

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
10/10/23

Bill 15

LLS NO. 24-0371.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

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**BILL TOPIC:** Authorizing Direct-to-consumer Sales Of Raw Milk

**DEADLINES:** File by: 10/10/2023

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**A BILL FOR AN ACT**

101 **CONCERNING DIRECT-TO-CONSUMER SALES OF RAW MILK.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Water Resources and Agriculture Review Committee.** The bill authorizes a raw milk producer (producer) that registers with the department of public health and environment (department) to engage in direct-to-consumer sales of raw milk in the state if the producer complies with certain labeling, storage, handling, record-keeping, and transportation requirements. The direct-to-consumer sales may take place at the producer's place of business, at the consumer's residence, or at a farmers' market or roadside market. The bill authorizes the department to:

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

- Adopt rules related to record keeping and the storage, handling, labeling, and transportation of raw milk intended for sale directly to consumers;
- Inspect and embargo producers' raw milk and operations;
- Enforce against a violation in court or by imposition of a civil penalty and, if 2 or more separate violations are committed in a 12-month period, suspend the producer from selling raw milk for 12 months; and
- Prepare and distribute educational materials.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-5.5-101, **add**  
3 (16.3), (16.5), and (16.7) as follows:

4 **25-5.5-101. Definitions.** (16.3) (a) "RAW MILK" MEANS  
5 UNPASTEURIZED COW OR GOAT MILK.

6 (b) "RAW MILK" DOES NOT INCLUDE UNPASTEURIZED HUMAN MILK.

7 (16.5) "RAW MILK PRODUCER" MEANS A FARMER, FARM, OR DAIRY  
8 THAT PRODUCES RAW MILK.

9 (16.7) "RETAIL FOOD ESTABLISHMENT":

10 (a) EXCEPT AS PROVIDED IN SUBSECTION (16.7)(b) OF THIS  
11 SECTION, HAS THE MEANING SET FORTH IN SECTION 25-4-1602 (14); AND

12 (b) DOES NOT INCLUDE A FARMERS' MARKET OR A ROADSIDE  
13 MARKET.

14 **SECTION 2.** In Colorado Revised Statutes, 25-5.5-117, **amend**  
15 (3); and **add** (6), (7), (8), (9), (10), (11), and (12) as follows:

16 **25-5.5-117. Raw milk - direct-to-consumer sales -**  
17 **requirements - restrictions - enforcement - rules.** (3) Retail sales of  
18 raw, unpasteurized milk ~~shall not be allowed~~ ARE PROHIBITED, EXCEPT AS  
19 AUTHORIZED IN THIS SECTION FOR DIRECT-TO-CONSUMER SALES. Resale  
20 of raw milk ~~obtained from a cow share or goat share~~ is strictly prohibited.  
21 Raw milk that is not intended for pasteurization shall not be sold to or

1 offered for sale at farmers' markets, educational institutions; health-care  
2 facilities; nursing homes; governmental organizations; FOOD SERVICE  
3 OPERATIONS CATERING TO INFANTS, CHILDREN, OR THE ELDERLY; FOOD  
4 BANKS; or any RETAIL food establishment.

5 (6) (a) ON AND AFTER JANUARY 1, 2025, AND NOTWITHSTANDING  
6 SUBSECTION (6)(b) OF THIS SECTION, A PERSON IN THE STATE SHALL NOT  
7 SELL OR OFFER FOR SALE RAW MILK AT OR THROUGH:

8 (I) A RETAIL FOOD ESTABLISHMENT, INCLUDING A FOOD CO-OP;

9 (II) USE OF A FOOD DELIVERY SERVICE; OR

10 (III) COMMUNITY-SUPPORTED AGRICULTURE.

11 (b) ON AND AFTER JANUARY 1, 2025, A RAW MILK PRODUCER THAT  
12 HAS REGISTERED WITH THE DEPARTMENT PURSUANT TO SUBSECTION (2)  
13 OF THIS SECTION MAY SELL OR OFFER TO SELL RAW MILK DIRECTLY TO A  
14 CONSUMER IF:

15 (I) THE SALE OR OFFER TO SELL TAKES PLACE AT THE LOCATION  
16 WHERE THE RAW MILK IS PRODUCED, THE CONSUMER'S RESIDENCE, OR A  
17 FARMERS' MARKET OR ROADSIDE MARKET;

18 (II) RAW MILK OFFERED FOR SALE IS PLACED IN A STERILE OR  
19 SINGLE-USE CONTAINER AND SOLD NO MORE THAN FIVE DAYS AFTER THE  
20 CONTAINER IS FILLED;

21 (III) WHEN TRANSPORTING THE RAW MILK FOR SALE OR DELIVERY:

22 (A) THE RAW MILK PRODUCER OR ANY PERSON WHO TRANSPORTS  
23 OR DELIVERS RAW MILK ON BEHALF OF A RAW MILK PRODUCER PURSUANT  
24 TO SUBSECTION (8) OF THIS SECTION MAINTAINS THE RAW MILK IN AIR  
25 TEMPERATURES AT OR BELOW FORTY DEGREES FAHRENHEIT AT ALL TIMES  
26 EXCEPT DURING THE TRANSFER OF THE RAW MILK FROM ONE STORAGE  
27 AREA TO ANOTHER OR FROM ONE TRANSPORTATION VEHICLE TO ANOTHER;

1 AND

2 (B) THE RAW MILK PRODUCER OR ANY PERSON WHO TRANSPORTS  
3 OR DELIVERS RAW MILK ON BEHALF OF A RAW MILK PRODUCER PURSUANT  
4 TO SUBSECTION (8) OF THIS SECTION PROTECTS THE RAW MILK FROM  
5 EXPOSURE TO DIRECT SUNLIGHT;

6 (IV) THE RAW MILK PRODUCER MAINTAINS THE RAW MILK IN  
7 ACCORDANCE WITH ANY ADDITIONAL STORAGE, HANDLING, LABELING,  
8 RECORD-KEEPING, AND TRANSPORTATION REQUIREMENTS THAT THE  
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT ESTABLISHES BY RULE  
10 PURSUANT TO SUBSECTION (7) OF THIS SECTION;

11 (V) THE RAW MILK PRODUCER AFFIXES A LABEL TO EACH  
12 CONTAINER OF RAW MILK SOLD OR OFFERED FOR SALE. THE LABEL MUST:

13 (A) CONTAIN LANGUAGE THAT THE EXECUTIVE DIRECTOR OF THE  
14 DEPARTMENT ADOPTS BY RULE ON OR BEFORE DECEMBER 31, 2024, WHICH  
15 MUST WARN THAT THE RAW MILK IS UNPASTEURIZED AND THAT ITS  
16 CONSUMPTION INCREASES THE RISK OF ILLNESS, ESPECIALLY FOR  
17 HIGH-RISK INDIVIDUALS, INCLUDING INDIVIDUALS WHO ARE PREGNANT OR  
18 NURSING, CHILDREN, AND THE ELDERLY; AND

19 (B) BE PROMINENTLY PLACED ON THE CONTAINER.

20 (VI) THE RAW MILK PRODUCER SUBMITS A SAMPLE OF THE LABEL  
21 THAT THE RAW MILK PRODUCER WILL AFFIX TO EACH CONTAINER OF RAW  
22 MILK SOLD OR OFFERED FOR SALE TO THE DEPARTMENT AND THE  
23 DEPARTMENT APPROVES THE SAMPLE LABEL.

24 (7) ON OR BEFORE DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR  
25 OF THE DEPARTMENT MAY ADOPT RULES SETTING FORTH ADDITIONAL SAFE  
26 STORAGE, HANDLING, LABELING, RECORD-KEEPING, AND TRANSPORTATION  
27 REQUIREMENTS FOR RAW MILK THAT IS SOLD OR OFFERED FOR SALE

1 PURSUANT TO THIS SECTION.

2 (8) A RAW MILK PRODUCER MAY CONTRACT WITH ANOTHER  
3 PERSON TO TRANSPORT OR DELIVER RAW MILK IN ACCORDANCE WITH THIS  
4 SECTION. THE RAW MILK PRODUCER AND SUCH OTHER PERSON ARE  
5 JOINTLY AND SEVERALLY LIABLE FOR ANY VIOLATION OF THIS SECTION OR  
6 OF ANY RULE ADOPTED PURSUANT TO THIS SECTION, WHICH VIOLATION IS  
7 COMMITTED BY THE OTHER PERSON.

8 (9) THIS SECTION DOES NOT AUTHORIZE:

9 (a) THE SALE OF RAW MILK TO OR ON THE PREMISES OF A RETAIL  
10 FOOD ESTABLISHMENT;

11 (b) THE SALE OR OFFER FOR SALE OF RAW MILK BY ANY PERSON  
12 OTHER THAN A RAW MILK PRODUCER REGISTERED PURSUANT TO  
13 SUBSECTION (2) OF THIS SECTION;

14 (c) THE SALE OR OFFER FOR SALE OF RAW MILK FOR OTHER THAN  
15 HUMAN CONSUMPTION UNLESS IT HAS BEEN TREATED WITH A DYE  
16 APPROVED BY THE DEPARTMENT, AS DESCRIBED IN SECTION 25-1-114  
17 (1)(i);

18 (d) THE RESALE OF RAW MILK BY A CONSUMER; OR

19 (e) THE SALE OF ANY PRODUCTS MADE FROM RAW MILK,  
20 INCLUDING YOGURT, KEFIR, AND BUTTER.

21 (10) PURSUANT TO THE DEPARTMENT'S AUTHORITY UNDER  
22 SECTION 25-1.5-102 (1)(a)(I) TO INVESTIGATE AND CONTROL THE CAUSES  
23 OF EPIDEMIC AND COMMUNICABLE DISEASES AFFECTING THE PUBLIC  
24 HEALTH, THE DEPARTMENT, UPON RECEIPT OF A COMPLAINT BY A THIRD  
25 PARTY OR ON ITS OWN MOTION, MAY:

26 (a) TEST A RAW MILK PRODUCER'S RAW MILK;

27 (b) INSPECT A RAW MILK PRODUCER'S RAW MILK STORAGE,

1 HANDLING, OR TRANSPORTATION OPERATIONS AND REVIEW LABELING  
2 AFFIXED TO RAW MILK CONTAINERS;

3 (c) REQUEST RECORDS FROM A RAW MILK PRODUCER REGARDING  
4 THE RAW MILK PRODUCER'S RAW MILK PRODUCTION OPERATION, SALES, OR  
5 DISTRIBUTION; OR

6 (d) EMBARGO A RAW MILK PRODUCER'S RAW MILK AND PROHIBIT  
7 ITS SALE DURING THE DEPARTMENT'S INVESTIGATION.

8 (11) IF THE DEPARTMENT DETERMINES THAT A PERSON HAS  
9 VIOLATED THIS SECTION OR ANY RULE ADOPTED PURSUANT TO THIS  
10 SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY:

11 (a) REQUEST THAT THE ATTORNEY GENERAL'S OFFICE OR THE  
12 DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT IN WHICH THE ALLEGED  
13 VIOLATION OCCURRED, ON THE DEPARTMENT'S BEHALF, BRING AN ACTION  
14 IN A COURT OF COMPETENT JURISDICTION; OR

15 (b) UPON NOTICE AND AN OPPORTUNITY TO BE HEARD, IMPOSE A  
16 CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS  
17 PER VIOLATION. EACH CONTAINER OF RAW MILK SOLD IN VIOLATION OF  
18 THIS SECTION CONSTITUTES A SEPARATE VIOLATION. IF THE DEPARTMENT  
19 DETERMINES THAT A RAW MILK PRODUCER HAS COMMITTED TWO OR MORE  
20 SEPARATE VIOLATIONS WITHIN A TWELVE MONTH PERIOD, THE  
21 DEPARTMENT MAY SUSPEND FOR A PERIOD OF TWELVE MONTHS THE RAW  
22 MILK PRODUCER'S REGISTRATION ISSUED PURSUANT TO SUBSECTION (2) OF  
23 THIS SECTION. THE RAW MILK PRODUCER MAY RENEW THE RAW MILK  
24 PRODUCER'S REGISTRATION TO ENGAGE IN DIRECT-TO-CONSUMER SALES  
25 OF RAW MILK AFTER THE TWELVE-MONTH SUSPENSION PERIOD HAS  
26 ELAPSED.

27 (12) THE DEPARTMENT MAY PREPARE AND DISTRIBUTE

1 EDUCATIONAL MATERIALS REGARDING THE CONSUMPTION OF RAW MILK,  
2 WHICH MATERIALS MAY INCLUDE LANGUAGE STATING THAT THERE ARE  
3 NOT PROVEN HEALTH BENEFITS ASSOCIATED WITH THE CONSUMPTION OF  
4 RAW MILK, BUT THERE ARE KNOWN HARMS ASSOCIATED WITH ITS  
5 CONSUMPTION, SUCH AS SEVERE INFECTIONS.

6 **SECTION 3. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly; except  
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
10 of the state constitution against this act or an item, section, or part of this  
11 act within such period, then the act, item, section, or part will not take  
12 effect unless approved by the people at the general election to be held in  
13 November 2024 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.