

HOUSE BILL No. 2295

By Committee on Taxation

2-5

9 AN ACT concerning milk and dairy products; relating to labels for such
10 products.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "rBST" means recombinant bovine somatotropin.

15 (2) "rBGH" means recombinant bovine growth hormone.

16 (3) "BST" means bovine somatotropin.

17 (b) Milk, milk products and dairy products shall be deemed mis-
18 branded, as defined in K.S.A. 65-771, and amendments thereto, if the
19 labels on the containers in which the products are sold or offered for sale
20 contain any false or misleading statements as specified in this section.

21 (c) Each milk, milk product or dairy product label that contains a
22 production claim stating that: "This milk is from cows not supplemented
23 with rBST," or a substantially equivalent statement, shall be deemed mis-
24 leading unless both of the following conditions are met:

25 (1) The owner or operator of each dairy manufacturing plant, as de-
26 fined in K.S.A. 65-771, and amendments thereto, verifies that the claim
27 is accurate and has in its possession a milk producer's affidavit that the
28 milk is from cows not supplemented with rBST and any other written
29 records deemed necessary by the dairy manufacturing plant owner or
30 operator to support the claim, and these documents are made readily
31 available to the department of agriculture for inspection.

32 (2) The label contains, in the same label panel immediately after the
33 production claim and in exactly the same font, style, case, size and color
34 as used in the production claim, the following qualifying statement: "The
35 FDA has determined that no significant difference has been shown be-
36 tween milk derived from rBST-supplemented and non-rBST-supple-
37 mented cows." The color of the qualifying statement shall be of sufficient
38 contrast to the background color to be easily read.

39 (d) Each milk, milk product or dairy product label that has a state-
40 ment regarding the composition of milk with respect to hormones, in-
41 cluding "No Hormone," "Hormone Free," "rBST Free," "rBGH Free,"
42 and "BST Free," shall be deemed false and misleading. Such statements
43 shall not be permitted.

1 (e) If a milk, milk product or dairy product label contains a statement
2 indicating the absence of a compound that is not permitted by the United
3 States food and drug administration to be present in the product, includ-
4 ing antibiotics and pesticides, the label shall be deemed false and mis-
5 leading. Such statement shall not be permitted on milk, milk product,
6 and dairy product labels.

7 (f) The provisions of this section shall not be construed to prohibit
8 any seals or marks authorized by a federal law or Kansas statute.

9 (g) (1) On and after January 1, 2011, this section shall apply to the
10 labels on all nonreusable containers of milk, milk products and dairy
11 products.

12 (2) Each reusable container for milk, a milk product or a dairy prod-
13 uct purchased by the owner or operator of a dairy manufacturing plant
14 before January 1, 2011, that includes on the label the production claim
15 that “this milk is from cows not supplemented with rBST” or a substan-
16 tially equivalent statement, shall include the qualifying statement speci-
17 fied in paragraph (c)(2) of this section affixed to the container. The qual-
18 ifying statement shall not be required to be on the same label,
19 immediately after the production claim on the label or in exactly the same
20 font, style, case, size and color as used in the production claim.

21 (3) On and after January 1, 2011, this section shall apply to the labels
22 on all reusable containers of milk, milk products and dairy products pur-
23 chased by the owner or operator of a dairy processing plant on or after
24 that date.

25 (h) The provisions of this section shall not apply to agricultural prod-
26 ucts certified as organic agricultural products pursuant to the national
27 organic program of the United States department of agriculture.

28 Sec. 2. This act shall take effect and be in force from and after its
29 publication in the statute book.