

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, skin milk, concentrated skin 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, skin milk, concentrated skin 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

PROPOSED AMENDMENT
Reinstating original label warning language
House Committee on Agriculture
Office of Revisor of Statutes



1 or its equivalent in a clearly visible font size: "This product contains Raw  
 2 milk that is not pasteurized and could contain bacteria that may cause  
 3 foodborne illness." or "Unpasteurized".  
 4 (b) Any person who engages in the on-farm retail sale of milk or milk  
 5 products may advertise such milk or milk products. Any such  
 6 advertisement shall not be false or misleading and shall state that such  
 7 milk or milk products are raw and/or unpasteurized. If such advertisement  
 8 is in print or other written or visual form, this statement shall be clearly  
 9 visible.

10 (c) In addition to any other remedies available under the act, the  
 11 secretary may issue a civil penalty pursuant to K.S.A. 65-788, and  
 12 amendments thereto, against any person who violates this section.

13 Sec. 3. K.S.A. 65-771 is hereby amended to read as follows: 65-771.  
 14 As used in this act:

15 (a) "Adulterated" has means the same meaning as provided in K.S.A.  
 16 65-664, and amendments thereto.

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

21 (c) "Dairy manufacturing plants" means any place where dairy  
 22 products, grade A milk or milk products are manufactured or prepared for  
 23 sale or distribution, either at wholesale or retail. This term shall "Dairy  
 24 manufacturing plants" does not include a licensed food service  
 25 establishment which that is licensed to manufacture homemade ice cream  
 26 pursuant to this act.

27 (d) "Dairy products" means products which that may be made from  
 28 milk or cream for manufacturing purposes and which are not required to  
 29 meet grade A standards, including: "Dairy products" includes butter,  
 30 cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey,  
 31 evaporated milk, whole or skim, condensed whole milk, condensed skim  
 32 milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert  
 33 mixes and such other products as may be otherwise designated by rules  
 34 and regulations.

35 (e) "Frozen dairy dessert" means and includes products containing  
 36 milk or cream and other ingredients which that are frozen or semi-frozen  
 37 prior to consumption, such as ice cream, ice milk or sherbet, including  
 38 frozen dairy desserts for special dietary purposes.

39 (f) "Frozen dairy dessert mix" means the pasteurized unfrozen  
 40 combination of all ingredients with or without fruits, fruit juices, candy,  
 41 nut meats, flavor or harmless color which that makes a frozen dairy  
 42 dessert.

43 (g) "Goat milk" means the normal lacteal secretion, practically free of



