

LEGISLATIVE COMMITTEE MINUTES

HB95

Bill as Introduced

HB 95-FN - AS AMENDED BY THE HOUSE

24Feb2021... 0190h

2021 SESSION

21-0072

08/04

HOUSE BILL **95-FN**

AN ACT relative to milk pasteurization.

SPONSORS: Rep. Allard, Merr. 21; Rep. Marsh, Carr. 8; Rep. Aron, Sull. 7; Rep. Woodcock, Carr. 2; Rep. Steven Smith, Sull. 11; Rep. Deshaies, Carr. 6; Rep. A. Lekas, Hills. 37

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill allows for the sale of products made with raw milk in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 95-FN - AS AMENDED BY THE HOUSE

24Feb2021... 0190h

21-0072
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to milk pasteurization.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 License Required; Exemptions. Amend RSA 184:84, V to read as follows:

2 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk
3 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,
4 ***ice cream, frozen yogurt***, or kefir shall not require a milk producer-distributor license, provided
5 these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at
6 a farmers' market to the food consumer within the state of New Hampshire only. ***Ice cream and***
7 ***frozen yogurt produced and sold under this paragraph shall be packaged in containers no***
8 ***larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the***
9 ***date of manufacture.***

10 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0072
Amended 2/26/21

HB 95-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-0190h)

AN ACT relative to milk pasteurization.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

AGENCIES CONTACTED:

None

HB 95-FN - AS AMENDED BY THE SENATE

24Feb2021... 0190h
01/05/2022 2300s

2021 SESSION

21-0072
08/04

HOUSE BILL **95-FN**

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01/05/2022 2300s

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7 a farmers' market to the food consumer within the state of New Hampshire only. *Ice cream and*
8 *frozen yogurt produced and sold under this paragraph shall be packaged in containers no*
9 *larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the*
10 *date of manufacture."*

11 2 Labeling of Raw Milk Products. Amend RSA 184:84, V(a) to read as follows:

12 (a) Any product containing raw milk from the milk producer-distributor's farm or farm
13 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by
14 the producer-distributor, the individual container shall have a label which contains the name,
15 address, and phone number of the milk producer-distributor's farm; the name of the product; and the
16 following statement: "This product is made with raw milk and is exempt from New Hampshire
17 licensing and inspection. *RAW MILK: consuming raw milk may increase your risk of*
18 *foodborne illness."*

19 3 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0072
Amended 1/12/22

HB 95-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-2300s)

AN ACT relative to milk pasteurization.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

AGENCIES CONTACTED:

None

CHAPTER 6
HB 95-FN - FINAL VERSION

24Feb2021... 0190h
01/05/2022 2300s

2022 SESSION

21-0072
08/04

HOUSE BILL **95-FN**

AN ACT relative to milk pasteurization.

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CHAPTER 6
HB 95-FN - FINAL VERSION

24Feb2021... 0190h
01/05/2022 2300s

21-0072
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to milk pasteurization.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 6:1 License Required; Exemptions. Amend the introductory paragraph of RSA 184:84, V to read
2 as follows:

3 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk
4 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,
5 ***ice cream, frozen yogurt***, or kefir shall not require a milk producer-distributor license, provided
6 these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at
7 a farmers' market to the food consumer within the state of New Hampshire only. ***Ice cream and***
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15 address, and phone number of the milk producer-distributor's farm; the name of the product; and the
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17 licensing and inspection. ***RAW MILK: consuming raw milk may increase your risk of***
18 ***foodborne illness.***"

6:3 Effective Date. This act shall take effect 60 days after its passage

Approved: March 18, 2022
Effective Date: May 17, 2022

Amendments

Commerce
November 3, 2021
2021-2234s
08/04

Amendment to HB 95-FN

1 Amend the bill by replacing section 1 with the following:

2

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4 as follows:

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8 these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at
9 a farmers' market to the food consumer within the state of New Hampshire only. **Ice cream and**
10 **frozen yogurt produced and sold under this paragraph shall be packaged in containers no**
11 **larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the**
12 **date of manufacture. Such container shall boldly display "raw milk."**

Sen. French, Dist 7
Sen. Soucy, Dist 18
December 30, 2021
2021-2300s
04/05

Floor Amendment to HB 95-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

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Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: March 16, 2021

HEARINGS

Tuesday	03/23/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 95-FN	relative to milk pasteurization.
9:15 a.m.	HB 258	permitting wage and hour records to be approved and retained electronically.
9:30 a.m.	HB 303	relative to required pay.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/95761120839>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,95761120839# or 13126266799,,95761120839#
4. Webinar ID: [957 6112 0839](https://www.zoom.us/j/95761120839)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMgWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 95-FN

Rep. Allard

Rep. Steven Smith

HB 258

Rep. Yokela

HB 303

Rep. Seaworth

Rep. Marsh

Rep. Deshaies

Rep. Aron

Rep. A. Lekas

Rep. Woodcock

Aaron Jones 271-4063

Harold F. French
Chairman

**AMENDED TIME CHANGE
SENATE CALENDAR NOTICE
Commerce**

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

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4. Webinar ID: 957 6112 0839
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
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Rep. Aron

Rep. A. Lekas

Rep. Woodcock

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

HB 95-FN, relative to milk pasteurization.

Hearing Date: March 23, 2021

Time Opened: 9:07 a.m.

Time Closed: 9:51 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

Bill Analysis: This bill allows for the sale of products made with raw milk in certain circumstances.

Sponsors:

Rep. Allard

Rep. Marsh

Rep. Aron

Rep. Woodcock

Rep. Steven Smith

Rep. Deshaies

Rep. A. Lekas

Who supports the bill: Representative James Allard, Representative William Marsh, Representative Judy Aron, Representative Stephen Woodcock, Representative Howard Pearl, Representative Alicia Lekas, Representative Mel Myler, Representative Sue Mullen, Representative Linda Tanner, Representative Patricia Cornell, Jill Fudala, Robert Johnson II (NH Farm Bureau Federation), Cheryl Gibbons, Rebecca Courser, David Bates, Ronald Garnett, Sara Johnson, Brett Ingold, Susan Dell

Who opposes the bill: Dr. J. J. Smith, MPH

Who is neutral on the bill: Colleen Smith (DPHS/DHHS), Dr. Abigail Mathewson (DPHS/DHHS), Elizabeth Fenner-Lukaitis

Summary of testimony presented in support:

Representative James Allard

- Last year, a similar bill was introduced in the House; however, it died on the table in the Senate.
- This bill would add ice cream to the list of raw milk products that can be sold in limited quantities by small farms.
- Representative Allard said the agricultural community supported this bill.
- The House Environment and Agricultural Committee passed this bill unanimously and it received the full consent of the House.

- **Senator French** asked what the driving force was for adding ice cream.
 - **Representative Allard** replied that the list of authorized products that can be made from raw milk and sold is extensive. For example, cheeses and yogurt are allowed, but Representative Allard said that no one could figure out why ice cream had been excluded. Some small farmers believe that ice cream could be a potentially profitable product.

Representative Stephen Woodcock

- Representative Woodcock co-sponsored HB 95-FN this session, and last session he co-sponsored a similar bill.
- This bill was filed at the request of two small family-owned goat farms.
- Both this bill and the one from last session passed out of committee unanimously.
- This bill would help struggling family farmers stay afloat by allowing them to use excess milk to make products that can be sold to pay down expenses.

Representative William Marsh

- Representative Marsh co-sponsored HB 95-FN this session, and last session he co-sponsored a similar bill.
- This bill was filed in response to a citation made by the Department of Health and Human Services (DHHS) against Little Red Hen Farm in Pittsfield. Both Representative Allard and Representative Marsh felt this citation was an overreach.
 - At Little Red Hen Farm, the owner has three goats, which produce less than 3 gallons of milk per day.
 - The owner used some of the raw goat milk to make ice cream, which resulted in the citation. While the statute permits raw cream to be made, ice cream isn't explicitly permitted.
 - According to Representative Marsh, the owner of Little Red Hen Farm stated that she would know if one of her goats developed mastitis or some other medical issue.
- The department also cited another small farm for making fudge from raw milk.
- Representative Marsh said that the Committee will be told by the department to kill this bill because there was a recent outbreak of gastrointestinal illness caused by products sold at Brandmoore Farm in Rollinsford.
- There are differences between this bill and the outbreak that occurred.
 - First, Brandmoore Farm has a herd of 70 cows that produce more than 525 gallons of milk per day, which exceeds the 20-gallon threshold established in this bill.
 - Second, interstate commerce of raw milk has been prohibited by the FDA since 1987.
- Representative Marsh concluded that the department should allocate their enforcement resources to protect the public from bigger issues, instead of persecuting small farmers.

- **Senator French** said that no one likes ice cream more than him, and he wondered if goat milk ice cream was strong.
 - **Representative Marsh** responded that he didn't care for goat milk, but the product made by Little Red Hen Farm was good. Their farm stand is located off Route 28 between Wolfeboro and Concord.
- **Senator Bradley** asked what the health implications would be if a raw milk product, such as ice cream, became contaminated.
 - **Representative Marsh** said pasteurization started about 100 years ago because the industry couldn't cull all of the milk producing cattle that were infected with tuberculous. While tuberculous infected cattle aren't a problem today, milk is still pasteurized. The goal of public health is to protect the public from outbreaks of diseases. If a large quantity of product were contaminated, then it would make people sick. However, this bill only allows for small quantities to be produced. If those small quantities were contaminated, it most likely would cause someone to have a stomach ache or diarrhea. For the most part, however, this bill wouldn't be harmful to public health. Representative Marsh concluded that if the department had paid attention to larger problems, then they might have picked up on the issue that happened in Rollinsford earlier on.
- **Senator Bradley** wanted clarification that the small quantities of raw milk allowed in this bill to be made into ice cream would only apply to a small number of farmers, and it wouldn't apply to larger farms that exceed the milk producing threshold.
 - **Representative Marsh** said the farm the Committee will hear about is 26 times above the milk producing threshold. At the request of the department, the bill was amended to only permit serving sizes less than 6 ounces to be sold. Since not much is being consumed, a person wouldn't get that sick.
- **Senator Bradley** asked if on line 8 it should say "with an expiration date not more than 30 days from date of manufacture" rather than "with an expiration date 30 days from date of manufacture."
 - **Representative Marsh** said that would be a sensible change.

Representative Judy Aron

- Representative Aron co-sponsored HB 95-FN.
- This bill would amend RSA 184:84, V to include ice cream as a product that can be made from raw milk.
- Further, it would stipulate that ice cream must be packaged in containers no larger than 6 fluid ounces and marked with an expiration date that's within 30 days of it being manufactured.
- This bill would allow farmers to expand their product line and increase their income.
- There are farmers and consumers who are waiting for this bill to be passed.

- Representative Aron reiterated that raw milk products are already produced and consumed in New Hampshire, and this bill would simply add raw ice cream to the list of permissible products that can be produced and sold.
- Those who consume raw milk products understand the risk of getting a gastrointestinal illness.
- New Hampshire farmers already take sanitary precautions to avoid customers getting sick because sick customers are bad for their business.
- Representative Aron urged the Committee to pass this bill to help New Hampshire farmers and to satisfy their customers.

Representative Howard Pearl

- When this bill was presented before the House Environment and Agricultural Committee, they made every effort to work with the department and to fulfill their requests.
- The former Chair of the Environment and Agricultural Committee, the Honorable John O'Connor, worked hard last session to include necessary safeguards that protect the public when they consume raw milk.

Robert Johnson II, Policy Director, New Hampshire Farm Bureau Federation

- The membership of the New Hampshire Farm Bureau Federation consists of 2,000 family farms and over 1,000 supporting business members.
- As originally drafted, the Bureau did have concerns because the language was more expansive.
- Since large farmers make significant investments in their dairy operations, the Bureau was also concerned about anything that would make consumers lose confidence in the milk supply.
- The Bureau does understand that raw milk is often the reason consumers go to small farms.
- In 2019, a group of stakeholders met to discuss concerns related to the bill.
 - Those stakeholders included Farm Bureau President Dennis Ward, Representative Allard, Representative Aron, Jill Fudala, representatives from the Food Protection Division, and Commissioner of Agriculture Shawn Jasper.
 - An agreement was reached to only allow for raw milk ice cream and frozen yogurt to be sold.
 - Also, the parties agreed that the rulemaking process should be used to create recall lists, which would allow farmers to contact customers if an outbreak were to occur from one of their products. Additionally, there were suggestions to potentially create future training for those who sell raw milk and to enhance labeling requirements.
- **Senator Gannon** asked if other New England states allow these particular products to be sold.
 - **Mr. Johnson** said he wasn't sure, but he would find that out for Senator Gannon.

Jill Fudala, Owner, Little Red Hen Farm

- Risk can never fully be eliminated, but it can be reduced.
- This bill would only apply to small farms that produce less than 20 gallons of milk per day.
 - Ms. Fudala said her farm doesn't come close to that amount. When her farm did sell 6-ounce cups of ice cream, they sold between 75 and 100 a week, which is equivalent to 5 gallons of milk.
- Ms. Fudala believed that freezing products, such as ice cream, reduced the risk of pathogens that could cause foodborne illnesses.
- Ms. Fudala didn't see how this bill increased risk at all because many other products, including raw milk itself, can be sold.
- By allowing the sale of raw milk, the state is already taking a risk.
- To reduce risks, Ms. Fudala maintains a log to keep track of customers who buy their raw milk products, so that they can be contacted if something were to happen. Also, Ms. Fudala cleans and sanitizes her equipment, and tests the milk produced by her goats on a monthly basis.
- Ms. Fudala said they have become a resource and a mentor to farmers in the small dairy industry, and they have been working on creating educational workshops.
- Ms. Fudala said that they were open to helping develop additional regulations to ensure that small producers are doing things as safely and sanitary as possible.
- Ms. Fudala concluded that they don't want to see anyone get sick because it could possibly shut their business down.

Summary of testimony presented in opposition:

Dr. J. J. Smith, MPH

- Some illnesses aren't traceable to a singular source since people eat a lot of different things in a day.
- While some large outbreaks come to the public's attention, this isn't always the case.
- Dr. Smith said that Ms. Fudala was correct that risk can only be reduced, not eliminated.
 - For example, carefully cleaning equipment and washing udders doesn't guarantee that something can't be passed on.
- Dr. Smith said there was no evidence that freezing raw milk kills most bacteria. There are instances where bacteria are frozen and revived later on.
- Importantly, these frozen products would have sweeteners added to them, which make them appealing to children.
- Raw milk products pose a risk to the immunocompromised, the elderly, small children, and pregnant women.
 - For pregnant women, they may contract an illness like listeria that can result in a stillbirth.

- For young children, E. coli 0157 and other related bacteria can have serious health effects, such as kidney failure, or cause death.
- Dr. Smith said there's no proven nutritional benefits for non-pasteurized milk, and that milk isn't needed past infancy.
- Dr. Smith urged the Committee to re-refer this bill and work with the department.

Neutral Information Presented:

Colleen Smith, Food Protection Program Administrator, Division of Public Health Services

- As previously mentioned, the department worked with the sponsors of this bill to let frozen yogurt and ice cream be produced and sold.
- Originally, the bill would have let any raw milk products be produced and sold at a farm stand or farmers' market.
- Recently, there was an outbreak at a New Hampshire farm that resulted in 50 people getting ill after they consumed raw milk.
 - The people that got ill were from New Hampshire, Maine, and Massachusetts.
 - Nineteen children and 7 adults over 65 years old were affected, and one child was hospitalized due to their illness.
- The department believed the number of people who got ill could have been higher if the farm hadn't reach out to their customers.
- The interstate commerce of raw milk is already illegal; however, there's nothing to prevent someone from purchasing raw milk or raw milk products in New Hampshire and bringing them home.
- Given the recent outbreak, the department has decided to take a more conservative position when it comes to protecting public health. Presently, the department is concerned about expanding the types of raw milk products that can be offered to consumers.
- Ms. Smith asked the Committee to re-refer this bill to give the department additional time to complete their investigation into the recent outbreak.
- As previously stated, pasteurization was introduced 100 years ago to combat diseases and reduce infant mortality.
- According to Ms. Smith, pasteurized products are equally as nutritious as their raw milk counterparts.
- Consumption of raw milk or raw milk products can lead to many different foodborne illnesses, such as listeria, cryptosporidium, salmonella, and E-coli.
- Over the past 4 years in New Hampshire, cases of intestinal illnesses after consuming raw milk or raw milk products have increased.
 - Consequently, this can lead to decreased confidence in New Hampshire's milk supply.
- As a result of misinformation about the healing properties of raw milk, many families have been exposed to lifelong illnesses like kidney disease.

- While raw milk is sold legally at retail outlets, there are circumstances where it's sold outside of regulatory oversight.
- Existing statute requires products to be labeled; however, this statute has been difficult to enforce because there's no requirement for producers to register or disclose sales made at their farm, farm stands, or at a farmers' market.
- **Senator French** asked if there were any greater danger in consuming ice cream and yogurt made from raw milk compared to drinking it or eating cheese, butter, or cream made from it.
 - **Ms. Smith** said that there's no greater risk associated with consuming ice cream or frozen yogurt. The concern, however, is that these products are more likely to be given to children who don't have a choice in whether they would like to consume a non-pasteurized product or not.
- **Senator Gannon** asked if any bacteria were killed when a product was frozen at 32 degrees or lower.
 - **Ms. Smith** said it wouldn't kill bacteria. For example, listeria can survive at refrigerated or frozen temperatures. Therefore, there's still an increased risk of foodborne illness when the base milk in a product isn't pasteurized.

Dr. Abigail Mathewson, Surveillance Epidemiology Program Manager, Division of Public Health Services

- It's recommended that all milk products be pasteurized prior to consumption.
- Improved husbandry of animals by small farmers has reduced pathogens, but it hasn't completely eliminated them.
- The farm involved in the previously mentioned outbreak had a milking herd of 20 cows. That farm spent a significant amount of time tending to the health and welfare of their herd during milking operations, such as cleaning their udders before milking them.
- However, animals used in milk production can be exposed to pathogens through their environment, through contact with other animals and other livestock, and through feed or water sources.
- The shedding of pathogens through milk can be intermittent, and not all pathogens can be identified during testing.
- Dr. Mathewson reiterated that children are a high-risk group, yet they're also the primary consumers of raw milk and raw milk ice cream products.
- As previously mentioned, children aren't able to decide for themselves whether to consume high risk dairy products or not.
- The American Academy of Pediatrics has advised against providing raw milk or raw milk products to children, pregnant women, or immunocompromised individuals. If consumed, these products can increase the risk of severe illness, which can lead to permanent injury or death.
- Without proper labeling and education of the inherent risks of raw dairy products, producers potentially open themselves up to litigation if their customers become ill.

- As Ms. Smith stated, it's very difficult to enforce existing labeling regulations because small dairy farmers aren't required to be licensed with Food Protection Services.

AJ

Date Hearing Report completed: March 25, 2021

Speakers

Senate Remote Testify

Commerce Committee Testify List for Bill HB95 on 2021-03-23

Support: 19 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Marsh, William	An Elected Official	Carroll 8	Support
Aron, Judy	An Elected Official	Myself	Support
woodcock, stephen	An Elected Official	Myself	Support
Smith, MD, MPH, J. J.	A Member of the Public	Myself	Oppose
Fudala, Jill	A Member of the Public	Myself	Support
Smith, Colleen	State Agency Staff	DHHS	Neutral
Pearl, Howard	An Elected Official	E&A Chair	Support
Mathewson, Abigail	State Agency Staff	DHHS/DPHS	Neutral
Johnson, II, Robert	A Lobbyist	NH Farm Bureau Federation	Support
Allard, James	An Elected Official	Merrimack County District 21	Support
Ingold, Bret	A Member of the Public	Myself	Support
Tanner, Linda	An Elected Official	Myself	Support
Mullen, Sue	An Elected Official	Myself	Support
Dell, Susan	A Member of the Public	Myself	Support
Myler, Rep Mel	An Elected Official	Rep. Mel Myler	Support
Cornell, Patricia	An Elected Official	Myself	Support
Johnson, Sara	A Member of the Public	Myself	Support
Lekas, Alicia	An Elected Official	Hillsborough 37	Support
Bates, David	A Member of the Public	Myself	Support
garnett, ronald	A Member of the Public	Myself	Support
Fenner-Lukaitis, Elizabeth	A Member of the Public	Myself	Neutral
Gibbons, Cheryl	A Member of the Public	Myself	Support
Courser, Rebecca	A Member of the Public	Myself	Support

Testimony



Lori A. Shibinette
Commissioner

Lisa M. Morris
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
BUREAU OF PUBLIC HEALTH PROTECTION

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HB 95, Relative to Milk Pasteurization
Commerce Committee
March 23, 2021

Good morning Senator French and members of the committee. My name is Colleen Smith, and I am the Administrator of the Food Protection Section within the Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS). I am joined today by Abby Mathewson, Surveillance Epidemiology Program Manager and the State Public Health Veterinarian from the Infectious Disease Surveillance Section who will be providing additional information to the committee.

The NH Department of Health and Human Services, Division of Public Health Services provided testimony in opposition to the bill as introduced in the House. From a public health protection standpoint there is an increased risk of foodborne illness by consuming raw milk and raw milk products. The legislation as introduced would allow a milk producer-distributor who daily produces for sale less than 20 gallons of raw milk to not only process the milk into cream, butter, yogurt and kefir but to be allowed to produce any raw milk products for sale from their farm stand or at a farmers' market. Working with the sponsors of the bill, DHHS was amenable to compromised amendment language that limited the expansion of allowed products to only raw milk ice cream and frozen yogurt.

Last month, the Department was involved in investigating an outbreak caused by the pathogen, *Campylobacter*. The cause of the outbreak was due to the consumption of raw milk from a licensed New Hampshire farm. Over 50 people from three states (New Hampshire, Maine and Massachusetts), including 19 children and seven adults 65 year of age or older, are known to have been ill due to consuming raw milk from this farm. One of the children required hospitalization. If it were not for the quick response of the farm to notify consumers who purchased raw milk about the illnesses, we believe the number of ill people associated with this outbreak could have been much higher.

Due to the recent outbreak and the lessons learned during the investigation, DHHS is taking a more conservative position with regard to public health protection as it relates to the consumption of raw milk. As a result, we have concerns about the language in HB 95 that further expands the sale of raw milk products in NH. We would suggest rereferring House Bill 95 in order to give the Department additional time to complete its work around the investigation of the incident.

Pasteurization was introduced over 100 years ago to combat diseases and reduce infant mortality from contaminated raw milk. Despite widespread acceptance of the pasteurization process to reduce the possibility of foodborne infection acquired from dairy products, and scientific opinion that pasteurized dairy products are equally nutritious as compared to their raw counterparts, a segment of the population continues to consume and support the sale of raw milk.

Raw or unpasteurized milk and milk products, such as cheese, yogurt, ice cream and butter, has been known to carry a variety of pathogens, including *Listeria*, *Salmonella*, *Cryptosporidium*, *E. coli*, *Campylobacter* and *Brucella*. Notably, *E. coli* O157 causes afflictions of the kidneys of young children and if not fatal, the survivors will risk lifetime kidney disease and may require dialysis or kidney transplants. *Listeria* infections are most profound among pregnant women, often causing loss of the fetus, and the elderly where death is a consequence. *Campylobacter* and other bacteria can cause lifetime complications such as paralysis, joint afflictions, and chronic digestive disorders that debilitate their victims. Q-fever often results in infections of the heart that may require surgical intervention. Brucellosis is often difficult to diagnose and may progress to complications that are costly to society as well as to the afflicted.¹

Today, there is a vast amount of information available to the consumer about the consumption of raw milk through electronic media and the Internet. There is no guarantee that all information is validated through science and research. Many public health agencies, academia, and the medical community offer valid information based on sound science and research. There are just as many other entities that provide undocumented testimony and information that may be dangerous and can mislead the consumer into believing raw milk/products are safe to consume and provide for their families, including infants and small children. Through these mistaken beliefs in the healing properties of raw milk and products, many families have suffered, and have exposed their children to life-threatening diseases that can lead to life-long health issues including kidney disease.

Within New Hampshire, the sale of raw milk is legal at retail, and in some circumstances, is sold outside of regulatory oversight. As the primary agency in the state of New Hampshire charged with the safety of the New Hampshire food supply, we feel it is important for you to be aware of information pertaining to foodborne illness and raw milk in New Hampshire.

Analysis of foodborne illness data in New Hampshire focusing on trends of illness among persons who consumed raw milk and those that did not in New Hampshire is as follows.: From 2016-2019, 1,872 cases were identified, and 1,076 had a complete exposure history. Of these, 611 case-patients reported any milk consumption, 27 (4%) of which reported raw milk consumption. Compared to the FoodNet Atlas of Exposures (n=528, 3%), this represents a statistically significant difference (p=0.01). The proportion of case-patients reporting raw milk consumption has increased from 3% (3 cases) in 2016 to 8% (10 cases) in 2019. The most prevalent raw milk consumption illness was *Cryptosporidium* (n=10, 10%) and Shiga toxin-producing *E. coli* (n=7, 7%) cases. Two outbreaks associated with raw milk were identified. An outbreak is defined as two or more cases of illness shown by investigation to result from a common exposure, such as ingestion of a common food. It is worth noting that the recent outbreak mentioned previously is not included in these statistics.

At the national level, raw milk and other raw products made from raw milk contribute to significantly more outbreaks than pasteurized milk and milk products. CDC estimates that the risk of an outbreak from raw milk is 150 times greater than the risk from pasteurized milk. Although only 1-3% of the US population is believed to drink raw milk, more than half of all dairy outbreaks in the United States can be attributed to raw milk/products.

Studies have shown that states that restrict sales of raw milk/products have fewer outbreaks and illnesses, which suggests that legal raw milk sales cause more of a public health burden than “black market” raw milk and raw milk products.²

Since 1998, a total of 119 outbreaks, 2,147 illnesses, and 2 deaths in the United States have been attributed to consumption of raw milk, raw colostrum and raw milk products. Outbreaks are associated with raw cows' milk and raw goat's milk, as well as cheese made from raw milk. Herd-shares, retail sales, and direct farm sales have been implicated in outbreaks.¹

Young people under 20 years old represent approximately 60% of raw milk illnesses during outbreaks reported to CDC. This is approximately three times more than pasteurized milk. Raw milk is also more likely to cause hospitalization from the most dangerous foodborne pathogens such as *E. coli* O157:H7.¹

In conclusion, raw milk and raw milk product consumption remains a high-risk food for transmitting illness to the consumer. The percent of cases of intestinal disease in New Hampshire reporting raw milk or raw milk product exposure prior to illness onset has increased over the past 4 years. This trend, as well as the recent outbreak associated with raw milk consumption from a licensed New Hampshire farm is concerning not only from a public health perspective but also to the New Hampshire dairy industry as a whole because it can lead to consumers losing confidence in the safety of New Hampshire's milk supply.

While current law requires labeling of raw milk products, it should be noted that there is difficulty in enforcing this part of the statute as there is no requirement for producers to register or disclose on-farm, farm stand or farmers markets sales.

I would like to thank the sponsors of House Bill 95. Thank you for this opportunity to address the committee on this bill. I am happy to answer any questions or provide additional information.

Colleen Smith, MS
Administrator, Food Protection Section
New Hampshire Division of Public Health Services, Department of Health and Human Services
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Concord, NH 03301-6504
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1Mungai EA, Behraves AC, Gould LH. Increased outbreaks associated with nonpasteurized milk, United States, 2007-2012. *Emerging Infectious Diseases*. 2015;21(1):119-122. doi:10.3201/eid2101.140447.

24. Langer AJ, Ayers T, Grass J, Lynch M, Angulo FJ, Mahon BE. Nonpasteurized dairy products, disease outbreaks, and state laws - United States, 1993-2006. *Emerging Infectious Diseases*. 2012;18(3):385-391. doi:10.3201/eid1803.111370.

Jill & Matt Fudala
Little Red Hen Farm & Homestead
85 Norris Rd. Pittsfield, NH 03263

- **What happened?**

- In August 2019 we received a letter from Chuck Metcalf, DHHS explaining that we could not sell our raw goat milk ice cream. We immediately removed the ice cream from the farm stand and called Chuck for further explanation.
 - Some things that didn't make sense to us is that raw milk and cream is allowable under the current law and our ice cream is simply that—frozen raw milk & cream. Yes, some things are added for flavor, but we also add ingredients to our yogurt. Chuck confirmed in our phone conversation that this was acceptable for yogurt, but not for ice cream because the words *ice cream* were not on the list of allowable products. Didn't really make a lot of sense to us, but we had no choice but to follow the law and then set on a course to change it.

- **How did it affect our farm?**

- This had a major impact on our farm. We run a very small goat dairy, milking only 4-10 goats at a time. We do well selling our raw milk, yogurt, butter & soap. But we needed something else to generate revenue to help with the costs to care for the goats. Ice cream seemed like an easy way to do this. My family and friends had been enjoying it for quite some time, it's easy to make, cost effective and a good way to get a return on our milk. Since it is made with raw milk & cream, it seemed to us that it would be allowable under the current raw milk law.
- It didn't take long for the ice cream to take off. It was very popular. On average, we sold about 75-100 six-ounce cups of ice cream a week (less than 5 gallons/week). That may not seem like much, but considering it was sold out of a self-serve farm stand at the bottom of our driveway on a back road, we were pretty pleased. Those sales meant an additional \$300 a week going back into our farm. That makes a big difference to a small farmer.

- **Publicity**

- After removing the ice cream, we were inundated with inquiries and requests for our ice cream. Customers wondering what happened to it. Many of our customers rely on our goat milk products because they can't tolerate cow's milk. So people were upset when the ice cream was gone.
- After much consideration, we decided to put a post on our Facebook page with an explanation of what happened to try and answer people's questions.
 - Within 24 hours of that post, the Boston Globe contacted me. Then the Concord Monitor and the Union Leader. Within one week, we had over 50,000 people following the story and then WMUR showed up. Then the story went national with US News and World Report, MSN, NBC, and Yahoo News. It was unbelievable!
 - We never imagined it would gain so much publicity, but what it showed us was that this was an important issue to people because it's not about ice cream. It's about people wanting access to more products from small local farms and having the right to purchase them. And it's about small farmers having the freedom to produce and sell these products.

- **What would it mean to us if this bill passes? To consumers? To other small farmers?**
 - We'd have the ability to regain the revenue from our ice cream and bring back a product that our community loved. Consumers would regain the right to choose and have access to the farm fresh products they want. This would also create another possibility for other raw milk dairies to make a product that is a guaranteed sell. Who doesn't love ice cream?!
 - Speaking of loving ice cream, the DHHS has expressed their concern that ice cream appeals to children and that may be dangerous because children are a population that may be at greater risk for illness related to raw dairy. While I respect their position, I can assure you, we don't have a line of 6-year old children outside our farm stand. It is the parents that are buying these products. And these are parents that believe in feeding their families raw milk and understand the risks. And for those that don't know, our products are clearly labeled as containing raw milk, and I can assure you, people READ LABELS. We live in a time where people care more than ever about what they eat. People read labels on everything!
 - And lastly, I would like to point out that raw milk ice cream poses no more threat than any other product already allowed under the current law. This is simply a matter of adding two words to the law.

Bottom line, people should have the right to choose the products they want to consume and be able to purchase them from small family farms. It's that simple. Thank you for your time and consideration.

For those of you that may be interested in our milking process and the handling of our milk and process of making ice cream, we have outlined that below.

- **Our Milking Process:**
 - Hands are washed, gloves are worn
 - Sanitizer is run through our milking machine
 - Our goats are brought one at a time into the milking room
 - Our goat's udder is washed clean with a warm soapy wash cloth with a chlorhexidine solution additive (new cloth for each goat) and assessed for any problems
 - Teats are dipped with an iodine teat dip and allowed to dry for about 20 seconds. Iodine is wiped off using a new paper towel for each teat.
 - Each teat is stripped into a strip cup and milk is assessed for any visual abnormalities
 - Milking machine is placed on our goat
 - After milking is complete, teats are dipped with chlorhexidine solution
 - Process is repeated for each goat. Entire process to milk our small herd takes about 30-60 minutes depending on how many goats we are milking.
 - As soon as we are done milking, our milk is brought inside and placed into a large freezer to help chill the milk as quickly as possible. If it is exceptionally hot outside, we bring the milk in midway and transfer it into an already sanitized SS bucket and put it into the freezer then return to continue milking.
 - Our milking equipment is then cleaned while the milk is chilling. We have a 3-bowl SS sink installed that we use to clean all equipment. We clean our milk machine and all

milking equipment using the same CIP soap, acid wash and sanitizer as the larger licensed dairies and use the same process to clean and sanitize, just on a smaller scale. Each step of the sanitation process touches every surface of all our equipment: hoses, claw, buckets, lids, etc.

- Equipment is allowed to air dry with all openings facing down
- Milk is removed from the freezer and run through a disposable filter placed in an already sanitized SS funnel into new disposable plastic milk jugs.
- Each milk jug is labeled with the required raw milk label and returned to a commercial cooler that maintains a temperature of about 19-25 degrees. When finished chilling, milk is moved to the refrigerator (our cooler, freezers and refrigerators are seen yearly by a state inspector for our food license. They also have thermometers to keep track of temperatures. We also have a back-up generator in case we lose power)
- **Our Ice Cream Process**
 - All ingredients for a particular flavor are prepped and ready first. We do this so that the milk has less time being out of the refrigerator before it is put in the ice cream maker.
 - We then add our completely chilled milk and cream blend and pour into our ice cream maker. Takes about 20 minutes to churn into ice cream.
 - Ice cream is scooped into our pre-labeled six-ounce containers and put into the freezer.
 - Our freezer bowls are then washed with hot soapy water, then they are washed with CIP soap, foaming acid wash and sanitizer—All the same cleansers that we use to clean our milking equipment.
- **Recipe: how much ice cream do we make?**
 - 1 gallon of milk & cream makes about 1 gallon of a plain flavor (chocolate or vanilla). 1 gallon milk & cream makes about 2 gallons of a more bulky flavor (cookies & cream or strawberry)

MILK TESTING: We test our milk monthly. Proof that our process works. Data doesn't lie.

- **SPC:** Standard plate count
- **TC:** total coliform
- **SCC:** Somatic Cell Count. Of note, goats are very different than cows. SCC can be as high as 1.5 million before there is any cause for concern
- Official test results can be provided. I included the below chart
- **Last season's results:**

April-Dec 2020	SPC	TC	SCC
April	3000	0	663000
May	1480	0	161000
June	620	0	350000
July	9200	0	498000
August	1400	0	214000
September	900	0	529000
October	220	0	179000
November	280	0	696000
December	180	0	563000

- **Future raw milk regulations & education**

- Raw milk itself from healthy animals isn't what poses the greatest risk here. Raw milk has been consumed for centuries. Every time I speak to someone about this issue, they undoubtedly share with me how either they or their parents or grandparents were raised on raw milk. I believe the greater risk lies with how the milk is handled. This leads me to our position on raw milk sales from small producers. NO regulation makes NO sense. I firmly believe it's unrealistic for small farmers to be able to meet the same regulations as licensed facilities. But regulations can't be and shouldn't be "one size fits all" because farms in NH are diverse in size and function. However, I believe that there is a middle ground that can be met that is attainable for small farmers and will help to keep the public safe. People want food and products from small local farms. It's our ethical responsibility to provide a quality, healthy product. I believe we, at Little Red Hen, have proven that small farms can do this.
- What we hope to see in the future:
 - **Education:** A class (much like the poultry class to sell to restaurants) that teaches basic sanitation, proper cleaning of equipment, milk handling, etc.
 - **Basic regulations:** reporting to the state that we sell raw milk, keeping a basic log of raw milk customers (to help track should there be an outbreak of a dairy related illness).
 - Some schedule of **milk testing:** monthly, bi-monthly?? Maybe this can be done amongst small farmers cooperatively i.e., ship samples together to save on shipping.

Either way, something needs to be put in place that helps protect the public but also ensures small farm success and consumer's rights.



April 8, 2021

Senator Harold French
Commerce Committee Chair
State House, Room 107
107 North Main Street
Concord, NH 03301

Re: NMPF and IDFA Oppose HB 95 Which Will Further Advance Raw Milk Sales

Dear Chairman French:

The National Milk Producers Federation (NMPF) and the International Dairy Foods Association (IDFA) oppose HB 95, legislation designed to further advance the sale of raw milk and raw milk products, including allowing raw milk to be used to make ice cream and frozen yogurt. Consumption of raw milk and raw milk products has been opposed by every major health organization in the United States, including the American Medical Association and the American Academy of Pediatrics.

Consumption of raw milk and milk products is a demonstrated public health risk. The link between raw milk and foodborne illness has been well-documented in the scientific literature, with evidence spanning nearly 100 years. Raw milk is a key vehicle in the transmission of dangerous and sometimes deadly human pathogens, including *E. coli* O157:H7, *Campylobacter*, *Listeria monocytogenes*, and *Salmonella*.

Based on a 2012 report from the Centers for Disease Control and Prevention (CDC), between 1993 and 2006, unpasteurized dairy products resulted in 73 known outbreaks- causing 1,571 cases of foodborne illness, 202 hospitalizations and 2 deaths.¹ Most recently, analyzing data collected between 2009 and 2014, researchers recently concluded that unpasteurized milk is 840

¹ Langer, AJ, et al. Non-pasteurized dairy products, disease outbreaks, and state laws – United States, 1993-2006. *Emerging Infectious Diseases*. 2012 18(3):385

times more likely to cause food-borne illness than pasteurized milk, and such illnesses have a hospitalization rate 45 times higher than those involving pasteurized dairy products.²

The CDC has reported nearly 81% of raw milk-associated outbreaks have occurred in states where the sale of raw milk was legal. Eliminating the regulations that currently restrict the sale of raw milk in New Hampshire increases the risk to public health, opening up the state's consumers to the inevitable consequences of falling victim to foodborne illness. No matter how carefully it is produced, raw milk is inherently dangerous. Americans have become ill after consuming raw milk and raw milk products obtained from farms of varying sizes, from cow-share programs, and from licensed, permitted or certified raw milk producers.

Nearly two-thirds of all outbreaks associated with raw milk or raw milk products involve children. For example, in 2011, five children in California were infected with *E. coli* O157:H7 after drinking raw milk; three required hospitalization with hemolytic uremic syndrome (HUS). At a school event in Wisconsin, also in 2011, sixteen fourth grade students and adults who drank raw milk donated by a parent later suffered from diarrhea, abdominal cramping, nausea, and vomiting because of *Campylobacter* infections. In 2018, Tennessee experienced an *E. coli* outbreak which sickened a dozen or more children, including four who developed kidney failure. Several children spent more than 50 days in the intensive care unit at Tennessee Children's Hospital. It is the responsibility of New Hampshire's leaders to make decisions to protect the health of the public, most especially those who are minors and are unable to make fully informed decisions that could have profound consequences on the rest of their lives.

One critical aspect of this high-profile issue is the tremendous amount of misinformation that has been disseminated regarding the supposed health benefits of raw milk. It is important to emphasize that no claim related to the health benefits of consuming raw milk has been substantiated in any of the medical literature. The scientific consensus is that raw milk can cause serious illnesses and hospitalizations, as well as result in life-long negative health complications and death.

Another misleading claim that is testing or regulating the sale of raw milk will protect consumers from the risks of raw milk consumption. This is also unfounded. Product testing is not an adequate substitute and cannot ensure the same level of safety as pasteurization. Legalizing and regulating the sale of raw milk sends a signal to consumers that drinking unpasteurized milk is safe when, in fact, the opposite is true.

Nationally, our dairy industry benefits from a very high degree of consumer confidence-confidence built in large part due to the excellent food safety of milk and dairy products. Current statistics estimate only 1-2% of reported foodborne outbreaks are attributed to dairy products. However, of those, over 70% have been attributed to raw milk and inappropriately-aged raw

² Costard, S., Espejo, L., Groenendaal, H., Zgmutt FJ., Outbreak-related disease burden associated with consumption of unpasteurized cow's milk and cheese, United States, 2009-2014. *Emerging Infectious Diseases*. 2017; 23(6):957.

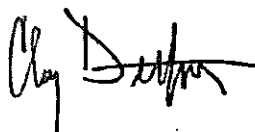
milk cheeses. In a 2007 report, the CDC concluded that "State milk regulations and methods for their enforcement should be reviewed and strengthened to minimize hazards of raw milk."³

Expanding the sale of raw milk through HB 95 would be a step in the wrong direction and create unnecessary risk for consumers.

While choice is an important value, it should not pre-empt consumers' well-being. To expand the sale of raw milk and raw milk products is an unnecessary risk to consumer safety and public health. As much, we strongly oppose HB 95.

Please do not hesitate to contact us with any questions or if we may be of further assistance.

Sincerely,



Clay Detlefsen
Senior Vice President and Staff Counsel
National Milk Producers Federation



Dave Carlin
Senior Vice President, Legislative Affairs
International Dairy Foods Association

The National Milk Producers Federation (www.nmpf.org), based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies.

The International Dairy Foods Association (www.idfa.org), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports more than 3 million jobs that generate \$159 billion in wages and \$620 billion in overall economic impact. IDFA's diverse membership ranges from multinational organizations to single-plant companies, from dairy companies and cooperatives to food retailers and suppliers. Together, they represent 90 percent of the milk, cheese, ice cream, yogurt and cultured products, and dairy ingredients produced and marketed in the United States and sold throughout the world.

³ Bhat, M, et al. *Escherichia coli* O157:H7 Infection Associated with Drinking Raw Milk- Washington and Oregon, November- December 2005. MMWR. 2007; 56(8):165.

Aaron Jones

From: Jennifer L. DiNubila <JDiNubila@Cheshire-Med.COM>
Sent: Tuesday, March 23, 2021 7:49 AM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: HB 95 testimony relative to raw milk pasteurization

Dear Senator French and members of the Senate Commerce Committee,

My name is Dr. Jennifer DiNubila and I am a gastroenterologist at Cheshire Medical Center. I understand that HB 95 seeks to expand the sale of raw milk products. Raw milk has not been pasteurized to kill harmful bacteria such as *Brucella*, *Campylobacter*, *Cryptosporidium*, *E. coli*, *Salmonella*, and *Listeria*. These bacteria can cause serious health issues including stomach pain, diarrhea, vomiting, paralysis (from Guillain-Barre syndrome), stroke, kidney failure, and death. Children, elderly people, pregnant women, and people with weakened immune systems (those who have HIV, had an organ transplant, cancer, or take certain medications) are at increased risk of becoming ill from consuming raw milk products. Negative testing by farms does not ensure that the raw milk products are safe. Animals that are well-cared for and healthy can still carry these harmful bacteria. In light of the recent outbreak of *Campylobacter* linked to raw milk from a farm in Rollinsford, NH, I oppose the expansion of the sale of raw milk products. Additional safety measures should be put in place at this time. I am available for further questions (603-354-6515). Thank you for your time.

Respectfully,

Dr. Jennifer DiNubila

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Aaron Jones

From: Cameron Lapine
Sent: Tuesday, March 23, 2021 10:10 AM
To: Aaron Jones
Subject: FW: My testimony for HB95

From: Judy Aron <Judy.Aron@leg.state.nh.us>
Sent: Tuesday, March 23, 2021 9:32 AM
To: Cameron Lapine <Cameron.Lapine@leg.state.nh.us>
Subject: My testimony for HB95

Attached is my testimony that I gave today.

HB-95 - Relative to Milk Pasteurization

Testimony - 03/23/21

Dear Members of the Senate Commerce Committee,

This bill updates the current statute (RSA:184:84, V) to include ice cream in the products that can be made from raw milk. It also stipulates that ice cream made from raw milk must be packaged in containers no larger than six fluid ounces, and must be marked with an expiration date of thirty days from the date of manufacture.

This is a bill that would help our farmers expand their product line and create more income for them. We have farmers waiting for this to pass and they already have customers waiting who want these products. Many people routinely purchase raw milk products for its nutritional benefits. We already allow the production and consumption of raw milk products in NH and this just allows the addition of raw milk ice cream to be added to the list. People who consume raw milk products fully understand the very small risk of gastrointestinal illness that might occur. DHHS routinely reminds us of those risks, especially since there was an outbreak of illness back in February, but we know that overall NH farmers do an

excellent job and take many sanitary precautions to avoid those risks because they do not want their customers to get sick. That would be bad for business!

I urge you to pass this bill in the Senate, as we did unanimously in the House, to help our NH farmers and to satisfy their customers.

Thank you,

Judy Aron
NH State Representative
Sullivan County District 7
(Acworth, Goshen, Langdon, Lempster, Washington)
Environment and Agriculture Committee, Vice-Chair
Transportation, Member
266 Forest Road, South Acworth, NH 03607
603-843-5908

Aaron Jones

From: Jasper, Shawn <Shawn.N.Jasper@agr.nh.gov>
Sent: Wednesday, April 21, 2021 12:52 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: HB 95 relative to milk pasteurization

Senators,

I apologize for not weighing in on this issue earlier. The issue of the sale of unpasteurized milk from uninspected farms has concerned me for some time. As sales of unpasteurized milk has become more common, so have cases of illness directly tied to raw milk. I am not against the consumption of raw milk, I grew up next door to a dairy farm and drank more than my fair share of milk that came directly from the bulk tank, but that farm was inspected by the Dairy Sanitation Division of HHS. As a member of the Dairy Sanitation Board I have raised this as an issue of concern in the past, however the division lacks the manpower to increase the number of inspections that would be necessary to inspect all farms selling raw milk. As a matter of fact the number of farms that would need to be inspected is unknown, but it is thought to be substantial. I don't believe that the health of people buying from farms selling less than 20 gallons a day is any less important than those buying from larger farms. As a matter of fact, currently the risk to those families is increased, due to the lack of inspections. Once the state decides that there is a risk associated with something and that the government has a duty to provide a level of oversight, I believe that oversight should apply to every producer.

I ask that before you pass HB 95 and expand the products which can be made from uninspected farms you consider the expanded public health risk and require a basic level inspections being performed at least annually. To be clear these inspections could not be conducted using the same set of standards which are used to inspect larger dairies. What I believe is that all consumers should know it that the milk is being collected using basic sanitation and that it is being stored and cooled in equipment designed to rapidly cool hot products. Milk should not, but likely is in many cases, being taken from a cow and put into a common refrigerator. If you wish to allow the expansion of these product then please add a position within the Dairy Sanitation Division of HHS and require the department to adopt basic rules for the inspection of dairies which sell less than 20 gallons of raw milk or milk products on a daily average.

I would be more than happy to speak to you individually or as a committee about this issue. Please feel free to contact me at any time.

Sincerely,
Shawn N. Jasper, Commissioner
State of New Hampshire
Department of Agriculture, Markets & Food
Mailing: PO Box 2042, Concord, NH 03302
Physical: 25 Capitol St., Room 220, Concord, NH 03301
603-271-3551 Main Office
603-419-9191 cell
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Voting Sheets

Senate Commerce Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # <u>HB 95-FN</u>

Hearing date: 3/23/21

Executive Session date: 3/23/21

Motion of: RE-REFER Vote: 3-2

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. SOUCY

Notes: _____

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 95-FN

Hearing date: 3/23/21

Executive Session date: 11/3/21

Motion of: Amendment Vote: 3-2

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: OTP - A Vote: 3-2

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gannon

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, March 23, 2021.

THE COMMITTEE ON Commerce

to which was referred **HB 95-FN**

AN ACT relative to milk pasteurization.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 3-2

Senator Donna Soucy
For the Committee

Aaron Jones 271-4063

COMMERCE

HB 95-FN, relative to milk pasteurization.

Re-refer to Committee, Vote 3-2.

Senator Donna Soucy for the committee.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, November 4, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 95-FN**

AN ACT relative to milk pasteurization.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 2234s

Senator Bill Gannon
For the Committee

Aaron Jones 271-4063

COMMERCE

HB 95-FN, relative to milk pasteurization.

Ought to Pass with Amendment, Vote 3-2.

Senator Bill Gannon for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB95

Docket Abbreviations

Bill Title: relative to milk pasteurization.**Official Docket of HB95.:**

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Environment and Agriculture HJ 2 P. 35
1/20/2021	H	Public Hearing: 01/27/2021 02:45 pm Members of the public may attend using the following links: To join the webinar: https://www.zoom.us/j/92887623403 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/10/2021	H	Committee Report: Ought to Pass with Amendment #2021-0190h (Vote 18-0; CC) HC 12 P. 5
2/24/2021	H	Amendment #2021-0190h : AA VV 02/24/2021 HJ 3 P. 7
2/24/2021	H	Ought to Pass with Amendment 2021-0190h: MA VV 02/24/2021 HJ 3 P. 7
3/4/2021	S	Introduced 03/04/2021 and Referred to Commerce; SJ 7
3/16/2021	S	Remote Hearing : 03/23/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 16
3/23/2021	S	Committee Report: Rereferred to Committee, 04/01/2021; SC 17
4/1/2021	S	Rereferred to Committee, RC 12Y-12N, MF ; 04/01/2021; SJ 10
4/1/2021	S	Sen. Bradley Moved to Rerefer to Committee, RC 23Y-1N, MA ; 04/01/2021; SJ 10
12/16/2021	S	Committee Report: Ought to Pass with Amendment #2021-2234s , 01/05/2022; SC 49
1/5/2022	S	Committee Amendment #2021-2234s , AF, VV; 01/05/2022; SJ 1
1/5/2022	S	Sen. French Floor Amendment #2021-2300s , AA, VV; 01/05/2022; SJ 1
1/5/2022	S	Ought to Pass with Amendment 2021-2300s, MA, VV; OT3rdg; 01/05/2022; SJ 1
2/16/2022	H	House Concurs with Senate Amendment 2021-2300S (Rep. Pearl): MA VV 02/16/2022 HJ 3
3/15/2022	H	Enrolled (in recess of) 03/10/2022 HJ 5
3/15/2022	S	Enrolled Adopted, VV, (In recess 02/24/2022); SJ 5
3/21/2022	H	Signed by Governor Sununu 03/18/2022; Chapter 6; 05/17/22

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 95-FN

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 2234S _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 2300 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones
Committee Aide

7/7/22
Date

Senate Clerk's Office AK