



# State of Tennessee

## PUBLIC CHAPTER NO. 714

SENATE BILL NO. 1123

By Briggs

Substituted for: House Bill No. 1129

By Hazlewood, Crawford

AN ACT to amend Tennessee Code Annotated, Title 4; Title 39; Title 43; Title 44; Title 53; Title 67 and Title 68, relative to public health.

WHEREAS, raw milk can carry harmful bacteria and other germs that can mean many days of diarrhea, stomach cramping, and vomiting; and

WHEREAS, some people who have drunk raw milk have developed severe or even life-threatening diseases, including Guillain-Barré syndrome, which can cause paralysis, and hemolytic uremic syndrome, which can result in kidney failure, stroke, and even death; and

WHEREAS, a wide variety of germs that are sometimes found in raw milk can make people sick, including *Brucella*, *Campylobacter*, *Cryptosporidium*, *E. coli*, *Listeria*, and *Salmonella*; and

WHEREAS, each ill person's symptoms can differ depending on the type of germ, the amount of contamination, and the person's immune defenses; and

WHEREAS, the risk of getting sick from drinking contaminated raw milk is greater for infants and young children, older adults, pregnant women, and people with weakened immune systems, such as people with cancer, an organ transplant, or HIV, than it is for healthy older children and adults. However, healthy people of any age can get very sick or even die if they drink raw milk contaminated with harmful germs; and

WHEREAS, from 1993 through 2012, 127 outbreaks reported to the CDC were linked to raw milk. These outbreaks included 1,909 illnesses and 144 hospitalizations. Most of the outbreaks were caused by *Campylobacter*, Shiga toxin-producing *E. coli*, or *Salmonella*; and

WHEREAS, a large number of contaminated raw milk-related outbreaks involve children. At least one child younger than five was involved in 59% of the contaminated raw milk-related outbreaks reported to the CDC from 2007 through 2012. Children aged one to four years accounted for 38% of *Salmonella* illnesses in these outbreaks and 28% of illnesses caused by Shiga toxin-producing *E. coli*, which can cause kidney failure and death; and

WHEREAS, basic sanitary standards and cooperation between farmers and public health officials is needed to avoid harm to the citizens of this State in the sale and consumption of raw milk; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-3-119, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "Department" means the department of health; and

(2) "Farm owner" means a farm owner who tends to one (1) or more hoofed mammals for the purpose of producing milk to be consumed or otherwise used by an independent or partial owner of the hoofed mammal as authorized by subsection (b).

(b) Notwithstanding any law, an independent or partial owner of a hoofed mammal may use the milk from the mammal for the owner's personal consumption or other personal use in compliance with this section.

(c) A farm owner is encouraged to complete a safe milk-handling course offered by the University of Tennessee Agricultural Extension Service.

(d) If a farm owner complies with this section, then the farm owner may participate in the cooperative agricultural extension fund, created by § 49-50-103, for the purpose of receiving cooperative agricultural extension funding for dairy equipment and processing equipment that promotes public health, including, but not limited to, equipment for pasteurizing, testing, and bottling milk.

(e) In order to operate in a herd share program, a farm owner shall:

(1) Maintain a list of the names, addresses, phone numbers, and email addresses, if applicable, of all partial owners of a hoofed mammal;

(2) Maintain a contract on file between the farm owner and the partial owner of the hoofed mammal with clear terms of ownership and the rights resulting from that ownership; and

(3) Maintain a contract as described in subdivision (e)(2) that includes the following warning label:

WARNING: Milk produced at this farm has not been inspected by the Department of Agriculture. Raw (unpasteurized) milk may contain disease-causing micro-organisms. Persons at highest risk of disease from these organisms include newborns and infants; the elderly; pregnant women; those taking corticosteroids, antibiotics, or antacids; and those having chronic illnesses or other conditions that weaken their immunity.

(f) A farm owner shall retain the records described in subsection (e) for each partial owner of a hoofed mammal for at least three (3) years following the end of the contract with that partial owner. A farm owner shall allow the department to inspect the records maintained according to subsection (e) upon request by the department.

(g) If a contamination event occurs on a farm owner's farm, then the farm owner shall:

(1) Allow the department access to the farm within twenty-four (24) hours following the contamination event to investigate on the farm and to complete lab testing;

(2) Cease all distribution of milk pursuant to this section until the investigation is completed and the cause of the contamination is determined and remedied to the satisfaction of the department; and

(3) Notify all partial owners of hoofed mammals by email, text message, or phone and provide a list of those partial owners to the department.

(h) If a farm owner violates this section, then the farm owner is subject to a civil penalty of five hundred dollars (\$500).


(i) All moneys collected pursuant to this section must be transferred to the University of Tennessee Agricultural Extension Service for the sole purpose of offsetting the cost to farm owners for completing a course described in subsection (c).

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it.

SENATE BILL NO. 1123

PASSED: June 9, 2020

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 22<sup>nd</sup> day of June 2020

  
BILL LEE, GOVERNOR