

## HOUSE BILL No. 2188

By Committee on Agriculture

2-5

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AN ACT concerning livestock; relating to meat and poultry inspection; buffalo and domesticated deer; amending K.S.A. 65-6a18 and repealing the existing section.

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

Section 1. K.S.A. 65-6a18 is hereby amended to read as follows: 65-6a18. As used in this act:

(a) "Secretary" means the secretary of the state board of agriculture.

(b) "Person" means any individual, partnership, firm, corporation, association or other business unit or governmental entity.

(c) "Meat broker" means any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

(d) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

(e) "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of livestock, domestic rabbits or poultry.

(f) "Intrastate commerce" means commerce within the state of Kansas.

(g) "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcasses of any livestock or domestic rabbits, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry and which are exempted from definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products.

1 (h) "Poultry" means any domesticated bird, whether live or dead.

2 (i) "Poultry product" means any poultry carcass, or part thereof or  
3 any product which is made wholly or in part from any poultry carcass or  
4 part thereof, excepting products which contain poultry ingredients only  
5 in a relatively small proportion or historically have not been considered  
6 by consumers as products of the poultry food industry and which are  
7 exempted by the secretary from definition as a poultry product under  
8 such conditions as the secretary may prescribe to assure that the poultry  
9 ingredients in such products are not adulterated and that such products  
10 are not represented as poultry products.

11 (j) "Capable of use as human food" means any carcass, or part or  
12 product of a carcass, of any animal unless it is denatured or otherwise  
13 identified as required by regulations adopted by the state board of agri-  
14 culture to deter its use as human food or it is naturally inedible by  
15 humans.

16 (k) "Prepared" means slaughtered, canned, salted, rendered, boned,  
17 cut up or otherwise manufactured or processed.

18 (l) "Adulterated" means any carcass, or part thereof, any meat or  
19 meat food product, or any poultry or poultry product under one or more  
20 of the following circumstances:

21 (1) If the product bears or contains any poisonous or deleterious sub-  
22 stance which may render it injurious to health, except that if the substance  
23 is not an added substance, the product shall not be considered adulterated  
24 if the quantity of such substance on or in the product does not render it  
25 injurious to health;

26 (2) (A) if the product bears or contains, by reason of administration  
27 by feeding or by injection of any substance to the live animal or otherwise,  
28 any added poisonous or added deleterious substance, other than one  
29 which is (i) a pesticide chemical in or on a raw agricultural commodity;  
30 (ii) a food additive; or (iii) a color additive, which, in the judgment of the  
31 secretary, may make the product unfit for human food;

32 (B) if the product is, in whole or in part, a raw agricultural commodity  
33 and bears or contains a pesticide chemical which is unsafe within the  
34 meaning of rules and regulations adopted by the state board of  
35 agriculture;

36 (C) if the product bears or contains any food additive which is  
37 deemed unsafe in accordance with rules and regulations adopted by the  
38 state board of agriculture;

39 (D) if the product bears or contains any color additive which is  
40 deemed unsafe in accordance with rules and regulations adopted by the  
41 state board of agriculture; or

42 (E) any such product which is not adulterated under provisions (B),  
43 (C) or (D) shall nevertheless be deemed adulterated if the use of the

1 pesticide chemical, the food additive or the color additive on or in such  
2 product is prohibited by rules and regulations of the state board of agri-  
3 culture in establishments at which inspection is maintained under this  
4 act;

5 (3) if the product consists, in whole or in part, of any filthy, putrid or  
6 decomposed substance or is for any other reason unsound, unhealthful,  
7 unwholesome or otherwise unfit for human food;

8 (4) if the product has been prepared, packed or held under insanitary  
9 conditions whereby it may have become contaminated with filth or  
10 whereby it may have been rendered injurious to health;

11 (5) if the product is, in whole or in part, the product of an animal  
12 which has died otherwise than by slaughter;

13 (6) if the container for the product is composed, in whole or in part,  
14 of any poisonous or deleterious substance which may render the contents  
15 injurious to health;

16 (7) if the product has been intentionally subjected to radiation, unless  
17 the use of the radiation was in conformity with a regulation or exemption  
18 in effect pursuant to rules and regulations adopted by the state board of  
19 agriculture;

20 (8) (A) if any valuable constituent on or in the product has been, in  
21 whole or in part, omitted or abstracted therefrom;

22 (B) if any substance has been extracted and substitution made there-  
23 for, in whole or in part, or if any damage to, or inferiority of, the product  
24 has been concealed in any manner; or

25 (C) if any substance has been added to such product, or if any sub-  
26 stance has been mixed or packed therewith, so as (i) to increase the bulk  
27 or weight of the product (ii) to reduce the quality or strength of the  
28 product or (iii) to make the product appear better or of greater value than  
29 it is, except that this provision does not apply to any cured or smoked  
30 pork product by reason of its containing added water; or

31 (9) if the product is a margarine containing animal fat and if any of  
32 the raw material used therein consisted, in whole or in part, of any filthy,  
33 putrid or decomposed substance.

34 (m) "Misbranded" means any carcass, part thereof, meat or meat  
35 food product, or poultry or poultry product, under any one or more of  
36 the following circumstances:

37 (1) If the labeling on the product or product container is false or  
38 misleading in any particular;

39 (2) if the product is offered for sale under the name of another food;

40 (3) if the product is an imitation of another food, unless its label bears,  
41 in type of uniform size and prominence, the word "imitation" and im-  
42 mediately thereafter, the name of the food imitated;

43 (4) if the container on the product is so made, formed or filled as to

1 be misleading;

2 (5) if the product is in a package or other container, unless it bears a  
3 label showing (A) the name and place of business of the manufacturer,  
4 packer or distributor and (B) an accurate statement of the quantity of the  
5 contents in terms of weight, measure or numerical count; under clause  
6 (A) of this provision, reasonable variations may be permitted and exemp-  
7 tions as to small packages may be established by rules and regulations  
8 adopted by the state board of agriculture;

9 (6) if any word, statement or other information, which is required by  
10 or under authority of this act to appear on the label or other labeling for  
11 the product, is not prominently placed thereon with such conspicuousness  
12 (as compared with other words, statements, designs or devices in the  
13 labeling) and in such terms as to render it likely to be read and understood  
14 by the ordinary individual under customary conditions of purchase and  
15 use;

16 (7) if the product purports to be, or is represented to be, a food for  
17 which a definition and standard of identity or composition has been pre-  
18 scribed by rules and regulations of the state board of agriculture, unless  
19 (A) it conforms to such definition and standard and (B) the label thereon  
20 bears the name of the food specified in the definition and standard, and  
21 insofar as may be required by such rules and regulations, the common  
22 names of optional ingredients (other than spices, flavoring and coloring)  
23 present in such food;

24 (8) if the product purports to be, or is represented to be, a food for  
25 which a standard of fill of container has been prescribed by rules and  
26 regulations of the state board of agriculture and if such product falls below  
27 the standard of fill of container applicable thereto, unless its label bears,  
28 in such manner and form as such rules and regulations specify, a state-  
29 ment that it falls below such standard;

30 (9) if the product is not subject to provision (7), unless its label bears  
31 (A) the common or usual name of the food, if there is any, and (B) in  
32 case it is fabricated from two or more ingredients, the common or usual  
33 name of each such ingredient, except that spices, flavorings and colorings,  
34 when authorized by the secretary, may be designated as spices, flavorings  
35 and colorings without naming each; to the extent that compliance with  
36 the requirements of clause (B) of this provision is impracticable or results  
37 in deception or unfair competition, exemptions shall be established by  
38 rules and regulations adopted by the state board of agriculture;

39 (10) if the product purports to be, or is represented to be, for special  
40 dietary uses, unless its label bears such information concerning its vita-  
41 min, mineral and other dietary properties as the secretary, after consul-  
42 tation with the secretary of agriculture of the United States, determines  
43 to be, and by rules and regulations adopted by the state board of agri-

1 culture are prescribed to be, necessary in order to fully inform a purchaser  
2 as to its value for such uses;

3 (11) if the product bears or contains any artificial flavoring, artificial  
4 coloring or chemical preservative, unless it bears labeling stating that fact;  
5 to the extent that compliance with the requirements of this provision is  
6 impracticable, exemptions shall be established by rules and regulations  
7 adopted by the state board of agriculture; or

8 (12) if the product fails to bear directly thereon, or on the product  
9 container, as the state board of agriculture may prescribe by rules and  
10 regulations, the inspection legend unrestricted by any of the foregoing  
11 and such other information as the state board of agriculture may require  
12 in such rules and regulations to assure that the product will not have any  
13 false or misleading labeling and that the public will be informed of the  
14 manner of handling required to maintain the product in a wholesome  
15 condition.

16 (n) "Label" means a display of written, printed or graphic matter  
17 upon the immediate container (not including package liners) of any  
18 article.

19 (o) "Labeling" means all labels and other written, printed or graphic  
20 matter (1) upon any article or any of its containers or wrappers or (2)  
21 accompanying the article.

22 (p) "Federal meat inspection act" means the act so entitled, approved  
23 March 4, 1907, (21 U.S.C.A. 601 *et seq.*, 34 Stat. 1260) as amended by  
24 the federal wholesome meat act (8 Stat. 584).

25 (q) "Federal food, drug and cosmetic act" means the act so entitled,  
26 approved June 25, 1938, (21 U.S.C.A. 301 *et seq.*, 52 Stat. 1040) and acts  
27 amendatory thereof or supplementary thereto.

28 (r) "Federal poultry products inspection act" means the act so enti-  
29 tled, approved August 28, 1957, (21 U.S.C.A. 451 *et seq.*, 71 Stat. 441) as  
30 amended by the federal wholesome poultry products act (82 Stat. 791).

31 (s) "Pesticide chemical," "food additive," "color additive" and "raw  
32 agricultural commodity" have the meanings for purposes of this act as  
33 ascribed thereto under K.S.A. 65-656 and amendments thereto.

34 (t) "Official mark" means the official inspection legend or any other  
35 symbol prescribed by rules and regulations of the state board of agricul-  
36 ture to identify the status of any article or animal under this act.

37 (u) "Official inspection legend" means any symbol prescribed by  
38 rules and regulations of the state board of agriculture showing that an  
39 article was inspected and passed in accordance with this act.

40 (v) "Official certificate" means any certificate prescribed by rules and  
41 regulations of the state board of agriculture for issuance by an inspector  
42 or other person performing official functions under this act.

43 (w) "Official device" means any device prescribed or authorized by

1 the state board of agriculture for use in applying any official mark.

2 (x) "Slaughterhouse" means any plant which carries on the slaughter  
3 and dressing of animals but which does not engage in the further proc-  
4 essing of meat into meat food products.

5 (y) "Packing plant" or "packing house" means any installation proc-  
6 essing meat into meat food products.

7 (z) "Buffalo" means the American buffalo or bison (*Bos*, *Bison bison*  
8 or *Bison americanus*).

9 (aa) "Livestock" means cattle, buffaloes, sheep, swine, goats, domes-  
10 ticated deer, all creatures of the ratite family that are not indigenous to  
11 this state, including, but not limited to, ostriches, emus and rheas or  
12 horses, mules or other equines, *except that livestock shall not include*  
13 *buffalo and domesticated deer slaughtered for sport or recreational*  
14 *purposes*.

15 (bb) "Slaughter facility" means a slaughterhouse or poultry dressing  
16 plant.

17 (cc) "Processing facility" means a packing house, sausage plant or  
18 poultry packing plant.

19 (dd) "Domesticated deer" means any member of the family cervidae  
20 which was legally obtained and is being sold or raised in a confined area  
21 for breeding stock; for any carcass, skin or part of such animal; for exhi-  
22 bition; or for companionship.

23 Sec. 2. K.S.A. 65-6a18 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.

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