

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

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**MEMORANDUM**

To: Senate Committee on Agriculture and Natural Resources  
From: Kansas Office of Revisor of Statutes  
Date: January 20, 2022  
Subject: Senate Bill 346—Milk and Dairy Products

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Senate Bill 346 would amend several statutes relating to milk and dairy products.

Standards

Currently, certain milk and milk product standards are established in the dairy law definitions. Section 1 of SB 346 would establish in its own section of law the standards for what constitutes milk, goat milk, milk for manufacturing purposes and grade A pasteurized milk. Corresponding amendments would be made to the definitions of such terms in section 3 of SB 346.

On-Farm Retail Sale of Milk or Milk Products

SB 346 addresses the on-farm retail sale of milk or milk products. Current law in K.S.A. 65-771 defines "on-farm retail sale of milk or milk products" to mean milk or milk products sold to the consumer by a producer on the producer's farm from the production of the producer's dairy herd so long as the person making the sale does not promote the sale of milk or milk products in any manner other than by a sign on the dairy farm. This limitation was found to violate the Constitution of the United States in a lawsuit filed in 2019.

SB 346 would amend the definition of "on-farm retail sale of milk or milk products" by striking the unconstitutional limitation on promotion of such products. Additionally, new section 2 would allow the retail sale of milk and milk products if the containers of such milk or milk products bears a label with a visible statement that: "This product contains raw milk that is not pasteurized and could contain bacteria that may cause foodborne illness." Section 2 would also allow any person who engages in the on-farm retail sale of milk or milk products to advertise such products so long as the advertisement is not false or misleading and states that the products are

raw and unpasteurized. Violations of this section could result in a civil penalty under K.S.A. 65-788. SB 346 section 7 makes conforming amendments regarding the civil penalty to K.S.A. 65-788.

### Definitions

SB 346 in section 3 would update the definitions in the dairy law. No definitions would be added and most of the stricken language would be addressed in other sections of the bill, including standards for milk, goat milk, milk products, grade A pasteurized milk and imminent health hazard. Imminent health hazard changes addressed in section 6 amendments to K.S.A. 65-786.

Section 3 also includes technical clean up of terminology and grammar.

### Fee Sunsets

Sections 4 and 5 of SB 346 would extend the current sunset date on various milk and dairy fees from 2023 to 2028, including:

- License fees for any person who engages in business as any of the following:
  - Dairy manufacturing plant;
  - milk distributor;
  - milk hauler;
  - operator of a milk or cream transfer station; and
  - manufacturer of single service dairy containers; and
- certain milk inspection and regulatory services.

### Effective Date

SB 346 would take effect upon publication in the statute book.