

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.
7

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

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.~~"

4 (b) Any person who engages in the on-farm retail sale of milk or
5 milk 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~~ unpasteurized. If such advertisement is
8 in print or other written or visual form, this statement shall be clearly
9 visible.

or

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~~