
By: **Delegates Stull, Bartlett, Bohanan, Cane, G. Clagett, V. Clagett, Elliott, Glassman, Hogan, Jennings, Kelly, Kohl, Krebs, Kullen, McComas, McKee, Myers, Nathan-Pulliam, Rudolph, Shank, Shewell, Sossi, Stocksdale, Weldon, and Wood Wood, Lawton, and Weir**

Introduced and read first time: February 24, 2006

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 6, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - State Dairy Industry Oversight**
 3 **and Advisory Council**

4 FOR the purpose of establishing the State Dairy Industry Oversight and Advisory
 5 Council in the Department of Health and Mental Hygiene; providing for the
 6 purpose of the Advisory Council; providing for the composition of the Advisory
 7 Council; requiring the Advisory Council to choose a Chair from among its
 8 members; providing for a quorum of the Advisory Council; requiring the
 9 Advisory Council to meet a certain number of times each year; prohibiting
 10 members of the Advisory Council from receiving compensation but entitling
 11 members to reimbursement for certain expenses under certain regulations;
 12 requiring the Department of Health and Mental Hygiene and the Department of
 13 Agriculture to jointly provide staffing and support to the Advisory Council;
 14 authorizing the Advisory Council to establish certain committees and
 15 subcommittees and to include certain persons on certain committees or
 16 subcommittees; providing that the Advisory Council may consult certain
 17 experts; providing for the duties of the Advisory Council; requiring certain
 18 agencies, departments, or units of the State to provide certain access to certain
 19 information requested by the Advisory Council; requiring the Advisory Council
 20 to submit a certain report that includes certain information to the Governor, the
 21 Department of Health and Mental Hygiene and the Department of Agriculture,
 22 and the General Assembly on or before a certain date each year; specifying the
 23 terms of the initial members of the Advisory Council; and generally relating to
 24 the State Dairy Industry Oversight and Advisory Council.

1 BY adding to
2 Article - Health - General
3 Section 21-439 through 21-447, inclusive, to be under the new part "Part V.
4 State Dairy Industry Oversight and Advisory Council"
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2005 Supplement)

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

9 **Article - Health - General**

10 21-437. RESERVED.

11 21-438. RESERVED.

12 **PART V. STATE DAIRY INDUSTRY OVERSIGHT AND ADVISORY COUNCIL.**

13 21-439.

14 IN THIS PART, "ADVISORY COUNCIL" MEANS THE STATE DAIRY INDUSTRY
15 OVERSIGHT AND ADVISORY COUNCIL.

16 21-440.

17 (A) THERE IS A STATE DAIRY INDUSTRY OVERSIGHT AND ADVISORY COUNCIL.

18 (B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO PROMOTE THE STATE
19 DAIRY INDUSTRY.

20 21-441.

21 (A) (1) THE ADVISORY COUNCIL CONSISTS OF ~~43~~ 14 VOTING MEMBERS AND 6
22 NONVOTING MEMBERS.

23 (2) THE FOLLOWING ~~43~~ 14 VOTING MEMBERS SHALL BE APPOINTED BY
24 THE GOVERNOR:

25 (I) ONE REPRESENTATIVE OF THE MARYLAND FARM BUREAU;

26 (II) ONE REPRESENTATIVE OF THE MARYLAND DAIRY INDUSTRY
27 ASSOCIATION;

28 (III) ONE MILK PRODUCER WHO IS NOT AFFILIATED WITH AN
29 AGRICULTURAL GROUP OR ASSOCIATION;

30 (IV) ONE MILK HAULER;

31 (V) ONE REPRESENTATIVE OF A COMMERCIAL LABORATORY THAT
32 TESTS MILK SAMPLES OR SPECIMENS;

1 (VI) THREE MILK PROCESSORS;

2 (VII) THREE REPRESENTATIVES OF MILK MARKETING
3 COOPERATIVES; ~~AND~~

4 (VIII) TWO CONSUMER MEMBERS WHO ARE UNAFFILIATED WITH
5 AND DO NOT HAVE A FINANCIAL INTEREST IN THE DAIRY INDUSTRY; AND

6 (IX) ONE REPRESENTATIVE OF THE MARYLAND STATE GRANGE.

7 (3) THE FOLLOWING SIX NONVOTING MEMBERS SHALL INCLUDE:

8 (I) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT
9 OF THE SENATE;

10 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
11 THE SPEAKER OF THE HOUSE;

12 (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF
13 AGRICULTURE, APPOINTED BY THE SECRETARY OF AGRICULTURE;

14 (IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND
15 MENTAL HYGIENE, APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL
16 HYGIENE;

17 (V) ONE LOCAL HEALTH OFFICER WHO IS A MEMBER OF THE
18 MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, APPOINTED BY THE
19 SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

20 (VI) ONE REPRESENTATIVE OF THE MARYLAND COOPERATIVE
21 EXTENSION, APPOINTED BY THE DEAN OF THE COLLEGE OF AGRICULTURE AND
22 NATURAL RESOURCES.

23 (B) (1) THE TERM OF A VOTING MEMBER IS 3 YEARS.

24 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
25 REQUIRED BY THE TERMS PROVIDED FOR VOTING MEMBERS OF THE ADVISORY
26 COUNCIL ON OCTOBER 1, 2006.

27 (3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE
28 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

29 (4) A MEMBER APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY
30 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
31 QUALIFIES.

32 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
33 TERMS.

1 21-442.

2 FROM AMONG ITS MEMBERS, THE ADVISORY COUNCIL SHALL ELECT A CHAIR
3 EVERY 2 YEARS.

4 21-443.

5 (A) A MAJORITY OF THE VOTING MEMBERS OF THE ADVISORY COUNCIL IS A
6 QUORUM TO DO BUSINESS.

7 (B) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH YEAR,
8 AT THE TIMES AND PLACES THAT IT DETERMINES.

9 (C) A MEMBER OF THE ADVISORY COUNCIL:

10 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY
11 COUNCIL; BUT

12 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
13 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

14 (D) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE
15 DEPARTMENT OF AGRICULTURE SHALL JOINTLY PROVIDE TO THE ADVISORY
16 COUNCIL THE STAFF AND TECHNOLOGICAL ASSISTANCE NECESSARY TO CARRY OUT
17 THE PROVISIONS OF THIS PART.

18 21-444.

19 (A) (1) THE ADVISORY COUNCIL MAY ESTABLISH COMMITTEES AND
20 SUBCOMMITTEES.

21 (2) THE ADVISORY COUNCIL MAY INCLUDE INDIVIDUALS AND
22 REPRESENTATIVES OF INTERESTED PUBLIC AND PRIVATE ORGANIZATIONS ON
23 COMMITTEES AND SUBCOMMITTEES.

24 (B) THE ADVISORY COUNCIL MAY CONSULT WITH EXPERTS AS NEEDED TO
25 CARRY OUT THE PROVISIONS OF THIS PART.

26 21-445.

27 THE ADVISORY COUNCIL SHALL:

28 (1) ~~INVESTIGATE WAYS TO IMPROVE THE ECONOMIC VIABILITY OF THE~~
29 ~~DAIRY INDUSTRY IN THE STATE, AND SPECIFICALLY INVESTIGATE PRACTICES OF~~
30 ~~SELLING BELOW COST IN MARYLAND BY OUT OF STATE MILK PROCESSORS~~
31 ~~PROTECTED BY PRICE CONTROLS IN THEIR STATE~~ RETAIL AND WHOLESALE PRICING
32 DISPARITIES IN THE DAIRY INDUSTRY IN THE STATE DUE TO THE LACK OF PRICING
33 PROTECTIONS AS COMPARED TO OTHER STATES;

34 (2) DEVELOP STRATEGIES FOR SUSTAINING THE STATE DAIRY
35 INDUSTRY;

1 (3) EVALUATE AND REVIEW THE REGULATORY STRUCTURE OF THE
2 DAIRY INDUSTRY;

3 (4) REVIEW AND COMMENT ON FEDERAL AND STATE REGULATORY
4 CHANGES IMPACTING THE DAIRY INDUSTRY;

5 (5) IDENTIFY AND COMMENT ON QUALITY ASSURANCE CONTROLS IN
6 THE DAIRY INDUSTRY;

7 (6) IDENTIFY BARRIERS AND OTHER ISSUES IMPACTING THE DAIRY
8 INDUSTRY;

9 (7) IDENTIFY TECHNOLOGICAL CHANGES AFFECTING THE DAIRY
10 INDUSTRY;

11 (8) ENCOURAGE AND FACILITATE COLLABORATION AMONG THE STATE
12 AGENCIES RESPONSIBLE FOR REGULATING THE DAIRY INDUSTRY; AND

13 (9) IDENTIFY AND ADDRESS ANY OTHER ISSUES THE ADVISORY
14 COUNCIL DETERMINES ARE APPROPRIATE.

15 21-446.

16 EACH UNIT OF THE STATE SHALL PROVIDE TIMELY ACCESS TO ANY
17 INFORMATION REQUESTED BY THE ADVISORY COUNCIL TO FULFILL THE DUTIES OF
18 THE ADVISORY COUNCIL UNDER THIS PART.

19 21-447.

20 ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADVISORY COUNCIL SHALL
21 SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE DEPARTMENT OF
22 AGRICULTURE, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND, IN
23 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
24 ASSEMBLY THAT INCLUDES:

25 (1) A SUMMARY OF THE ACTIONS OF THE ADVISORY COUNCIL OVER THE
26 PAST YEAR; AND

27 (2) A DESCRIPTION OF THE FINDINGS AND RECOMMENDATIONS OF THE
28 ADVISORY COUNCIL WITH AN EMPHASIS ON THE ITEMS SET FORTH IN § 21-445 OF
29 THIS PART.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
31 members of the State Dairy Industry Oversight and Advisory Council shall expire as
32 follows:

33 (1) three members in 2008;

34 (2) five members in 2009; and

35 (3) five members in 2010.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.