

SENATE No. 480

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding raw milk.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/1/2019</i>

SENATE No. 480

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 480) of Anne M. Gobi, James B. Eldridge and Susannah M. Whipps for legislation relative to raw milk. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act regarding raw milk.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the definition of “rolls” the following
3 definitions:-

4 “shared animal ownership agreement”, includes a cow share or goat share that is an
5 undivided interest in a cow, goat, or dairy herd, created through a written contractual relationship
6 between a shareholder and farmer that includes a legal bill of sale to the shareholder for an
7 interest in a cow, goat, or dairy herd, and under which the shareholder agrees to pay or reimburse
8 a farmer, or otherwise accept financial responsibility for the care and boarding of a cow, goat, or
9 dairy herd, and under which the shareholder is entitled to receive a raw milk share from the cow,
10 goat, or dairy herd.

11 “shareholder,” refers to an individual who owns an undivided interest in a cow, goat, or
12 dairy herd created through a shared animal ownership agreement.

SECTION 2. Section 13 of said chapter 94, as so appearing, is hereby amended by inserting, in line 17, after the word "precluded", the following words:-

; and provided further, the provisions of this chapter shall be inapplicable to a shareholder, or any individual participating in a shared animal ownership agreement, who is using any product derived from such animal for personal consumption.

SECTION 3. Said chapter 94 of the General Laws, is hereby amended by inserting after section 13 the following section:-

Section 13 A ½. (a) Licensed raw milk farmers shall be allowed to deliver raw milk directly to the consumer, off-site from the farm, provided that the raw milk farmer has a direct, contractual relationship with the consumer. The raw milk farmer may contract with a third party for delivery provided that the raw milk farmer shall maintain the contractual relationship with the consumer. The raw milk farmer may deliver raw milk through a community supported agriculture (CSA) delivery system provided that the raw milk farmer shall maintain a contractual relationship with the consumer. Delivery may be made directly to the consumer's residence or to a pre-established receiving site; said sites shall not be in a retail setting with the exception of CSA delivery. In such instances, raw milk shall be kept separated from retail items for sale and will not be accessible to the general public.

(b) Raw milk farmers may sell raw milk from their farm stands even if not contiguous to their raw milk dairy and shall comply with section 3 of chapter 40 of the General Laws.

(c) The department of agricultural resources and the department of public health, acting jointly, shall adopt and promulgate reasonable rules and regulations governing the handling,

packaging, storage, testing, and transportation of raw milk, provided that non-mechanical refrigeration shall be permitted.

SECTION 4. Said chapter 94 is hereby further amended by inserting after section 13E the following section:-

Section 13F. (a) Any farmer may participate in a shared animal ownership agreement if said farmer has no more than twelve lactating cows, goats, or cows and goats, and enters a shared animal ownership agreement through a written contractual relationship, provided that the contract shall include:

(1) the name and address of the farm, owner of the farm and name of the farmer;

(2) the name and address of the shareholder;

(3) a prominent warning statement that the raw milk is not pasteurized nor subject to inspection by the department of public health nor the department of agricultural resources and that the raw milk is subject to limited safety testing by the department of agricultural resources.

(b) A farmer participating in a shared animal ownership agreement shall keep a record of when a shareholder receives a raw milk share and the farmer shall maintain such record for no less than 60 days. A farmer participating in a shared animal ownership agreement shall only distribute raw milk off of their farm.

(c) Any shareholder of a cow share or goat share within a cow, goat, or dairy herd may receive raw milk on behalf of another shareholder within the same cow, goat, or dairy herd.

53 (d) No shareholder who receives raw milk through a shared animal ownership agreement
54 under this section shall sell or redistribute the raw milk to any person who does not own a raw
55 milk share within the same cow, goat, or dairy herd.

56 (e) The department of agricultural resources may issue rules and regulations pursuant to
57 the testing of raw milk distributed through a shared animal ownership agreement, provided that
58 the testing is done not more than once every two months, and provided that the testing
59 requirements are not overly burdensome to the farmer or cost-prohibitive.