



Written by [Raven Clabough](#) on February 7, 2012

States Consider Raw Milk Legislation

Americans in favor of food sovereignty have been clashing with the federal government for years over raw — or unpasteurized — milk, which has been targeted by the federal government and severely regulated through the Food and Drug Administration. Annual legislative sessions have been an opportunity for major changes to be made to the way raw milk is regulated in this country, but more Americans are taking up the issue in their states, where they are asserting their individual rights to purchase and distribute it.



The [debate](#) over the benefits of raw milk is contentious. While opponents argue that it causes outbreaks of food-borne illnesses, advocates assert that the benefits of unpasteurized milk — such as an increased presence of proteins, vitamins, and minerals — far outweigh the risks.

“There is approximately a 10% loss of vitamins B1, B6, B12 and folate and a 25% loss of vitamin C” when milk is pasteurized, according to a 1997 paper by Dr. B. M. Pickard of the Department of Animal Physiology and Nutrition at the University of Leeds. He added, “Pasteurization destroys the ability of certain proteins in milk to bind the important vitamin folate and hence help its absorption. Heat treatment might also cause a similar inactivation of other protein carriers, for example those for zinc and vitamin B₁₂.” In addition, unpasteurized milk retains healthy bacteria, which provide disease-fighting properties.

According to the Centers for Disease Control, food-borne illnesses resulting from raw milk account for .5 percent of all food-borne illnesses, causing approximately 50 to 150 illnesses per year, among the 20,000 to 25,000 food-borne illnesses reported annually.

Advocates of raw milk have grown more vocal in recent years, speaking out against federal overreach into Americans’ consumption habits. Currently, only 15 states allow the farm sale of unpasteurized milk, while another 10 permit its retail sale. But the battle to legalize the sale of unpasteurized milk is underway in a number of states.

In Indiana, for example, S.B. 398 was drafted to address changes to the responsibilities of the state chemist. But the addition of a 76-line amendment also makes changes to the sale and distribution of raw milk, which is currently allowed to be sold only as pet food.

Food Safety News explains, “With that language added to the bill, a licensed milk producer with 20 or fewer cows would be allowed to sell raw milk without much additional regulation. The on-farm sales would have to be made under signs telling the public that “raw milk products are not pasteurized” and bottles will require ‘raw milk’ labels.”

That amendment was adopted and the bill now appears on the calendar of Indiana’s Senate for an up or down vote.

Likewise, though similar efforts in New Jersey were halted temporarily in 2010, they are now being



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renewed. The Garden State has one of the oldest bans on the sale and distribution of raw milk, dating back to early in the century when it was linked to outbreaks of food-borne illnesses. And to this day, the sale of raw milk continues to have a poor reputation in the state. *Food Safety News* explains, "The *Camden Courier Post*, for example, paints a picture of cash being exchanged for illicit milk in a dimly lit garage. Orders are picked up in reusable bags, and driven away quickly in the night." In reality, most New Jersey residents who consume raw milk pick it up from a distribution center in Pennsylvania.

Last year, the New Jersey Assembly voted 7-6 to allow some commercial sales of raw milk. But the bill died in the Senate Economic Growth Committee. The measure was reintroduced in the new Assembly, however, by Republican John DiMaio and assigned to the Agriculture and Natural Resources Committee, where it was approved on Friday, February 3.

In Wisconsin, the sale of raw milk was approved by the legislature but vetoed by former Gov. Jim Doyle. However, on February 22, the Wisconsin Raw Milk Association has scheduled a lobbying day in Madison, where it will show its support for S.B. 108, which would end virtually all state regulations for licensed producers who sell raw milk. And unlike Governor Doyle, Wisconsin's current governor Scott Walker has stated that he would likely sign a raw milk bill if approved.

Kentucky's Senate has sent a bill to the floor that would legitimize cow-share arrangements. *Food Safety News* reports, "Sharing ownership of a herd of cows to gain access to unpasteurized dairy products is not expressly prohibited in Kentucky, where Department of Public Health regulations ban the retail sale of milk that hasn't been pasteurized. But the bill would clarify their legality."

Though Kentucky's Dairy Development Council bemoans the measure's failure to include regulatory oversight of the sale of raw milk, the legislation is supported by the Kentucky Community Farm Alliance.

Some have made an effort at the federal level to allow Americans to make their own decisions about which milk they would like to consume, such as Texas Congressman and GOP presidential contender Ron Paul, who [remarked](#) on the massive federal regulations on raw milk, "If we are not even free anymore to decide something as basic as what we wish to eat or drink, how much freedom do we really have left?"

The New American's Michael Tennant [reported](#) on Paul's efforts:

Even if the FDA were correct in its assertions about the dangers of raw milk, its prohibition on interstate raw milk sales would still be, as Paul termed it, "an unconstitutional misapplication of the commerce clause for legislative ends" ...

Saying he is "outraged" by the FDA's raids on peaceful dairy farmers and their customers, Paul has introduced legislation ... "to allow the shipment and distribution of unpasteurized milk and milk products for human consumption across state lines," in effect reversing the FDA's unconstitutional ban on such sales.

Because of the Food Safety Modernization Act enacted last year, the federal government acquired even more authority to determine what food is allegedly harmful, without any real evidence.

Farmers, such as Amish dairyman Dan Allgyer, have been persecuted by the FDA for selling raw milk. In 2009 he was caught in an FDA sting operation after the FDA planted a spy in a local buying club which he supplies. After agents raided his farm at gunpoint, the FDA then convinced the Department of Justice to file suit against Allgyer to obtain an injunction prohibiting him from transporting and selling



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raw milk across state lines.

Similarly, armed agents and members of the Los Angeles County Sheriff's Office raided a small private club in Southern California in August of last year after a yearlong investigation into the club's consumption of raw milk.

Food safety chief and former Monsanto lawyer Michael Taylor defended the FDA's treatment of raw milk farmers by calling the campaign a "public health duty" based on "statutory directive."

However, constitutionalists are delighted to see liberty-minded citizens in states across the country increasingly beginning to take power into their own hands.



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