

### Necessary Amendments for SB24-043

—At the interim committee hearing for Draft Bill 15, I brought up the issue of CDPHE overseeing this program because of the antagonistic relationship public health has had with raw milk since pasteurization began, which could be seen in the pervasive biased language in the draft bill. Chair Roberts passed an amendment at the interim committee hearing in October to have oversight changed to DOA and not CDPHE (though DOA doesn't have a very supportive record of raw milk either); the original language of oversight from CDPHE is still in SB24-043. It's important to know who's really in charge because BOTH groups are mentioned throughout the bill, sometimes in conflicting ways (from the bill summary, to the definitions, and throughout the bill). This issue should be addressed with clear oversight reflected in the bill as well as in the definitions on page 2, lines 8-11, which currently list "the department" as the Department of Agriculture.

—Food co-ops and CSAs should be exempted from not being able to sell raw milk through this program. Co-ops and CSAs have their own membership agreements, some of which already have legal herdshare components. On page two, line 19, "Includes a food co-op" should be removed and on page five, line 7, "or through community-supported agriculture" should be removed. Both groups should be added to the allowed locations on page three, lines 8-10. Language about not reselling raw milk is already in SB24-043.

**\*\*\*My biggest concern is that this new law is intended to replace the existing, farmer-friendly herdshare law.** The raw milk producers and farmers I spoke with in October were also concerned about this happening when I sent the draft bill. It will not help access to raw milk if the current herdshare program is effected by SB24-043 because many farmers I spoke with do not intend to participate in this new program.

—Near the bottom of page three, section IV allows the commissioner, in consultation with CDPHE, to create additional requirements after the law is implemented. SB24-043 could be amended to satisfy raw milk producers and consumers and then **changed** by DOA and CDPHE to be something none of the previously consenting farmers/consumers would have approved. The DOA commissioner and CDPHE must not have additional rule making authority.

—On page four, section V (C) needs to be amended to only say: "This product contains unpasteurized milk." Everything else is biased, largely untrue, and should not be required on the label.

—Just below that, on page four, (2) directly addresses the ability for the commissioner and CDPHE to adopt rules for additional safe storage, handling, and transportation requirements (as I reference above). This is a slippery slope to unforeseen, unapproved increases in oversight. As addressed above, this section basically allows for whatever is passed into law to be significantly changed by DOA and CDPHE so this subsection and additional rule making authority should be removed.

—On page five (1)(c) should be removed...there is no reason for a die requirement if raw milk is available to people. I haven't heard of a die requirement in any state unless there is pet-milk-only raw milk legislation.

—Also on page five, ~~35-62-104~~, (1) needs to be amended or removed. This section says, "The department, upon the receipt of a complaint by a third party or on its own motion, may test a producer's raw milk, inspect a producer's raw milk storage, handling, or transportation operations; or request records from a producer regarding the producer's raw milk production operation." The section should say, "The department, upon the receipt of a **CREDIBLE, SUBSTANTIATED** complaint by a third party ~~or on its own motion, may test a producer's raw milk, inspect a producer's raw milk storage, handling, or transportation operations; or request records from a producer regarding the producer's raw milk production operation.~~" The massive problem with this section as written is that ANY complaint or unsubstantiated desire by the DOA can prompt an investigation. If testing is done, it **MUST** be performed by an independent, third party because otherwise there could easily be a witch hunt with predetermined or even fabricated results.

—On the bottom of page five and top of page six, (2)(a) and (b) contain legal action and a fine that seems to be intended to put raw milk producers, who already run on incredibly slim margins, out of business; especially if unsubstantiated complaints can lead to potentially unnecessary investigations conducted by the party initiating the investigation. Obviously a \$1000 per raw milk container deemed to be in violation is extreme and seems to be intended to bankrupt raw milk producers.

As a huge supporter of raw milk, raw milk producers, and local farmers, I ask you to seriously consider and implement these changes. Consumers are sufficiently protected with the current herdshare law by having a direct agreement with the farmer they choose for raw milk. Expanding access is a fine proposition but if SB24-043 cannot be amended, it is better to leave the current raw milk system alone. If SB24-043 passes as written it will decrease raw milk access because CDPHE and DOA will put farmers out of business, and, because of this concern, I would have no choice but to oppose this bill.

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