

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 308

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 308, as amended, would allow for the on-farm retail sale of milk or milk products and regulate the labeling and advertising of such products.

The bill would require each container of unpasteurized raw milk sold or offered for sale to bear a clearly visible label that states the following or the equivalent of the following: "This product contains raw milk that is not pasteurized."

The bill would also permit any individual who engages in the on-farm retail sale of milk or products to advertise such products. The bill would prohibit such individuals from making any false or misleading advertisements and any advertisements must state such milk or milk products are either raw or unpasteurized. The bill would require any advertisement in print or visual form to state such milk or milk products are raw or unpasteurized.

The bill would amend the definition of "milk" in Kansas dairy law (KSA 2019 Supp. 65-771) to exclude milk or milk products produced for on-farm retail sale. The bill would also expand the definition of "milk" to include healthy mammals. Current law limits the definition to healthy cows. Additionally, the bill would amend the definition of "milk" to remove provisions referencing milk solids not fat, milkfat, and goat milk.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would remove from Kansas dairy law the definition of “goat milk.”

The bill would clarify the definition of “on-farm retail sales of milk or milk products” by stating it refers to unpasteurized raw milk or unpasteurized raw milk products. The bill would also remove from the definition of “on-farm retail sales of milk or milk products” provisions prohibiting producers selling ungraded raw milk or ungraded raw milk products from promoting such sales other than by a sign on their dairy farm, including advertising and labeling requirements.

The bill would make technical amendments.

Background

The bill was introduced by the Senate Committee on Agriculture and Natural Resources at the request of the Kansas Department of Agriculture (KDA).

In the Senate Committee hearing, representatives of the Kansas Livestock Association and the KDA testified as proponents, stating the importance of informing the public of potential risks of consuming unpasteurized milk. A representative of the Kansas Farm Bureau provided written-only proponent testimony.

A representative of the Kansas Justice Institute and three private citizens testified as opponents, stating the health benefits of consuming raw milk and concern with the labeling length and font requirements. Representatives of the Farm and Ranch Freedom Alliance, the Kansas Farmers Union, and five private citizens provided written-only opponent testimony.

Representatives of the Kansas Dairy Association, the Kansas Department of Health and Environment, and Midwest Dairy provided written-only neutral testimony.

The Senate Committee amended the requirements for milk or milk products produced for on-farm retail sale to:

- Clarify such requirements apply to unpasteurized milk (the bill, as introduced, referenced ungraded milk);
- Remove requirements that containers of ungraded raw milk contain a label that clearly states such product contains ungraded raw milk that may contain organisms that cause food borne illness, especially in certain individuals;
- Remove size and font requirements for such a label;
- Require such containers of unpasteurized milk to contain a clearly visible label that contains the statement (or its equivalent): “This product contains raw milk that is not pasteurized”;
- Remove requirements that individuals selling such products must include in any advertisement for such products a statement that such products contain ungraded raw milk that is not pasteurized that may cause food-borne illness;
- Require individuals selling such products and who advertise such products to:
 - Not use false or misleading advertisements; and
 - State in such advertisements that such milk or milk products are either raw or unpasteurized; and
- Remove size and font requirements for any such advertising.

The Senate Committee also amended the definition of “milk” in Kansas dairy law to:

- Expand the definition to include healthy mammals (current law limits the definition to healthy cows);
- Remove references to goat milk; and
- Remove references to milk solids not fat and milkfat.

The Senate Committee also amended Kansas dairy law to remove the definition of “goat milk.”

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA indicates enactment of the bill would have no fiscal effect.