

SENATE BILL No. 308

By Committee on Agriculture and Natural Resources

1-23

1 AN ACT concerning agriculture; relating to milk, cream and dairy
2 products; on-farm retail sale of milk; labeling and advertising
3 requirements; amending K.S.A. 65-771 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) The on-farm retail sale of milk or milk products
8 shall be lawful, so long as each container of ungraded raw milk sold or
9 offered for sale contains a label that clearly states the following: "This
10 product contains ungraded raw milk that is not pasteurized and, as a result,
11 may contain organisms that cause food-borne illness, especially in infants,
12 young children, older adults, pregnant women and people with weak
13 immune systems." This statement shall be in letters of a uniform size and
14 no smaller than the largest font used elsewhere on the label.

15 (b) Any person who engages in the on-farm retail sale of milk or milk
16 products may advertise such milk or milk-products if such advertisement
17 clearly states the following: "This product contains ungraded raw milk that
18 is not pasteurized and, as a result, may contain organisms that cause food-
19 borne illness, especially in infants, young children, older adults, pregnant
20 women and people with weak immune systems." If such advertisement is
21 in print or other written or visual form, this statement shall be in letters of
22 a uniform size and no smaller than the largest font used elsewhere in the
23 advertisement.

24 Sec. 2. K.S.A. 65-771 is hereby amended to read as follows: 65-771.
25 As used in this act:

26 (a) "Adulterated" ~~has the same meaning~~ means the same as provided
27 in K.S.A. 65-664, and amendments thereto.

28 (b) "Bulk milk pick up tanker" means a vehicle including the truck,
29 tank and those appurtenances necessary for such vehicle's use, used by a
30 bulk milk hauler or sampler to transport bulk raw milk for pasteurization
31 from a dairy farm to a milk plant, receiving station or transfer station.

32 (c) "Dairy manufacturing plants" means any place where dairy
33 products, grade A milk or milk products are manufactured or prepared for
34 sale or distribution, either at wholesale or retail. ~~This term shall~~ "Dairy
35 manufacturing plants" does not include a licensed food service
36 establishment ~~which~~ that is licensed to manufacture homemade ice cream

Proposed Amendment for SB 308
Senate Committee on
February 18, 2020
Strike "goat milk" definition and amend "milk"
Prepared by: Tamera Lawrence
Office of Revisor of Statutes

1 pursuant to this act.

2 (d) "Dairy products" means products ~~which~~ that may be made from
3 milk or cream for manufacturing purposes and ~~which~~ are not required to
4 meet grade A standards; ~~the~~ing "Dairy products" includes butter,
5 cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey,
6 evaporated milk, whole or skim, condensed whole milk, condensed skim
7 milk, sweetened or plain, frozen dairy dessert, ~~and~~ frozen dairy dessert
8 mixes and such other products as may be otherwise designated by rules
9 and regulations.

10 (e) "Frozen dairy dessert" means ~~and~~ ~~the~~ses products containing
11 milk or cream and other ingredients ~~which~~ that are frozen or semi-frozen
12 prior to consumption, such as ice cream, ice milk or sherbet, including
13 frozen dairy desserts for special dietary purposes.

14 (f) "Frozen dairy dessert mix" means the pasteurized unfrozen
15 combination of all ingredients with or without fruits, fruit juices, candy,
16 nut meats, flavor or harmless color ~~which~~ that makes a frozen dairy
17 dessert.

18 (g) [~~"Goat milk" means the normal lacteal secretion, practically free of~~
19 ~~colostrum, obtained by the complete milking of one or more healthy goats.~~
20 ~~Goat milk sold in retail packages shall contain not less than 2.5% milkfat~~
21 ~~and not less than 7.5% milk solids not fat. Goat milk shall be produced~~
22 ~~according to the sanitary standards of this act.~~

23 (A) "Grade A pasteurized milk" means pasteurized milk ~~which~~ that
24 has at least a 90% survey rating, as determined by a survey of the source
25 conducted by the secretary pursuant to the survey rating methods for
26 conducting surveys of the status of milk sanitation. The milk shall meet the
27 requirements for grade A under the rules and regulations adopted pursuant
28 to this act. The secretary may authorize the use of the grade A designation
29 for a temporary time period on grade A pasteurized milk within the
30 statewide system of milk inspection and regulatory services, although such
31 grade A pasteurized milk does not have at least a 90% survey rating.

32 (i) "Grade A pasteurized milk products" means all pasteurized milk
33 products ~~which~~ that have at least a 90% survey rating, as determined by a
34 survey of the source conducted by the secretary pursuant to the survey
35 rating methods for conducting surveys of the status of milk sanitation. The
36 pasteurized milk products shall meet the requirements for grade A under
37 rules and regulations adopted pursuant to this act. The secretary may
38 authorize the use of the grade A designation for a temporary time period on
39 grade A pasteurized milk products within the statewide system of milk
40 inspection and regulatory services, although such grade A pasteurized milk
41 products do not have at least a 90% survey rating.

42 (j) "Grade A raw milk for pasteurization" means milk having at least
43 90% survey rating, as determined by a survey of the source conducted by

and redesignate subsections accordingly

1 the secretary pursuant to the survey rating methods for conducting surveys
 2 of the status of milk sanitation, the raw milk meeting the requirements for
 3 grade A under the rules and regulations adopted pursuant to this act. The
 4 secretary may authorize the use of the grade A designation for a temporary
 5 time period on grade A raw milk for pasteurization within the statewide
 6 system of milk inspection and regulatory services, although such milk does
 7 not have at least a 90% survey rating.

8 (k) "Imminent health hazard" means any condition ~~which that~~
 9 involves milk, milk products, or dairy products, or any practice or
 10 procedure in the handling, transportation, storage, processing or
 11 manufacturing of a milk, milk product or dairy product ~~which that~~ poses a
 12 significant threat of danger to the public health ~~which that~~ should be
 13 corrected immediately to prevent injury or sickness and ~~which that~~ should
 14 not be permitted to continue while a hearing or other proceeding is being
 15 conducted. An imminent health hazard may be declared at any point in a
 16 chain of events ~~which that~~ ultimately may result in harm or danger to the
 17 public health. The occurrence of the final anticipated injury or other
 18 disease related condition shall not be a prerequisite for the establishment
 19 of the existence of an imminent health hazard.

20 (l) "In package form" means any commodity put up or packaged in
 21 any manner in advance of sale so as to constitute a unit quantity of the
 22 commodity for either wholesale or retail sale, exclusive of any auxiliary
 23 container enclosing such packages ~~which that~~ individually conform to the
 24 requirements of this act.

25 (m) ~~(l)~~ "Milk" means the lacteal secretion, practically free from
 26 colostrum, obtained by the complete milking of one or more healthy ~~ewes~~
 27 ~~"Milk" includes goat milk. Milk that is in final package form for beverage~~
 28 ~~use shall have been pasteurized or ultrapasteurized, and shall contain not~~
 29 ~~less than 8.25% milk solids not fat and not less than 3.25% milkfat. Milk~~
 30 ~~may have been adjusted by separating part of the milkfat therefrom, or by~~
 31 ~~adding thereto cream, concentrated milk, dry whole milk, skim milk,~~
 32 ~~concentrated skim milk, or nonfat dry milk. Milk may be homogenized.~~
 33 ~~Milk shall be interpreted to include goat milk.~~

34 ~~(2) "Milk" does not include milk or milk products produced for on-~~
 35 ~~farm retail sale.~~

36 (n) "Milk distributor" means any person who first sells or offers for
 37 sale in Kansas any packaged grade A pasteurized milk, milk product, or
 38 dairy product.

39 (o) "Milk ~~taster~~ ~~sample~~ ~~hauler~~ ~~or~~ ~~sample~~" means any person who
 40 collects official samples and may transport raw milk from a farm or raw
 41 milk products to or from a milk plant or both, receiving station or transfer
 42 station and has in their possession a permit from any state to sample such
 43 products.

mammals

Except for on-farm retail sale of milk or milk products, milk sold