

March 29, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2072

Page 1, line 1, after "to" insert "create and enact a new subsection to section 4-30-01 and three new sections to chapter 4-30 of the North Dakota Century Code, relating to shared animal ownership agreements; and to"

Page 1, line 1, replace "subsection" with "subsections 7 and"

Page 1, line 1, after "sections" insert "4-30-36,"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subsection 7 of section 4-30-01 of the North Dakota Century Code is amended and reenacted as follows:

7. "Dairy or dairy farm" means a place where one or more dairy animals are kept, a part or all of the milk or milk products from which is sold or offered for sale, or transferred in accordance with a shared animal ownership agreement."

Page 1, after line 9, insert:

**"SECTION 3.** A new subsection to section 4-30-01 of the North Dakota Century Code is created and enacted as follows:

"Shared animal ownership agreement" means any contractual arrangement under which an individual:

- a. Acquires an ownership interest in a milk-producing animal;
- b. Agrees to pay another for, reimburse another for, or otherwise accept financial responsibility for the care and boarding of the milk-producing animal at the dairy farm; and
- c. Is entitled to receive a proportionate share of the animal's raw milk production as a condition of the contractual arrangement.

**SECTION 4. AMENDMENT.** Section 4-30-36 of the North Dakota Century Code is amended and reenacted as follows:

**4-30-36. Standards for grade A milk and milk products - Adoption of amendments.**

1. Only grade A milk may be sold as fluid beverage for human consumption. The minimum standards for milk and milk products designated as grade A are the same as the minimum requirements of the Pasteurized Milk Ordinance which includes provisions from the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the Grade A PMO". The commissioner may adopt ~~as regulations~~ other standards in the interest of public safety, wholesomeness of product, consumer interest, sanitation, good supply, salability, and promotion of grade A milk and milk products.

2. It is not a violation of this section to transfer or obtain raw milk under a shared animal ownership agreement. However, a person may not resell raw milk or raw milk products obtained under a shared animal ownership agreement."

Page 2, after line 10, insert:

"**SECTION 8.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Dairy farm registration.**

The owner of a dairy farm that participates in a shared animal ownership agreement shall register with the commissioner by providing a written document that includes:

1. The name of the dairy farm; and
2. The address of the dairy farm.

**SECTION 9.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Requirements.**

A person that transfers an animal's raw milk production in accordance with a shared animal ownership agreement does not violate this chapter if:

1. The dairy farm is registered under section 8 of this Act;
2. The milk is transferred at the dairy farm where the milk-producing animal is located or delivered to another location in accordance with a shared animal ownership agreement;
3. The individual receiving milk has entered a shared animal ownership agreement with the owner of the dairy farm and is receiving milk on the individual's own behalf or on the behalf of another who has entered a shared animal ownership agreement with the owner of the dairy farm;
4. The shared animal ownership agreement contains a prominent statement warning that:
  - a. The milk is not pasteurized;
  - b. Potential pathogens may be present in the milk; and
  - c. There are potential health concerns associated with the consumption of raw milk or raw milk products; and
5. Annually, the owner of the dairy farm provides to individuals who have entered shared animal ownership agreements with the owner:
  - a. The standards used to ensure the health of the milk-producing animals that are part of the shared animal ownership agreement;
  - b. The standards used to ensure the production of milk;

- c. The results of any tests performed on the milk-producing animals, together with an explanation of the test results; and
- d. The results of any tests performed on the milk from the milk-producing animals, together with an explanation of the test results.

**SECTION 10.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Prohibition.**

A person may not publish any statement that asserts or implies the approval or endorsement by the commissioner of shared animal ownership agreements and the acquisition of raw milk under such agreements."

Renumber accordingly