

**HOUSE BILL NO. 1244**

Introduced by

Representatives M. Nelson, Simons

1 A BILL for an Act to create and enact section 4.1-25-40.1 of the North Dakota Century Code,  
2 relating to the direct sale of raw milk or raw milk products; and to amend and reenact  
3 subsection 1 of section 4.1-25-02 of the North Dakota Century Code, relating to licensure for  
4 the sale of raw milk or raw milk products.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 4.1-25-02 of the North Dakota Century  
7 Code is amended and reenacted as follows:

- 8 1. The license required by this section must be obtained for each place of business in  
9 this state owned or operated by:
- 10 a. A producer-processor, peddler, or distributor;
  - 11 b. A person purchasing milk or milk products for processing or manufacturing;
  - 12 c. A person owning, operating, or leasing a creamery, cheese factory, condensery,  
13 drying plant, ice cream plant, ice milk plant, or milk plant;
  - 14 d. A person owning, operating, or leasing any other business engaged in the  
15 processing or manufacturing of milk or milk products; ~~and~~
  - 16 e. An organization acquiring milk or milk products on its own behalf or as an agent  
17 of others; and
  - 18 f. A person selling or offering for sale raw milk or raw milk products under section  
19 4.1-25-40.1.

20 **SECTION 2.** Section 4.1-25-40.1 of the North Dakota Century Code is created and enacted  
21 as follows:

22 **4.1-25-40.1. Sale of raw milk and raw milk products - Inspection - Exemption.**

- 23 1. For purposes of this section:

- 1           a. "Dairy producer" means any person in the business of producing and selling milk  
2           from cows.
- 3           b. "Milk-borne disease" includes brucellosis, campylobacter jejuni, escherichia coli  
4           O157:H7, listeria monocytogenes, salmonella, and tuberculosis.
- 5        2. Notwithstanding section 4.1-25-40, a dairy producer may sell or offer for sale raw milk  
6        or raw milk products for direct consumer consumption on the premises where the raw  
7        milk or raw milk products are produced. Before selling or offering for sale raw milk or  
8        raw milk products under subsection 2, a dairy producer shall obtain a license under  
9        section 4.1-25-02.
- 10       3. Notwithstanding section 4.1-25-12, the commissioner or the commissioner's designee  
11       may enter, at reasonable hours, a place of business where a dairy producer produces  
12       raw milk or raw milk products to inspect the raw milk or raw milk products for the  
13       presence of a milk-borne disease. If the presence of a milk-borne disease is found in  
14       the raw milk or raw milk products, the commissioner shall suspend the license of the  
15       dairy producer until the commissioner or the commissioner's designee determines the  
16       milk-borne disease is no longer present following a second or subsequent inspection  
17       of the raw milk or raw milk products.
- 18       4. Notwithstanding section 4.1-25-12, a dairy producer shall allow a consumer to enter, at  
19       reasonable hours, a place of business, where the dairy producer produces raw milk or  
20       raw milk products and inspect the raw milk and raw milk products before making a  
21       purchase. Before entering the premises where raw milk or raw milk products are  
22       produced, a dairy producer may require a consumer to satisfy sanitary controls, as  
23       determined by the dairy producer.
- 24       5. A dairy producer selling or offering for sale raw milk or raw milk products under this  
25       section is exempt from the requirements of sections 4.1-25-26, 4.1-25-27, and  
26       4.1-25-29.