

ASSEMBLY BILL NO. 209—ASSEMBLYMEN AIZLEY
AND OHRENSCHALL

MARCH 7, 2013

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the distribution and sale of raw milk. (BDR 51-1011)

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

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

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

Legislative Counsel's Digest:

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

14 **Section 1** of this bill removes the provision allowing raw milk to be imported
15 to Nevada if produced under certain standards.



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 Commission 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 Commission if : ~~the requirements of paragraph~~
13 ~~(e) and the requirements of paragraph (a) or (b) are met.;~~

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

18 —~~(b)~~ The milk and milk products have been produced,
19 pasteurized, processed, transported and inspected under statutes or
20 regulations substantially equivalent to the Nevada milk and milk
21 products statutes and regulations ~~;~~ ; or

22 ~~(e)~~ (b) The milk and milk products have been awarded an
23 acceptable milk sanitation, compliance and enforcement rating by a
24 state milk sanitation rating officer certified by the United States
25 Public Health Service.

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

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

39 584.207 1. Certified raw milk is unpasteurized, marketed
40 milk which conforms to the regulations and standards ~~adopted by~~
41 ~~the county milk commission~~ for the production and distribution of
42 certified raw milk and certified raw milk products ~~in~~ adopted by



1 *the county milk commission of* the county in which ~~they~~ *the*
2 *certified raw milk and certified raw milk products* are produced.

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

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

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

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

15 3. A county milk commission shall:

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

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

19 (2) Its rules of procedure; and

20 (3) Its recordkeeping and other internal operations.

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

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

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

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

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

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

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

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



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

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

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

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

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

21 584.208 1. Certified raw milk and products made from it may
22 be sold *anywhere in this State* if the milk has been:

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

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

30 2. No person may come in contact with or be near raw milk
31 before it is sold to the consumer unless the person maintains
32 scrupulous cleanliness and is not afflicted with any communicable
33 disease or in a condition to disseminate any disease which can be
34 transmitted by milk. No person may handle milk to be sold as raw
35 unless the person has a physical examination before any
36 employment requiring the person to do so and every 3 months
37 thereafter while continuing in the employment.

38 3. The State Dairy Commission shall adopt regulations
39 governing:

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

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



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

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

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

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