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ASSEMBLY BILL NO. 209—ASSEMBLYMEN AIZLEY  
AND OHRENSCHALL

MARCH 7, 2013

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JOINT SPONSOR: SENATOR SEGERBLOM

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the distribution and sale of raw milk. (BDR 51-1011)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to dairy products; revising certain provisions governing the sale of milk and milk products to be consistent with federal law; providing that raw milk certified by the county milk commission of the county in which the raw milk is produced may be sold anywhere in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law authorizes a county milk commission to regulate the production
  - 2 and distribution of certified raw milk and certified raw milk products in that county.
  - 3 (NRS 584.207, 584.208) **Sections 2 and 3** of this bill provide that raw milk
  - 4 certified by the county milk commission of the county in which the raw milk is
  - 5 produced can be sold anywhere in this State.
  - 6 **Section 1** of this bill revises existing law relating to the sale of milk and milk
  - 7 products to be consistent with federal law, which prohibits the interstate sale of
  - 8 unpasteurized milk and milk products. (NRS 584.205; 21 C.F.R. § 1240.61)
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** NRS 584.205 is hereby amended to read as follows:  
2       584.205 1. In addition to the initial inspection of new  
3 applicants, the Commission shall, except as otherwise provided in  
4 subsection 2, direct a periodic inspection, not less than annually, of  
5 all facilities belonging to permittees to ascertain whether the  
6 services, facilities and equipment continue to comply with the  
7 regulations referred to in NRS 584.195.

8       2. ~~{Except as otherwise provided in NRS 584.208 and the~~  
9 ~~regulations adopted pursuant to that section, milk}~~ **Milk** and milk  
10 products ~~{, including certified raw milk and products made from it,}~~  
11 imported from outside the State of Nevada may be sold in this state  
12 without inspection by the Commission if : ~~{the requirements of~~  
13 ~~paragraph (c) and the requirements of paragraph (a) or (b) are met:}~~

14       (a) ~~{In the case of certified raw milk and products made from it,~~  
15 ~~they have been produced under standards adopted by the American~~  
16 ~~Association of Medical Milk Commissions and under the statutory~~  
17 ~~provisions of the State of California applicable to such products.~~

18       —(b)} The milk and milk products have been produced,  
19 pasteurized, processed, transported and inspected under statutes or  
20 regulations substantially equivalent to the Nevada milk and milk  
21 products statutes and regulations ~~{}~~ ; **and**

22       ~~{(c)}~~ (b) The milk and milk products have been awarded an  
23 acceptable milk sanitation, compliance and enforcement rating by a  
24 state milk sanitation rating officer certified by the United States  
25 Public Health Service.

26       3. Whenever the Commission has reasonable grounds to  
27 believe that a seller of milk or milk products ~~{, including certified~~  
28 ~~raw milk and products made from it,}~~ is violating any of the  
29 regulations adopted by the Commission ~~{or any county milk~~  
30 ~~commission}~~ relating to the sanitation and grading of milk and milk  
31 products , ~~{including certified raw milk and products made from it,~~  
32 ~~or}~~ that the seller's facilities or products fail to meet the regulations  
33 ~~{}~~ or that the seller's operation is in any other manner not in the best  
34 interests of the people of this state, the Commission may conduct a  
35 reasonable inspection, and if any violation or other condition  
36 inimical to the best interests of the people of this state is found, to  
37 take corrective action pursuant to NRS 584.180 to 584.210,  
38 inclusive.

39       **Sec. 2.** NRS 584.207 is hereby amended to read as follows:

40       584.207 1. Certified raw milk is unpasteurized, marketed  
41 milk which conforms to the regulations and standards ~~{adopted by~~  
42 ~~the county milk commission}~~ for the production and distribution of



1 certified raw milk and certified raw milk products ~~that~~ *adopted by*  
2 *the county milk commission of* the county in which ~~they~~ *the*  
3 *certified raw milk and certified raw milk products* are produced.

4 2. In each county in which certified raw milk or certified raw  
5 milk products are produced for public consumption, there must be a  
6 county milk commission to regulate the production and distribution  
7 of those products. The board of county commissioners shall appoint  
8 to the commission three members for terms of 4 years, all of whom  
9 are eligible for reappointment. The members must all be residents of  
10 the county and have the following respective qualifications:

11 (a) One member must be a physician licensed in this State and a  
12 member of the medical society of the state;

13 (b) One member must be a veterinarian licensed in this State and  
14 a member of the county or regional veterinarian association; and

15 (c) One member must be a representative of the public at large.

16 3. A county milk commission shall:

17 (a) Elect one of its members as chair and adopt appropriate rules  
18 to govern:

19 (1) The time and place of its meetings;

20 (2) Its rules of procedure; and

21 (3) Its recordkeeping and other internal operations.

22 (b) Adopt written regulations, which must be approved by the  
23 State Dairy Commission, governing the production, distribution and  
24 sale in the county of certified raw milk and products made from it,  
25 to protect the public health and safety and the integrity of the  
26 product. ~~The regulations so adopted must conform as nearly as~~  
27 ~~practicable to, but may be more stringent than, the standards~~  
28 ~~adopted by the American Association of Medical Milk~~  
29 ~~Commissions.~~

30 (c) Certify raw milk and the products thereof for any applicant  
31 producing raw milk within the county, whose product and methods  
32 of production, distribution and sale comply with the regulations and  
33 standards adopted by the county milk commission.

34 4. A county milk commission may:

35 (a) Establish and collect such fees and charges as appear  
36 reasonably necessary to defray the costs and expenses incurred by it  
37 in the performance of its duties under this section, and expend any  
38 money so collected as is necessary for such performance.

39 (b) Conduct such tests, inspections and analyses as are necessary  
40 to enable it to perform its duties under this section and employ such  
41 personnel and equipment as it deems necessary therefor.

42 5. Each applicant for certification must, as a condition for  
43 entertaining his or her application and as a condition for any  
44 certification granted, submit for testing by the county milk  
45 commission such samples as the county milk commission requests,



1 and allow inspections by the county milk commission or its agents  
2 at any reasonable times, of any or all of the facilities, equipment,  
3 herds or other property employed in the applicant's dairy operations,  
4 including, without limitation, all of the applicant's books and  
5 records relating thereto.

6 **Sec. 3.** NRS 584.208 is hereby amended to read as follows:

7 584.208 1. Certified raw milk and products made from it may  
8 be sold *anywhere in this State* if the milk has been:

9 (a) Cooled to 45 degrees Fahrenheit or less immediately after  
10 being drawn from the cow or goat and maintained at or below that  
11 temperature until it is delivered to the consumer, at which time it  
12 may not contain more than 10 coliform bacteria per milliliter or  
13 more than 10,000 bacteria per milliliter; and

14 (b) Certified by the county milk commission of the county in  
15 which it was produced.

16 2. No person may come in contact with or be near raw milk  
17 before it is sold to the consumer unless the person maintains  
18 scrupulous cleanliness and is not afflicted with any communicable  
19 disease or in a condition to disseminate any disease which can be  
20 transmitted by milk. No person may handle milk to be sold as raw  
21 unless the person has a physical examination before any  
22 employment requiring the person to do so and every 3 months  
23 thereafter while continuing in the employment.

24 3. The State Dairy Commission shall adopt regulations  
25 governing:

26 (a) Inspections to determine the health of cows and goats which  
27 produce milk for sale as raw milk.

28 (b) Inspections of dairy farms which produce milk for sale as  
29 raw milk and establishing minimum standards of cleanliness and  
30 sanitation for the farms.

31 (c) Examinations of all persons who come in contact with raw  
32 milk before it is sold to a consumer.

33 (d) Other matters connected with the production and sale of raw  
34 milk which the Commission deems necessary to protect the public  
35 health.

36 **Sec. 4.** This act becomes effective on July 1, 2013.

