

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 346

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 346, as amended, would allow for the on-farm retail sale of milk or milk products, regulate the labeling and advertising of such products, extend the sunset date for certain milk and dairy license fees, allow the Secretary of Agriculture to declare an imminent health hazard when necessary to protect the public health, and allow the Kansas Department of Agriculture (KDA) to assess a civil penalty for certain violations.

Standards and Definitions

The bill would create new law and amend continuing law regarding the standards and definitions for milk, goat milk, milk products, and grade A pasteurized 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.

*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>

Label Requirements

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: “Raw milk” or “Unpasteurized.”

On-farm Sales and Advertisements

The bill would also permit any individual who engages in the on-farm retail sale of raw milk or products to advertise such products. The bill would prohibit such individuals from making any false or misleading advertisements and any advertisements would be required to 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.

Sunset

The bill would extend the current sunset dates on various milk and dairy fees from 2023 to 2028.

Imported Milk and Fees

The bill would amend the existing inspection fee structure that does not require Grade A milk that is imported into Kansas and then processed into Grade B or ungraded products (e.g. cheese) to be inspected. The bill would subject processors that choose to import milk into Kansas to the same fees as in-state processors.

The bill would add “other dairy products” to include such imported Grade A milk to the list of milk inspected by the KDA. The bill would also reduce a portion of the inspection fee from \$0.1 to \$.0075.

Technical Amendments

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 KDA.

[*Note:* The bill contains provisions similar to those of 2020 SB 308.]

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing, **proponent** testimony was provided by the Chief Counsel of the KDA, who stated the bill would remove unconstitutional provisions regarding off-farm advertisements of raw milk and milk products, allow for the sale of raw milk and milk products on the farm if the product contains the prescribed warning label, and extend the sunset dates of fees from 2023 to 2028, but would not increase such fees.

Additional proponent testimony was provided by representatives of Kansas Farm Bureau and Kansas Livestock Association, who expressed support for requiring a label for raw milk and milk products and for extending the fee sunsets.

Opponent testimony was provided by a representative of the Kansas Justice Institute and private citizens, who stated that including the phrase “and could contain bacteria that may cause foodborne illness” in the labeling requirement was unnecessary and would pose an administrative burden for those who are handwriting the labels on raw milk containers.

Written-only opponent testimony was provided by the Farm-to-Consumer Legal Defense Fund and private citizens.

No neutral testimony was provided.

The Senate Committee amended the bill to:

- Change the labeling requirement from, “This product contains raw milk that is not pasteurized and could contain bacteria that may cause foodborne illness” to either “Raw milk” or “Unpasteurized”; and
- Make technical amendments.

Fiscal Information

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 on the agency.

Kansas department of agriculture; milk and dairy products; raw milk; on-farm sales; fees