environmental Medicine was released in May of 2009. This Academy is an international association of physicians and health professionals. Its membership is composed of respected scientists and doctors. They called for immediate moratorium on GMO foods. Their research showed that the foods pose a serious health risk. The side effects were rapid aging, severe alterations to the major body organs, infertility, immune problems, gastrointestinal dysfunction, and disruption of proper insulin regulation.

Many of the European Union countries have already banned GMO foods. Germany banned them in 2009 along with Austria, Greece, Hungary, France, Luxembourg, and many more. We have a lot of people in our food industry: our former Governor; Tom Vilsack, U.S. Secretary of Agriculture who always came to the defense of places like Monsanto Company; Michael Taylor, U.S. deputy commissioner on foods, was a Monsanto lobbyist; Roger Beachy, Director, National Institute of Food and Agriculture, who was also President of the Donald Danforth Plant and Science Center which is a nonprofit arm of Monsanto. We have all of these countries that have banned GMO foods and here we are trying to label them. I think we have some catching up to do. This bill is a good bill, but it is only a start. We need to go a lot further for people such as myself and Janine Hansen's family. We have a lot of allergies and they are coming from GMO foods. My doctor has already confirmed that. [Information was submitted on GMO foods as ([Exhibit T](#)).]

Juanita Cox, representing People Organized for the Next Generation:

To further add information to Janine Hansen's son, his illness was due to GMO corn. It was later found that after he had eaten corn chips, the GMO corn had contaminated human food sources. He was near death. As our name indicates, People Organized for the Next Generation are concerned for the future of our unborn children as well as for the present generation. With the addition of GMOs and other Monsanto products, we believe there is a problem for all future generations and what might happen to destroy the genes and eating these kinds of foods is just underway as to how destructive it might be. We fully support A.B. 330 and encourage the passage.

Alexis Miller, Private Citizen, Reno, Nevada:

I am here as a mother and a represented member of other parents who are asking for the ability to know what is in the food we are buying and feeding our families. My son was diagnosed with leukemia last February when he was just four years old. I will always question whether or not what I fed him caused it. I will never know. From this point forward, my mission is to get him healthy and keep him healthy. I want to know what is in his food. Emerging research

is showing links to GMOs and the increase in chronic disease. Consumers deserve to know what products contain GMOs so they can make the best and most informed decisions for their families.

Elisika Arango, CHC, Health and Happiness Coach:

As a health coach, I work with my clients to understand and heal their bodies. Whether they are trying to lose weight, gain more energy, or manage a disease, our work begins with a look at what they eat. [Continued to read from prepared testimony ([Exhibit U](#)).]

Joannah Schumacher, representing Great Minds With Too Little Time:

I represent a large bipartisan group of concerned men and women who want to be able to control what they put into their bodies. The only way we can do this is if these items are clearly labeled. Often, GMO products are hidden under words like "natural flavorings." It makes it very difficult for those of us who are sensitive to these things to make a determination as to whether this product will be safe for us to consume. Personally, I have had issues with GMOs and how they affect my body. I had not been aware of it until recently, but I have been able to rectify some serious health concerns because I have now been able to begin to eliminate them. However, it makes it difficult when I try to read a box and I am unable to determine whether or not this item is safe for me to consume.

I am not asking for you to remove all GMO foods. I think if somebody wants to consume them then that should be their right; however, I am not one of those people. It should be an easy process for me to make that determination and it is not right now. The cattlemen have been dealing with long-term consequences of feeding their cattle genetically modified corn, and they are now seeing a decrease in the fertility rates of the calves along with mutations and calf losses. Some of their cows are not producing milk that they normally would produce. They are finding this after generation after generation has gone through this. The cattlemen are now coming forward with studies that show they can trace that back to the moment they began feeding their cows GMO corn. When they remove that corn, they are finding that the fertility of their cows increases again and they are not losing as many cows. They are starting to pick up the slack where our federal government has not been good at checking out what is going on with the GMO foods.

If you wish to amend this bill, please do so in making the labeling stricter. In my opinion, this bill should be a slam dunk. It is very mild in how they are asking these people to label their foods. The only reason I can think of why people would not want to label what they knowingly have as GMOs is because they know it will decrease their sales. That should be all you need to know. If

they think that their sales will decrease because they have a label that reads GMO, then maybe they should not have it in their food. It is simple to me. I would urge you to vote yes on A.B. 330.

Craig Witt, representing Full Circle Compost:

I am a fourth generation Nevada farmer. I have transitioned from milking cows to farming microbes, which is called making compost. I am here in support of A.B. 330. I think it is a good start. Whether you know it or not, we all have a biological fingerprint which mimics our fingerprint. We do not know how these GMO crops are affecting the workforce that I now employ, which is billions of beneficial microbes that break down organic ingredients and create soil food. We do know that Round-Up, as a chemical, when introduced to the soil in research conducted by Doctor Elaine Ingham has a pronounced effect on the soil microbial activity. We do not know how this is going to have long-term effects. The least we can do in trying to understand things are to be able to allow the consumer to know and give the consumer a choice.

On our farm, when I was kid, when our chickens got out of the pen, they did not mate with the pigs, the cows, or the sheep. Genetic modification transcends this natural barrier for combining gene pools. I think that we will find out that it may have something to do with our long-term existence unless we can at least give the public a chance to know what is in their food.

James B. Moorhead, representing the Universal Freedom Network:

There are a significant number of people here in support of GMO labeling. Would you like to see who is here today in support?

Chair Dondero Loop:

Yes, it would be great if we could see everyone. If everyone would stand up and move forward, that would be nice. [Numerous people stood up to show their support for A.B. 330.]

James B. Moorhead:

My points are germane to the issue of why GMO foods need to be labeled. We consider this to be a starting point to what really needs to happen. We have heard about studies that have proven GMO food consumption is damaging to both human and animal health. While GMO foods are prolific in profits, they are highly deleterious to humans and animals. Recognizing the dangers of GMO foods, many European countries have banned them and have passed laws to require labeling of these products. One has to ask the question as to why such huge amounts of money have been spent to stop GMO labeling in this country. What is there to hide? The answer is clear. What is being hidden is the fact that GMO foods are significantly harmful. The professional, scientific proof is

here. It is only the desire for profits that promulgate GMO foods in our world. We ask that all GMO foods be labeled accordingly so that a conscious choice can be made regarding this issue. Biotech companies such as Monsanto should not be allowed to buy increasing market share through the suppression of labeling information.

We can all agree that in a free society, full disclosure is always preferred for the benefit of the people. The people of Nevada, at the very least, deserve to know what is in their food. Labeling of GMOs is essential. This should not be considered a cost issue, but it is a public health and information issue. There is an excellent documentary that I would like to point out to the Committee. It is a medical documentary that is professionally done. It is called: "Genetic Roulette: The Gamble of Our Lives." This is a very succinct documentary showing the proof of what we are discussing today.

Nick Brannigan, Private Citizen, Nevada:

I am a public speaker on the topic of genetically modified foods and how to avoid them. I am also a local radio host who covers topics such as GMO foods. If you had juice for breakfast today, you can look at that label and simply see if you had juice from concentrate or 100 percent real juice. Unless you are consciously avoiding GMOs, you have no idea that everything you ate today was likely from a genetically modified source. As far as the science goes, I think everyone has made a great case. Everyone should know if they are eating GMOs since they slipped it under the radar.

Michele Grabley, Private Citizen, Pahrump, Nevada:

My statement is based on the State of Washington People Initiative I-522, "The People's Right to Know Genetically Engineered Food Act."

Calorie and nutritional information was not always required on food labels. Since 1990 it has been required, and most consumers use this information on a daily basis. [Continued to read from prepared testimony ([Exhibit V](#)).]

I am one of those people who actively look for labels in food stores to make sure that there are no GMO ingredients. As a Nevadan, we have a right to know that for our own safety and well-being.

Doug McDonald, Private Citizen, Henderson, Nevada:

I do not know of anything more important than ensuring that our food is safe, and that starts with people knowing what is in their food.

I would like to show you a photo of my grandson ([Exhibit W](#)). He has severe skin allergy problems. His pediatrician is not familiar with GMOs and has no

solutions for this. [Doug McDonald continued to read from prepared testimony ([Exhibit X](#)).]

Jesse Alexander, Private Citizen, Stagecoach, Nevada:

I run Dirt Merchant Farms and Organic Farms in Stagecoach, Nevada. As a poultry farmer, I want to point out that I started as a conventional farmer using GMO products to feed my birds. After six months, the birds were agitated and irritable. They would fight and tear each other's feathers out. The minute I switched from GMO feed to regular feed, my birds became more healthy, more vibrant, and more friendly.

Nylene Schoellhorn, Private Citizen, Silver Springs, Nevada:

I am a small organic farmer. The necklace I am wearing today is something I made. It says: "organic farmer, no GMO." That pretty much sums up what I want to say. I did want to share that I received a letter from Dean Heller. While he believed in freedom, he was afraid the American people would be intimidated by a GMO label. I am here to say we are not a stupid people. We believe in the *U.S. Constitution* and freedom.

Skye Telka, Member, Board of Directors, Great Basin Community Food CO-OP; Education Director, Urban Roots Garden Classrooms:

We do gardening nutrition education for children in Washoe County. I have taught 3-year-olds through 83-year-olds. We teach them farming, gardening, nutrition, animal husbandry, et cetera. One of the things we address is industrial agriculture, conventional agriculture, and organic agriculture. We have given our children all of the information that we have to give on GMOs. When you have a 5-year-old questioning the sanity of the ingredients in their food and asking for labeling and asking why we do not do this, we need to address why this is happening, especially when a 5-year-old sees this as a problem.

Cali Best, Private Citizen, Las Vegas, Nevada:

We want to know if poison is in our food. Please label GMOs.

Bianca Montes, Private Citizen, Las Vegas, Nevada:

I spoke earlier on my condition of inflammation and Crohn's colitis. I want to expound on that. I had no idea about GMOs. It was just in the last few years I learned about them. It took about six years for me to be diagnosed with Crohn's colitis. Through those years, I spent many days bleeding out and being sick and nauseous. As soon as I started finding out more about GMOs, I was able to get rid of them. I still thought I was making the right choices, but as I continue to study this, I am finding GMOs everywhere. Labeling will help people decide. I have the knowledge now and can fight against that. I can buy locally or grow my own food. But millions of people cannot do that yet. They

have no education on this. We are not taught what these things are in school. My children are homeschooled and they are very educated on GMOs and the things that are in our food. Our 10-year-old daughter is questioning us about the things we buy. When we are out, it is hard to always be on top of things. They want to know. I am having to answer my children in a way that is not really clear.

Judith Scott, Private Citizen, Las Vegas, Nevada:

I am a professional actor from Los Angeles, California. I am a part-time resident in Nevada during the winter. I am a farmer's market supporter, a food farm activist, and a GMO consumer educator. I wanted to point out that there are nine genetically engineered foods in America. These are the nine foods I know of: papaya from Hawaii and Mexico, Bt cotton, corn, soy, alfalfa, crookneck squash, sugar beets, grape seed oil, which is manufactured into canola oil, and zucchini.

Kelly A. Reuss, Applied Kinesiologist, Chiropractic, Floriston, California:

I support this bill. I can get biblical with this about the seeds being able to reproduce its own kind and that should not be interfered with. When so many companies put money into deceiving people, it is wrong. I support people voting with their dollars and boycotting those that would deceive them. There is an environmental working group: <<http://www.ewg.org>>. This site has the "Clean 15" and the "Dirty Dozen." The dirty dozen are the ones you need to get organic so that you are not exposed to GMOs. [Submitted a list on the Clean 15 and the Dirty Dozen ([Exhibit Y](#)).]

Fred Davies, representing A Healing Touch Center:

I am a master herbalist and health educator trained by the American College of Health Care Sciences in Portland, Oregon.

I wish to share with you today the impact GMO foods has had on my family and the mechanisms of the body. My wife had no food allergies in the first 50 years of her life. She suddenly developed an allergy to all corn and all soy. The impact is that we can purchase nothing with corn or soy in it. This is a significant challenge as there is corn and soy oil and other products hiding in 80 percent of all packaged foods. [Continued to read from prepared testimony ([Exhibit Z](#)).]

Mark Swalinkavich, Private Citizen, Las Vegas, Nevada:

I support this bill completely. I do a lot of health research and wireless projects when I am not working, and I travel a lot. I do health research on energy medicine, natural healing, and other modalities of getting well. I am in great shape at 60 years old. It is because I pay attention. The way I see it, no GMO

labeling is a big black hole of information. I cannot find out. I have to go to the website of the manufacturer, and they do not always reveal what they are doing. The more I study genetic engineering and what companies are doing these days, we are scratching the surface of what is in our foods.

JD Mumma, representing Human Excellence:

I want to address something that one of the Committee members brought up concerning labeling and lawsuits. It is an unknown cost. Vermont and other states have been threatened with lawsuits. When products change and there is money involved, there will be lawsuits. It is minor in comparison to the cost we are already paying as a society. We are the laughing stock of the rest of the world. This topic is already well-educated and has not been manipulated by companies like Monsanto. Unbiased scientists have been threatened and their careers destroyed. Government officials have been bribed.

Chair Dondero Loop:

Can you make sure that you discuss in conjunction with the bill, please. We are not here to directly talk about the integrity of companies.

JD Mumma:

Are you saying that the lawsuits discussed earlier are not related to the bill, and that the cost of health as to why the public should be informed is irrelevant?

Chair Dondero Loop:

That is exactly what I am saying. The bill is about labeling; it is not about the integrity of a company. All companies have integrity on both sides that people may or may not see. It is important that we stick to the bill, which is about labeling GMO foods. I am sorry if that does not go with what you were going to say.

JD Mumma:

So you want to restrict from the record anything that is unrelated that has to do with our health, the children who came forward, or anything to do with health?

Chair Dondero Loop:

No. I want you to give your testimony without any integrity bashing of companies.

JD Mumma:

One of my concerns is that a quarter-million farmers in India have committed suicide. They have used the products Monsanto has provided. The seeds, which are suicide seeds and die after one year, making the seed growers the fertilizers and pesticides. They have committed suicide in order to upgrade to

make more money as a gamble by Monsanto products. When that gamble does not happen, they have taken their farm and gotten loans. This is all they have. These farmers do not have other jobs, they have their land. When their crop fails, they time it improperly, they commit suicide with the very products they were given. To me that addresses a quarter-million farmers were unaware of this and that affects why we need to label this. The public needs to know if they want to invest in this type of industry and company as long as the health allergies are involved.

Chair Dondero Loop:

Is there anyone else who would like to testify in support? [There was no one.] We will hear opposition.

Doug Busselman, representing Nevada Farm Bureau:

Nevada Farm Bureau policy states agriculture products that are produced using approved biotechnology should not be required to designate individual inputs or specific technologies on the product label. [Continued to read from prepared testimony ([Exhibit AA](#)).]

I have looked through the bill and tried to understand what exactly would be required to be labeled. I have not been able to determine that based on my read of what is encompassed in the bill. One of the models we already have in place that has been very successful has been the model that has been used by organic producers where you label based on the standards to determine it meets the qualifications for being organic. In this particular situation, based on whatever standards were applied, you would be able to come forward with a label of things that were nongenetically altered. It would probably be an easier approach. It would give the consumers who wish to purchase something as being nongenetically modified to get to the same place, and we would have a better way of understanding.

On page 3 of the bill, section 10, where it says: "Except as otherwise provided in this section, the label on any food that is produced in this State. . ." Does that mean that this only applies to processed food that is produced in Nevada, or is it incoming foods from other states? I do not know. The bill is confusing to try and ascertain exactly what would be required to be labeled even if you wanted to comply.

Assemblyman Hickey:

I am from a ranching family in Nevada. We heard a statement today about studies of cattle being negatively affected and less calves being dropped. In your experience with the Nevada Farm Bureau and ranching in the state, have you heard about this anecdotally or seen evidence of it here in Nevada?

Doug Busselman:

No, I have not heard of that type of situation developing. One of the questions I would have is, without there being a process to identify what is or is not genetically modified, how would anyone have the ability to know whether a study like that would actually have that kind of effect? If there is an issue to be taken with genetically modified organisms (GMOs), it seems to us that the place to go to have that discussion is with the federal agency who regulates whether or not something has met the standards of science or health that they have. If you want to ban that type of approach, then you need to work with that agency to bring about the science. From our understanding, once a product comes through their process of evaluation, it has met the test of being legitimate to be produced. That is why we are opposed to requiring a label after you have gone through a process of getting the proper licensing through the federal agency that is responsible for providing those.

Assemblywoman Spiegel:

My understanding is that organic foods are not allowed to contain GMOs nationally. I am not sure if that is 100 percent accurate. If it is accurate, are people who sell packaged foods that are organic allowed to put labels on that say, "No GMO"?

Doug Busselman:

Based on the standards and to my understanding, organic foods are not allowed to have GMO materials within those products. That was my point earlier. If you were to have those types of standards applied and then apply the label that says "No GMO," that would get you where you want to be in terms of the consumer's right to know much quicker than trying to go the other direction and requiring labels on everything.

Lea Tauchen, representing the Retail Association of Nevada:

Similar to Mr. Busselman, we were also seeking clarification of section 10 on page 3, line 36 in the regard to "produced" in this state. We were curious to know what "produced" meant. Does it mean grown, packaged, prepared, et cetera? We do not believe that this is a local issue. We believe that it needs to be addressed at the federal level rather than a patchwork approach. We believe that all food product labeling should have uniform national standards and should not impose unnecessary costs on Nevada consumers alone.

The cost of labeling involves more than the paper and ink to print the actual label. Labeling would require extensive record keeping all the way through the supply chain, from the farmer to the grain processor to the food manufacturer, to the retailer. At the end of that supply chain, the retailer would need to receive some sort of documentation from their suppliers indicating genetically

engineered foods so that they could accurately label their produce and bulk food bins.

An additional cost would be in regard to enforcement. Our concern is that it would largely occur through complaints or lawsuits brought by members of the public who suspect retailers of selling unlabeled genetically engineered foods. We think that it may become a very expensive way to bring about compliance. As mentioned, currently consumers who want to buy the nongenetically engineered foods can purchase organics. We also believe that this is a market-driven issue. Providers of nonGMO foods could inform their customers by labeling their products. We have seen this with some of the current trends in the news lately. For example, Whole Foods' customers have encouraged them to go GMO-free. That will change their operation and model.

Assemblyman Hickey:

Like the speaker who always thinks about constituents, I think about a friend who is a convenience store owner in Washoe Valley. Could you imagine what kind of effects it might have on local convenience stores? You mention there are some costs associated with going in this direction that might be harmful? Could you expand on that please?

Lea Tauchmen:

Our concern is that the record-keeping process could be burdensome throughout that supply chain. As it does get to a local convenience store, for example, they would need to be able to label a produce bin or bulk food. The retailer would be required to place a label on the shelf alerting the consumer. For the retailer to do that, there would have to be a clear line of documentation from the farmer where it originated all the way to them.

Chair Dondero Loop:

Please address your concerns to the sponsor of the bill. Is there anyone else in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] Mr. Aizley, do you have any final thoughts?

Assemblyman Aizley:

I want to be sure to mention that there is a letter by Matthew Roach ([Exhibit BB](#)) and a letter by Tara Cook-Littman ([Exhibit CC](#)) on NELIS.

Chair Dondero Loop:

Is there any public comment? [There was none.]

The meeting is adjourned [at 2:43 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 22, 2013

Time of Meeting: 12:08 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 28	C	Kirsten Bugenig	Work Session Document
A.B. 29	D	Kirsten Bugenig	Work Session Document
A.B. 53	E	Kirsten Bugenig	Work Session Document
A.B. 69	F	Kirsten Bugenig	Work Session Document
A.B. 158	G	Kirsten Bugenig	Work Session Document
A.B. 209	H	Assemblyman Aizley	Opening remarks
A.B. 209	I	Assemblyman Aizley	Written testimony from John Sheehan
A.B. 209	J	Assemblyman Aizley	Information packet from the Federal Drug Administration
A.B. 209	K	Southern Nevada Health District	Testimony
A.B. 209	L	Mark McAfee	Letter
A.B. 209	M	Assemblyman Aizley/Lynn Hettrick	Proposed amendment
A.B. 209	N	Doug Busselman	Testimony in opposition
A.B. 330	O	Assemblyman Aizley	Opening remarks
A.B. 330	P	Kiki Corben	Testimony
A.B. 330	Q	Kiki Corben	Label example
A.B. 330	R	John Davidson	Testimony
A.B. 330	S	Kunall Patel	Testimony
A.B. 330	T	Lynn Chapman	Facts
A.B. 330	U	Elisika Arango	Testimony
A.B. 330	V	Michele Grabley	Testimony
A.B. 330	W	Doug McDonald	Photo
A.B. 330	X	Doug McDonald	Testimony
A.B. 330	Y	Kelly A. Reuss	List
A.B. 330	Z	Fred Davies	Testimony
A.B. 330	AA	Doug Busselman	Testimony
A.B. 330	BB	Matthew Roach	Letter
A.B. 330	CC	Tara Cook Littman	Testimony