

LEGAL HERDSHARING WITHOUT LEGAL RAW MILK SALES – THE “HERDSHARE STATES”

When consumers own dairy livestock, holding legal title to those animals (i.e. not just “leasing” them), they are not purchasing raw milk. For this reason, herdsharing can work to provide consumers with access to raw milk in places where sales are illegal.

But herdsharing should not be seen as simply a “loophole” to get around the law. Herdsharing means for example that consumers can develop a relationship with the farm and can be involved with the farm, providing a connection that simply buying milk at a grocery store doesn’t offer. The proof of this difference is several U.S. states (e.g. Connecticut, Idaho, Utah and Massachusetts) which already had legal raw milk sales and then legalized herdsharing as well.

There are currently 11 states in the U.S. where herdsharing is legal either by written law or government policy, while *sales of raw milk remain illegal*. These states are:

U.S State	State Popl. (Jul 2017)	Details	Approx # Herdshares in Mar 2018*
Alaska	739,795	Herdshares legalized by bill (1998)	4
Colorado	5,607,154	Herdshares legalized by bill SB05-055 (2005)	60
Indiana	6,666,818	Herdshares legalized by policy (2002)	22
Kentucky	4,454,189	Herdshares legalized by policy following public outrage over a cease-and-desist order (2011)	25
Michigan	9,962,311	Herdshares legalized by policy (2013)	63
Montana	1,050,493	Herdshares legalized by policy (2017)	2
North Dakota	755,393	Herdshares legalized by bill SB2072 (2013)	6
Ohio	11,658,609	Herdshares legalized by court decision (2006)	30
Tennessee	6,715,984	Herdshares legalized by bill HB0720 (2009)	29
Virginia	8,470,020	Herdshares are approved on a case-by-case basis	73
West Virginia	1,815,857	Herdshares legalized by bill SB387 (2016)	3

* Number listed on the Weston A. Price Foundation’s [“Real Milk Finder”](#) website

These eleven states are proof that this can also be done in Canada: Herdsharing can be legalized via provincial law in provinces where herdsharing is currently deemed to be illegal (e.g. B.C. and Ontario) without changing laws such as the federal [Food and Drug Regulation](#) which ban raw milk sales.

Other facts: Of the most recent nine U.S. states to legalize raw milk, eight of them did it via legalizing herdshares (the ninth, Maryland, decided in 2016 to allow licensed farms to sell it as pet milk). Wyoming first legalized herdsharing in 2012 and then went in to legalize farm-gate sales in 2015.