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To: House Committee on Agriculture
Representative Ron Highland, Chair

From: Tucker A. Stewart, Associate Counsel, Kansas Livestock Association

Re: **SB 308 allowing the on-farm retail sale of raw, unpasteurized milk so long as certain labeling and advertising requirements are met;**

Date: March 16, 2020

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,500 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Mr. Chairman, and members of the Committee. The Kansas Livestock Association (KLA) supports SB 308 and requests the committee adopt two amendments. The first amendment KLA proposes for the bill is to require the label to disclaim the food safety risks associated with consuming raw, unpasteurized milk. The second amendment KLA proposes for the bill is to require the registration of any person selling raw unpasteurized milk to consumers on the farm.

The bill, as amended by the Senate, would require the labels and advertisements of unpasteurized milk to state the product is raw or unpasteurized. KLA supports the accurate labeling of raw unpasteurized milk but believes the bill must contain disclaimer language necessary to warn consumers about the risks of consuming unpasteurized milk. Currently in Kansas, unpasteurized milk may not be sold in retail stores and is only allowed to be sold on the farm. This bill is in response to a recent court case that struck down the prohibition of advertising raw milk sales except on the farm premise.

First and foremost, it is important to understand pasteurized milk is a safe, wholesome, nutritional product packed with valuable nutrients essential to the human diet. However, there is a reason why pasteurization is important. There are real health risks in consuming raw unpasteurized milk that warrant a disclaimer so consumers have enough information to appreciate and understand the risk they are taking when consuming unpasteurized milk. Health risks that can be easily eliminated by pasteurizing milk. Pasteurization was developed in the late 1800s during a time when millions of people became sick and died of tuberculosis, scarlet fever, typhoid fever, and other diseases that were transmitted through raw, unpasteurized milk. Pasteurization requirements have prevented millions of people from becoming ill.

Unpasteurized milk can carry dangerous organisms, such as Brucella, Campylobacter, Cryptosporidium, E. coli, Listeria, and Salmonella, which can pose serious health risks. According to the Centers for Disease Control and Prevention (CDC), from 1993 through 2012, there were 127 food-borne illness outbreaks linked to unpasteurized milk.¹ The CDC states, “[t]hese outbreaks included 1,909 illnesses and 144 hospitalizations.” The CDC notes, “[a] large number of raw milk outbreaks involve children. At least one child younger than 5 was involved in 59% of the raw milk outbreaks reported to CDC from 2007 through 2012. Children aged 1 to 4 years accounted for 38% of Salmonella illnesses in these outbreaks and 28% of illnesses caused by Shiga toxin-producing E. coli, which can cause kidney failure and death.”

¹ <https://www.cdc.gov/foodsafety/rawmilk/raw-milk-questions-and-answers.html>

In late 2018, the CDC confirmed a person in New York was infected with brucellosis from consuming raw, unpasteurized milk and traced the purchase of that milk to people in 19 other states.² In 2017, a Texas resident was infected with brucellosis from consuming raw milk and the CDC traced the purchase of that milk to at least seven states.³ Unpasteurized milk was served at a private gathering in Kansas in 2011 and 17 cases of campylobacteriosis were either confirmed or probable by the Kansas Department of Health and Environment.⁴ In 2007, two campylobacteriosis outbreaks were reported in Kansas. One outbreak affected 25 individuals and was associated with the consumption of raw milk that was purchased from a dairy farm located in Reno County.⁵ The second outbreak was associated with using unpasteurized milk to make fresh soft cheese and affected 67 individuals.⁶

KLA believes the state has an interest in being able to locate and trace the sources of raw milk that is contaminated. Considering that modern advertising has the ability to reach more consumers who may not appreciate the food safety risks of consuming raw, unpasteurized milk, to further safeguard the public, KLA requests that the committee adopt the following two amendments:

Amendment 1 – On page 1, line 11, after the word pasteurized insert the following: “and, as a result, may contain organisms that cause foodborne illness.”

Amendment 2 – New Section. Any person selling or offering for sale ungraded raw milk or ungraded raw milk products on-farm shall register with the secretary and shall pay a registration fee limited to no more than the cost necessary for the secretary to maintain the registry.

Thank you for this opportunity to present KLA’s position supporting SB 308. KLA respectfully requests the committee to pass SB 308 with the suggested amendments.

² <https://www.cdc.gov/media/releases/2019/s0211-brucellosis-raw-milk.html>

³ <https://www.cdc.gov/media/releases/2017/p0915-raw-milk-brucella.html#:~:text=Raw%20milk%20from%20the%20K,bacteria%20known%20as%20Brucella%20RB51.&text=Milk%20from%20K%20DBar%20dairy,been%20linked%20to%20the%20dairy.>

⁴ http://www.kdheks.gov/epi/download/Campy_Final_Report.pdf

⁵ *Id.*

⁶ *Id.*