

FORM 6
See SDCL 1-26-4.1

SD Department of Agriculture
Notice of Public Hearing to Adopt Rules

A public hearing will be held at the South Dakota State Capitol, Room 414, 500 E. Capitol, Pierre, South Dakota, 57501, on July 26, 2013, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

12:81

The effect of the rules will be to require additional labeling to dairy producers selling bottled raw milk direct to the consumer. The effect of the rules will be to have one section of administrative rule solely for the sale of bottled raw milk for human consumption.

Adopting these proposed rules will clarify existing rules and ensure clarity of procedures relating to the sale of bottled raw milk for human consumption. The reason for adopting proposed rules is to clearly detail procedures required to enter bottled raw milk into the stream of commerce.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Department of Agriculture, Ag Services, 523 East Capitol, Pierre, South Dakota 57501. Material sent by mail or email must reach the Department of Agriculture by August 5, 2013, to be considered.

After the hearing, the Department will consider all written and oral comments it receives on the proposed rules. The Department may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-4294.

Copies of the proposed rules may be obtained without charge from the
South Dakota Department of Agriculture
Division of Agricultural Services
523 East Capitol
Pierre, South Dakota 57501

Published at the approximate cost of \$_____.

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:

- Direct impact *(please complete remainder of form)*
 Indirect impact *(please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)*
 No impact *(please provide a brief explanation, sign, date, and submit form - Questions 2 through 8 do not need to be answered)*

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

Small dairy producers who sell raw milk direct to the consumer may incur some additional expense to comply with labeling and testing requirements.

3. What is the basis for the enactment of the rules(s)?

- Required to meet changes in federal law
 Required to meet changes in state law
 Required solely due to changes in date (i.e. must be changed annually)

Other: To provide a clear and concise set of rules to producers so they may sell raw milk direct to the consumer

4. Why is the rule(s) needed?

We currently utilize rules from many other areas of the administrative rules. This will clarify procedures to follow for the production and sale of raw milk to consumers.

5. What small businesses or types of small businesses would be subject to the rule?

Individual dairy producers selling bottled raw milk to the consumer.

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99 100-499 500-999 1,000-4,999 More than 5,000
 Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?

- Yes No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

b. If "yes," how much ongoing recordkeeping within the business is necessary?

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance
 It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
 It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
 It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
 Other _____
 Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

No - please explain To clarify current rules and ensure producers, consumers & regulators can easily understand expectations.

Yes - please explain _____

7/2/13
Dated


Authorized Signature

Agriculture
Name of Agency