

As Amended by House Committee

Session of 2009

HOUSE BILL No. 2295

By Committee on Taxation

2-5

10 AN ACT concerning milk and dairy products; relating to labels for such
11 products.
12

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

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

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

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

17 (3) "BST" means bovine somatotropin.

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

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

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

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

40 (d) Each milk, milk product or dairy product label that has a state-
41 ment regarding the composition of milk with respect to hormones, in-
42 cluding "No Hormone," "Hormone Free," "rBST Free," "rBGH Free,"
43 and "BST Free," ~~shall be deemed false and misleading. Such statements~~

1 shall not be permitted.

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

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

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

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

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

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

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