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FIRST REPRINT

S.B. 418

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; requiring an owner or operator of a food establishment in which certified raw milk and products are sold to ensure proper storage and post certain health warnings; revising requirements for the labeling of and warning regarding certified raw milk; removing certain qualifications required for a person to serve as a member of a county milk commission; requiring each county milk commission to adopt certain regulations governing the production, distribution and sale of certified raw milk; providing that raw milk certified by the county milk commission of the county in which it was produced may be sold anywhere in this State; removing certain limitations of the sale or dispensing of raw milk; providing an exemption from certain requirements relating to raw milk for certain owners of dairy cows, sheep or goats; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1.5** of this bill requires each owner or operator of a food establishment
2 in which certified raw milk and products made from it are sold to ensure that: (1)
3 the certified raw milk and products made from it are stored in a separate
4 refrigerator at the food establishment; and (2) certain health warnings concerning
5 the consumption of raw milk are posted in the food establishment. **Section 1.5** also
6 sets forth the requirements for the labeling of and warning regarding certified raw
7 milk. **Section 3.5** of this bill removes certain limitations on the sale or dispensing
8 of raw milk. **Section 3.5** also exempts certain owners of dairy cows, sheep or goats



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from certain requirements relating to certified raw milk and products made from it. **Section 3.5** allows the sale of any raw milk obtained from those animals only if the raw milk is sold directly to a consumer at the premises where the raw milk is produced.

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) **Section 2** of this bill removes certain qualifications that are required for a person to serve as a member of a county milk commission. **Section 2** also requires a county milk commission to adopt certain regulations. Such regulations must include, without limitation, requirements for the labeling of certified raw milk, procedures for 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 has been: (1) cooled in a certain manner after being drawn from a cow or goat; and (2) certified by the county milk commission.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each owner or operator of a food establishment in which certified raw milk and products made from it are sold shall:

(a) Ensure that the certified raw milk and products made from it are stored in a commercial grade refrigerator which is separate from any other refrigerator used to store dairy products, food or beverages at the food establishment; and

(b) Post at least one sign within 5 feet of the separate refrigerator required pursuant to paragraph (a) and in a location conspicuous to the patrons of the food establishment. Each sign must be not less than 8 1/2 inches by 11 inches in size, must set forth a notice in boldface type that is clearly legible and must be in substantially the following form:

HEALTH WARNING: There are health risks associated with the consumption of raw milk. According to the Centers for Disease Control and Prevention, the consumption of raw milk is 150 times more likely to cause food-borne illness than pasteurized milk.

2. The letters in the words "HEALTH WARNING" in each sign posted pursuant to subsection 1 must be written in not less



1 *than 40-point type and the letters in all other words in the sign*
2 *must be written in not less than 30-point type.*

3 3. *In addition to any requirement for the labeling of certified*
4 *raw milk adopted pursuant to NRS 584.207, the text used on all*
5 *labeling must be printed in at least 8-point font and not in italics.*
6 *Each label must include a notice in substantially the following*
7 *form:*

8
9 *WARNING: Certified raw milk and products made from*
10 *it may contain disease-causing microorganisms. The*
11 *persons who are at the highest risk of disease from those*
12 *microorganisms include newborn infants, elderly persons,*
13 *pregnant women, persons taking corticosteroids, antibiotics*
14 *or antacids and persons suffering from chronic illnesses or*
15 *other conditions that weaken the immunity of those persons*
16 *to diseases.*

17
18 4. *As used in this section, "food establishment" has the*
19 *meaning ascribed to it in NRS 446.020.*

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

21 584.207 1. Certified raw milk is unpasteurized, marketed
22 milk which conforms to the regulations and standards adopted by
23 the county milk commission for the production and distribution of
24 certified raw milk and certified raw milk products in the county in
25 which they are produced.

26 2. In each county in which certified raw milk or certified raw
27 milk products are produced for public consumption, there must be a
28 county milk commission to regulate the production and distribution
29 of those products. The board of county commissioners shall appoint
30 to the commission three members for terms of 4 years, all of whom
31 are eligible for reappointment. ~~{The members must all be residents~~

32 ~~of the county and have the following respective qualifications:~~
33 ~~—(a) One member must be a physician licensed in this State and a~~
34 ~~member of the medical society of the state;~~

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

37 ~~—(c) One member must be a representative of the public at large.}~~

38 3. A county milk commission shall:

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

41 (1) The time and place of its meetings;

42 (2) Its rules of procedure; and

43 (3) Its recordkeeping and other internal operations.

44 (b) Adopt written regulations, which must be approved by the
45 Director, governing the production, distribution and sale in the



1 county of certified raw milk and products made from it, to protect
2 the public health and safety and the integrity of the product. *The*
3 *regulations must include, without limitation:*

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

5 (2) *Procedures for any testing required pursuant to*
6 *paragraph (b) of subsection 4; and*

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

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

16 4. A county milk commission may:

17 (a) Establish and collect such fees and charges as appear
18 reasonably necessary to defray the costs and expenses incurred by it
19 in the performance of its duties under this section, and expend any
20 money so collected as is necessary for such performance.

21 (b) Conduct such tests, inspections and analyses as are necessary
22 to enable it to perform its duties under this section and employ such
23 personnel and equipment as it deems necessary therefor.

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

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

34 584.208 1. Certified raw milk and products made from it may
35 be sold *anywhere in this State* if the milk has been:

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

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

43 2. No person may come in contact with or be near raw milk
44 before it is sold to the consumer unless the person maintains
45 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. 3.5. NRS 584.209 is hereby amended to read as follows:

584.209 ~~{1. In addition to the}~~ *The* provisions of NRS 584.205, 584.207, 584.208 ~~{,}~~ *and section 1.5 of this act, and any regulations or standards adopted pursuant thereto, do not apply to a person owning not more than a monthly average of five lactating dairy cows that have calved at least once, ten sheep that have lactated at least once or ten goats that have lactated at least once, and any* raw milk *obtained from those animals* may be sold ~~for~~ *dispensed:*

~~—(a) Solely to a hauler of milk or to a processing facility which is permitted or regulated by a state or federal agency; or~~

~~—(b) Only~~ *only* if the raw milk is ~~{labeled “FOR ANIMAL FOOD—NOT FOR HUMAN CONSUMPTION” in letters at least 3 inches high on each container of the raw milk and only if the raw milk is altered with an approved denaturant consisting of:~~

~~—(1) Finely powdered charcoal;~~

~~—(2) FD&C Blue No. 1, FD&C Blue No. 2 or Ultramarine Blue; or~~

~~—(3) FD&C Green No. 3, FD&C Red No. 3 or FD&C Red No. 40.~~

~~2. The Director may impound and dispose of any adulterated milk or milk product or misbranded milk or milk product in any manner prescribed by the Director.~~

~~3. As used in this section:~~

~~—(a) “Adulterated milk or milk product” means any milk or milk product for which one or more of the conditions prescribed in 21 U.S.C. § 342 exist.~~

~~—(b) “Misbranded milk or milk product” means any milk or milk product:~~



1 ~~— (1) That is packaged in a container which displays or is~~
2 ~~accompanied by any false or misleading written, printed or graphic~~
3 ~~matter; or~~

4 ~~— (2) For which one or more of the conditions prescribed in 21~~
5 ~~U.S.C. § 343 exist.~~

6 ~~— (c) “Sold or dispensed” means any transaction involving the~~
7 ~~transfer or dispensing of raw milk by barter or contractual~~
8 ~~agreement or in exchange for any form of compensation, including,~~
9 ~~but not limited to, the sale of shares or interests in a cow, goat or~~
10 ~~other lactating mammal or herd.]~~ ***sold directly to a consumer at the***
11 ***premises where the raw milk is produced.***

12 **Sec. 4.** (Deleted by amendment.)

13 **Sec. 5.** (Deleted by amendment.)

14 **Sec. 6.** This act becomes effective upon passage and approval.

