



KANSAS JUSTICE INSTITUTE

Testimony to the Senate Committee on Agriculture and Natural Resources

SB 300: “AN ACT concerning agriculture; relating to milk and dairy products; prohibiting the on-farm retail sales of milk or milk products; amending K.S.A. 65-771, 65-773 and 65-789 and repealing the existing sections; also repealing K.S.A. 65-784.”

By: Samuel G. MacRoberts

Litigation Director and General Counsel
Kansas Justice Institute

Chairman Kerschen and Members of the Committee:

Kansas Justice Institute¹ opposes Senate Bill 300. Raw milk is a Kansas tradition and has been since the territorial days. Instead of celebrating our unique heritage though, Senate Bill 300 proposes a drastic and draconian suppression of a product enjoyed by consumers across the state.

There is no justification, factually or legally, for imposing this complete ban. For years, raw milk farmers have safely produced and sold milk directly to consumers from the farm. And now that advertising is finally legal, the public will be able to more closely scrutinize farms, farmers, and their production methods. Consumers are now able to make more informed decisions about where they purchase their milk, and who they purchase from. With the advent of modern technology, increased consumer savvy and information, raw milk has never been safer in Kansas.

Senate Bill 300 is unreasonable, arbitrary and does not serve a legitimate governmental purpose. It is broader than necessary to effectuate even its *stated* purpose. Instead of protecting the public, SB 300 is an unreasonable measure designed to prevent legitimate competition among dairies, no matter their size. There is no doubt SB 300 was manufactured in response to a small goat farmer’s free speech victory as well. If enacted, this bill would almost certainly invite immediate, prolonged, and well-publicized litigation.

Instead of entirely banning raw milk, this Committee should explore commonsense, appropriate, and constitutionally-sound labeling requirements on raw milk containers. This is a reasonable and sensible plan that addresses any *legitimate* consumer-safety concerns.

Setting aside the legal questions for a moment, this government-ban, if enacted, will be costly for producers and consumers alike. This bill impacts the overall agricultural economy at

¹ KJI is a non-profit, public-interest litigation firm committed to protecting individual liberty and the constitutional rights of all Kansans. It is a part of Kansas Policy Institute.

a time when more jobs are needed, not less. Kansas does not need agricultural in-fighting, especially when it would kill an entire industry.

In sum, KJI opposes SB 300 and respectfully asks this Committee to carefully consider the issues raised above before deciding whether to impose an arbitrary, unreasonable, and unnecessary ban of a Kansas tradition at the behest of self-interested lobbying group.