

# SENATE BILL REPORT

## SB 5349

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As of January 30, 2019

**Title:** An act relating to products identified as milk.

**Brief Description:** Concerning products identified as milk.

**Sponsors:** Senator Ericksen.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/29/19.

**Brief Summary of Bill**

- Makes it unlawful to sell, offer for sale, or deliver any product identified by the word "milk" if the product is not milk or does not contain milk products.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** Milk and milk products are regulated under the fluid milk laws. The following must be licensed by the Department of Agriculture (WSDA) under those laws: milk producers, milk processing plants, milk distributors, milk haulers, dairy technicians, certain milk wash stations, and persons who transport, sell, or store for sale milk or milk products. These laws provide for inspections of dairy farms and milk processing plants by the WSDA, taking samples, and taking actions regarding violations of milk laws.

Milk is defined to mean the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals. Milk products means the products of a milk manufacturing process, and milk processing means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** It is unlawful to sell, offer for sale, or deliver any product that is identified by the word "milk," and that is intended for human consumption, as food or drink if the product is not milk or does not contain milk products.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is a product safety and consumer education piece of legislation. Citizens have a right to know when they buy milk that they are buying milk and not a plant based product such as soy, oat, or almond. In the European Union, they call plant-based products "mylk." Canada has a similar law. Legislation recently enacted in North Carolina provides that enforcement actions do not take effect until surrounding neighboring states also enact legislation. A recent surveys show that 77 percent of buyers of dairy and plant based beverages think that all the milk has as much protein as regular milk even though plant based milk has eight times less protein. When customers make nutrition choices, they might not be getting what they expect if they believe plant-based milk is comparable to cows' milk because it does not contain near the amount of protein and essential nutrients as cows' milk. For those reasons, it is important that milk should be labeled as such and non-dairy imitator should be labeled in a different way and not as milk.

OTHER: It is not clear from how the bill is drafted in terms of what would be expected from the WSDA in terms of compliance. It is also not clear whether the bill is addressing local producers or processors who might be making a milk product or labeling a product when the product is not actually from cows' milk or if the bill includes what is made in other states and being sold on our grocery shelves.

**Persons Testifying:** PRO: Senator Doug Ericksen, Prime Sponsor; Dan Coyne, Northwest Dairy Association; Jay Gordon, Washington State Dairy Federation.

OTHER: Evan Sheffels, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** No one.