

## 2023 Kansas Statutes

**65-771. Milk, milk products and dairy products; definitions.** As used in this act\*:

- (a) "Adulterated" means the same as provided in K.S.A. 65-664, and amendments thereto.
- (b) "Bulk milk pick up tanker" means a vehicle, including the truck, tank and those appurtenances necessary for such vehicle's use, used by a bulk milk hauler or sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station or transfer station.
- (c) "Dairy manufacturing plants" means any place where dairy products, grade A milk or milk products are manufactured or prepared for sale or distribution, either at wholesale or retail. "Dairy manufacturing plants" does not include a licensed food service establishment that is licensed to manufacture homemade ice cream pursuant to this act.
- (d) "Dairy products" means products that may be made from milk or cream for manufacturing purposes and are not required to meet grade A standards. "Dairy products" includes butter, cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk, whole or skim, condensed whole milk, condensed skim milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert mixes and such other products as may be otherwise designated by rules and regulations.
- (e) "Frozen dairy dessert" means products containing milk or cream and other ingredients that are frozen or semi-frozen prior to consumption, such as ice cream, ice milk or sherbet, including frozen dairy desserts for special dietary purposes.
- (f) "Frozen dairy dessert mix" means the pasteurized unfrozen combination of all ingredients with or without fruits, fruit juices, candy, nut meats, flavor or harmless color that makes a frozen dairy dessert.
- (g) "Grade A pasteurized milk" means pasteurized milk that has at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation.
- (h) "Grade A pasteurized milk products" means all pasteurized milk products that have at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation.
- (i) "Grade A raw milk for pasteurization" means milk having at least 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation, the raw milk meeting the requirements for grade A under the rules and regulations adopted pursuant to this act.
- (j) "Imminent health hazard" means any condition that involves milk, milk products or dairy products, or any practice or procedure in the handling, transportation, storage, processing or manufacturing of milk, milk product or dairy product that poses a significant threat of danger to the public health that should be corrected immediately to prevent injury or sickness and that should not be permitted to continue while a hearing or other proceeding is being conducted.
- (k) "In package form" means any commodity put up or packaged in any manner in advance of sale so as to constitute a unit quantity of the commodity for either wholesale or retail sale, exclusive of any auxiliary container enclosing such packages that individually conform to the requirements of this act.
- (l) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals. Except for on-farm retail sale of milk or milk products, milk sold in final package form shall have been pasteurized or ultrapasteurized.
- (m) "Milk distributor" means any person who first sells or offers for sale in Kansas any packaged grade A pasteurized milk, milk product, or dairy product.
- (n) "Milk hauler or sampler" means any person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant or both, receiving station or transfer station and has in their possession a permit from any state to sample such products.

(o) "Milk inspection and regulatory services" means the inspection, sampling, laboratory testing and the administrative procedures relating thereto, necessary to determine that the production, processing, distribution and sale of grade A milk, milk products, and dairy products comply with the requirements of this act and any rules and regulations adopted hereunder.

(p) "Milk or cream for manufacturing purposes" means raw milk or raw cream that is not subject to grade A standards and produced for processing and manufacturing into dairy products for human consumption.

(q) "Milk or cream receiving station" means any place where milk or cream may be received, collected, handled, processed, stored or collected and prepared for further transporting.

(r) "Milk or cream transfer station" means any place where milk or cream are transferred directly from one milk tank truck to another.

(s) "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultrapasteurized, aseptically processed, condensed, dried, packaged or prepared for distribution.

(t) "Milk processor" means any person who operates any place, premises or establishment where grade A raw milk for pasteurization or milk or cream for manufacturing purposes is processed, pasteurized, bottled or prepared for distribution.

(u) "Milk producer" means any person who owns or operates a dairy farm and who provides, sells or offers for sale grade A raw milk for pasteurization or milk or cream for manufacturing purposes to a milk plant, receiving station or transfer station.

(v) "Milk products" means cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat skim milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat skim milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat skim milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat skim milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat skim milk, aseptically processed and packaged milk and milk products, milk, reduced fat or lowfat milk or nonfat skim milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein. "Milk products" includes those dairy foods made by modifying the federally standardized products listed in this section in accordance with 21 C.F.R. § 130.10, requirements for foods named by use of a nutrient content claim and a standardized term. Milk and milk products that have been retort processed after packaging or concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade A as adopted and described by rules and regulations promulgated under this act. Except as otherwise provided, "milk products" does not include dietary products, infant formula, ice cream or other desserts, butter or cheese.

(w) "Milk tank truck" means the term used to describe both a bulk milk pick up tanker and a milk transport tank.

(x) "Milk tank truck cleaning facility" means any place, premises or establishment, other than a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

(y) "Milk transport tank" means a vehicle including the truck and tank, used by a bulk milk hauler or sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

(z) "Milk transportation company" means the person, business or entity responsible for a milk tank truck.

(aa) "Misbranded" means the same as provided in K.S.A. 65-665, and amendments thereto.

(bb) "On-farm retail sales of milk or milk products" means the sale of unpasteurized raw milk or unpasteurized raw milk products on the farm by the producer from the production of the dairy herd to the final consumer.

(cc) "Pasteurized" means the same as provided in 21 C.F.R. §§ 131.3 and 135.3.

(dd) "Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

(ee) "Plant fabricating single service articles" means any place that manufactures single service articles that are expected to come in contact with grade A milk or grade A milk products.

(ff) "Secretary" means the secretary of the Kansas department of agriculture, or the secretary's designee.

(gg) "Single service article or container" means any container having a milk or milk product-contact surface and used in the packaging, handling, storage or servicing of grade A milk and is intended for one usage only.

**History:** L. 2001, ch. 32, § 1; L. 2002, ch. 181, § 15; L. 2004, ch. 101, § 171; L. 2010, ch. 72, § 16; L. 2022, ch. 45, § 4; July 1.

\* The phrase "this act" means 65-771 through 65-791.