

**Testimony in Support of Senate Bill 308
to the Senate Committee on Agriculture and Natural Resources
by Kenneth Titus, Chief Counsel
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Good morning Chairman Kerschen and members of the committee. I am Kenneth Titus and I serve as the Chief Counsel for the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide testimony in support of Senate Bill 308.

SB 308 would amend the laws regulating milk, cream and dairy products so that the retail sale of raw milk and milk products on the farm may be done if the product contains the prescribed warning label and the sale of such products may be advertised so long as the prescribed warning is also included in the advertisement. The bill requires the following language be added to labels and advertisements:

This product contains ungraded raw milk that is not pasteurized and, as a result, may contain organisms that cause food-borne illness, especially in infants, young children, older adults, pregnant women and people with weak immune systems.

Pursuant to K.S.A 65-771(cc), Kansas law presently allows for the sale of raw milk and milk products directly from the producer to the final consumer so long as the transaction takes place on the “farm” and the product is labeled as ungraded raw milk. Raw milk is milk that has not been pasteurized to kill harmful bacteria. Previously, the law prohibited the off-farm advertisement of raw milk and milk products, but as a result of *Mark Bunner, et al. v. Mike Beam – Secretary of the Kansas Dept. of Ag.*, filed last year in Shawnee County District Court, the portion of the law limiting the advertisement of raw milk was struck down. Therefore, changes to the law regarding raw milk sales are necessary.

KDA, along with other agencies that provide regulatory services intended to protect the public health, has serious concerns about the consumption of raw milk. The U.S. Food and Drug Administration and the Centers for Disease Control and Prevention report that from 1993 to 2012, there were 127 outbreaks linked to raw milk or raw milk products that resulted in 1,909 illnesses and 144 hospitalizations.¹ This includes a particular risk to populations with weakened immune systems, children, older adults, and pregnant women.² Raw milk is more likely to

¹ *The Dangers of Raw Milk*, <https://www.fda.gov/food/buy-store-serve-safe-food/dangers-raw-milk-unpasteurized-milk-can-pose-serious-health-risk>. Retrieved on February 7, 2020.

² *Id.*

contain Salmonella, E. coli, Listeria, Campylobacter, and other diseases that can acutely affect children and teenagers.³ Since raw milk increases the risk of contracting a foodborne illness, it is important that the public is aware of the risks involved with the consumption of raw milk.

KDA is the agency responsible for administering the dairy law in Kansas and currently regulates 257 Grade A dairy farms which produce approximately 3.798 billion pounds of raw Grade A milk destined for pasteurization, including milk for manufacturing purposes. These producers are subject to various sanitary requirements that ensure a safe product is provided to the final consumer. It is currently unknown how many producers offer raw milk for sale because no permit or license is required.

KDA believes that SB 308 is an effective way to better inform the public should they choose to consume raw milk and milk products. A complete ban on the sale of raw milk will only deprive the public of adequate warnings and will likely prove to be unenforceable because of the high number of small producers and transactions likely to occur, all without any type of public health warning being placed on the product. In light of these difficulties, only seven states (Delaware, Hawaii, Iowa, Louisiana, Nevada, New Jersey, and Rhode Island) have enacted complete bans on raw milk.⁴ Another alternative would be to regulate raw milk producers the same as those producers creating Grade A milk for pasteurization. Not only would this dramatically increase the regulatory burden on small producers, but it would also require an increase in resources available to KDA to enforce such a regulatory scheme. Only a minority of states have chosen to fully regulate and test raw milk products.

A better alternative is to continue to help consumers make informed decisions by requiring appropriate label and advertisement warnings as proposed in SB 308. This bill helps the public make informed decisions without limiting consumers' freedom of choice, without increasing the regulatory burden on producers, and without increasing the financial support required for operation of the KDA dairy program. It is important to provide this information about raw milk and milk products to the public to avoid confusion over the safety of pasteurized milk and make sure it is clear to consumer that the risks associated with raw milk do not apply to Grade A pasteurized milk products.

KDA believes it is important that the public be made aware of the risks involved with the consumption of raw milk and milk products and further encourages consumers to seek out pasteurized milk products. Requiring the proposed warnings contained in SB 308 will help to create better informed consumers without requiring overly burdensome regulations or restrictions, and those associated costs, being put in place.

³ *Id.*

⁴ <https://www.farmtoconsumer.org/raw-milk-nation-interactive-map/>. Retrieved on February 7, 2020.