

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2005
Date

Committee on Agriculture, Natural Resources & Energy.

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

SB05-055 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

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

6 **25-5.5-117. Raw milk.** (1) THE ACQUISITION OF RAW MILK FROM
7 COWS OR GOATS BY A CONSUMER FOR USE OR CONSUMPTION BY THE
8 CONSUMER SHALL NOT CONSTITUTE THE SALE OF RAW MILK AND SHALL
9 NOT BE PROHIBITED IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

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

20 (b) THE MILK IS OBTAINED PURSUANT TO A COW SHARE OR A GOAT
21 SHARE. A COW SHARE OR A GOAT SHARE IS AN UNDIVIDED INTEREST IN A
22 COW, GOAT, OR HERD OF COWS OR GOATS, CREATED BY A WRITTEN

1 CONTRACTUAL RELATIONSHIP BETWEEN A CONSUMER AND A FARMER THAT
2 INCLUDES A LEGAL BILL OF SALE TO THE CONSUMER FOR AN INTEREST IN
3 THE COW, GOAT, OR DAIRY HERD AND A BOARDING CONTRACT UNDER
4 WHICH THE CONSUMER BOARDS THE COW, GOAT, OR DAIRY HERD IN WHICH
5 THE CONSUMER HAS AN INTEREST WITH THE FARMER FOR CARE AND
6 MILKING, AND UNDER WHICH THE CONSUMER IS ENTITLED TO RECEIVE A
7 SHARE OF MILK FROM THE COW, GOAT, OR DAIRY HERD.

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

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

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

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

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

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

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

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

1 REDISTRIBUTE THE MILK.

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

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

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