

CHAPTER 105

HEALTH AND ENVIRONMENT

SENATE BILL 05-055

BY SENATOR(S) Johnson, Isgar, Entz, Hanna, Shaffer, Spence, Teck, Tupa, Williams, and Windels;
also REPRESENTATIVE(S) Hodge, Larson, Lundberg, Plant, Coleman, Frangas, Madden, Penry, Schultheis, and Stafford.

AN ACT**CONCERNING LIMITED DISTRIBUTION OF RAW MILK TO CONSUMERS WHO HAVE A CONSENSUAL OR CONTRACTUAL RELATIONSHIP WITH PRODUCERS.**

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

SECTION 1. Part 1 of article 5.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-5.5-117. Raw milk. (1) THE ACQUISITION OF RAW MILK FROM COWS OR GOATS BY A CONSUMER FOR USE OR CONSUMPTION BY THE CONSUMER SHALL NOT CONSTITUTE THE SALE OF RAW MILK AND SHALL NOT BE PROHIBITED IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(a) THE OWNER OF A COW, GOAT, COW SHARES, OR GOAT SHARES SHALL RECEIVE RAW MILK DIRECTLY FROM THE FARM OR DAIRY WHERE THE COW, GOAT, OR DAIRY HERD IS LOCATED AND THE FARM OR DAIRY IS REGISTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION. A PERSON WHO IS THE OWNER OF A COW SHARE OR GOAT SHARE IN A COW, GOAT, OR DAIRY HERD MAY RECEIVE RAW MILK ON BEHALF OF ANOTHER OWNER OF THE SAME COW, GOAT, OR DAIRY HERD. A PERSON WHO IS NOT AN OWNER OF A COW SHARE OR GOAT SHARE IN THE SAME COW, GOAT, OR DAIRY HERD SHALL NOT RECEIVE RAW MILK ON BEHALF OF THE OWNER OF A COW SHARE OR GOAT SHARE.

(b) THE MILK IS OBTAINED PURSUANT TO A COW SHARE OR A GOAT SHARE. A COW SHARE OR A GOAT SHARE IS AN UNDIVIDED INTEREST IN A COW, GOAT, OR HERD OF COWS OR GOATS, CREATED BY A WRITTEN CONTRACTUAL RELATIONSHIP BETWEEN A CONSUMER AND A FARMER THAT INCLUDES A LEGAL BILL OF SALE TO THE CONSUMER FOR AN INTEREST IN THE COW, GOAT, OR DAIRY HERD AND A BOARDING CONTRACT UNDER WHICH THE CONSUMER BOARDS THE COW, GOAT, OR DAIRY HERD IN WHICH THE CONSUMER HAS AN INTEREST WITH THE FARMER FOR CARE AND MILKING, AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

UNDER WHICH THE CONSUMER IS ENTITLED TO RECEIVE A SHARE OF MILK FROM THE COW, GOAT, OR DAIRY HERD.

(c) A PROMINENT WARNING STATEMENT THAT THE MILK IS NOT PASTEURIZED IS DELIVERED TO THE CONSUMER WITH THE MILK OR IS DISPLAYED ON A LABEL AFFIXED TO THE MILK CONTAINER; AND

(d) INFORMATION DESCRIBING THE STANDARDS USED BY THE FARM OR DAIRY WITH RESPECT TO HERD HEALTH, AND IN THE PRODUCTION OF MILK FROM THE HERD, IS PROVIDED TO THE CONSUMER BY THE FARMER TOGETHER WITH RESULTS OF TESTS PERFORMED ON THE COWS OR GOATS THAT PRODUCED THE MILK, TESTS PERFORMED ON THE MILK, AND AN EXPLANATION OF THE TESTS AND TEST RESULTS.

(2) REGISTRATION OF A FARM OR DAIRY AS REQUIRED BY PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE ACCOMPLISHED BY DELIVERING TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT A WRITTEN STATEMENT CONTAINING:

(a) THE NAME OF THE FARMER, FARM, OR DAIRY;

(b) A VALID, CURRENT ADDRESS OF THE FARMER, FARM, OR DAIRY; AND

(c) A STATEMENT THAT RAW MILK IS BEING PRODUCED AT THE FARM OR DAIRY.

(3) RETAIL SALES OF RAW, UNPASTEURIZED MILK SHALL NOT BE ALLOWED. RE SALE OF RAW MILK OBTAINED FROM A COW SHARE OR GOAT SHARE IS STRICTLY PROHIBITED. RAW MILK THAT IS NOT INTENDED FOR PASTEURIZATION SHALL NOT BE SOLD TO, OR OFFERED FOR SALE AT, FARMERS' MARKETS, EDUCATIONAL INSTITUTIONS, HEALTH CARE FACILITIES, NURSING HOMES, GOVERNMENTAL ORGANIZATIONS, OR ANY FOOD ESTABLISHMENT.

(4) NO PERSON WHO, AS A CONSUMER, OBTAINS RAW MILK IN ACCORDANCE WITH THIS SECTION SHALL BE ENTITLED TO SELL OR REDISTRIBUTE THE MILK.

(5) NO PRODUCER OF RAW MILK SHALL PUBLISH ANY STATEMENT THAT IMPLIES APPROVAL OR ENDORSEMENT BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 22, 2005