

TITLE 37
FOOD, DRUGS, AND OIL

CHAPTER 11
ACQUISITION OF RAW MILK

37-1101. ACQUISITION OF RAW MILK AND RAW MILK PRODUCTS. (1) The acquisition of raw milk or raw milk products from cows, sheep, or goats by an owner of such cows, sheep, or goats for use or consumption by the owner or members of the owner's household shall not constitute the sale or retail sale of raw milk or raw milk products and shall not be prohibited.

(2) The acquisition of raw milk or raw milk products from cows, sheep, or goats by an owner of a cow share, sheep share, or goat share for use or consumption by the owner or members of the owner's household shall not constitute the sale or retail sale of raw milk or raw milk products and shall not be prohibited. The owner of a cow share, sheep share, or goat share shall receive raw milk or raw milk products directly from the farm or dairy where the cow, sheep, goat, or dairy herd is located. Such farm or dairy shall be registered.

(3) Registration of a farm or dairy as required by subsection (2) of this section shall be accomplished by delivering to the Idaho state department of agriculture a written statement containing:

- (a) The name of the farmer, farm or dairy;
- (b) A valid, current address of the farmer, farm or dairy; and
- (c) A statement that raw milk or raw milk products are being produced at the farm or dairy.

(4) Unless otherwise permitted by the Idaho state department of agriculture, it shall be unlawful to sell, offer for sale, or advertise for sale to any person or distribute to any restaurant or food establishment, grocery store, or farmers market any raw milk or raw milk products produced as provided in this section.

(5) No producer of raw milk or raw milk products as provided in this section shall publish any statement that implies approval or endorsement by the Idaho state department of agriculture.

(6) The Idaho state department of agriculture is charged with the responsibility of administration and enforcement of this chapter and is empowered to promulgate and enforce rules not inconsistent with this chapter.

(7) The Idaho state department of agriculture is authorized to issue a hold order to stop the distribution of raw milk or raw milk products when it is deemed necessary to protect human health.

[37-1101, added 2010, ch. 359, sec. 1, p. 944; am. 2023, ch. 113, sec. 1, p. 330.]

37-1102. ENFORCEMENT -- PENALTY. The director of the department of agriculture may bring civil actions to enjoin violations of this chapter or rules promulgated to implement the provisions of this chapter. Anyone committing a violation of the provisions of this chapter or rules promulgated to implement the provisions of this chapter shall be subject to a fine of up to two hundred dollars (\$200).

[37-1102, added 2023, ch. 113, sec. 2, p. 332.]