

HOUSE BILL No. 2572

By Committee on Appropriations

3-20

AN ACT concerning agriculture; relating to inspections of certain facilities; crimes and punishment; civil penalty.

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

Section 1. (a) Unlawful entry by agricultural inspectors is entering upon any premises by an inspector of the Kansas department of health and environment or the United States environmental protection agency without maintaining full compliance with a bio-security plan, if established and filed with the Kansas department of health and environment, or with rules and regulations established by the Kansas department of health and environment regarding the spread of disease in a permitted confined animal feeding facility.

(b) Unlawful entry by agricultural inspectors is a misdemeanor punishable by a fine of at least \$100 but not to exceed \$500. Any person convicted of a violation of this section shall not be sentenced to jail or imprisonment.

Sec. 2. A cause of action for civil damages may be maintained against any person convicted of a violation of section 1, and amendments thereto. Reasonable attorney fees shall be awarded to the prevailing plaintiff in a civil action brought pursuant to this section. In addition to any recovery pursuant to this section or any recovery or penalty pursuant to any other provision of law, a civil penalty of at least \$1,000 but not more than \$5,000 per violation shall be awarded the prevailing plaintiff.

Sec. 3. The secretary of the Kansas department of health and environment shall adopt rules and regulations to carry out the provisions of sections 1 and 2, and amendments thereto. Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.