

CHAPTER 7-03.2-06 CHANGING THE MILK BUYER

Section

7-03.2-06-01 Transfer Procedures

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1. A dairy producer who wants to contract with a new milk buyer shall apply to the commissioner for authority to do so. The application must be on forms provided by the commissioner.
2. Upon receipt of an application, the commissioner shall examine the applicant's inspection and milk quality records. If the records indicate that the applicant meets minimum milk quality standards and is under no suspension or suspension warning, the commissioner shall immediately approve the application and mail a copy to the applicant and the buyers involved. Should the applicant's records leave doubt about whether minimum standards are met, the commissioner shall immediately order a milk sample be taken or an inspection of the dairy facility, or both, to determine compliance. If the inspection and milk quality tests conclude that the applicant meets minimum standards, the commissioner shall immediately approve the transfer. The transfer takes effect on the date the commissioner approves it or on another date the commissioner sets.
3. The commissioner shall approve or disapprove an application in writing, within seven days. Additional time may be taken if the commissioner requires a farm inspection or testing a milk sample.
4. Upon the applicant's written request, which must be submitted within thirty days of the denial of a transfer request, the commissioner shall promptly convene a hearing to determine whether the denial was proper.
5. If an applicant wishes to retain the applicant's current milk buyer before the approved transfer date, the applicant may ask the commissioner to rescind the transfer. The applicant must notify the buyers involved that the transfer was rescinded.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50