2017 HOUSE AGRICULTURE

HB 1127

2017 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB 1127
1/12/2017
Job # 26817

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature LeMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the definition of Pasteurized Milk Ordinance and to the Pasteurized Milk Ordinance revision.

Minutes: Attachment #1

Shaun Quissell, North Dakota Dept. of Agriculture: (Attachment #1)

(3:45)
Representative Schreiber-Beck: What would happen if we didn't do this?

Shaun Quissell: Our fluid markets would not be able to cross state lines. Then every other state could come in and regulate our producers.

Chairman Dennis Johnson: At what point are you inspecting?

Shaun Quissell: We inspect at the farm, at the plants, and anybody that distributes product.

Chairman Dennis Johnson: What type of penalty structure is in place?

Shaun Quissell: We are allowed to reject the product and have civil penalties of $500 per violation.

Representative Magrum: Are there different ways of pasteurizing milk? Some milk has a longer shelf life.

Shaun Quissell: In our state law we have two kinds. There is a slower version that is at 145° for 30 minutes. We have one location in the state that does that. There is high temperature short time where they heat it faster at 165° for 15 seconds. There is aseptic milk which is taken to 200° for 2 seconds and has a much longer shelf life. There is also shelf-stable milk which is at 260° and can be held without refrigeration.

Representative Magrum: What about raw milk?

Shaun Quissell: The sale of raw milk is illegal under NDCC 4-30. In the 2013 session they allowed for cow shares.

Opposition: None

Representative Schreiber-Beck: Moved Do Pass

Representative Skroch: Seconded the motion.

A Roll Call vote was taken: Yes 13, No 0, Absent 1 (Rep. Blum).

Do Pass carries.

Representative Oliver will carry the bill.

Date: 1/12/2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1127

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation:
☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Schreiber-Beck Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman Wayne Trottier	X		Rep. Kathy Hogan	X	
Rep. Jake Blum	AB				
Rep. Craig Headland	X				
Rep. Michael Howe	X				
Rep. Dwight Kiefert	X				
Rep. Jeffery Magrum	X				
Rep. Aaron McWilliams	X				
Rep. Bill Oliver	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				

Total Yes 13 **No** 0

Absent 1

Floor Assignment Rep. Oliver

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1127: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

2017 SENATE AGRICULTURE

HB 1127

2017 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1127
2/10/2017
Job # 28176

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Emmery Brotherg

Explanation or reason for introduction of bill/resolution:

Relating to the definition of Pasteurized Milk Ordinance and to the Pasteurized Milk Ordinance revision

Minutes: Attachment: #1

Chairman Luick: Opened the hearing on HB 1127.

(1:00 – 3:10) **Shaun Quissell, Director of Livestock Development Division, NDDA:** Testified in Support of HB 1127 (See Attachment #1).

Senator Klein: I understand what we are doing here but I have heard that with the addition of raw milk, some states are not adopting these federal standards. Do you know how other states are approaching this?

Shaun Quissell: I do now know. Usually what happens is they will have a separate portion that will allow for instate raw milk sales and then anything that would be a grade a product has to fall under the PMO in order to stay as part of the NCMS conference. That is how a lot of them are handling it; the raw milk will be only in state shipments. As long as you do not cross lines with raw milk, it does not become an FDA issue.

Senator Klein: So the federal law allows raw milk within the state? Where did we come up with the cow shares? Cow shares seemed like the only way to get around the PMO and the federal regulation.

Shaun Quissell: The FDA outlaws any interstate of raw milk.

Senator Klein: I heard from Wayne Carlson that he had to spend a lot of time working to regulate the cow share issue so that we knew we weren't falling out of compliance with the federal law. Is there anyone in your department looking at raw milk shares and how that law applies?

Shaun Quissell: Under the way it was written, the agriculture commissioner is not allowed to propagate any rules against cow shares so we are completely hands off on cow shares.

Senator Klein: Are you getting any reports from people getting sick from raw milk?

Shaun Quissell: We don't have anything reported to us, that would be a better question to bring up to the Department of Health; they are the ones that handle food born outbreaks.

Chairman Luick: Do you know if the number of raw milk sales are increasing?

Shaun Quissell: I do not know. As I said, we are not allowed to propagate any rules and we don't follow it. If we get calls in if people are selling raw milk long, we will follow up and ask the person. As they say they are under a cow share, we are hands-off. Yesterday was HB 1433, there were a lot of people who showed up to support that bill and I imagine most of the people who were there were there to support raw milk.

(8:00 – 17:00) **Committee Discussion:** The committee discussed HB 1433.

Senator Klein: Moved Do Pass.

Senator Larsen: Seconded the motion.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion carried.

Senator Myrdal will carry the bill.

Date: 2/10/17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1127

Senate Agriculture Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Klein Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Luick	✓		Senator Piepkorn	✓	
Senator Myrdal	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland	✓				

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Myrdal

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1127: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1127

#1

COMMISSIONER
DOUG GOEHRING

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Testimony of Shaun Quissell
Livestock Development Director
HB Bill 1127
House Agriculture Committee
Peace Garden Room
January 12, 2017

Chairman Johnson and members of the House Agriculture Committee, I am Shaun Quissell, director of the Livestock Development Division of the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of HB 1127, which will amend provisions of the North Dakota Century Code (NDCC) §4-30 to update federal references in the dairy product regulations.

The NDDA regulates milk production from the producer, through the processing and distribution stages to ensure a safe and wholesome product for consumers. NDCC§ 4-30 is the law that sets the standards and requirements in all phases of production for milk and milk products.

North Dakota adopts federal regulations in NDCC §4-30 because the Food and Drug Administration (FDA) requires every state to adopt the same standards and regulations for interstate shipment of milk and milk products. The National Conference of Interstate Milk Shipments (NCIMS) develops these standards and regulations. NCIMS is an organization made up of state and federal dairy regulators, producers, and dairy processors. The NCIMS meets every two years to update and revise existing Grade A milk and milk product standards and

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regulations. After the FDA approves the revisions to the standards and regulations, the NCIMS publishes the most current version in order for states to adopt into their standards and regulations. This bill updates these references to reflect the most current publications of these federal dairy regulations.

Three of those references are the "Pasteurized Milk Ordinance" (PMO), the "Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of National Conference on Interstate Milk Shipments" and the "Methods of Making Sanitation Ratings of Milk Shippers." Current publication dates for these are "2015" and they were released for general publication in the fall of 2015.

In addition, our state has adopted the latest edition of "Standard Methods for the Examination of Dairy Products," which also needs to be updated to the 2015 edition. This is the current laboratory testing requirements and procedures for milk and milk products.

These changes to the state law are important to our dairy industry because our Grade A milk and milk products will not be able to be shipped to other states if these changes are not adopted.

Chairman Johnson and committee members, thank you for your consideration of HB1127. I would be happy to answer any questions you may have.

#1

COMMISSIONER
DOUG GOEHRING

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Testimony of Shaun Quissell
Livestock Development Director
HB Bill 1127
Senate Agriculture Committee
Roosevelt Park Room
February 10, 2017

Chairman Luick and members of the Senate Agriculture Committee, I am Shaun Quissell, director of the Livestock Development Division of the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of HB 1127, which will amend provisions of the North Dakota Century Code (NDCC) §4-30 to update federal references in the dairy product regulations.

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Chairman Luick and committee members, thank you for your consideration of HB1127. I would be happy to answer any questions you may have.