

HOUSE BILL 1080

J1, M4

9lr1983

By: **Delegates Jennings, Boteler, Dwyer, Ivey, Kipke, and Shank**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of exempting from certain regulation the sale of raw milk and raw
4 milk products from certain producers directly to the final consumer if the
5 consumer has a certain ownership interest in certain animals; requiring the
6 ownership interest to be acquired by a certain contract; establishing that the
7 exemption does not apply to certain sales of milk and milk products; providing
8 that the prohibition on the sale of raw milk for human consumption is subject to
9 the exemption; and generally relating to the regulation of the sale of milk and
10 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 (2005 Replacement Volume and 2008 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, 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 PRODUCTION 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 OWNERSHIP INTEREST DESCRIBED IN PARAGRAPH (1) OF
4 THIS SUBSECTION SHALL BE ACQUIRED UNDER A WRITTEN CONTRACT OF
5 AGISTMENT BETWEEN THE CONSUMER AND THE MILK PRODUCER.

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

9 21-434.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2009.