

MINUTES OF THE House COMMITTEE ON Agriculture and LivestockThe meeting was called to order by the Chairman, Bill Fuller at  
Chairperson9:00 a.m./~~p.m.~~ on February 29, 1984 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department  
Norman Furse, Revisor of Statutes Office  
Kathleen Moss, Committee Secretary

Conferees appearing before the committee:

Rep. Robin Leach  
Harlan Priddle, Secretary of Agriculture

The meeting was called to order by the Chairman, Bill Fuller, who explained this meeting is a continuation of the hearing on filled dairy products bills. He announced there would be discussion and possible action on bills previously heard because of the deadline for passing bills out of committee. He urged that any proposed amendments be prepared in proper form to avoid delays.

The Chairman adjusted the agenda to accommodate Rep. Leach's schedule so that he could discuss the dairy bills, and particularly the labeling bill, HB 3055.

Rep. Leach told the committee that this legislation is an effort to do something since the repeal of the filled milk law. He noted several states are dealing successfully with dairy products. Minnesota and Wisconsin have rules and regulations which appear to be working. He displayed a copy of the Minnesota regulations which sets out the definitions of what they may or may not sell. He explained that New York has an "imitation" law and that at this time he favors that over the Minnesota plan. New York has not had a problem with its imitation law, although a case has been filed there based on the food and drug changes and definitions. The litigation concerns imitation cheese on pizza.

Rep. Leach said the bill under consideration is basically like the Minnesota plan but that either would be better than what Kansas has at this time. He urged the committee to report the bill favorably to prevent Kansas being flooded with dairy products that have not been distributed here before. Rep. Leach urged the committee to think of the consumer, and that while he has no problem with people buying imitation foods, that the problem is when they don't know what they are getting.

Upon questioning, Rep. Leach stated it made no difference to him whether the word is "imitation" or "artificial", but felt that artificial might be easier to classify.

The Chairman expressed disappointment that the dairy industry was not present to testify, and announced he would set aside a half hour on March 2nd for other conferees.

Harlan Priddle, Secretary of Agriculture, testified that the exemptions should be looked at closely, such as margarine, baby foods, etc., and that the penalties should be reviewed. He suggested that the County Attorney approach is too slow, and that they need the ability to stop sales quickly. (See Attachment 1.)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock,  
room 423-S, Statehouse, at 9:00 a.m./~~xxx~~ on February 29, 1984

There were questions concerning labeling and the requirements by the Food and Drug Administration. It was determined that there is a requirement that all ingredients be listed in order of predominance.

The Chairman called for discussion on previous bills. Staff distributed an amendment for HB 2891, concerning rabies vaccine. It was noted that this bill was passed out of committee on February 24th, but as no Committee Report had been filed, the amendment could be considered. *Atch. 2* After explanations, it was moved by Rep. Solbach and seconded by Rep. Buehler that the amendment be adopted. Motion carried. It was moved by Rep. Teagarden and seconded by Rep. Solbach that HB 2891 as amended, be recommended favorably. Motion carried.

The Chairman called for action on HB 2990 and HCR 5078, concerning the exemption of certain businesses from air contaminant fees. It was moved by Rep. Polson and seconded by Rep. Eckert that HB 2990 be recommended for passage.

There was discussion about soybean mills on Line 75, and it was concluded there might be problems with sawmills as well. Rep. Polson withdrew his motion. Rep. Johnson offered a conceptual amendment on Page 2, Line 75, striking "soybean oil mills" and inserting "soybean meal and processing plants". The motion was seconded by Rep. Eckert, and upon vote, carried.

Rep. Rezac offered a conceptual motion to amend into the bill "sawmills" with the Revisor wording and placing it correctly. Motion was seconded by Rep. Shelor, and upon vote, carried.

It was moved by Rep. Shelor and seconded by Rep. Polson that HB 2990, as amended, be recommended favorably. Motion carried.

It was moved by Rep. Polson and seconded by Rep. Shelor that HCR 5078 be amended to be compatible with HB 2990, and that the bill be recommended for passage. Motion carried.

The Chairman adjourned the meeting at 9:56 A.M. The next meeting will be Thursday, March 1, 1984, 9:00 A.M. in Room 423-S.

SUMMARY

1. History of Agency Attempts to Resolve Issue
  - a. Presented to House and Senate Agriculture Committees at Beginning of 1983 and 1984 Sessions
  - b. Met with Dairy Industry Representatives
    1. Once in 1982
    2. Latest - September 26, 1983  
January 6, 1984
  - c. Conference Call on January 25 with New York, Wisconsin, Minnesota and National Milk Producers Federation
  - d. Meeting with 9 States on February 13
2. Results of These Discussions
  - a. State Approaches Fall into Four Categories
    1. State filled milk or filled dairy product laws have been struck down by the courts.
    2. State filled milk or filled dairy products acts are on the books but not being enforced.
    3. States like Wisconsin and Minnesota have enacted labeling acts but they have not been tested by litigation.
    4. States like New York have treated these products as imitation foods. (This approach parallels a model law proposed by the National Milk Producers Association)
  - b. The 1972 ruling on declaring the Federal Filled Milk Act unconstitutional has left states to float for themselves
  - c. A lack of enforceable federal definition for such things as imitation, artificial and substitute makes enforcement very difficult
  - d. Adoption of any law will undoubtedly be tested for same reason as our filled products act was tested
    1. Product has a right to be in the marketplace with its own identity.
    2. Consumer regulates the marketplace by support or non-support of product.
    3. Lack of federal standards of identity for products.
3. Suggested Changes to H.B. 3055 if Committee Desires to Proceed with Approval
  - a. The definition of artificial dairy product must be more precise so that one knows exactly what products are included. Under prior law, products containing nondairy fats or oils such as dips, cheese salad dressings, caused problems. Also, new products which weren't possible before raise question of whether these are included.
  - b. Question of what exemptions should be granted must be decided. Such as, distinctive proprietary food compound exemption language is outmoded. Infant formulas now available generally, not just from drug store as in 1950's.
  - c. Section 3 makes certain acts unlawful but provides no penalty.
  - d. As enforcement tool, a stop sale provision would be useful.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Agriculture and Livestock

Recommends that House Bill No. 2891

"AN ACT concerning the sale of rabies vaccine; authorizing limitations and restrictions on the sale thereof."

Be amended:

On page 1, by striking all of lines 20 to 29, inclusive, and by inserting in lieu thereof the following:

"Section 1. K.S.A. 21-1213 is hereby amended to read as follows: 21-1213. It shall be unlawful:

(a) For any person, except ~~an accredited~~ a licensed veterinarian, to inject into any animal any live brucella abortus strain 19 vaccine; or

(b) for any person, except a licensed veterinarian or a person acting under the direct supervision of a licensed veterinarian, to inject any animal rabies vaccine into an animal;  
or

~~(b)~~ (c) for any person to sell, or offer for sale, animal rabies vaccine or the live brucella abortus strain 19 vaccine to another unless the vendor is:

- (1) A manufacturer thereof;
- (2) a distributor of veterinarian supplies; or
- (3) a veterinarian ~~registered~~ licensed in Kansas under ~~and in conformity with~~ the provisions of article 3 of chapter 47 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof and supplemental thereto, and unless the purchaser is ~~an authorized~~ a licensed veterinarian or a distributor of veterinarian supplies.

(d) As used in this section, "direct supervision" means that an employee of a veterinarian or a student at a school of

veterinarian medicine shall be in personal contact with a  
veterinarian for each individual case.

Sec. 2. K.S.A. 21-1213 is hereby repealed.";

Also on page 1, in line 30, by striking "2" and inserting in  
lieu thereof "3";

Also on page 1, in the title, line 18, by inserting before  
the period the following: "; making certain acts unlawful;  
amending K.S.A. 21-1213 and repealing the existing section";

And the bill be passed as amended.

\_\_\_\_\_Chairperson