

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

relating to animals; transporting animals
into the state; authorizing the animal
health commissioner to assess a civil
penalty for violations relating thereto;

47-607c,

Insert Section 1 of HB 2723 and
redesignate sections accordingly

PROPOSED AMENDMENT
Adding contents of HB 2723
House Committee on Agriculture
Office of Revisor of Statutes

1 that ultimately may result in harm or danger to the public health. The
2 occurrence of the final anticipated injury or other disease-related
3 condition shall not be a prerequisite for the establishment of the existence
4 of an imminent health hazard and the use of any authority granted
5 pursuant to this act, including any action taken pursuant to subsection (a)
6 or (b) or K.S.A. 65-780a or 65-785, and amendments thereto.

7 Sec. 7. K.S.A. 65-788 is hereby amended to read as follows: 65-788.

8 (a) Any licensee or any employee or agent thereof who violates any
9 provision of this act or any rules and regulations promulgated thereunder
10 and any person who violates ~~K.S.A. 65-784~~ section 1, and amendments
11 thereto, in addition to any other penalty provided by law, may incur a civil
12 penalty imposed under subsection (b) in the amount fixed by rules and
13 regulations of the secretary in an amount not less than \$100 nor more than
14 \$300 for each violation and, in the case of a continuing violation, every
15 day such violation continues may be deemed a separate violation.

16 (b) No civil penalty shall be imposed pursuant to this section except
17 upon the written order of the secretary to the licensee who committed the
18 violation. Such order shall state the violation, the penalty to be imposed
19 and the right of the licensee to appeal to the secretary. Any such licensee
20 within 20 days after notification, may make written request to the secretary
21 for a hearing in accordance with the provisions of the Kansas
22 administrative procedure act. The secretary shall affirm, reverse or modify
23 the order and shall specify the reasons therefor.

24 (c) Any licensee *person subject to and aggrieved* by a final order of
25 the secretary made under this section may appeal such order to the district
26 court in the manner provided by the Kansas judicial review act.

27 (d) Any civil penalty recovered pursuant to the provisions of this
28 section shall be remitted to the state treasurer, deposited in the state
29 treasury and credited to the state general fund.

30 Sec. 8. K.S.A. 65-771, 65-778, 65-781, 65-786 and 65-788 are hereby
31 repealed.

32 Sec. 9. This act shall take effect and be in force from and after its
33 publication in the statute book.

47-607c,