

SENATE BILL No. 135

By Committee on Agriculture

2-4

AN ACT concerning meat and poultry; relating to inspections of livestock; 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.

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

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

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

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

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

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

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

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

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

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

41 (E) any such product which is not adulterated under provisions (B),
42 (C) or (D) shall nevertheless be deemed adulterated if the use of the
43 pesticide chemical, the food additive or the color additive on or in such

1 product is prohibited by rules and regulations of the state board of agri-
2 culture in establishments at which inspection is maintained under this
3 act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as to its value for such uses;

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

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

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

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

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

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

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

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

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

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

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

42 (w) "Official device" means any device prescribed or authorized by
43 the state board of agriculture for use in applying any official mark.

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

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

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

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

13 (bb) "Slaughter facility" means a slaughterhouse or poultry dressing
14 plant.

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

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

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

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

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43