

SENATE BILL NO. 418—SENATORS PARKS AND  
OHRENSCHALL (BY REQUEST)

MARCH 21, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the distribution and sale of raw milk. (BDR 51-1073)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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; abolishing the county milk commission of each county in which a county milk commission has been appointed; transferring the powers and duties of each county milk commission to the Director of the State Department of Agriculture; requiring the Director to adopt certain regulations governing the production, distribution and sale of certified raw milk; providing that raw milk certified by the Director may be sold anywhere in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the appointment of a county milk commission in each county in which certified raw milk or certified raw milk products are produced for public consumption and authorizes each county milk commission to regulate the production, distribution and sale of certified raw milk and certified raw milk products in that county. (NRS 584.207, 584.208) **Sections 1-3** of this bill abolish the county milk commission in each county in which a county milk commission has been appointed and transfer the powers and duties of each county milk commission to the Director of the State Department of Agriculture. **Section 2** of this bill requires, rather than authorizes, the Director to adopt regulations to establish certain fees and charges. **Section 2** also requires the Director 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 3** of this bill provides that certified raw milk and products made from it may be sold anywhere in this State if the milk



18 has been: (1) cooled in a certain manner after being drawn from a cow or goat; and  
19 (2) certified by the Director. **Sections 4 and 5** of this bill provide for the orderly  
20 transition of the powers and duties of each county milk commission to the Director.

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

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

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

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

14     (a) The milk and milk products have been produced,  
15 pasteurized, processed, transported and inspected under statutes or  
16 regulations substantially equivalent to the Nevada milk and milk  
17 products statutes and regulations.

18     (b) The milk and milk products have been awarded an  
19 acceptable milk sanitation, compliance and enforcement rating by a  
20 state milk sanitation rating officer certified by the United States  
21 Public Health Service.

22     3. Whenever the Director has reasonable grounds to believe  
23 that a seller of milk or milk products, including certified raw milk  
24 and products made from it, is violating any of the regulations  
25 adopted by the Director ~~for any county milk commission~~ relating to  
26 the sanitation and grading of milk and milk products, including  
27 certified raw milk and products made from it, or that the seller's  
28 facilities or products fail to meet the regulations, or that the seller's  
29 operation is in any other manner not in the best interests of the  
30 people of this state, the Director may conduct a reasonable  
31 inspection, and if any violation or other condition inimical to the  
32 best interests of the people of this state is found, to take corrective  
33 action pursuant to NRS 584.180 to 584.211, inclusive.

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

35     584.207 1. Certified raw milk is unpasteurized, marketed  
36 milk which conforms to the regulations and standards adopted by  
37 the ~~county milk commission~~ *Director* for the production and



distribution of certified raw milk and certified raw milk products .  
~~[in the county in which they 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)} *The Director shall:*~~

~~(a) Adopt written regulations [which must be approved by the Director,] 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 must include, without limitation:*~~

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

~~(2) *Procedures for the daily testing required pursuant to paragraph (d);*~~

~~(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 Director in the performance of his or her duties under this section.*~~

~~[(e)} (b) 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} *Director.*~~

~~(c) *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 in accordance with the regulations adopted pursuant to paragraph (a) and expend any money so collected as is necessary for ~~such performance.~~

~~—(b) Conduct]~~ the performance of his or her duties under this section.

(d) Require such *daily* tests, *regular* inspections and analyses as are necessary to enable ~~[[t]]~~ the Director to perform ~~[[ts]]~~ his or her duties under this section and employ such personnel and equipment as ~~[[t]]~~ he or she deems necessary therefor.

~~[[5-]]~~ 3. 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]]~~ Director such samples as ~~[[the county milk commission]]~~ he or she requests, and allow inspections by ~~[[the county milk commission or its agents]]~~ him or her 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.]]~~ Director.

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

3. The Director shall adopt regulations governing:

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

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



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

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

**Sec. 4.** 1. Any regulation or standard adopted by a county milk commission pursuant to NRS 584.207 remains in force until amended or repealed by the Director of the State Department of Agriculture.

2. Any contract or other agreement entered into by a county milk commission is binding upon the Director of the State Department of Agriculture and may be enforced by him or her.

3. Any action taken by a county milk commission remains in effect as if taken by the Director of the State Department of Agriculture.

**Sec. 5.** 1. Notwithstanding any other provision of law to the contrary, the Director of the State Department of Agriculture shall be deemed to be the successor of each county milk commission appointed pursuant to NRS 584.207.

2. The current term of membership of any person who, on June 30, 2019, is a member or chair of a county milk commission appointed pursuant to NRS 584.207 expires on July 1, 2019.

3. Any certificate or permit issued by a county milk commission remains valid for the period for which the certificate or permit was issued, if the holder of the certificate or permit otherwise remains qualified to hold the certificate or permit during that period.

4. Any certified raw milk or product made from it which is certified by the county milk commission of the county in which it was produced before July 1, 2019, shall be deemed to be certified by the Director of the State Department of Agriculture on or after that date, unless otherwise provided by the Director.

**Sec. 6.** This act becomes effective:

1. Upon passage and approval for purposes of adopting regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

