

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 948*
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/22/07
Third Edition Engrossed 5/24/07

Short Title: Small Dairy Sustainability.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING
CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO BECOME
PARTIAL OR COMPLETE OWNERS OF DAIRY ANIMALS OR SMALL
HERDS OF DAIRY ANIMALS; AND TO REQUIRE A PUBLIC HEALTH
WARNING TO BE PROVIDED WHEN RAW MILK IS DISPENSED FOR
HUMAN CONSUMPTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-279 reads as rewritten:

"§ 130A-279. Sale or dispensing of milk.

(a) Only milk that is Grade "A" pasteurized milk may be sold or dispensed directly to consumers for human consumption. Raw milk and raw milk products shall be sold or dispensed only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency. The Commission may adopt rules to provide exceptions for dispensing raw milk and raw milk products for nonhuman consumption. "Sale" or "sold" shall mean any transaction that involves the transfer or dispensing of milk and milk products or the right to acquire milk and milk products through barter or contractual arrangement or in exchange for any other form of ~~compensation including, but not limited to, the sale of shares or interest in a cow, goat, or other lactating animal or herd.~~ compensation. This subsection is subject to subsection (b) of this section.

(b) Any person may purchase a share or an interest in a cow, goat, or other lactating animal or herd when the number of animals or the size of the herd is 10 or fewer.

(c) Raw milk may not be dispensed to any person for human consumption unless the dispenser of the raw milk provides notice to the person to whom the raw milk is dispensed of the public health risks associated with human consumption of raw milk.

1 The Commission shall adopt rules providing for notice to persons to whom raw milk or
2 raw milk products are dispensed for human consumption of the public health risks
3 associated with human consumption of raw milk. The rules shall include a requirement
4 that containers of raw milk for human consumption must contain a warning label
5 affixed to the container indicating the public health risks associated with human
6 consumption of raw milk. The rules shall also require the public health notice to be
7 provided by means other than container labels in cases where the raw milk is dispensed
8 into a container that is not provided by the dispenser of the raw milk. As used in this
9 subsection "raw milk" includes raw milk products."

10 **SECTION 2.** This act is effective when it becomes law. The Commission
11 for Health Services may adopt temporary or emergency rules in accordance with
12 Chapter 150B of the General Statutes to implement this act.