

FINAL BILL REPORT

SSB 6377

C 157 L 06

Synopsis as Enacted

Brief Description: Changing the regulation of milk and milk products.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin and Pflug).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Economic Development, Agriculture & Trade

Background: Raw milk has received increased attention as a result of recent media reports alleging that persons have become sick from consuming uninspected raw milk from an unlicensed dairy. An investigation of the incident has been conducted by local and state health agencies.

There are a number of specific laws and agency rules that specifically include regulation of raw milk. For example, the Department of Agriculture is authorized to adopt rules pertaining to non-pasturized raw milk; raw milk is to be cooled to 40 degrees within two hours of milking, and the sampling frequency and health standards for raw milk are established.

The administrative code requires raw milk containers to contain a warning label that states: "*WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from the use of this product.*"

Currently, several small dairies that provide raw milk to others through cow-share agreements are licensed and inspected on a regular basis. However, due to this incident, a review has been initiated relating to uninspected milk provided by unlicensed operators to consumers who receive raw milk through cow-share agreements.

Summary: The state milk quality laws apply to raw milk and arrangements known as "cow shares." It is not the intent to prohibit either the sale of raw milk or cow share arrangements.

Authority is provided to the department to have access to a dairy farm that is not licensed if the director has information that the dairy farm is engaged in an activity that requires a license. If denied access to the dairy farm, the department may apply to the court for a search warrant.

Included in the list of unlawful acts is operating as a milk producer or a milk processing plant without obtaining a license from the department. Authority is provided for the department to issue a cease and desist order if there is reason to believe that a person is operating without a license as required by this chapter. The person to whom the order is issued may request an adjudicative proceeding.

Authority is provided to embargo products and to order that embargoed products be destroyed. The department would not be liable for damages if the court finds that there was probable cause for embargoing the products.

Persons convicted violating the licensing requirements are guilty of a misdemeanor for the first offense and a gross misdemeanor for subsequent offenses. This is in addition to civil fines that may be assessed for violations.

The department is to convene a work group to identify and help resolve obstacles to meeting licensing requirements by small dairies. A report to the Legislature on the work and recommendations of this group is to be submitted to the appropriate standing committees of the Legislature by December 1, 2006.

Votes on Final Passage:

Senate	46	2	
House	88	10	(House amended)
Senate	43	0	(Senate concurred)

Effective: June 7, 2006