ORDINANCE NO. 11-01

ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE LAKE RANCHERIA AUTHORIZING THE SALE OF RAW MILK AT TRIBAL RETAIL OUTLETS WITHIN THE BOUNDARIES OF THE BLUE LAKE RANCHERIA

The Business Council of the Blue Lake Rancheria hereby ordains as follows.

SECTION ONE: Findings.

1. Raw or unpasteurized milk may have health benefits that are not provided by pasteurized milk.

2. Residents and visitors to the Blue Lake Rancheria should have the option to purchase raw milk which meets California safety standards.

3. Humboldt County currently prohibits the sale of raw milk in the county, leaving Rancheria residents and visitors with no ready source of raw milk, given the relative isolation of Humboldt County.

4. Raw milk that meets or exceeds California standards for Guaranteed and Grade A milk has been determined to be safe for most consumers with the possible exception of sensitive consumers such as the elderly, pregnant women, and people with illnesses or compromised immune systems.

5. Raw milk should be clearly and conspicuously marked as unpasteurized raw milk with a warning of the risks for sensitive consumers.

6. Consumers who purchase raw milk which is conspicuously identified and which bears proper warnings assume the risk of consuming raw milk.

SECTION TWO:

A new Article 3, entitled: "Raw Milk" is hereby added to Title 6 (Health and Sanitation) of the Blue Lake Rancheria Tribal Code to read as follows.

TITLE 6 – HEALTH AND SANITATION

ARTICLE 3 – RAW MILK

§06.03.01 Definitions

The terms "milk," "cream," "milk products," "market milk," and "pasteurized," shall have the meaning as provided in California Food and Agriculture Code Sections 32511, 32504, 32512, 32510, and 32515, respectively, as those sections now read or as they may be amended or replaced.

The term "raw milk" means milk that has not been pasteurized or homogenized and includes cream.

§ 06.03.02 Raw Milk Sales authorized

Raw milk and milk products may be sold in tribal retail outlets within the boundaries of the Blue Lake Rancheria in compliance with this Article.

§06.03.02 Raw Milk requirements

Raw milk, including cream, must meet the standards for market milk set forth in California Food and Agriculture Code, Division 15, Part 2, Chapter 2, commencing with Section 35751, as those sections now read or as they may amended or replaced, and all other provisions of California state law regulating dairy farms and the production, handling, testing, labeling, storage and transportation of milk and cream. Raw milk must meet the standards for Guaranteed Raw Milk in Food and Agriculture Code Section 35861 or Grade A Raw Milk in Food and Agriculture Code Section 35891, as those sections now read or as they may be amended or replaced. Milk products made from raw milk must be made from raw milk complying with the standards for raw market milk and all other requirements of California state law regulating the production, handling, testing, labeling, storage and transportation of milk products. Humboldt County ordinances do not apply to the sale of raw milk and milk products on the Blue Lake Rancheria.

§06.03.03 Retail displays accompanying raw milk sales

A tribal retail outlet, selling raw milk or milk products shall place in a conspicuous location in relation to such products a warning in not less than 16 point type reading substantially as follows:

> Dairy products bearing the word "raw" have not been pasteurized and may pose a health risk for very young children, the elderly, pregnant women, and people with illnesses or compromised immune systems.

The purchase of raw milk and milk products properly labeled as "raw" from a display with the above warning properly displayed is at the risk of the purchaser. The retail outlet

shall not have any liability from the sale of such products that meet the standards of this Article.

§06.03.04 Tribal Court has exclusive jurisdiction

The Blue Lake Tribal Court shall have exclusive jurisdiction over any action or proceeding relating to, arising under or seeking to enforce any provision of this Article or the sale of raw milk or milk products on the Blue Lake Rancheria.

CERTIFICATION

As the Chairperson of the Blue Lake Rancheria Business Council of the Blue Lake Rancheria Tribe of California, I hereby certify that the Blue Lake Rancheria Tribal Council adopted this Ordinance by a vote of 5 for, with 0 against, with 0 abstaining, with 0 absent on this 2 day of March 2011.

Claudia Brundin

Claudia Brundin, Chairperson

3-2-2011

Date of Approval

ATTEST:

Bonnie L. Mobbs

Bonnie L. Mobbs, Tribal Executive Secretary

3-2-2011

Date of Approval