

## Raw Milk Laws

This IPRO report examines state and federal legislation regarding the sale of raw milk.

### Background

Raw milk is milk that has not been pasteurized. Pasteurization is a process that kills bacteria by heating milk to a specific temperature for a set period of time.<sup>1</sup>

Raw milk advocates claim that drinking unpasteurized milk helps to prevent chronic diseases such as eczema and asthma because it contains vitamins and natural enzymes that are normally lost in the pasteurization process. One study found that raw milk reduced a child's chance of developing eczema by 40 percent.<sup>2</sup> Some advocates go as far as to claim raw milk is a "complete food" that provides all the nutritional benefits necessary for human health.<sup>3</sup>

Many raw milk advocates also contend that lactose intolerant people can consume raw milk and other dairy products derived from raw milk. They claim raw milk does not cause symptoms of lactose intolerance because it contains bacteria that help the body digest milk.<sup>4</sup> In a survey of raw milk drinkers in the state of Michigan, over 80 percent of those advised by a healthcare professional that they were lactose intolerant were able to consume raw milk without problem.<sup>5</sup>

The U.S. Food and Drug Administration (FDA) disputes claims that raw milk is healthier than pasteurized milk. The FDA contends that there is no difference between raw milk and pasteurized milk and that raw milk can contain dangerous bacteria that can be fatal to humans, such as *E Coli* and *Salmonella*.<sup>6</sup> The FDA also disputes claims that lactose intolerant people can drink raw milk

### Federal Action on Raw Milk

Federal law does not prohibit the consumption of raw milk; however it does ban the movement and sale of raw milk across state boundaries.<sup>7</sup> In February 2009, Congressman Ron Paul introduced legislation to end this ban and the bill remains in the House Energy and Environment Committee.<sup>8</sup>

### State Laws

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<sup>1</sup> "Questions & Answers: Raw Milk." *U S Food and Drug Administration Home Page*. Web. 14 Nov. 2009. <<http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/ucm122062.htm>>.

<sup>2</sup> Hagan, Pat. "Untreated milk cuts children's allergies." *The Daily Mail*. 07 Aug. 2006. Web. 5 Dec. 2009. <<http://www.dailymail.co.uk/health/article-399520/Untreated-milk-cuts-childrens-allergies.html>>.

<sup>3</sup> "Is raw milk more healthful than pasteurized milk? -." *Milk - ProCon.org*. Web. 14 Nov. 2009. <<http://milk.procon.org/viewanswers.asp?questionID=000806#answer-id-004118>>.

<sup>4</sup> *Raw Milk Facts...The Raw Milk Information Guide You Can Trust!* Web. 14 Nov. 2009. <<http://www.raw-milk-facts.com/>>.

<sup>5</sup> "The Safety of Raw Milk." *A Campaign for Real (Raw) Milk!* Web. 5 Dec. 2009. <<http://www.realmilk.com/rawmilkoverview.html>>.

<sup>6</sup> "Questions & Answers: Raw Milk." *U S Food and Drug Administration Home Page*. Web. 14 Nov. 2009. <<http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/ucm122062.htm>>.

<sup>7</sup> "Ron Paul Introduces Bill to End Interstate Raw Milk Ban." *Organic Consumers Association*. Web. 14 Nov. 2009. <[http://www.organicconsumers.org/articles/article\\_16769.cfm](http://www.organicconsumers.org/articles/article_16769.cfm)>.

<sup>8</sup> Ibid.

States vary in their regulation of raw milk sales; however, they do not regulate the consumption of raw milk. Some states ban the sale raw milk, while others allow it to be sold at retail locations.<sup>9</sup> State raw milk laws can generally be categorized into the following five levels of regulation:

- The sale of raw milk is illegal.
- Only sales made on the farm on which the milk was produced are allowed.
- Raw milk can be legally attained through cow share or cow boarding. Cow share and cow-boarding refers to the ownership of all or part of a cow that lives on a farm owned by someone else. The owner of the farm takes care of the cow and provides the milk to its owners.
- Retail sale of raw milk is legal.
- Raw milk can be sold as pet food.

Table 1 gives a state-by-state outline of raw milk laws:<sup>10</sup>

**Table 1**

States	Illegal	Farm Sales Legal	Cow Share or Cow Boarding Legal	Retail Sale Legal	Pet Food
Alabama		x			
Alaska		x			
Arizona		x			
Arkansas		x			
California				x	
Colorado			x		
Connecticut				x	
Delaware		x			
Florida					x
Georgia					x
Hawaii	x				
Idaho	x				
Illinois		x			
Indiana			x		
Iowa	x				
Kansas		x			
Kentucky		x			
Louisiana		x			
Maine				x	
Maryland	x				
Massachusetts		x			
Michigan			x		
Minnesota		x			

<sup>9</sup> "An Overview of U.S. State Milk Laws, Page 1, Introduction and Alabama through Georgia." *A CAMPAIGN FOR REAL (RAW) MILK!* Web. 14 Nov. 2009. <<http://realmilk.com/milk-laws-1.html>>.

<sup>10</sup> "An Overview of U.S. State Milk Laws, Page 1, Introduction and Alabama through Georgia." *A CAMPAIGN FOR REAL (RAW) MILK!* Web. 14 Nov. 2009. <<http://realmilk.com/milk-laws-1.html>>.

States	Illegal	Farm Sales Legal	Cow Share or Cow Boarding Legal	Retail Sale Legal	Pet Food
Mississippi		x			
Missouri		x			
Montana	x				
Nebraska		x			
Nevada	x				
New Hampshire		x			
New Jersey	x				
New Mexico				x	
New York		x			
North Carolina					x
North Dakota					x
Ohio			x		
Oklahoma		x			
Oregon		x			
Pennsylvania				x	
Rhode Island	x				
South Carolina				x	
South Dakota		x			
Tennessee			x		
Texas		x			
Utah		x			
Vermont		x			
Virginia			x		
Washington				x	
West Virginia	x				
Wisconsin			x		
Wyoming	x				
Totals	10	22	7	7	4

## Iowa Law

All raw milk sales are illegal in Iowa, as stated in state law 192.103.<sup>11</sup>

*Only Grade "A" pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; except in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled "ungraded".*

<sup>11</sup> "An Overview of U.S. State Milk Laws, Page 1, Introduction and Alabama through Georgia." *A CAMPAIGN FOR REAL (RAW) MILK* Web. 14 Nov. 2009. <<http://realmilk.com/milk-laws-1.html>>.