

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

January 18, 2024  
Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB24-043 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 5, after line 2 insert:

2           "(5) IN ACCORDANCE WITH SECTION 25-5.5-117 (3)(b), AN  
3 AUTHORIZED AGENT OF THE DEPARTMENT MAY REQUEST FROM THE  
4 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ACCESS TO THE  
5 REGISTRATION INFORMATION OBTAINED PURSUANT TO SECTION 25-5.5-117  
6 (2)."

7 Page 5, strike line 15 and substitute:

8           **"35-62-104. Inspections - commissioner to enforce - penalties.**  
9 (1) (a) THE COMMISSIONER IS RESPONSIBLE FOR ENFORCING THIS ARTICLE  
10 62. THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL BE  
11 GRANTED ACCESS DURING REGULAR BUSINESS HOURS TO BUSINESS  
12 PREMISES, FACILITIES, VEHICLES, AND RECORDS PERTINENT TO ACTIVITIES  
13 REGULATED UNDER THIS ARTICLE 62.

14           (b) IF THE COMMISSIONER DETERMINES THAT THIS ARTICLE 62 OR  
15 THE RULES THAT THE COMMISSIONER ADOPTS PURSUANT TO THIS ARTICLE  
16 62 ARE BEING VIOLATED, THE COMMISSIONER OR THE COMMISSIONER'S  
17 DESIGNEE MAY CAUSE "STOP SALE NOTICES" TO BE PLACED ON ALL RAW  
18 MILK BEING SOLD OR OFFERED FOR SALE IN VIOLATION OF THIS ARTICLE 62  
19 OR OF THE RULES. A PERSON SHALL NOT SELL OR OTHERWISE DISPOSE OF  
20 ANY RAW MILK FOR WHICH A "STOP SALE NOTICE" HAS BEEN ISSUED UNTIL  
21 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE CANCELS THE  
22 "STOP SALE NOTICE".

23           (c) (I) IF AN AUTHORIZED PERSON FROM THE DEPARTMENT  
24 REQUESTS TO INSPECT A PRODUCER'S RAW MILK, IT IS UNLAWFUL FOR THE  
25 PRODUCER OR THE PRODUCER'S EMPLOYEE OR AGENT TO REFUSE TO

1 SUBMIT THE RAW MILK FOR INSPECTION OR TO REFUSE TO STOP A VEHICLE  
2 FROM TRANSPORTING THE RAW MILK.

3 (II) ANY AUTHORIZED AGENT OF THE DEPARTMENT MAY, WHILE  
4 ENFORCING THIS ARTICLE 62, SEIZE AND HOLD AS EVIDENCE ANY  
5 CONTAINER OF RAW MILK RECEIVED, PACKED, STORED, DELIVERED FOR  
6 SHIPMENT, LOADED, OR IN TRANSIT IN VIOLATION OF THIS ARTICLE 62.

7 (2) THE".

8 Renumber succeeding subsection accordingly.

9 Page 6, line 3, strike "ONE THOUSAND" and substitute "FIVE HUNDRED".

10 Page 6, line 8, after "(3)" insert "(a)".

11 Page 6, after line 16 insert:

12 "(b) UPON REQUEST OF AN AUTHORIZED AGENT OF THE  
13 DEPARTMENT OF AGRICULTURE, THE DEPARTMENT SHALL PROVIDE THE  
14 AUTHORIZED AGENT WITH ACCESS TO REGISTRATION INFORMATION  
15 OBTAINED PURSUANT TO SUBSECTION (2) OF THIS SECTION, INCLUDING THE  
16 NAMES, LOCATIONS, AND CONTACT INFORMATION OF FARMERS, FARMS,  
17 AND DAIRIES REGISTERED."

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