



Written by [Ty Bodden](#) on March 13, 2026

Raw Milk and Food Freedom: Let Farmers Feed Their Neighbors

For most of our history, milk was milk, just as God gave it to us — fresh, local, and purchased directly from the farmer. Not too long ago, milkmen transported milk using horse-drawn carts and followed delivery routes. Only in the last century did government regulators steadily convert ordinary food into a [bureaucratic](#) product, insisting that uniform “safety” requires centralized control, industrial processing, and one-size-fits-all rules around the country. The result has been predictable, and is seen in rural America: fewer small producers, higher compliance costs, less consumer choice, more monopolies, and a food system increasingly dominated by politically favored middlemen. In other words, [powerful lobbying](#) interests achieved policies that reduce competition, driving up costs for consumers.



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Raw milk has become a hot topic in that larger struggle. [Across the country](#), legislatures are beginning to push back — not because lawmakers suddenly discovered nutrition, but because citizens are demanding the freedom to buy and sell food without government acting as a [national](#) dietician. When the state treats peaceful commerce as a crime, it denies the [first principles](#) of a free people: the right to contract (protected under [Article I, Section 10](#) and the [Ninth Amendment](#) of the [U.S. Constitution](#)), the right to property (protected by the [Fourth](#), [Fifth](#), Ninth, and [14th Amendments](#) of the U.S. Constitution), and the right to make voluntary choices for one’s own household (also protected by the Fourth, Fifth, Ninth, and 14th Amendments).

While states are creating limited exceptions, the [federal](#) government is unconstitutionally [asserting the power](#) to prohibit interstate commerce in raw milk for human consumption — an aggressive claim that rests on the incorrect and ever-expanding interpretation of the Commerce Clause and a sprawling regulatory state our Founders would be shocked to see.

The Return of Direct Sales

Several states have taken meaningful steps toward restoring food freedom by legalizing or expanding direct-to-consumer raw-milk sales.

In Hawaii, [HB1989](#) (2024) moved the state toward permitting direct raw-milk sales under defined conditions, including expanded access to certain raw-milk products and limited recognition of goat milk. Though not perfect, the measure reflects an important shift — trusting free people to make informed choices and trusting farmers to serve their communities without treating every transaction as a public-



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health emergency.

West Virginia's [HB4911](#) (2024) advanced food freedom by authorizing the sale of raw milk within the state — an explicit rejection of the premise that adults must be shielded from voluntary commerce by regulatory force.

Iowa's [SF315](#) (2023) established a framework for compliant raw-milk dairies to sell directly to consumers while limiting resale and carving out exemptions from certain layers of state regulation — another recognition that the farmer-consumer relationship does not require an army of inspectors to be legitimate.

North Dakota's [HB1515](#) (2023) similarly expanded direct raw-milk sales, affirming that farmers should be able to sell to willing buyers without requiring permission from the administrative state.

By legalizing in-state raw-milk sales while declining to assist in the enforcement of federal interstate prohibitions, these states are [engaging in constitutional nullification](#) rooted in federalism and the [10th Amendment](#). Under [Article VI](#) of the [U.S. Constitution](#), only laws made “in Pursuance” of the Constitution are supreme. Measures that exceed enumerated powers are not binding on the states, and it is the duty of the states to [nullify](#) unconstitutional rules, laws, and edicts from the federal government.

A Patchwork of Arbitrary Rules

Raw-milk [laws vary dramatically by state](#) — revealing how political and inconsistent the issue has become.

In [Maine](#), municipalities that have adopted local “food sovereignty” ordinances permit unlicensed, unregulated direct-to-consumer sales of raw dairy. In [Montana](#), producers with no more than five lactating cows may sell directly without state regulation. [Utah](#) permits licensed producers to sell raw milk at retail stores, but only if they hold majority ownership in the store itself. [Nevada](#) technically allows sales by statute, yet requires approval from a county milk commission — and only one county has such a commission, which has approved no producers, rendering sales effectively impossible. To almost everyone, the rules are confusing.

[Wisconsin](#) permits “incidental sales” — a term the state has not fully defined — while also allowing consumers to obtain raw milk through actual ownership interests in a licensed dairy operation. The result is a regulatory puzzle in which legality often depends less on safety than on bureaucratic interpretation.

Elsewhere, some states allow retail sales with [permits](#) — including California, Pennsylvania, South Carolina, and Washington — while others limit sales to on-farm transactions, herdshare arrangements, or delivery. In Rhode Island and the District of Columbia, raw milk for human consumption is prohibited outright. Arkansas requires consumers purchasing directly from a farm to sign a liability acknowledgment, Oklahoma caps monthly sales, and Vermont sets gallon limits.

This patchwork exposes a simple truth: Although federalism and our republican form of government beneficially result in differences between state laws, [raw milk](#) is not governed by uniform science. It is governed by politics, lobbying/special interests, and administrative discretion.



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Broader Food-freedom Reforms

Raw milk is only one piece of the larger question. [Wyoming](#) has increasingly treated food freedom as a principal freedom rather than a narrow exception. Ohio and Kentucky have also taken steps toward reform.

Wyoming's SF0102 (2023), which amended the [Food Freedom Act](#), expanded what may be sold under the state's food-freedom framework, clarifying permission for eggs and dairy products and allowing more flexibility in how homemade foods reach consumers — including recognition that community markets often involve limited intermediary activity.

A similar approach appeared in Ohio, where [HB134](#) (2025) would have [created](#) a “microenterprise home kitchen operation” program allowing residents to prepare and sell certain homemade foods from their own kitchens without obtaining a full commercial food-processing license — a reform the Ohio House approved by an overwhelming 88-2 vote, recognizing that small-scale entrepreneurship should not be regulated as if it were industrial food production.

Michigan has also taken steps to reduce regulatory barriers for small food producers. [Senate Bill 93](#) (2025) amended the Michigan Food Law to expand exemptions from food-establishment licensing, clarifying that certain small-scale activities — such as direct sales of whole fruits and vegetables, farm products, honey, maple syrup, and some prepackaged foods — do not require a full license if specified conditions are met. The law also treats farmers market stands, temporary sales locations, and certain vending operations connected to licensed establishments as extensions of those businesses rather than separate operations requiring additional permits. Another reform, [House Bill 4122](#) (2025), updated Michigan's cottage-food law by maintaining the licensing exemption for home-kitchen food producers while allowing them to sell products online, by mail order, or through delivery platforms, provided consumers can communicate directly with the producer before purchase. The law retains labeling and safety requirements and sets an annual sales cap of about \$50,000 for cottage-food operators.

Kentucky is also considering broader reforms to support small farms and local food producers. [Representative Savannah Maddox](#) (R-Dry Ridge), one of the [strongest constitutionalists](#) in the state General Assembly, has introduced two measures in the 2026 legislative session aimed at reducing regulatory barriers for family agriculture. [HB348](#) would allow certain small-scale poultry processors operating under existing federal exemptions to sell directly to consumers at farms, farmers markets, and roadside stands, while preventing local governments from imposing additional inspection or certification requirements beyond federal standards. Another proposal, [HB756](#), would define “small farms” and exempt qualifying farms and home-based food processors from state or local licensing requirements not mandated by federal law. Together, the bills emphasize that restoring local food systems often begins by removing regulatory obstacles that disproportionately burden small producers.

This is what reform should look like — not pushing for regulatory carve-outs, but restoring the default presumption of liberty. In a constitutional [republic](#), peaceful commerce should be lawful unless government can show a legitimate, [enumerated](#) reason to prohibit it — not the other way around.

The PRIME Act: Restoring Local Meat Processing

Food freedom extends beyond dairy. [U.S. Representative Thomas Massie](#) (R-Ky.) has [repeatedly introduced](#) the [Processing Revival and Intrastate Meat Exemption \(PRIME\) Act](#), a bipartisan measure most recently [co-sponsored](#) by [Representative Chellie Pingree](#) (D-Maine) that would allow states to



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permit the intrastate sale of custom-slaughtered meat without requiring inspection by the federal Department of Agriculture, essentially allowing consumers to buy directly from the source.

Under current federal law, custom-slaughtered beef, pork, and lamb may be processed only for personal or household use unless animals are sent to a federally inspected facility — an option often too expensive for small farmers. The [PRIME Act](#) would expand the custom exemption to allow in-state sales to consumers, restaurants, grocery stores, and other local outlets, reducing reliance on large industrial processors and strengthening local food systems. Although some national industry groups [oppose](#) the bill on centralized “safety” grounds, [supporters](#) argue that it restores constitutional federalism, helps small producers, and expands consumer choice. The legislation has been introduced multiple times, but has not yet become law.

Massie Promotes Food Freedom

[Massie’s](#) advocacy is not merely theoretical. A farmer himself, he has publicly stated on multiple occasions that he [regularly consumes](#) raw milk, and has done so daily for years, obtaining it through a herdshare arrangement on his Kentucky farm. He has explained that pasteurized, homogenized milk previously upset his stomach, whereas [raw milk](#) does not, and has credited raw milk with [improving](#) his digestion and overall health. He has described a daily glass of raw milk as [beneficial](#), and has remained a consistent supporter even amid heightened public-health debates. His personal practice aligns with his legislative efforts, including [repeated introductions](#) of the [Interstate Milk Freedom Act](#) to lift the [federal ban](#) on interstate raw-milk sales and return regulatory authority to the states.

Massie and Pingree also [reintroduced](#) the Interstate Milk Freedom Act ([H.R. 7880](#)), a measure to prohibit the federal government from interfering with the interstate transportation of raw-milk products between states where their sale is already legal. The legislation [defines](#) raw milk as unpasteurized milk packaged for direct human consumption, and requires compliance with state labeling and production standards while leaving existing state laws intact. Similar versions of the bill were introduced in 2015, 2019, and 2021, but stalled in committee, illustrating the continued resistance in Washington to even modest reforms that would allow states — and consumers — to decide these questions for themselves.

Whether one agrees with Massie’s dietary preferences or not, his position emphasizes a central constitutional point: In a free republic, individuals — not federal agencies — should decide what foods they consume.

More and More Federal Control

[For generations](#) — especially in rural America — raw milk was not a novelty. It was simply food, produced locally and purchased directly from the farmer. But as [cities grew](#) and distribution chains lengthened, milk became an industrial commodity. Pasteurization was increasingly marketed as a [universal answer](#) to “safety” problems that were often created — or magnified — by the very centralization that government policy and corporate consolidation encouraged.

In other words, the story is not that pasteurization equals progress. The deeper story is this: Government and industry consolidated production, then used consolidation’s predictable failures as the rationale for more [regulation](#) — which further solidified consolidation. That cycle is not limited to milk. It has shaped meat processing, egg sales, home kitchens, farmers markets, and even private supplements — always moving in the same direction: away from local trust and accountability and toward centralized permission slips.



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As a [recent essay](#) on Law & Liberty observed, Americans now live under what can only be described as a “state-managed affair,” overseen by an alphabet soup of federal agencies — including the Food and Drug Administration, United States Department of Agriculture, Centers for Disease Control and Prevention, and Environmental Protection Agency — that dictate labeling rules, health claims, pesticide tolerances, school-lunch standards, and even what qualifies as “healthy.” As the essay states, “Americans are indeed unhealthy, and the decline is alarming. But the answer is not another layer of federal control. The economics of government regulation ensure that centralized solutions will fail.”

Structural Failure

Despite more than a century of expanding oversight, adult obesity has risen from [30.5 percent](#) in 1999-2000 to more than [40 percent](#) today, while diabetes and other diet-related chronic diseases continue to climb. During the current presidential administration, [chronic disease](#) has been a [key focus](#) for [Secretary of Health and Human Services Robert F. Kennedy Jr.](#) and the [medical freedom](#) and [Make America Healthy Again](#) movements. The regulatory state has [grown steadily](#), and has exploded since the Covid-19 pandemic. Agency headcounts and budgets have ballooned decade after decade, yet national health outcomes have moved in the opposite direction.

The problem is not merely technical, but structural. Centralized food governance suffers from misaligned incentives, regulatory capture, and what free-market economist [F.A. Hayek](#) famously described as the “[knowledge problem](#)” — the impossibility of distant planners fully understanding the local, personal, and cultural realities that shape how families eat. When Washington substitutes one-size-fits-all mandates for voluntary exchange and local accountability, it crowds out the very feedback mechanisms — reputation, choice, and competition — that naturally reward quality in the free market and punish negligence.

Compulsory Pasteurization

The Raw Milk Institute (RAWMI) [notes](#) that humans have consumed raw milk for thousands of years and that milk-drinking societies often gained a survival advantage from having a steady, nutrient-dense food supply. RAWMI also documents how America’s [relationship](#) with milk took a sharp turn in the mid-1800s, when production shifted from pasture-based farms to crowded city “swill” dairies — places without clean water or adequate pasture, where unhealthy cows were kept in filthy conditions and fed distillery byproducts. When [disease](#) followed, reformers offered two competing answers: pasteurization — a technological workaround that enabled commercialization of dirty milk — or the harder and more honest solution of producing clean milk from healthy animals under strict hygienic standards.

The rise of compulsory pasteurization laws also intersected with powerful industrial interests. During the early 20th century, businessman [John D. Rockefeller](#) supported efforts to mandate pasteurization as cities attempted to address genuine public-health problems associated with unsanitary urban “swill” dairies. Chicago became one of the first major cities to require pasteurization in 1909, and similar measures soon followed in New York and other jurisdictions. At the same time, pasteurization requirements tended to favor large processing firms that could afford the equipment and regulatory compliance costs, while smaller farms that traditionally sold milk directly to neighbors were pushed out of the market. The result was the gradual transformation of milk from a local farm product into an industrial commodity controlled by large processors and distribution networks.



Certified Medical Milk

That second path produced what RAWMI calls “[Certified Medical Milk](#).” In the late 1800s, physician-led efforts such as the American Association of Medical Milk Commissions, founded by Dr. Henry Coit, developed rigorous standards to certify safe raw milk for hospitals, infants, and children — including requirements for healthy cows, low bacterial counts, and rapid bottling and delivery. One prominent example was the Walker-Gordon Laboratory Company in New Jersey, which RAWMI describes as producing certified raw milk for decades with meticulous sanitation and routine bacterial testing.

RAWMI [further notes](#) that the last certified medical-milk dairy in the United States — Alta Dena in Los Angeles — ended raw-milk production in May 1999, leaving a void for farmers who wished to produce raw milk intentionally for direct human consumption. RAWMI was created to help fill that gap by teaching practical risk-management principles, assisting farms in developing individualized risk-analysis and management plans, and promoting “Common Standards” for bacterial testing — emphasizing that safety is achieved through disciplined, grass-to-glass practices rooted in accountability, not blanket prohibition imposed from Washington.

How the Free Market Handles “Safety”

The political class frames raw milk as a question only bureaucrats can answer. But safety is not a uniquely governmental achievement. In a free market, safety is produced through:

- Reputation and repeat business: Local producers survive only if customers [trust](#) them, and a bad actor can lose significant business quickly.
- Transparency, consumer choice, and [common standards](#): Voluntary labeling, farm tours, third-party testing, and informed consent provide a powerful sales pitch without criminalizing commerce.
- Competition: Producers and [farmers](#) who cut corners are undercut by those who deliver cleaner facilities, better handling, and consistent high quality.
- Civil liability rooted in actual harm: Fraud and negligence are already [actionable](#) without turning every gallon into a regulated substance.

Government tends to replace these natural safeguards with unrealistic mandated compliance: expensive rules that punish small producers, protect entrenched players, and give consumers a false sense of security in systems that are “approved” — until they fail.

Who Opposes Food Freedom?

It is important to dispel a persistent myth: “Big Dairy” is not secretly promoting raw milk. Quite the opposite. [Large dairy processors](#) — corporations such as Dairygold, [Organic Valley](#), and Shamrock Foods — are not farms, but food-processing middlemen. They purchase milk from producers, pasteurize and package it, and sell it under corporate labels. Conventional dairy farmers themselves commonly bottle raw milk for personal consumption before the bulk of their production is trucked to industrial processors — a quiet acknowledgment that the people closest to the cows are not the ones demanding prohibition.

Both historically and today, the strongest [opposition](#) to raw-milk legalization has come from large dairy [trade associations](#) and processing special interests. Organizations such as the [National Milk Producers Federation](#) and the International Dairy Foods Association have lobbied aggressively against expanding



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raw-milk access, including opposing amendments that would allow interstate sales. Raw-milk bans [date back](#) to the early 20th century, and federal enforcement intensified in 1987 when the Food and Drug Administration prohibited interstate raw-milk sales after lobbying from industry coalitions seeking a uniform, pasteurized national supply. Every administration since has maintained that interstate ban.

While legalization remains primarily a [state-level issue](#), the political pressure to suppress direct farmer-to-consumer competition is bipartisan — and persistent. The debate, therefore, is not whether risk exists — all food carries some risk, and product recalls happen every day — but whether relatively rare instances of illness justify criminalizing peaceful commerce [between](#) informed adults. As raw-milk consumption continues to grow, millions of Americans have answered that question for themselves.

What's Really at Stake

The raw-milk debate is ultimately about whether Americans remain a self-governing people. If government can prohibit a peaceful exchange between a farmer and a neighbor — absent fraud, coercion, or force — then the question is not “public health.” The question is: What *can't* government control?

This is why food deregulation matters beyond milk. Every time government criminalizes harmless commerce, it shifts power away from families and local communities and toward administrative agencies that enforce rules with selective discretion, don't answer to voters, and rarely suffer consequences when their policies fail.

When “Food Freedom” Dies in Committee

Some of the strongest proposals never become law — not because they are unsound, but because centralized power protects itself. [Missouri's SB84](#) (“[Freedom to Farm Act](#)”), introduced in 2023, would have asserted broad protections for in-state farming and food production from government interference, limited emergency powers aimed at controlling food distribution and consumption, and directly nullified unconstitutional federal agriculture regulations. Whatever one thinks of every clause and definition, the bill reflected a growing recognition that food security and liberty are inseparable, and that “emergency” powers are routinely used to expand government's reach into private life.

Real Solutions

If lawmakers are serious about food affordability, local agriculture, and constitutional government, they should pursue reforms that restore liberty rather than manage markets:

- Legalize direct raw-milk sales statewide: Allow farmer-to-consumer sales with clear informed-consent rules, rather than blanket prohibitions.
- Expand food-freedom laws beyond milk: Allow eggs, dairy, meat shares, and homemade foods to be sold at farmers markets and through community channels without oppressive red tape.
- Reject federal overreach: States should refuse to assist in enforcing unconstitutional federal controls that treat voluntary commerce as a regulatory crime.
- Deregulate small producers: Scale rules to risk and reality, not to industrial lobbying priorities that crush small farms.
- Punish fraud, not freedom: Focus enforcement on deception and negligence — not on peaceful transactions between consenting adults.



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Defend Food Freedom and the Constitution

The choice is not between safety and liberty. The choice is between a free market rooted in responsibility and local accountability — and a regulatory regime that concentrates power, protects longtime special interests, and treats families as subjects who must ask permission to eat.

Americans should insist that legislators defend the Constitution by restoring the freedom to buy and sell wholesome food — including raw milk — without bureaucrats standing between farmers and consumers.

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