

**Neutral Testimony Regarding Senate Bill 300  
to the Senate Committee on Agriculture and Natural Resources  
by Kenneth Titus, Chief Counsel  
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Good morning Chairman Kerschen and members of the committee. I am Kenneth Titus and I serve as the Chief Counsel for the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide neutral testimony regarding Senate Bill 300.

SB 300 would amend the laws regulating milk, cream and dairy products so that the sale of raw milk and milk products would no longer be allowed in Kansas. Pursuant to K.S.A 65-771(cc), Kansas presently allows for the sale of raw milk and milk products directly from the producer to the final consumer so long as the transaction takes place on the “farm” and the product is labeled as ungraded raw milk. Raw milk is milk that has not been pasteurized to kill harmful bacteria. Previously, the law prohibited the off-farm advertisement of raw milk and milk products, but as a result of *Mark Bunner, et al. v. Mike Beam – Secretary of the Kansas Dept. of Ag.*, filed last year in Shawnee County District Court, the portion of the law limiting the advertisement of raw milk was struck down. Therefore, changes to the law regarding raw milk sales are necessary.

KDA, along with other agencies that provide regulatory services intended to protect the public health, has serious concerns about the consumption of raw milk. The U.S. Food and Drug Administration and the Centers for Disease Control and Prevention report that from 1993 to 2012, there were 127 outbreaks linked to raw milk or raw milk products that resulted in 1,909 illnesses and 144 hospitalizations.<sup>1</sup> This includes a particular risk to populations with weakened immune systems, children, older adults, and pregnant women.<sup>2</sup> Raw milk is more likely to contain Salmonella, E. coli, Listeria, Campylobacter, and other diseases that can acutely affect children and teenagers.<sup>3</sup> Since raw milk increases the risk of contracting a foodborne illness, it is important that the public is aware of the risks involved with the consumption of raw milk.

KDA is the agency responsible for administering the dairy law in Kansas and currently regulates 257 Grade A dairy farms which produce approximately 3.798 billion pounds of raw Grade A milk for pasteurization. These producers are subject to various sanitary requirements that ensure

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<sup>1</sup> *The Dangers of Raw Milk*, <https://www.fda.gov/food/buy-store-serve-safe-food/dangers-raw-milk-unpasteurized-milk-can-pose-serious-health-risk>. Retrieved on February 7, 2020.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

a safe product is provided to the final consumer. It is currently unknown how many producers offer raw milk for sale because no permit or license is required.

SB 300 is intended to protect the public by entirely removing raw milk from the marketplace and thus protecting the final consumer from the additional risks associated with raw milk. However, if KDA were required to enforce a complete ban, it may be difficult or perhaps impossible to fully enforce with existing resources. The number of raw milk producers is unknown and the manpower required to search out all small producers and attempt to prohibit all transactions could be significant. The public health also may not be best served by a complete ban as it may force these transactions into a completely unregulated arena where there would be no requirements in place that proper warnings be provided to the final consumer about the risks of raw milk. In light of these difficulties, only seven states (Delaware, Hawaii, Iowa, Louisiana, Nevada, New Jersey, and Rhode Island) have enacted complete bans on raw milk.<sup>4</sup>

While KDA believes it is important that the public be made aware of the risks of raw milk and encourages consumers to seek out pasteurized milk products, a complete ban would not be the most effective way to protect the public.

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<sup>4</sup> <https://www.farmtoconsumer.org/raw-milk-nation-interactive-map/>. Retrieved on February 7, 2020.