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Re: 2022 SB 346

Members of the Senate Agriculture & Natural Resources Committee.

My Name is Ron Smith. I am an attorney with Smith, Burnett & Hagerman, LLC, in Larned, Kansas. Prior to 2004, I spent 25 years in state government, as legislative staff, and lobbying.<sup>1</sup> My former senior partner, Glee Smith Jr., was President of the Senate from 1965 to 1973.

I am not in the dairy business. My wife and I are raw milk consumers. We oppose SB 346 because raw milk is not a health problem to consumers if processed and consumed correctly, and I have not seen stories that the raw milk industry in Kansas is making people sick.

This is not a pro-growth agriculture bill. **And SB 346 is not a food safety bill either.**

SB 346's language supporting labeling is fear mongering. If you get on the internet you will find areas where pasteurized milk, ice cream and other products produced foodborne illness. Some studies show unpasteurized milk is healthy for certain children.<sup>2,3</sup> People have gotten sick from eating spinach. Or oysters. Or processed turkey.

- I. To be fair, the labeling requirement should give no more negative information about raw milk than is on the labels of pasteurized milk products.
- II. Why does this legislation name the Secretary of Agriculture the Kansas Imminent Health Hazard Czar?

I have known Mike Beam for several decades. He is a good guy. But I don't think he is an expert when declaring an *imminent health hazard*. If there is disease on one farm, can this language allow him to shut down all raw milk facilities? How far does his power go?

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<sup>1</sup> I was Deputy Secretary of Administration under Governor John Carlin in 1979-80. Whitney Damron and I helped start Pete McGill's contract lobbying organization in the early 1980s. For 14 years I was general counsel and lobbyist for the Kansas Bar Association, and then three years in the Department of Commerce.

<sup>2</sup> A 2007 Swedish study of nearly 15,000 children across five European countries found those who drank unpasteurized milk were significantly less likely to suffer from asthma and hay fever.

<sup>3</sup> "Milk and milk products" particularly those that are unpasteurized are potentially hazardous; even pasteurized products have been implicated in outbreaks. Contamination may occur after pasteurization, and no process works perfectly 100% of the time. The late John M. Leedom, professor emeritus of the Department of Medicine at the Keck School of Medicine of USC and Infectious disease expert.

Please read Section 6(c) at the bottom of page 10 and top of 11. The secretary of agriculture would be in the business of declaring imminent health hazards. *Most of Washington DC is consumed with whether they've allowed too many people to be in charge of the imminent health hazards caused by the COVID virus and we don't know who to believe.* Why is the Kansas Secretary of Agriculture better qualified to do this than the Secretary of KDHE?

- III.** *It's my understanding from my veterinarian is that any kind of illness cause on a local farm, he has authority to shut down the operation immediately.* That's already in the statutes. We don't need the amendment in Section 6, KSA 65-786.

My wife uses raw milk to relieve debilitating muscle stiffness from fibromyalgia. She believes in the probiotics and enzymes in raw milk so much that she says if SB 346 passes, that we have to buy a cow. We don't have space for a cow!