

As Amended by Senate Committee

SENATE BILL No. 346

By Committee on Agriculture and Natural Resources

1-14

1 AN ACT concerning agriculture; relating to milk and dairy products;
 2 allowing on-farm retail sale of milk and milk products; extending
 3 certain milk and dairy license fees; authorizing the secretary of
 4 agriculture to declare an imminent health hazard; authorizing civil
 5 penalties for certain dairy law violations; amending K.S.A. 65-771, 65-
 6 778, 65-781, 65-786 and 65-788 and repealing the existing sections.

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8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Except as provided in article 7 of chapter 65 of the
 10 Kansas Statutes Annotated, and amendments thereto, and in rules and
 11 regulations adopted by the secretary hereunder, the secretary shall apply
 12 the definitions and standards of identity ascribed to milk and dairy
 13 products by the federal food and drug administration.

14 (b) Goat milk sold in retail packages shall contain not less than 2.5%
 15 milkfat and not less than 7.5% milk solids not fat. Goat milk shall be
 16 produced according to the sanitary standards of this act and may have been
 17 adjusted by separating part of the milkfat therefrom or by adding cream,
 18 concentrated milk, dry whole milk, skim milk, concentrated skim milk or
 19 nonfat dry milk thereto. Goat milk may be homogenized.

20 (c) Milk that is not goat milk shall contain not less than 3.25%
 21 milkfat and not less than 8.25% milk solids not fat. Milk may have been
 22 adjusted by separating part of the milkfat therefrom or by adding cream,
 23 concentrated milk, dry whole milk, skim milk, concentrated skim milk or
 24 nonfat dry milk thereto. Milk may be homogenized.

25 (d) Milk or cream for manufacturing purposes may contain less than
 26 3.25% butterfat and shall be delivered pure, sweet and clean.

27 (e) Grade A pasteurized milk, grade A pasteurized milk products and
 28 grade A milk for pasteurization shall meet the requirements for grade A
 29 under the rules and regulations adopted pursuant to this act. The secretary
 30 may authorize the use of the grade A designation for a temporary time
 31 period on grade A pasteurized milk within the statewide system of milk
 32 inspection and regulatory services, even if such grade A pasteurized milk
 33 does not have at least a 90% survey rating.

34 New Sec. 2. (a) The on-farm retail sale of milk or milk products shall
 35 be lawful, so long as each container of unpasteurized raw milk sold or
 36 offered for sale bears a label that is clearly visible and states the following

<p>PROPOSED AMENDMENT</p> <p>Reinserting definition of "imminent health hazard"</p> <p>House Committee on Agriculture</p> <p>Office of Revisor of Statutes</p>
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1 colostrum, obtained by the complete milking of one or more healthy goats.
2 Goat milk sold in retail packages shall contain not less than 2.5% milkfat
3 and not less than 7.5% milk solids not fat. Goat milk shall be produced
4 according to the sanitary standards of this act.

5 (b)(g) "Grade A pasteurized milk" means pasteurized milk which that
6 has at least a 90% survey rating, as determined by a survey of the source
7 conducted by the secretary pursuant to the survey rating methods for
8 conducting surveys of the status of milk sanitation. The milk shall meet the
9 requirements for grade A under the rules and regulations adopted pursuant
10 to this act. The secretary may authorize the use of the grade A designation
11 for a temporary time period on grade A pasteurized milk within the
12 statewide system of milk inspection and regulatory services, although such
13 grade A pasteurized milk does not have at least a 90% survey rating.

14 (b)(h) "Grade A pasteurized milk products" means all pasteurized milk
15 products which that have at least a 90% survey rating, as determined by a
16 survey of the source conducted by the secretary pursuant to the survey
17 rating methods for conducting surveys of the status of milk sanitation. The
18 pasteurized milk products shall meet the requirements for grade A under
19 rules and regulations adopted pursuant to this act. The secretary may
20 authorize the use of the grade A designation for a temporary time period on
21 grade A pasteurized milk products within the statewide system of milk
22 inspection and regulatory services, although such grade A pasteurized milk
23 products do not have at least a 90% survey rating.

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

34 (f) "Imminent health hazard" means any condition which involves
35 milk, milk products, or dairy products, or any practice or procedure in the
36 handling, transportation, storage, processing or manufacturing of a milk,
37 milk product or dairy product which poses a significant threat of danger to
38 the public health which should be corrected immediately to prevent injury
39 or sickness and which should not be permitted to continue while a hearing
40 or other proceeding is being conducted. An imminent health hazard may
41 be declared at any point in a chain of events which ultimately may result in
42 harm or danger to the public health. The occurrence of the final anticipated
43 injury or other disease-related condition shall not be a prerequisite for the

(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 a 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.

Redesignate subsections accordingly