

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

**SESSION LAW 2008-88  
HOUSE BILL 2524**

AN ACT TO DISAPPROVE A RULE ADOPTED BY THE NORTH CAROLINA BOARD OF AGRICULTURE AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THAT ANY RAW MILK DISPENSED AS ANIMAL FEED BE PROPERLY LABELED, AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO EXEMPT UNPASTEURIZED MILK FROM THE PROVISIONS OF THE COMMERCIAL FEED ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Pursuant to G.S. 150B-21.3(b1), 02 NCAC 09E .0116 (Unpasteurized Milk), as adopted by the North Carolina Board of Agriculture on September 7, 2007, and approved by the Rules Review Commission on October 18, 2007, is disapproved.

**SECTION 2.** G.S. 130A-279 reads as rewritten:

**"§ 130A-279. Sale or dispensing of milk.**

Only milk that is Grade "A" pasteurized milk may be sold or dispensed directly to consumers for human consumption. Raw milk and raw milk products shall be sold or dispensed only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency. The Commission may adopt rules to provide exceptions for dispensing raw milk and raw milk products for nonhuman consumption. Any raw milk or raw milk product dispensed as animal feed shall include on its label the statement "NOT FOR HUMAN CONSUMPTION" in letters at least one-half inch in height. Any raw milk or raw milk product dispensed as animal feed shall also include on its label the statement "IT IS NOT LEGAL TO SELL RAW MILK FOR HUMAN CONSUMPTION IN NORTH CAROLINA." "Sale" or "sold" shall mean any transaction that involves the transfer or dispensing of milk and milk products or the right to acquire milk and milk products through barter or contractual arrangement or in exchange for any other form of compensation including, but not limited to, the sale of shares or interest in a cow, goat, or other lactating animal or herd."

**SECTION 3.** G.S. 106-284.33(4) reads as rewritten:

"(4) The term "commercial feed" means all materials, except whole unmixed seed such as corn, including physically altered entire unmixed seeds when not adulterated within the meaning of G.S. 106-284.38(1), which are distributed for use as feed or for mixing in feed; provided, that the Board by regulation may exempt from this definition, or from specific provisions of this Article, hay, straw, stover, silage, cobs, husks, ~~hulls~~ hulls, unpasteurized milk, and individual chemical compounds or substances which are not intermixed or mixed with other materials, and are not adulterated within the meaning of G.S. 106-284.38(1)."

**SECTION 4.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 3<sup>rd</sup> day of July,  
2008.

s/ Beverly E. Perdue  
President of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 12:36 p.m. this 11<sup>th</sup> day of July, 2008