

# HOUSE BILL 79

J1, M4  
HB 3/14 – HGO

6lr1675

---

By: **Delegates Morhaim and Kipke**

Introduced and read first time: January 15, 2016

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Milk Products – Raw Milk – Consumer–Owned Livestock**

3 FOR the purpose of exempting from certain regulation the distribution of raw milk and raw  
4 milk products from certain producers directly to the final consumer if the consumer  
5 has a certain ownership interest in certain animals; requiring a certain consumer  
6 and a certain producer to enter into a written contract of agistment relating to a  
7 certain ownership interest; establishing that the exemption does not apply to certain  
8 sales of milk and milk products; providing that the prohibition on the sale of raw  
9 milk for human consumption is subject to the exemption; and generally relating to  
10 the regulation of the sale of milk and milk products for human consumption.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 21–403 and 21–434  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 21–403.

20 (A) This subtitle applies only to milk products that are intended for sale for  
21 immediate or eventual human consumption.

22 (B) (1) **THE DISTRIBUTION OF RAW MILK AND RAW MILK PRODUCTS**  
23 **FROM MILK PRODUCERS DIRECTLY TO THE FINAL CONSUMER IS EXEMPT FROM**  
24 **REGULATION UNDER THIS SUBTITLE IF THE CONSUMER HAS ACQUIRED AN**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OWNERSHIP INTEREST IN THE ANIMAL OR HERD FROM WHICH THE RAW MILK IS  
2 PRODUCED.

3 (2) THE CONSUMER AND THE MILK PRODUCER SHALL ENTER INTO A  
4 WRITTEN CONTRACT OF AGISTMENT RELATING TO THE OWNERSHIP INTEREST  
5 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

6 (3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO  
7 RESTAURANT, RETAIL, COMMERCIAL, WHOLESALE, OR OTHER SALES OF MILK AND  
8 MILK PRODUCTS TO A SUBSEQUENT BUYER.

9 21-434.

10 [Except] SUBJECT TO § 21-403(B) OF THIS SUBTITLE AND EXCEPT for sale of  
11 raw milk by a holder of a milk producer permit to a holder of a milk processor permit or the  
12 sale of a farmstead cheese, a person may not sell raw milk for human consumption.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2016.