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MEMORANDUM

To: The House Standing Committee on Agriculture

From: The Office of Revisor of Statutes

Date: March 16, 2020

Re: S.B. 308, As Amended by Senate Committee

S.B. 308, as amended by the Senate standing committee on agriculture and natural resources, would alter the requirements for the on-farm retail sale of raw milk and milk products. Under current law,¹ on-farm sales of milk or milk products are allowed, with the following conditions: (1) The person making such sales must not promote the sale of milk or milk products to the public in any manner other than by the erection of a sign upon the premises of the dairy farm; (2) the advertisement upon any such sign must state that such milk or milk products are raw and shall be in letters of a uniform size; and (3) each container in which any unpasteurized milk is sold or offered for sale shall be clearly labeled as ungraded raw milk. The bill would strike these current requirements and replace them with the provisions of Section 1.

Section 1 would state that the on-farm retail sales of milk or milk products shall be lawful so long as each container of unpasteurized raw milk sold or offered for sale bears a label that is clearly visible and states the following or its equivalent: “This product contains raw milk that is not pasteurized.” The language would no longer limit sellers to advertising such milk upon the premises of the dairy farm, but such advertisements could not be “false or misleading and shall state that such milk or milk products are either raw or unpasteurized. If the advertisement is made in a visual format, the statement must be “clearly visible”.

Section 2 amends the definition of “milk”. Under current law the definition states, in part, that milk is “the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows”. The bill would strike the word “cows” and insert “mammals” in

¹ K.S.A. 65-711(cc) (Page 5 of the bill, starting in line 35); K.S.A. 65-789(d)

its place. As a result, individual references to goat milk throughout the section would be removed. Milk sold in package form would be required to have been pasteurized or ultrapasteurized, except for on-farm retail sales of milk or milk products. Language requiring a certain percentage of milk solids and milkfat would be stricken. The definition of “on-farm retail sales of milk or milk products” would be amended to remove the current requirements for such sales, as discussed at the beginning of the brief.

S.B. 308 would become effective upon publication in the statute book.