

Approved: Eugene Shore 3-2-93  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Eugene Shore at 9:10 a.m. on February 17, 1993 in Room 423-S of the Capitol.

All members were present except: Representative Lloyd - Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Kay Johnson, Committee Secretary

Conferees appearing before the committee: Raney Gilliland, Legislative Research Department  
Representative Doug Lawrence

Chairman Shore called the meeting to order and called on Representative Lawrence to report on his trip to North Carolina, which he did as part of his own study of **HB 2069**.

Representative Lawrence explained his purpose was to find out how independent producers are being impacted by corporate farming, if young producers are being forced out of farming or being brought in to start farming and are there environmental concerns. Highlights of his discussion include:

- \*The North Carolina Department of Environmental Management issues permits if they meet the Soil Conservation Service requirements. The permit process is much faster than the involved process in Kansas and Kansas will need to address this issue.
- \*Very young people are involved in hog farming.
- \* Bankers are very aggressive about financing the hog business - independents and contractors. Most operations that banks finance are fairly large, about 2,000. Bankers do try to get the risk factor mitigated by encouraging contracting at some level.
- \*There are lots of small producers in North Carolina. The average producer is around 100.
- \* If you can capitalize the industry and have the ability to get permits, hog farming can be successful. The question is whether you raise the number of hogs Kansas can supply with independent producers alone or with corporate operations also.
- \*A possible amendment to HB 2069 to help independents cooperatively market.

A question and discussion period followed.

**Sub-committee report on HB 2107: Amendments to the Kansas Veterinary Practice Act.**

Representative Gatlin explained amendments recommended by the sub-committee, attachment #1. A letter and handout from the Board of Veterinary Examiners detailed key provisions and concurred with the sub-committee recommendations, attachments #2 and #3. The main difference is to change from "licensed" facilities to "registered" facilities with inspections only on change of ownership, construction of new facilities or on complaint. Representative Swall made a motion to pass HB 2107 favorably as amended. Representative Flower seconded the motion. Discussion followed. The motion carried.

**Sub-committee report on HB 2106: Regulating the production of domesticated deer.**

Representative Bryant explained sub-committee recommendations that deal with animal health diseases, adding the definition of domesticated deer and allowing the Livestock Commissioner to have control over permitting so domesticated deer would basically fall under all the qualifications of other livestock, attachment #4. The Livestock Commissioner will transmit quarterly reports to the Department of Wildlife and Parks. Discussion followed. Representative Reinhardt made a motion to pass HB 2106 favorably as amended. Representative Lawrence seconded the motion. The motion carried.

The meeting adjourned at 10:03am. The next meeting is scheduled for February 18, 1993.

## HOUSE BILL No. 2107

By Committee on Agriculture

1-22

8 AN ACT concerning the Kansas veterinary practice act; amending  
9 K.S.A. 47-814, 47-815, 47-816, 47-817, 47-818, 47-819, 47-820,  
10 47-825, 47-829, 47-834, 47-837 and 47-838 and K.S.A. 1992 Supp.  
11 47-821, 47-822, 47-824, 47-826, 47-830 and 47-848 and repealing  
12 the existing sections; also repealing K.S.A. 47-818a and K.S.A.  
13 1992 Supp. 47-827.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 47-814 is hereby amended to read as follows:  
17 47-814. In order to promote the public health, safety and welfare,  
18 the legislature hereby declares that the ~~right to~~ practice of veterinary  
19 medicine is a privilege granted to persons possessed of the personal  
20 and professional qualifications specified in this act.

21 Sec. 2. K.S.A. 47-815 is hereby amended to read as follows: 47-  
22 815. ~~The act K.S.A. 47-814 through 47-838, K.S.A. 1992 Supp. 47-~~  
23 ~~839 through 47-854 and sections 19 through 24, and amendments~~  
24 ~~thereto,~~ shall be known and may be cited as the "Kansas veterinary  
25 practice act."

26 Sec. 3. K.S.A. 47-816 is hereby amended to read as follows: 47-  
27 816. As used in this act:

28 (a) "Animal" means any mammalian animal other than human  
29 and any fowl, bird, amphibian, fish or reptile, wild or domestic,  
30 living or dead.

31 (b) "Board" means the state board of veterinary examiners.

32 (c) "Clock hour of continuing education courses" means ~~sixty (60)~~  
33 60 minutes of actual attendance at a continuing education course  
34 approved by the board.

35 (d) "Direct supervision" means the ~~employee shall be in per-~~  
36 ~~sonal communication with a veterinarian for each individual~~  
37 ~~case supervising licensed veterinarian is on the premises in an animal~~  
38 ~~hospital setting or in the same general area in a range setting, the~~  
39 ~~supervisor is quickly and easily available and that the animal has~~  
40 ~~been examined by a veterinarian at such time as good veterinary~~  
41 ~~medical practice requires, consistent with the particular delegated~~  
42 ~~animal health care task.~~

43 (e) "Licensed veterinarian" means a veterinarian who is validly

HOUSE AGRICULTURE  
2-17-93  
ATTACHMENT #1

1 and currently licensed to practice veterinary medicine in this state.  
 2 (f) "Limited Indirect supervision" means that the employee  
 3 shall be in daily communication with a veterinarian by pres-  
 4 ence, telephone or radio supervising licensed veterinarian is not  
 5 on the premises, but has given either written or oral instructions  
 6 for treatment of the animal patient, the animal has been examined  
 7 by a veterinarian at such times as good veterinary medical practice  
 8 requires, consistent with the particular delegated animal health care  
 9 task and the animal is not anesthetized as defined in rules and  
 10 regulations.

11 (g) "Practice of veterinary medicine" means any of the following:  
 12 (1) To diagnose, treat, correct, change, relieve, or prevent animal  
 13 disease, deformity, defect, injury or other physical or mental con-  
 14 dition of any animal; including the prescription or administration  
 15 of any drug, medicine, biologic, apparatus, application, anesthesia  
 16 or other therapeutic or diagnostic substance or technique on any  
 17 animal including but not limited to acupuncture, surgical or dental  
 18 operations, animal psychology, animal chiropractic, theriogenology,  
 19 surgery, including cosmetic surgery, any manual, mechanical, bio-  
 20 logical or chemical procedure for testing for pregnancy or for cor-  
 21 recting sterility or infertility or to render service or recommendations  
 22 with regard to any of the above and all other branches of veterinary  
 23 medicine.

24 (2) To prescribe or administer any drug, medicine, biologic,  
 25 apparatus, application, anesthetic or other therapeutic or di-  
 26 agnostic substance or technique on any animal.

27 (3) To use any manual or mechanical procedure for testing  
 28 for pregnancy, for correcting or testing for sterility or infertility  
 29 or to render advice or recommendation with regard to any of  
 30 the same on any animal.

31 (4) (2) To represent, directly or indirectly, publicly or privately,  
 32 an ability and willingness to do any act described in paragraph (1),  
 33 (2) or (3) of this subsection.

34 (5) (3) To use any title, words, abbreviation or letters in a manner  
 35 or under circumstances which represent or imply induce the belief  
 36 that the person using them is qualified and licensed to do any act  
 37 described in paragraph (1), (2) or (3) of this subsection. Such use  
 38 shall be prima facie evidence of the intention to represent oneself  
 39 as engaged in the practice of veterinary medicine.

40 (4) To collect blood or other samples for the purpose of diag-  
 41 nosing disease or conditions. This shall not apply to unlicensed per-  
 42 sonnel employed by the United States department of agriculture/or  
 43 the state board of agriculture who are engaged in such personnel's

1-2  
 , the Kansas animal health department

1 *official duties.*

2 (5) *To apply principles of environmental sanitation, food in-*  
 3 *spection, environmental pollution control, animal nutrition, zoonotic*  
 4 *disease control and disaster medicine in the promotion and protection*  
 5 *of public health.*

in the performance of any veterinary  
 service or procedure

6 (h) "School of veterinary medicine" means any veterinary college  
 7 or division of a university or college that offers the degree of doctor  
 8 of veterinary medicine or its equivalent, which conforms to the  
 9 standards required for accreditation by the American veterinary med-  
 10 ical association and which is recognized and approved by the board.

11 (i) "Veterinarian" means a person who has received a doctor of  
 12 veterinary medicine degree or the equivalent from a school of vet-  
 13 erinary medicine.

14 (j) "Veterinary medicine" includes veterinary surgery, ob-  
 15 stetrics, dentistry and all other branches or specialties of vet-  
 16 erinary medicine. "Veterinary medical specialist" means a person who has  
 17 completed advanced training in such person's specialty area and is  
 18 a diplomat of such specialty.

19 (k) "Veterinary premises" means any premises or facility where  
 20 the practice of veterinary medicine occurs, including but not limited  
 21 to, a mobile clinic, outpatient clinic, satellite clinic or veterinary  
 22 hospital or clinic, but shall not include the premises of a veterinary  
 23 client or research facility.

24 (l) "Graduate veterinary technician" means a person who has  
 25 graduated from an American veterinary medical association accred-  
 26 ited school approved by the board, or other board-approved school  
 27 for the training of veterinary technicians.

28 (m) "Registered veterinary technician" means a person who is a  
 29 graduate veterinary technician or any other person who has passed  
 30 the examinations required by the board for registration and is reg-  
 31 istered by the board.

32 (n) "Veterinary-client-patient relationship" means:

33 (1) *The veterinarian has assumed the responsibility for making*  
 34 *medical judgments regarding the health of the animal or animals*  
 35 *and the need for medical treatment, and the client, owner or other*  
 36 *care taker has agreed to follow the instruction of the veterinarian;*

responsibility

37 (2) *there is sufficient knowledge of the animal or animals by the*  
 38 *veterinarian to initiate at least a general or preliminary diagnosis*  
 39 *of the medical condition of the animal or animals. This means that*  
 40 *the veterinarian has recently seen and is personally acquainted with*  
 41 *the keeping and care of the animal or animals by virtue of an*  
 42 *examination of the animal or animals, or by medically appropriate*  
 43 *and timely visits to the premises where the animal or animals are*

1 kept, or both; and

2 (3) the practicing veterinarian is readily available for followup  
3 in case of adverse reactions or failure of the regimen of therapy.

4 (o) "ECFVG certificate" means a certificate issued by the Amer-  
5 ican veterinary medical association education commission for foreign  
6 veterinary graduates, indicating that the holder has demonstrated  
7 knowledge and skill equivalent to that possessed by a graduate of  
8 an accredited or approved college of veterinary medicine.

9 (p) "Veterinary prescription drugs" means such prescription  
10 items as defined by subsection (c) of 21 U.S.C. Sec. 353.

11 (q) "Veterinary corporation" means a professional corporation of  
12 licensed veterinarians incorporated under the professional corpo-  
13 ration act of Kansas, cited at K.S.A. 17-2706 et seq., and amendments  
14 thereto.

15 (r) "Veterinary partnership" means a partnership pursuant to  
16 the Kansas uniform partnership act, cited at K.S.A. 56-301 et seq.,  
17 and amendments thereto, formed by licensed veterinarians engaged  
18 in the practice of veterinary medicine.

19 Sec. 4. K.S.A. 47-817 is hereby amended to read as follows: 47-  
20 817. No person may shall practice veterinary medicine in this state  
21 who is not currently and validly a licensed veterinarian or the holder  
22 of a valid temporary permit issued by the board. This act shall  
23 not apply be construed to prohibit:

24 (a) An employee of the federal, state or local government per-  
25 forming such employee's official duties.

26 (b) A person advising with respect to or performing acts  
27 which are accepted livestock management practices from gra-  
28 tuitously giving aid, assistance or relief in veterinary emergency cases  
29 if such person does not represent themselves to be veterinarians or  
use any title or degree appertaining to the practice thereof.

30 (c) A veterinarian regularly licensed in another state consulting  
31 with a licensed veterinarian in this state.

32 (d) Any merchant or manufacturer selling at such person's  
33 regular place of business medicines, feed, appliances or other  
34 products used in the prevention or treatment of animal diseases  
35 Fisheries biologists actively employed by the state of Kansas, the  
36 United States government, or any person in the production or man-  
37 agement of commercial food or game fish while in the performance  
38 of such persons' official duties.

39 (e) Any feeder utilizing and mixing antibiotics or other disease  
40 or parasite preventing drugs as a part of such feeder's feeding  
41 operations.

42 (f) The owner of an animal and the owner's regular employee

1-4

1 caring for and treating the animal belonging to such owner, except  
2 where the ownership of the animal was transferred to avoid this act.

3 (g) A member of the faculty of a school of veterinary medicine  
4 performing such member's regular functions or a person lecturing,  
5 or giving instructions or demonstrations at a school of veterinary  
6 medicine or in connection with a continuing education course for  
7 veterinarians.

8 ~~(h) Any person selling or applying any pesticide, insecticide  
9 or herbicide.~~

10 ~~(i) (h)~~ Any person engaging in bona fide scientific research which  
11 reasonably requires experimentation involving animals or commercial  
12 production of biologics or animal medicines.

13 ~~(j) (i)~~ An employee of the veterinarian administering prescribed  
14 care to an animal under the direct supervision of a veterinarian.

15 ~~(k) (j)~~ A regular student who has completed at least three (3)  
16 years of study in a ~~veterinary~~ school of *veterinary medicine* and  
17 performing duties or acts assigned by such student's instructors or  
18 working under ~~limited indirect~~ supervision of a licensed  
19 veterinarian.

20 Sec. 5. K.S.A. 47-818 is hereby amended to read as follows: 47-  
21 818. (a) There is hereby established the state board of veterinary  
22 examiners which shall consist of ~~five seven~~ members, ~~four six~~ of  
23 whom shall be licensed veterinarians and one of whom shall represent  
24 the interests of the general public. Persons who are members of the  
25 state board of veterinary medical examiners immediately prior to the  
26 effective date of this act shall become members of the state board  
27 of veterinary examiners and shall continue to serve as such members  
28 until the expiration of the terms for which they were appointed and  
29 until their successors are appointed and qualify. ~~On July 1, 1980,~~  
30 ~~the governor shall appoint members of the board to succeed~~  
31 ~~those members of the state board of veterinary medical ex-~~  
32 ~~aminers whose terms expired on June 30, 1980. The members~~  
33 ~~so appointed shall serve terms as follows: One member shall~~  
34 ~~be appointed for a term expiring June 30, 1983, which member~~  
35 ~~shall be a licensed veterinarian; one member shall be ap-~~  
36 ~~pointed for a term expiring June 30, 1984, which member shall~~  
37 ~~represent the interests of the general public; and one member~~  
38 ~~shall be appointed for a term expiring June 30, 1984, which~~  
39 ~~member shall be a licensed veterinarian. Thereafter, Upon the~~  
40 ~~expiration of any member's term, the governor shall appoint a suc-~~  
41 ~~cessor of like qualifications and interest to ensure the representation~~  
42 ~~of the major facets of veterinary medical practice for a term of four~~  
43 ~~years, which term shall commence on July 1 and shall expire on~~

1-5

1 June 30. Before entering into a term of office, each member of the  
2 board shall file with the secretary of state a written oath to discharge  
3 the member's duties in a faithful manner.

4 (b) The procedure for appointing members of the board under  
5 this act shall be as follows:

6 (1) The board of directors of the Kansas veterinary medical as-  
7 sociation shall submit ~~five~~ *seven* names of qualified veterinarians to  
8 the governor at least 30 days before the expiration of the term of  
9 any member of the board who is a licensed veterinarian. The gov-  
10 ernor shall *may* appoint one of the persons whose name is so sub-  
11 mitted to the veterinarian member's seat.

12 (2) A vacancy occurring on the board prior to expiration of the  
13 term of a member who is a veterinarian shall be filled for the  
14 remainder of the unexpired term in the same manner as prescribed  
15 in paragraph (1) of this subsection (b) except that the ~~five~~ *seven*  
16 names of qualified veterinarians shall be submitted to the governor  
17 within 10 days after the vacancy occurs.

18 (c) No person shall be qualified to serve as a veterinarian member  
19 of the board unless such person:

20 (1) Is a legal resident of the state of Kansas; ~~and~~

21 (2) is a graduate of ~~an~~ *accredited a board-approved* school of  
22 veterinary medicine; ~~and~~

23 (3) ~~Has been~~ *is* licensed to practice veterinary medicine in this  
24 state; and

25 (4) has had ~~not less than~~ three years of actual practice in vet-  
26 erinary medicine in the state of Kansas preceding the time of  
27 appointment.

28 (d) No person shall be qualified to serve as the member of the  
29 board representing the interests of the general public unless such  
30 person:

31 (1) Has been a legal resident of the state of Kansas for five or  
32 more years;

33 (2) is not a veterinarian or the spouse of a veterinarian;

34 (3) has no financial interest in any veterinary practice as an owner  
35 or employee, or as the spouse of an owner or employee, of such  
36 practice; and

37 (4) has never engaged in the profession or business of educating  
38 or training veterinarians or students of veterinary medicine.

39 Sec. 6. K.S.A. 47-819 is hereby amended to read as follows: 47-  
40 819. (a) The board shall meet each year at such times and places as  
41 specified by the board. Special meetings may be called by the pres-  
42 ident of the board by giving such notice as required by rules and  
43 regulations of the board.

1-6

1 (b) Except as otherwise provided in this act, a majority of the  
2 board shall constitute a quorum.

3 (c) At its first meeting following July 1 of each year, the board  
4 shall organize by electing a president, *and* a vice-president ~~and~~ a  
5 ~~secretary-treasurer~~. Each officer so elected shall serve for a term  
6 of one ~~(1)~~ year or until a successor is elected and qualifies. A special  
7 election shall be held whenever a vacancy occurs in an office of the  
8 board.

9 (d) In general, but not by way of limitation, the officers *and the*  
10 *executive director* of the board shall have and exercise the following  
11 powers and duties:

12 (1) The president's duties shall include the calling of and pre-  
13 siding at meetings of the board.

14 (2) The vice-president's duties shall include serving as presiding  
15 officer at meetings of the board in the absence of the president or  
16 upon the president's inability or refusal to act.

17 (3) The ~~secretary-treasurer's~~ *executive director shall perform*  
18 *duties which* shall include carrying on the correspondence of the  
19 board, keeping permanent accounts and records of all receipts and  
20 disbursements by the board and of all board proceedings, including  
21 the disposition of all applications for license, ~~submitting certified~~  
22 ~~lists of names to the governor pursuant to K.S.A. 47-818, and~~  
23 ~~amendments thereto~~, keeping a register of all persons currently  
24 licensed by the board, and furnishing a copy of the Kansas veterinary  
25 practice act to each newly licensed veterinarian. All board records,  
26 except as otherwise provided by law, shall be open to the public  
27 during regular office hours.

28 (4) The ~~secretary-treasurer~~ *executive director* shall be bonded  
29 as required by the state surety bond committee pursuant to K.S.A.  
30 75-4103 to 75-4106, ~~or any~~ *and* amendments thereto.

31 (e) Each member of the board shall be paid compensation, sub-  
32 sistence allowances, mileage and other expenses as provided in  
33 K.S.A. 75-3223, and amendments thereto, when engaged in the  
34 performance of the member's official duties away from the member's  
35 place of residence.

36 Sec. 7. K.S.A. 47-820 is hereby amended to read as follows: 47-  
37 820. The board shall remit all moneys received by or for it from  
38 fees, charges or penalties to the state treasurer at least monthly.  
39 Upon receipt of any such remittance the state treasurer shall deposit  
40 the entire amount thereof in the state treasury. Twenty percent  
41 ~~(20%)~~ of each such deposit shall be credited to the state general  
42 fund and the balance shall be credited to the veterinary examiners  
43 fee fund. *Costs relating to assessment and enforcement of civil fines*



8-1

1 shall be credited to the veterinary examiners fee fund from all moneys  
2 received that are civil fines and the balance shall be credited to the  
3 state general fund. All expenditures from such fund shall be made  
4 in accordance with appropriation acts upon warrants of the director  
5 of accounts and reports issued pursuant to vouchers approved by  
6 the ~~secretary-treasurer~~ executive director or by a person or persons  
7 designated by ~~him~~ the executive director.

8 Sec. 8. K.S.A. 1992 Supp. 47-821 is hereby amended to read as  
9 follows: 47-821. (a) In general, but not by way of limitation, the  
10 board shall have power to:

11 (1) Examine and determine the qualifications and fitness of ap-  
12 plicants for a license to practice veterinary medicine in this state in  
13 accordance with K.S.A. 47-824 and 47-826, and amendments thereto.

14 (2) Inspect any hospital, clinic or other place utilized by any  
15 practicing veterinarian, either by a member of the board or a  
16 member's authorized representatives, which inspection shall be  
17 reported to the board on a form prescribed by the board and  
18 shall be made for the purpose of seeking disciplinary action  
19 in all cases of violations by a licensed veterinarian where com-  
20 pliance with the provisions of this act is not obtained within  
21 the time allotted by the board and ~~issue a permit to~~ any veterinary  
22 premises pursuant to section 19 and take any disciplinary action  
23 against the holder of a ~~veterinary premises permit~~ issued pursuant  
24 to section 19.

register

registration of a

25 (3) Issue, renew, deny, limit, condition, fine, reprimand, restrict,  
26 suspend or revoke licenses and temporary permits to practice vet-  
27 erinary medicine in this state or otherwise discipline licensed vet-  
28 erinarians consistent with the provisions of this act and the rules  
29 and regulations adopted thereunder. The board may conduct an  
30 investigation upon an allegation by any person that any licensee has  
31 violated any provision of the Kansas veterinary practice act or any  
32 rules and regulations adopted pursuant to such act. The board may  
33 appoint individuals and committees to assist in any investigation.

34 (4) Establish and publish annually a schedule of fees for licens-  
35 ing and registration of veterinarians authorized pursuant to and  
36 in accordance with the provisions of K.S.A. 47-822 and amendments  
37 thereto.

38 (5) Employ full time or part time an executive director and such  
39 professional, clerical and special personnel as shall be necessary to  
40 carry out the provisions of this act. The board shall fix the com-  
41 pensation of such personnel who shall be in the unclassified service  
42 under the Kansas civil service act. Under the supervision of the  
43 board, the executive director shall perform such duties as may be

1 required by law or authorized by the board.

2 (6) Purchase or rent necessary office space, equipment and  
3 supplies.

4 (7) Appoint from its own membership one or more members to  
5 act as representatives of the board at any meeting within or without  
6 the state where such representation is deemed desirable.

7 (8) Authorize any member of the board to sign complaints for  
8 the bringing of proceedings in the courts for the enforcement of this  
9 act.

10 (9) Adopt, *amend or repeal* rules and regulations for *licensed*  
11 *veterinarians regarding the training, certification and limits of*  
12 *activity for assistants being trained and registered veterinary tech-*  
13 *nicians who are employed under the direct or limited indirect su-*  
14 *pervision and responsibility of a licensed veterinarian.*

15 (10) Adopt, *amend or repeal* such rules and regulations, not in-  
16 consistent with law, as may be necessary to carry out the purposes  
17 of this act and enforce the provisions thereof.

18 (11) Have a common seal.

19 (12) *Adopt, amend or repeal rules and regulations to fix minimum*  
20 *standards for continuing veterinary medical education, which stan-*  
21 *dards shall be a condition precedent to the renewal of a license*  
22 *under this act.*

23 (13) *Register any registered veterinary technician.*

24 (14) *Establish, by rules and regulations, any committee necessary*  
25 *to implement any provision of this act including, but not limited to,*  
26 *a continuing education committee and a peer review committee. Such*  
27 *committees may be formed in conjunction with professional veteri-*  
28 *nary associations in the state.*

29 (15) *Refer complaints to a duly formed peer review committee*  
30 *of a duly appointed professional association.*

31 (16) *Establish, by rules and regulations, minimum standards for*  
32 *the practice of veterinary medicine.*

33 (b) The powers of the board are granted to enable the board to  
34 effectively supervise the practice of veterinary medicine and are to  
35 be construed liberally in order to accomplish such objective.

36 Sec. 9. K.S.A. 1992 Supp. 47-822 is hereby amended to read as  
37 follows: 47-822. (a) The fee for an application for a license to practice  
38 veterinary medicine in this state, as required by K.S.A. 47-824, and  
39 amendments thereto, shall be not less than ~~\$100~~ \$50 nor more than  
40 \$250, as fixed by the board as provided in subsection (d).

41 (b) The annual fee for renewal of license required under K.S.A.  
42 47-829, and amendments thereto, shall be not less than \$20 nor  
43 more than ~~\$75~~ \$100, as fixed by the board as provided in sub-

(17) Contract with a person or entity to perform the inspections or reinspections as required by section 19.

6-1

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1 section (d).

2 (c) The fee for institutional licenses for instructors at state  
3 schools, as provided in each examination for licensure as required  
4 by K.S.A. 47-827 47-825, and amendments thereto, shall not be  
5 less than \$50 nor more than \$100 \$250 as fixed by the board as  
6 provided in subsection (d).

7 (d) The fee for an application for registration of a registered  
8 veterinary technician as provided in K.S.A. 47-821, and amendments  
9 thereto, shall be not less than \$20 nor more than \$50.

10 (e) The annual fee for renewal of registration of a registered  
11 veterinary technician as provided in K.S.A. 47-821, and amendments  
12 thereto, shall be not less than \$5 nor more than \$25.

13 (f) The fee for an application for a premises permit required  
14 under section 19, shall be not less than \$50 nor more than \$150.

15 (g) The fee for renewal of a premises permit required under  
16 section 19 shall be not less than \$10 nor more than \$50.

17 (h) A late fee of no more than \$50 may be assessed to a person  
18 requesting a premises permit.

19 (i) The fee for reinspection of a premises required to have a  
20 permit under section 19 shall be not less than \$50 nor more than  
21 \$150.

22 (f) (j) The board shall determine annually the amount necessary  
23 to carry out and enforce the provisions of this act and shall fix by  
24 rules and regulations the license fee, renewal fee and institutional  
25 license fee fees established in this section within the limitations  
26 provided in this section.

27 (e) The fees established under this section immediately  
28 prior to July 1, 1982, shall continue in effect until different  
29 fees are fixed by rules and regulations in accordance with sub-  
30 section (d).

31 Sec. 10. K.S.A. 1992 Supp. 47-824 is hereby amended to read  
32 as follows: 47-824. (a) Any person desiring a license to practice  
33 veterinary medicine in this state shall make written application to  
34 the board on forms provided for that purpose. The application shall  
35 show that the applicant has completed five or more semesters of  
36 veterinary medicine or is a graduate of a school of veterinary med-  
37 icine, as defined in K.S.A. 47-816, and amendments thereto, or a  
38 graduate of a foreign veterinary school recognized and approved by  
39 the board, and a person of good moral character and such other  
40 information and proof as the board may require by rules and reg-  
41 ulations. The application shall be accompanied by a fee in the amount  
42 established and published by the board as provided in K.S.A. 47-  
43 821 and 47-822, and amendments thereto.

registration of

inspection or

be registered

1 (b) The board shall adopt rules and regulations establishing  
2 the criteria for determining whether a particular school main-  
3 tains standards which are at least equal to a school of veterinary  
4 medicine as defined under K.S.A. 47-816 and amendments  
5 thereto. The board may send a questionnaire developed by the  
6 board to any school for which the board does not have sufficient  
7 information to determine whether the school meets the criteria  
8 of the board adopted under this section. The questionnaire  
9 providing the necessary information shall be completed and  
10 returned to the board in order for the school to be considered  
11 for approval. The board may contract with investigative agen-  
12 cies, commissions or consultants to assist the board in obtaining  
13 information about schools. In entering such contracts the au-  
14 thority to approve schools shall remain solely with the board.  
15 *If the school of veterinary medicine from which an applicant is*  
16 *graduated is not recognized by the board, the board shall have the*  
17 *authority to determine the qualifications of such graduates and to*  
18 *review the quality of the educational experience attained by them*  
19 *in an unrecognized school of veterinary medicine. The board shall*  
20 *have the authority to adopt rules and regulations to implement this*  
21 *provision. If the board finds in evaluating such applicant that such*  
22 *applicant is deficient in qualification or in the quality of such ap-*  
23 *plicant's educational experience, the board may require such appli-*  
24 *cant to fulfill such remedial or other requirements as the board, by*  
25 *rules and regulations, may prescribe.*

26 (c) If the board determines that the applicant possesses the  
27 proper qualifications, it shall admit the applicant to the next ex-  
28 amination or, if the applicant is eligible for license without  
29 examination under K.S.A. 47-826 and amendments thereto, the  
30 board forthwith may grant the applicant a license. If an applicant  
31 is found not qualified to take the examination or for a license without  
32 examination, the ~~secretary-treasurer~~ *executive director* of the board  
33 shall immediately notify the applicant in writing of such findings and  
34 the grounds therefor. An applicant found unqualified may request a  
35 hearing on the question of the applicant's qualification under the  
36 procedure set forth in the Kansas administrative procedure act. Any  
37 applicant who is found not qualified shall *forfeit the application fee*  
38 *but shall* be allowed the return of the ~~application fee~~ *examination*  
39 *fee.*

40 Sec. 11. K.S.A. 47-825 is hereby amended to read as follows:  
41 47-825. (a) The board shall hold at least one examination during each  
42 year and may hold such additional examinations as are necessary.  
43 The ~~secretary-treasurer~~ *executive director* shall give notice by pub-

1 lication or otherwise of the time and place for each examination at  
 2 least ~~sixty (60)~~ 90 days in advance of the date set for the examination.  
 3 A person desiring to take an examination shall make application at  
 4 least ~~thirty (30)~~ 45 days before the date of the examination.

5 (b) The preparation, administration and grading of the exami-  
 6 nation shall be governed by the rules and regulations prescribed by  
 7 the board. Examinations shall be designed to test the examinee's  
 8 knowledge of and proficiency in the subjects and techniques com-  
 9 monly taught in schools of veterinary medicine *and the laws and*  
 10 *rules and regulations dealing with the practice of veterinary medicine*  
 11 *in Kansas. To pass the examination, the examinee must dem-*  
 12 *onstrate scientific and practical knowledge sufficient to prove*  
 13 *competency to practice veterinary medicine in the judgment*  
 14 *of the board. All examinees shall be tested by a written ex-*  
 15 *amination or oral examination or by both written and oral ex-*  
 16 *amination as the board may deem necessary. The board may*  
 17 *adopt and use the examination examinations prepared by the any*  
 18 *national board of testing service for veterinary examiners medicine.*  
 19 *The examination of applicants for license to practice veterinary med-*  
 20 *icine shall be conducted according to methods deemed by the board*  
 21 *to be the most practical and expeditious to test the applicant's abilities*  
 22 *and qualifications. The minimum passing scores shall be established*  
 23 *by rules and regulations.*

24 (c) After each examination, the ~~secretary-treasurer~~ *executive di-*  
 25 *rector* shall notify each examinee in writing of the result of the  
 26 examinee's examination within ~~forty-five (45)~~ 60 days, and the board  
 27 shall issue a license to each person successfully completing the ex-  
 28 amination. The ~~secretary-treasurer~~ *executive director* shall record  
 29 each new license and issue ~~certificate of registration~~ *a license* to  
 30 each new licensee. Any person failing an examination shall be ad-  
 31 mitted to any subsequent examination on payment of the application  
 32 *fee and examination fees. Any applicant for examination who does*  
 33 *not attend the examination shall forfeit the examination fee.*

34 Sec. 12. K.S.A. 1992 Supp. 47-826 is hereby amended to read  
 35 as follows: 47-826. (a) The board, ~~without examination,~~ may issue  
 36 a license to practice veterinary medicine to an applicant who has  
 37 been actively engaged in such profession in some other state,  
 38 territory or the District of Columbia, upon the certificate of the  
 39 proper licensing authority of that state, territory or the District  
 40 of Columbia, certifying that the applicant is duly licensed, that  
 41 the applicant's license has never been suspended or revoked  
 42 and that, insofar as the records of that authority are concerned,  
 43 the applicant is entitled to its endorsement. The state, territory

1-12

1 or District of Columbia from which the applicant comes shall  
2 have and maintain standards regulating the profession at least  
3 equal to those maintained in the profession in Kansas and shall  
4 accord a like privilege to holders of licenses issued by the  
5 Kansas board. (b) In order that the board may determine the  
6 standards of other states, territories and the District of Colum-  
7 bia, the secretary-treasurer of the board shall gather information  
8 from other states, territories and the District of Columbia bear-  
9 ing on this point. A license shall be issued pursuant to this  
10 section to only those filing application with the secretary of  
11 the board accompanied by a fee in the amount established and  
12 published by the board. Such fee, and the annual renewal fee,  
13 shall not be less than the minimum fee established under K.S.A.  
14 47-822 and amendments thereto. *meets all of the following*  
15 *requirements:*

16 (1) *Has passed the national boards examination as determined*  
17 *by the board pursuant to rules and regulations;*

18 (2) *if the applicant graduated from a school of veterinary med-*  
19 *icine prior to 1980, has passed the clinical competency test as de-*  
20 *termined by the board pursuant to rules and regulations;*

21 (3) *has passed the Kansas veterinary legal practice examination;*

22 (4) *is not subject to a license investigation, nor has been the*  
23 *recipient of a license suspension, revocation, or other serious dis-*  
24 *ciplinary action in any state, territory, the District of Columbia or*  
25 *any foreign country;*

26 (5) *submits an authenticated copy of a diploma verifying grad-*  
27 *uation from an American veterinary medicine association accredited*  
28 *school of veterinary medicine or the holder of an educational com-*  
29 *mission for foreign veterinary graduate certificate issued from the*  
30 *American veterinary medical association;*

31 (6) *if the applicant graduated from a school of veterinary med-*  
32 *icine more than 10 years prior to the year in which the application*  
33 *is being submitted, show proof that the applicant has actively prac-*  
34 *ticed veterinary medicine for at least five of the prior 10 years or*  
35 *has actively practiced for at least 2,000 hours during the three years*  
36 *immediately preceding such application;*

37 (7) *provides other information and proof as the board may es-*  
38 *tablish by rules and regulations; and*

39 (8) *pays any license application fee and examination fee estab-*  
40 *lished by the board pursuant to rules and regulations.*

41 (b) *The board also may issue a license to practice veterinary*  
42 *medicine to an applicant who meets all of the following requirements:*

43 (1) *Holds a current certification as a diplomat of a national*

1-13

1 *specialty board or college recognized by the board by rules and*  
2 *regulations;*

3 (2) *is not subject to license investigation, suspension or revocation*  
4 *in any state, territory, the District of Columbia or any foreign*  
5 *country;*

6 (3) *passes the Kansas veterinary legal practice examination;*

7 (4) *provides other information and proof as the board may re-*  
8 *quire by rules and regulations; and*

9 (5) *pays any license application fee and examination fee estab-*  
10 *lished by the board pursuant to rules and regulations.*

11 Sec. 13. K.S.A. 47-829 is hereby amended to read as follows:  
12 47-829. (a) All licenses shall expire annually on June 30 of each year  
13 but may be renewed by registration with the board and payment of  
14 the ~~registration~~ license renewal fee established and published by  
15 the board, pursuant to the provisions of K.S.A. 47-822, and amend-  
16 ments thereto. On June 1 of each year, the ~~secretary-treasurer~~  
17 ~~executive director~~ shall mail a notice to each licensed veterinarian  
18 that the veterinarian's license will expire on June 30 and provide  
19 the veterinarian with a form for ~~registration~~ license renewal.

20 (1) *The application shall contain a statement to the effect that*  
21 *the applicant has not been convicted of a felony, has not been the*  
22 *subject of professional disciplinary action taken by any public agency*  
23 *in Kansas or any other state, territory or the District of Columbia,*  
24 *and has not violated any of the provisions of the Kansas veterinary*  
25 *practice act. If the applicant is unable to make that statement, the*  
26 *application shall contain a statement of the conviction, professional*  
27 *discipline or violation.*

28 (2) *The board, as part of the renewal process, may make nec-*  
29 *essary inquiries of the applicant and conduct an investigation in*  
30 *order to determine if cause for disciplinary action exists.*

31 (3) *All licensees licensed under the Kansas veterinary practice*  
32 *act shall make application to and pass the Kansas veterinary legal*  
33 *practice examination.*

34 (b) The payment of the renewal fee as required by this section  
35 shall ~~entitle~~ require the licensee to ~~renewal of~~ renew such license  
36 if the licensee has furnished to the ~~secretary-treasurer~~ ~~executive~~  
37 ~~director~~ of the board satisfactory evidence that the licensee has been  
38 in attendance at a minimum of ~~twenty (20)~~ 20 clock hours of con-  
39 tinuing education courses in the ~~science art~~ of veterinary medicine  
40 or in attendance at state or national veterinary medical asso-  
41 ciation meetings as approved by the board. The board shall adopt  
42 rules and regulations which designate what constitutes such at-  
43 tendance at such courses and meetings and the number of clock

1 hours for such continuing education establish criteria for approval  
2 of continuing education programs. The burden of proof for showing  
3 attendance the obtaining of continuing education hours shall be the  
4 responsibility of the licensee. The continuing education requirement  
5 shall be waived for retired veterinarians and physically incapable  
6 ~~itated~~ impaired veterinarians, as defined by subsection (c) of K.S.A.  
7 47-846, and amendments thereto, and may be waived for veterinar-  
8 ians while they are on active duty with any branch of the armed  
9 services of the United States.

10 (c) All veterinarian licenses shall expire annually and must be  
11 renewed by making application to the board and payment of the  
12 license renewal fee. Any person who practices veterinary medicine  
13 after the expiration of such person's license and willfully or by neglect  
14 fails to renew such license shall be practicing in violation of this act,  
15 but any person may renew an expired license within two (2)  
16 years of the date of its expiration by making written application  
17 for renewal and paying an application fee of fifty dollars (\$50),  
18 the current renewal fee and all delinquent renewal fees. After  
19 two (2) years have elapsed since the date of the expiration, a  
20 license may not be renewed, but the holder must make ap-  
21 plication for a new license. Any license renewal application which  
22 is submitted beyond the annual renewal date shall be assessed a  
23 penalty fee not to exceed \$100 as established by the board by rules  
24 and regulations. In the event that the application for renewal of  
25 any veterinarian license has not been submitted within 60 days of  
26 the expiration date of such license, and after notice by certified mail,  
27 return receipt requested, has been given to the licensee that the  
28 renewal application fee and penalty fee is due, such license shall  
29 automatically be revoked, within 10 days of return of receipt, without  
30 a hearing and shall not be renewed unless such veterinarian submits  
31 an application for a new license and pays the license application fee  
32 not to exceed \$250 as established by the board by rules and  
33 regulations.

34 (d) The board, by rules and regulations, may waive the payment  
35 of the registration license renewal fee of a licensed veterinarian  
36 during the period when such veterinarian is on active duty with any  
37 branch of the armed services of the United States not to exceed the  
38 longer of three (3) years or the duration of a national emergency.

39 Sec. 14. K.S.A. 1992 Supp. 47-830 is hereby amended to read  
40 as follows: 47-830. Upon written complaint sworn to by any person,  
41 the board, after a hearing conducted in accordance with the pro-  
42 visions of the Kansas administrative procedure act, and by a con-  
43 currence of four members, may revoke or suspend for a time

1-15



- 1 certain the license of, or otherwise ~~discipline, limit, condition, rep-~~  
2 ~~rimand, restrict, deny a license or assess a fine, not to exceed \$2,000,~~  
3 ~~to any licensed veterinarian for any of the following reasons:~~
- 4 (a) The employment of fraud, misrepresentation or deception in  
5 obtaining a license;
- 6 (b) an adjudication of incapacity by a court of competent  
7 jurisdiction;
- 8 (c) ~~habitual intemperance in the use of intoxicating liquors,~~  
9 ~~or habitual addiction to the use of morphine, cocaine, or other~~  
10 ~~habit forming drugs; or conviction of a violation of any federal~~  
11 ~~or state law relating to narcotic drugs for having professional~~  
12 ~~connection with or lending one's name to any illegal practitioner of~~  
13 ~~veterinary medicine and the various branches thereof;~~
- 14 (d) ~~the publication or use of any untruthful or improper~~  
15 ~~statement, or representation, with a view of deceiving the pub-~~  
16 ~~lic, or any client or customer in connection with the practice~~  
17 ~~of veterinary medicine false or misleading advertising;~~
- 18 (e) conviction of a felony;
- 19 (f) ~~gross malpractice, including failure to furnish to the board,~~  
20 ~~upon written application by it, any report or information relating~~  
21 ~~thereto to any investigation;~~
- 22 (g) employing any person practicing veterinary medicine  
23 unlawfully;
- 24 (h) fraud or dishonest conduct in applying, *treating* or reporting  
25 diagnostic biological tests *of public health significance* or in issuing  
26 health certificates;
- 27 (i) failure to keep veterinary premises and equipment in a clean  
28 and sanitary condition *as defined by rules and regulations*;
- 29 (j) failure to report as required by law, or making false report  
30 of any contagious or infectious disease;
- 31 (k) dishonesty or ~~gross~~ negligence in the inspection of foodstuffs;
- 32 (l) conviction on a charge of cruelty or inhumane treatment to  
33 animals;
- 34 (m) ~~revocation of a license to practice veterinary medicine~~  
35 ~~disciplinary action taken by another state, territory or district of the~~  
36 ~~United States on grounds other than nonpayment of registration fees;~~
- 37 (n) disclosure of any information ~~concerning the veterinarian's~~  
38 ~~care of an animal~~ in violation of K.S.A. 1991 1992 Supp. 47-839,  
39 and amendments thereto; ~~or~~
- 40 (o) unprofessional conduct as defined in *rules and regulations*  
41 ~~adopted by the board; includes, but is not limited to, the following:~~
- 42 (1) *Conviction of a charge of violating any federal statutes or*  
43 *any statute of this state, regarding substances as defined in K.S.A.*
- 9-16

- 1 65-4101, and amendments thereto, and the record of the conviction  
2 is conclusive evidence. A plea or verdict of guilty or a conviction  
3 following a plea of nolo contendere is deemed to be a conviction  
4 within the meaning of this section. The board may order the license  
5 suspended or revoked, or assess a fine, or decline to issue a license,  
6 when the time for appeal has elapsed, or the judgment of conviction  
7 has been affirmed on appeal or when an order granting probation  
8 is made suspending the imposition of sentence;
- 9 (2) the use of or prescribing for or administering to such vet-  
10 erinarian, any of the controlled substances as defined in K.S.A. 65-  
11 4101, and amendments thereto, or of alcoholic beverages to the  
12 extent, or in such a manner as to be dangerous or injurious to a  
13 person licensed under the Kansas veterinary practice act, or to any  
14 other person or to the public, or to the extent that such use impairs  
15 the ability of such person so licensed to conduct with safety the  
16 practice authorized by the license;
- 17 (3) the conviction of more than one misdemeanor or any felony  
18 involving the use, consumption or self-administration of any of the  
19 substances referred to in this section or any combination thereof  
20 and the record of the conviction is conclusive evidence; a plea or  
21 verdict of guilty or a conviction following a plea of nolo contendere  
22 is deemed to be a conviction within the meaning of this section; the  
23 board may order the license suspended or revoked or assess a fine,  
24 or may decline to issue a license, when the time for appeal has  
25 elapsed or the judgment of conviction has been affirmed on appeal  
26 or when an order granting probation is made suspending imposition  
27 of sentence, allowing such person to withdraw such person's plea of  
28 guilty and to enter a plea of not guilty, or setting aside the verdict  
29 of guilty, or dismissing the accusation, information or indictment;
- 30 (4) a conviction under any federal statute, or rules and regu-  
31 lations or any of the statutes or rules and regulations of this state  
32 regarding controlled substances; and
- 33 (5) violation of or attempting to violate, directly or indirectly,  
34 any provision of the Kansas veterinary practice act or any rules and  
35 regulations adopted pursuant to such act;
- 36 (p) conviction of a crime substantially related to qualifications,  
37 functions or duties of veterinary medicine, surgery or dentistry, in  
38 which case the record of such conviction shall be conclusive evidence;
- 39 (q) employment of anyone but a veterinarian licensed in Kansas  
40 to demonstrate the use of biologics in the treatment of animals;
- 41 (r) fraud, deception, negligence or incompetence in the practice  
42 of veterinary medicine;
- 43 (s) the use, prescription or sale of any veterinary prescription

1-17

1 *drug or the prescription of an extra-label use of any over-the-counter*  
 2 *drug in the absence of a valid veterinarian-client-patient relationship;*  
 3 *or*

4 *(t) failing to furnish details of a patient's medical records or*  
 5 *failing to provide a patient's radiographs to another treating vet-*  
 6 *erinarian, hospital or clinic, upon the written request of an owner*  
 7 *or owner's agent, or failing to provide the owner or owner's agent*  
 8 *with a summary of the medical record within a reasonable period*  
 9 *of time and upon proper request or waiver by the owner or owner's*  
 10 *agent, or failing to comply with any other law relating to medical*  
 11 *records.*

12 Sec. 15. K.S.A. 47-834 is hereby amended to read as follows:  
 13 47-834. (a) No person who shall practice veterinary medicine without  
 14 a currently valid license ~~or temporary permit~~ may receive any  
 15 compensation for services so rendered, except employees under di-  
 16 rect or ~~limited~~ indirect supervision.

17 (b) Any person who shall practice veterinary medicine without a  
 18 license ~~or temporary permit~~ shall be guilty of a misdemeanor and  
 19 upon conviction shall be fined not less than ~~fifty dollars (\$50.00)~~  
 20 ~~\$250~~ nor more than ~~five hundred dollars (\$500.00)~~ \$2,000 or  
 21 imprisoned for ~~no~~ not more than ~~ninety (90)~~ 90 days, or both. Each  
 22 act of such unlawful practice shall constitute a distinct and separate  
 23 offense.

24 (c) The board may bring an action to enjoin any person from  
 25 practicing veterinary medicine without a currently valid license ~~or~~  
 26 ~~temporary permit~~. If the court finds that the person is violating  
 27 this act, it shall enter an injunction restraining such person from  
 28 such unlawful acts.

29 (d) An action in quo warranto may be brought and maintained  
 30 to oust any person from practicing veterinary medicine without a  
 31 currently valid license ~~or temporary permit~~. Such action shall be  
 32 in the name of the state in the manner provided by law upon the  
 33 advice of the attorney general who shall represent the board and  
 34 prosecute the action.

35 (e) The successful maintenance of an action based on any one of  
 36 the remedies set forth in this section shall in no way prejudice the  
 37 prosecution of an action based on any other of the remedies.

38 Sec. 16. K.S.A. 47-837 is hereby amended to read as follows:  
 39 47-837. *The amendments in this act to the Kansas veterinary practice*  
 40 *act does not affect rights and duties that matured, penalties that*  
 41 *were incurred, and proceedings that were begun before its the ef-*  
 42 *fective date of this act.*

43 Sec. 17. K.S.A. 47-838 is hereby amended to read as follows:

81-1

1 47-838. If any clause, sentence, paragraph, section or part of this  
2 *the Kansas veterinary practice* act or the application thereof to any  
3 person or circumstances shall for any reason be adjudged by any  
4 court of competent jurisdiction to be unconstitutional or invalid, such  
5 judgment shall not affect, impair or invalidate the remainder thereof,  
6 and the application thereof to other persons or circumstances, but  
7 shall be confined in its operation to the clause, sentence or para-  
8 graph, section or part thereof involved in the controversy, in which  
9 such judgment shall have been rendered and to the person or cir-  
10 cumstances involved. It is hereby declared to be the legislative intent  
11 that this act would have been enacted had such unconstitutional or  
12 invalid provisions not been included.

13 Sec. 18. K.S.A. 1992 Supp. 47-848 is hereby amended to read  
14 as follows: 47-848. (a) The board may refer reports under K.S.A.  
15 ~~1989~~ 1992 Supp. 47-847, and amendments thereto, and other reports  
16 or complaints filed with such board which relate to impaired vet-  
17 erinarians to an impaired veterinarian committee of the appropriate  
18 state professional society or organization.

19 (b) The board shall have the authority to enter into an agreement  
20 with the impaired veterinarian committee of the appropriate state  
21 professional society or organization to undertake those functions and  
22 responsibilities specified in the agreement and to provide for pay-  
23 ment therefor from moneys appropriated to the agency for that pur-  
24 pose. Such functions and responsibilities may include any or all of  
25 the following:

- 26 (1) Contracting with providers of treatment programs;
- 27 (2) receiving and evaluating reports of suspected impairment from  
28 any source;
- 29 (3) intervening in cases of verified impairment;
- 30 (4) referring impaired veterinarians to treatment programs;
- 31 (5) monitoring the treatment and rehabilitation of impaired  
32 veterinarians;
- 33 (6) providing posttreatment monitoring and support of rehabili-  
34 tated impaired veterinarians; and
- 35 (7) performing such other activities as agreed upon by the board  
36 and the impaired veterinarian committee.

37 (c) The impaired veterinarian committee shall develop procedures  
38 in consultation with the board for:

- 39 (1) Periodic reporting of statistical information regarding impaired  
40 veterinarian program activity;
- 41 (2) periodic disclosure and joint review of such information as  
42 the board considers appropriate regarding reports received, contacts  
43 or investigations made and the disposition of each report;

6-1-1

1 (3) immediate reporting to the board of the name and results of  
2 any contact or investigation regarding any impaired veterinarian who  
3 is believed to constitute an imminent danger to the public or to  
4 self;

5 (4) reporting to the board, in a timely fashion, any impaired  
6 veterinarian who refuses to cooperate with the impaired veterinarian  
7 committee or refuses to submit to treatment, or whose impairment  
8 is not substantially alleviated through treatment, and who in the  
9 opinion of the committee exhibits professional incompetence; and

10 (5) informing each participant of the impaired veterinarian com-  
11 mittee of the procedures, the responsibilities of participants and the  
12 possible consequences of noncompliance.

13 (d) If the board has reasonable cause to believe that a veterinarian  
14 is impaired, the board may cause an evaluation of such veterinarian  
15 to be conducted by the impaired veterinarian committee or its des-  
16 ignee for the purpose of determining if there is an impairment. The  
17 impaired veterinarian committee or its designee shall report the  
18 findings of its evaluation to the board.

19 (e) An impaired veterinarian may submit a written request to the  
20 board for a restriction of such veterinarian's license. The board may  
21 grant such request for restriction and shall have authority to attach  
22 conditions to the licensure of the veterinarian to practice within  
23 specified limitations. Removal of a voluntary restriction on licensure  
24 to practice shall be subject to the statutory procedure for reinstatement  
25 of license.

26 (f) Notwithstanding any other provision of law, a state professional  
27 society or organization and the members thereof shall not be liable  
28 to any person for any acts, omissions or recommendations made in  
29 good faith while acting within the scope of the responsibilities im-  
30 posed pursuant to this section.

31 (g) *Requiring the licensee to submit to a complete diagnostic*  
32 *examination by one or more physicians appointed by the board. If*  
33 *the board requires a licensee to submit to such an examination, the*  
34 *board shall receive and consider any other report of a complete*  
35 *diagnostic examination given by one or more physicians of the li-*  
36 *censee's choice.*

37 New Sec. 19. (a) Any person who owns or operates any premises,  
38 including mobile clinics, or any other premises where a licensed  
39 veterinarian practices or where the practice of veterinary medicine  
40 occurs, ~~must have a premises permit issued by the board. Upon~~  
41 ~~application and payment of the premises permit fee and an inspection~~  
42 ~~fee, as established in K.S.A. 17-822, and amendments thereto, by~~  
43 ~~board rules and regulations, the board shall cause such premises to~~

shall be registered

1-21

~~be inspected by an authorized agent of the board. The premises permit shall be issued if the premises meets minimum standards established by board rules and regulations as to sanitary conditions and physical plant. In lieu of the above procedure, the board may issue a premises permit to any premise which is accredited by a recognized organization whose standards are found by the board to meet or exceed the minimum standards as established by board rules and regulations.~~

Any premise in operation on July 1, 1993, shall register with the board by filling out an application for registration and by paying the fee established in subsection (g) of K.S.A. 47-822, and amendments thereto.

(b) Any premises not in operation on the effective date of this act ~~must be inspected and issued a premises permit~~ prior to the opening of such premises. ~~Any premises in operation on the effective date of this act shall be issued a temporary permit in the event that an inspection cannot be conducted by the board within 365 days of receipt of an application and fees for any premises in operation on the effective date of this act, the board shall cause a temporary premises permit to be issued to the premises until such time as the premises can be inspected. Under no circumstances shall such inspection be conducted later than two years after receipt of the application and fees. The temporary premises permit shall expire upon inspection by the board's authorized agent and a finding by the board as to whether or not the premises meet the minimum standards, at which time a new premises permit will be issued or denied by the board.~~

registered by the board

shall

Any existing premises changing ownership on or after the effective date of this act shall be inspected and registered by the board within 60 days of such change of ownership. Upon receipt of the application for registration and payment of the application fee and inspection fee, as established in K.S.A. 47-822, and amendments thereto, the board shall cause such premise to be inspected by an authorized agent of the board. The registration of the premises shall be issued if the premises meets minimum standards established by board rules and regulations as to sanitary conditions and physical plant. In lieu of the above procedure, the board may register a premises which is accredited by a recognized organization whose standards are found by the board to meet or to exceed the minimum standards as established by board rules and regulations.

(c) Each application for a premises permit shall set forth the name of the licensed veterinarian who will be responsible for the operation and management of the premises. ~~No permit shall be issued unless a licensed veterinarian is so named in the application. The application may be denied if disciplinary action has been taken by the board against the veterinarian's license.~~

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(d) The board shall deny any application for a premises permit when the inspection reveals that the premises does not meet the minimum standards established by board rules and regulations or other provisions of this act; in which event the applicant shall pay the inspection fee for each additional reinspection required to determine whether or not the premises has been brought into compliance with the minimum standards and other provisions of this act.

(e) The board, after notice and hearing as provided for and conducted in accordance with the Kansas administrative procedure act, may revoke, suspend, place on probation, or take other disciplinary actions as authorized under this act, against the holder of the premises permit if an inspection reveals that the premises does not meet the minimum standards established by board rules and regulations or that the premises is being operated or managed by any person

1-22

1 other than a licensed veterinarian whose license is in good standing  
2 with the board.

3 ~~(f) Premises shall be reinspected once during each five-year pe-~~  
4 ~~riod following the original granting of the premises permit by the~~  
5 ~~board. The board shall cause a premises to be reinspected upon~~  
6 receipt of a complaint that such premises is not being operated,  
7 managed or maintained in accordance with the provisions of this  
8 section and upon a finding by the board that there is reason to  
9 believe the premises is not in compliance with the provisions of this  
10 act. Nothing contained herein shall be construed as preventing the  
11 board from conducting unannounced inspections of any premises  
12 without a finding of reasonable cause for the purpose of ascertaining  
13 whether or not such premises is in compliance with the provisions  
14 of this act.

15 (g) Application for and acceptance of a premises permit by an  
16 applicant shall be deemed as express consent for allowing the board  
17 or the board's authorized agent to conduct inspections to ensure  
18 compliance with this act or to investigate alleged complaints. All  
19 such inspections may be conducted with or without notice to the  
20 premises permit holder. Inspections shall occur during normal busi-  
21 ness hours for the premises. Such consent and authority is to be  
22 clearly set forth in the application for a premises permit and sub-  
23 scribed thereto by the permit applicant.

24 (h) All ~~premises permits~~ shall expire annually and must be re-  
25 newed by making application to the board and payment of the prem-  
26 ises fee. Any renewal application which is submitted more than 30  
27 days beyond the annual renewal date shall be assessed a penalty fee  
28 as established by board rules and regulations. In the event that  
29 application for renewal of ~~any premises permit~~ has not been sub-  
30 mitted within 30 days of its expiration date, and after notice by  
31 certified mail, return receipt requested, has been given to the permit  
32 holder that the renewal application and fee is due, such premises  
33 permit shall automatically be revoked, within 10 days of return of  
34 receipt, without a hearing and shall not be renewed unless the  
35 licensed veterinarian submits an application for a new permit and  
36 pays the permit and inspection fees. Any such premises which has  
37 its ~~premises permit~~ automatically revoked under this subsection must  
38 be reinspected prior to the issuance of a new premises permit.

39 (i) ~~Premises permits issued to~~ satellite, outpatient or mobile small  
40 animal clinics must state the name of the full-service veterinary  
41 premise in that location providing emergency and after-hours service.  
42 Mobile clinics operating in more than one location must ~~have a~~  
43 ~~premises permit~~ for each separate location. If the agreement between

inspected or

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registered pursuant to this section

be registered

1-23

1 the outpatient, satellite or mobile small animal clinic and the full-  
2 service veterinary clinic providing emergency service ceases, the  
3 board must be notified immediately and a new agreement for emer-  
4 gency service must be provided before a new ~~premises permit~~ will  
5 be issued, unless otherwise exempted by the board upon a showing  
6 of good cause by the applicant and upon a majority vote of the  
7 board.

registration

8 (j) Each person to whom a premises ~~permit~~ is issued shall keep  
9 such ~~permit~~ conspicuously displayed in the premise for which it is  
10 issued.

a registration of

registration

11 New Sec. 20. (a) Any licensed Kansas veterinarian or licensed  
12 veterinarian resident of another state or in the District of Columbia  
13 who in good faith as a volunteer and without fee renders emergency  
14 care or treatment to an animal shall not be liable in a suit for damages  
15 as a result of such veterinarian's acts or omissions which may occur  
16 during such emergency care or treatment, nor shall such veterinarian  
17 be liable to any animal hospital for such hospital's expense if under  
18 such emergency conditions such veterinarian orders an animal hos-  
19 pitalized or causes admission to such hospital.

(k) Inspections or reinspections required under this section shall not be conducted by members of the board.

20 (b) Any licensed veterinarian who in good faith renders or at-  
21 tempts to render emergency care at the scene of an accident or  
22 emergency to the human victim or victims thereof shall not be liable  
23 for any civil damages as a result of any act or omission by such  
24 persons rendering or attempting to render the emergency care.

25 New Sec. 21. The board may revoke or suspend for a certain  
26 time the license of any person to practice veterinary medicine or  
27 any branch thereof in this state after notice and hearing for any of  
28 the causes provided in the Kansas veterinary practice act. In addition  
29 to the board's authority to suspend or revoke a license, the board  
30 shall have the authority to assess a fine not in excess of \$2,000  
31 against a licensee for any of the causes specified in K.S.A. 47-830,  
32 and amendments thereto. Such fine may be assessed in lieu of or  
33 in addition to a suspension or revocation. the proceedings under this  
34 act shall be conducted in accordance with the Kansas administrative  
35 procedure act, and the board shall have all the powers granted  
36 therein. All fines collected pursuant to this section shall be remitted  
37 to the state treasurer. Such deposits shall be credited to the state  
38 general fund. Actual costs related to fine assessment and enforcement  
39 shall be deducted and credited to the veterinary examiners fee fund.

40 New Sec. 22. (a) If, upon completion of an investigation, the  
41 executive director has probable cause to believe that a veterinarian  
42 violated the provisions of the Kansas veterinary practice act, the  
43 executive director may issue a citation to the veterinarian, as pro-



1-24  
1

1 vided in this section. Each citation shall be in writing and shall  
 2 describe with particularity the nature of the violation, including a  
 3 reference to the provision of the Kansas veterinary practice act al-  
 4 leged to have been violated. In addition, each citation may contain  
 5 an order of abatement fixing a reasonable time for abatement of the  
 6 violation, and may contain an assessment of a civil penalty not in  
 7 excess of \$2,000. The citation shall be served upon the veterinarian  
 8 by any type of mailing requiring a return receipt. Before any citation  
 9 may be issued, the executive director shall submit the alleged vi-  
 10 olation for review and investigation to at least ~~one designee~~ of the  
 11 board who ~~is a veterinarian~~ licensed in or employed by the state.  
 12 The review shall include attempts to contact the veterinarian to  
 13 discuss and resolve the alleged violation. Upon conclusion of the  
 14 board designee's review, the ~~designee~~ shall prepare a finding of fact  
 15 and a recommendation. If the board's ~~designee concludes~~ that prob-  
 16 able cause exists that the veterinarian has violated any provisions of  
 17 the Kansas veterinary practice act, a civil citation shall be issued to  
 18 the veterinarian.

two designees

are veterinarians

designees

designees conclude

, according to policies adopted by the board through rules and regulations.

19 (b) The board shall adopt rules and regulations covering the as-  
 20 sessment of civil penalties under this section which give due con-  
 21 sideration to the appropriateness of the penalty with respect to the  
 22 following factors:

- 23 (1) The gravity of the violation;
- 24 (2) the good faith of the person being charged; and
- 25 (3) the history of previous violations.

26 New Sec. 23. (a) If a veterinarian desires to contest administra-  
 27 tively a civil citation or the proposed assessment of a civil penalty  
 28 such veterinarian, within 30 days after service of the citation, shall  
 29 notify the executive director in writing of such veterinarian's request  
 30 for an informal conference with the executive director or the ex-  
 31 ecutive director's designee. The executive director or the executive  
 32 director's designee, within 60 days from the receipt of the request,  
 33 shall hold an informal conference. At the conclusion of the informal  
 34 conference, the executive director may affirm, modify or dismiss the  
 35 citation or proposed assessment of a civil penalty, and the executive  
 36 director shall state with particularity in writing the reasons for the  
 37 action, and shall immediately transmit a copy thereof to the board,  
 38 the veterinarian, and the person who submitted the complaint. If  
 39 the veterinarian desires to contest administratively a decision made  
 40 after the informal conference, such veterinarian shall inform the  
 41 executive director in writing within 30 days after such person receives  
 42 the decision resulting from the informal conference. If the veteri-  
 43 narian fails to notify the executive director in writing that such

1 veterinarian intends to contest the citation or the proposed assess-  
 2 ment of a civil penalty or the decision made after an informal con-  
 3 ference within the time specified in this section, the citation or the  
 4 proposed assessment of a civil penalty or the decision made after  
 5 an informal conference shall be deemed a final order of the board  
 6 and shall not be subject to further administrative review. Notwith-  
 7 standing any other provision of law, where a fine is paid to satisfy  
 8 an assessment based on the findings of a violation, payment of the  
 9 fine shall be represented as satisfactory resolution of the matter for  
 10 purposes of public disclosure.

11 (b) A veterinarian, in lieu of contesting a citation pursuant to this  
 12 section, may transmit to the board the amount assessed in the citation  
 13 as a civil penalty, within 30 days after service of the citation. If a  
 14 hearing is not requested pursuant to this section, payment of any  
 15 fine shall not constitute an admission of the violation charged.

16 (c) If a veterinarian has notified the executive director within 30  
 17 days of the issuance of the assessment or citation that such veteri-  
 18 narian intends to contest the decision made after the informal con-  
 19 ference, the board shall hold a hearing to be held in accordance  
 20 with the Kansas administrative procedure act. After the hearing, the  
 21 board shall issue a decision, based on findings of fact, affirming,  
 22 modifying, or vacating the citation, or directing other appropriate  
 23 relief which shall include, but need not be limited to, a notice that  
 24 the failure of a veterinarian to comply with any provision of the  
 25 board's decision constitutes grounds for suspension, or denial of li-  
 26 censure, or both. The proceedings under this section shall be con-  
 27 ducted in accordance with the Kansas administrative procedure act  
 28 and the board shall have all the powers granted therein.

29 (d) After the exhaustion of the review procedures provided for  
 30 in this section, the board may bring an action pursuant to the act  
 31 for judicial review and civil enforcement of agency action to enforce  
 32 any order issued pursuant to this section.

33 (e) Failure of the licensee to pay a fine within 30 days of the  
 34 date of assessment, unless the citation is being appealed, may result  
 35 in disciplinary action being taken by the board. When a citation is  
 36 not contested and a fine is not paid, the full amount of the assessed  
 37 fine shall be added to the fee for renewal of the license. A license  
 38 shall not be renewed without payment of the renewal fee and fine.

39 (f) All civil penalties received under this act shall be deposited  
 40 in the state general fund following payment of all costs related to  
 41 fine assessment and enforcement which shall be credited to the  
 42 veterinary examiners fee fund.

New Sec. 24. Nothing in this act shall be construed as forbidding or further restricting any merchant or manufacturer from selling at such person's regular place of business, medicines, feed, appliances or other products used in the prevention or treatment of animal diseases or any person from selling or applying any pesticide, insecticide or herbicide.

1 47-819, 47-820, 47-825, 47-828, 47-829, 47-834, 47-837 and 47-838  
2 and K.S.A. 1992 Supp. 47-821, 47-822, 47-824, 47-826, 47-827, 47-  
3 830 and 47-848 are hereby repealed.

26 4 Sec. 25. This act shall take effect and be in force from and after  
5 its publication in the statute book.

1-26



Board of Veterinary Examiners

February 12, 1993

Representative Eugene Shore, Chairman and  
Members of the Committee on Agriculture,  
Kansas House of Representatives  
4th Floor, State Capitol  
Topeka, Ks. 66612-1594

Dear Representative Shore and  
Members of the Committee on Agriculture, House of  
Representatives:

On behalf of the Kansas Board of Veterinary Examiners, I want to  
thank members of the sub-committee Representative Gatlin,  
Representative Rezac, and Representative Kejr for their assistance  
in enhancing proposed amendments to the Kansas Veterinary Practice  
Act, House Bill 2107.

Following discussion with sub-committee members and other  
conferees, we concur with the recommendations of the sub-committee  
for certain modifications the Revisor of Statutes has provided and  
ultimate passage of this bill.

Should you have additional questions regarding the Board's request  
for amendments to the Kansas Veterinary Practice Act, please feel  
free to contact me or others members of the Board.

Respectfully yours,

A handwritten signature in cursive script, reading "Marvin L. Samuelson".

Marvin L. Samuelson, DVM for

Earl E. Gatz, DVM  
President  
Kansas Board of Veterinary Examiners

cc: President, Kansas Livestock Association  
President, Kansas Veterinary Medical Association

HOUSE AGRICULTURE  
2-17-93  
ATTACHMENT #2

## FROM THE BOARD OF EXAMINERS

In order for veterinary medicine in Kansas to be PRO-active, rather than RE-active, members of the Kansas Board of Veterinary Examiners are asking for you to contact your legislator and ask for support of proposed amendments to the Kansas Veterinary Practice Act.

These amendments were published in the May issue of the KVMA News. No changes have been made since that time, with the exception of deleting the defining paragraph of embryo transfer.

### Key provisions to the amendments include:

\* The addition of 2 additional board members. This will provide for greater division of labor and insure a quorum for board meetings;

\* Licensing by endorsement and the addition of an examination regarding the practice act itself so that the need for exceptional licensing (reciprocity, institutional, temporary, etc.) would be eliminated;

\* The acceptance and recognition of the ECFVG (Educational Commission for Foreign Veterinary Graduates) certificate;

\* The ability to limit, condition, reprimand, restrict or fine as a disciplinary option other than removal of a veterinarian's license to practice;

\* The establishment of minimum standards of practice to serve as a point of reference in responding to consumer complaints;

\* Premise inspection. It is believed that if we, in the veterinary medical profession, do not accept this responsibility, the public will provide for this with little to no input from the profession. This is the only component of the Act which will result in an increased cost to the veterinarian;

\* The legal establishment of a continuing education committee;

\* The legal establishment of a peer review committee and the authority for the board to refer matters to it;

\* "Good samaritan" clause to ease liability in emergency situations;

\* Expanded definition section.

We must help lawmakers understand that these changes are not self-serving. To the contrary, it is the intent of these proposed changes to promote public health, safety and welfare, to protect the consumer's interest when complaints are made, and in the process, enhance the image of the veterinary profession in Kansas.

The first destination for this bill is the Committee on Agriculture in the Kansas House of Representatives. Any assistance you could provide from the home-town perspective, would be greatly appreciated.

Thank you,

Tom Vincent, DVM  
Executive Director for the  
Kansas Board of Veterinary Examiners



## E L M O R E ADDRESSES THE A V M A COMMITTEE ON I M P A I R E D VETERINARIANS

Dr. Ronnie Elmore's address to the AVMA Committee on Impaired Veterinarians in Boston was recently published in the AVMA's Impaired Veterinarian Newsletter.

Dr. Elmore, who is 1993 Co-Chairman of the KVMA Outreach Committee, advised the group that funding for impairment committees in Kansas is allocated through state licensing and examination fees. Related educational programming is addressed by several KVMA committees.

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HOUSE BILL No. 2106

By Committee on Agriculture

1-22

8 AN ACT concerning domesticated deer; relating to the production  
9 thereof; amending K.S.A. 47-1801 and 65-6a18 and K.S.A. 1992  
10 Supp. 22-4807, ~~32-701~~, 32-951, ~~32-1005~~, 47-1001, 47-1402 and 47-  
11 1804 and repealing the existing sections.

47-607,

47-635

,

and 47-1832

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) It shall be unlawful for any person to engage  
15 in the business of raising domesticated deer unless such person has  
16 obtained from the livestock commissioner a domesticated deer per-  
17 mit. Application for such permit shall be made in writing on a form  
18 provided by the commissioner. The permit period shall be for the  
19 permit year ending on June 30 following the issuance date.

20 (b) Each application for issuance or renewal of a permit shall be  
21 accompanied by a fee of not more than \$100 as established by the  
22 commissioner in rules and regulations.

23 (c) The livestock commissioner shall adopt any rules and regu-  
24 lations necessary to enforce this section.

25 (d) Any person who fails to obtain a permit as prescribed in  
26 section (a) shall be deemed guilty of a misdemeanor and upon con-  
27 viction shall be punished by a fine not exceeding \$100. Continued  
28 operation, after a conviction, shall constitute a separate offense for  
29 each day of operation.

30 (e) The commissioner may refuse to issue or renew or may sus-  
31 pend or revoke any permit for any one of the following reasons:

32 (1) Material misstatement in the application for the original per-  
33 mit or in the application for any renewal of a permit;

34 (2) the conviction of any crime, an essential element of which is  
35 misstatement, fraud or dishonesty, or relating to the theft of or  
36 cruelty to animals;

37 (3) substantial misrepresentation;

38 (4) the person who is issued a permit is found to be adding to  
39 such person's herd by poaching or illegally obtaining deer;

40 (5) willful disregard to any rule or regulation adopted under this  
41 section.

42 (f) Any refusal to issue or renew a permit and any suspension or  
43 revocation of a permit under this section shall be in accordance with

HOUSE AGRICULTURE  
2-17-93  
ATTACHMENT #4

1 the provisions of the Kansas administrative procedure act and shall  
2 be subject to review in accordance with the act for judicial review  
3 and civil enforcement of agency actions.

(j)

4 ~~(g)~~ All moneys received under this section shall be remitted to  
5 the state treasurer at least monthly. Upon receipt of any such re-  
6 mittance, the state treasurer shall deposit the entire amount thereof  
7 in the state treasury and the same shall be credited to the animal  
8 disease control fund.

(k)

9 ~~(h)~~ As used in this section:

10 (1) "Deer" means any member of the family cervidae.

11 (2) "Domesticated deer" means any member of the family cer-  
12 vidae which is being raised in a confined area for breeding stock or  
13 for any carcass, skin or part of such animal.

14 Section 2. K.S.A. 1992 Supp. 22-4807 is hereby amended to read  
15 as follows: 22-4807. (a) The following property is subject to forfeiture  
16 pursuant to this act:

17 (1) Contraband property used or intended to be used in the  
18 commission of theft of livestock;

19 (2) the proceeds gained from the commission of theft of livestock;

20 (3) personal property acquired with proceeds gained from the  
21 commission of theft of livestock;

22 (4) all conveyances, including aircraft, vehicles, vessels, horses  
23 or dogs which are used or intended for the use to transport or in  
24 any manner to facilitate the transportation for the purpose of the  
25 commission of theft of livestock. No conveyance used by any person  
26 as a common carrier in the transportation of business as a common  
27 carrier is subject to forfeiture under this section unless it appears  
28 that the owner or other person in charge of the conveyance is a  
29 consenting party or privy to a violation of this act. No conveyance  
30 is subject to forfeiture under this section by reason of any act or  
31 omission established by the owners thereof to have been committed  
32 or omitted without the owners knowledge or consent. A forfeiture  
33 of a conveyance encumbered by a bona fide security interest is  
34 subject to the interest of the secured party or parties;

35 (5) all books, records and research products and materials in-  
36 cluding microfilm, tapes and data which are used or intended for  
37 the use in the theft of livestock;

38 (6) everything of value furnished, or intended to be furnished or  
39 traded or used as payment or invested for anything of value but  
40 shall not include real property. It may be presumed that this property  
41 was acquired with proceeds gained from the commission of theft of  
42 livestock and are subject to forfeiture;

43 (b) Property which is used in the commission of theft of livestock

(g) Domesticated deer shall be identified through implantation of microchips, ear tags, ear tattoos, ear notches or any other permanent identification on such deer as to identify such deer as domesticated deer. Any person who receives a permit issued pursuant to subsection (a) shall keep records of the deer herd pursuant to rules and regulations.

(h) The livestock commissioner shall inspect any premise in which a domesticated deer herd has been issued a permit upon receipt of a written, signed complaint that such premise is not being operated, managed or maintained in accordance with rules and regulations.

(i) The livestock commissioner, on a quarterly basis, shall transmit to the secretary of wildlife and parks a current list of persons issued a permit pursuant to this section.

was legally obtained and

;

sold or

; for exhibition; or for companionship

New Sec. 2. (a) It shall be unlawful for any person to intentionally release or set free domesticated deer into the wild.

(b) Violation of this section is a class C nonperson misdemeanor.

Renumber remaining sections accordingly

4-2

4-3

1 which has title of ownership with two parties on the title or a cosigner  
2 is subject to forfeiture, if one party on the title uses the property  
3 in the commission of theft of livestock or receives titled property as  
4 the proceeds of such felony even if the second party claims that such  
5 second party did not have knowledge or involvement in such felony.

6 (c) As used in this act: ~~(a)~~ (1) "Contraband property" means  
7 property of any nature including personal, tangible or intangible but  
8 shall not include real property.

9 ~~(b)~~ (2) "Livestock" means cattle, swine, sheep, goats, horses and  
10 , mules and domesticated deer and any carcass, skin or part of such  
11 animal.

12 ~~(e)~~ (3) "Theft of livestock" means theft which is classified as a  
13 felony violation, pursuant to K.S.A. 21-3701, and amendments  
14 thereto, in which the property taken was livestock.

15 (4) "Domesticated deer" means any member of the family cer-  
16 vidae which is being raised in a confined area for breeding stock  
17 or for any carcass, skin or part of such animal.

18 ~~Sec. 3. K.S.A. 1992 Supp. 32-701 is hereby amended to read as~~  
19 follows: 32-701. As used in the wildlife and parks laws of this state,  
20 unless the context otherwise requires or specifically defined  
21 otherwise:

22 (a) "Big game animal" means any antelope, deer, elk or wild  
23 turkey but shall not include domesticated deer.

24 (b) "Commission" means the Kansas wildlife and parks commis-  
25 sion created by K.S.A. 1991 Supp. 32-805, and amendments thereto.

26 (c) "Department" means the Kansas department of wildlife and  
27 parks.

28 (d) "Fish," as a verb, means take, in any manner, any fish.

29 (e) "Furbearing animal" means any badger, beaver, black-footed  
30 ferret, bobcat, grey fox, lynx, marten, mink, muskrat, opossum,  
31 otter, raccoon, red fox, spotted skunk, striped skunk, swift fox or  
32 weasel.

33 (f) "Furharvest" means:

34 (1) Take, in any manner, any furbearing animal; or

35 (2) trap or attempt to trap any coyote.

36 (g) "Game animal" means any big game animal or small game  
37 animal.

38 (h) "Game bird" means any grouse, partridge, pheasant, prairie  
39 chicken or quail.

40 (i) "Hunt" means:

41 (1) Take, in any manner, any wildlife other than a fish, bullfrog,  
42 furbearing animal or coyote; or

43 ~~(2) take, in any manner other than by trapping, any coyote.~~

was legally obtained and

sold or

;

; for exhibition; or for companionship



1 ~~(j) "Motor vehicle" means a vehicle, other than a motorized~~  
 2 ~~wheelchair, which is self-propelled.~~

3 ~~(k) "Nonresident" means any person who has not been a bona~~  
 4 ~~fide resident of this state for the immediately preceding 60 days.~~

5 ~~(l) "On a commercial basis" means for valuable consideration.~~

6 ~~(m) "Person" means any individual or any unincorporated asso-~~  
 7 ~~ciation, trust, partnership, public or private corporation or govern-~~  
 8 ~~mental entity, including foreign governments, or any officer,~~  
 9 ~~employee, agent or agency thereof.~~

10 ~~(n) "Private water fishing impoundment" means a water~~  
 11 ~~impoundment:~~

12 ~~(1) Constructed by man rather than natural, located wholly within~~  
 13 ~~the boundary of the lands owned or leased by the person operating~~  
 14 ~~the private water impoundment; and~~

15 ~~(2) entirely isolated from other surface water so that the im-~~  
 16 ~~poundment does not have any connection either continuously or at~~  
 17 ~~intervals, except during periods of floods, with streams or other~~  
 18 ~~bodies of water so as to permit the fish to move between the two~~  
 19 ~~bodies of water, except that the impoundment may be connected~~  
 20 ~~with a stream or other body of water by a pipe or conduit no larger~~  
 21 ~~than eight inches in diameter if the flow is screened at all times to~~  
 22 ~~the extent necessary to prevent fish from moving between the two~~  
 23 ~~bodies of water.~~

24 ~~(o) "Secretary" means the secretary of wildlife and parks.~~

25 ~~(p) "Small game" means any game bird, hare, rabbit or squirrel.~~

26 ~~(q) "Species" includes any subspecies of wildlife and any other~~  
 27 ~~group of wildlife of the same species or smaller taxa in common~~  
 28 ~~spatial arrangement that interbreed when mature.~~

29 ~~(r) "Take" means harass, harm, pursue, shoot, wound, kill, mo-~~  
 30 ~~lest, trap, capture, collect, catch, possess or otherwise take, or at-~~  
 31 ~~tempt to engage in any such conduct.~~

32 ~~(s) "Wildlife" means any member of the animal kingdom, in-~~  
 33 ~~cluding, without limitation, any mammal, fish, bird, amphibian, rep-~~  
 34 ~~tile, mollusk, crustacean, arthropod or other invertebrate, and~~  
 35 ~~includes any part, product, egg or offspring thereof, or the dead~~  
 36 ~~body or parts thereof.~~

37 ~~(t) "Motorized wheelchair" means any self-propelled vehicle de-~~  
 38 ~~signed specifically for use by a physically disabled person that is~~  
 39 ~~incapable of a speed in excess of 15 miles per hour.~~

40 ~~(u) "Domesticated deer" means any member of the family cer-~~  
 41 ~~villae which is being raised in a confined area for breeding stock~~  
 42 ~~or for any carcass, skin or part of such animal.~~

43 Sec. 4. K.S.A. 1992 Supp. 32-951 is hereby amended to read as

Renumber section accordingly

4-5

follows: 32-951. (a) *Except as provided further*, a game breeder permit is required to engage in the business of raising and selling game birds, game animals, furbearing animals or such other wildlife as required by rules and regulations adopted by the secretary in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto.

(b) Any person who desires to engage in the business described in subsection (a) may apply to the secretary for a game breeder permit. The application shall give the name and residence of the applicant, the description of the premises, the number and kind of birds or animals which it is proposed to propagate and any other information required by the secretary. The fee prescribed pursuant to K.S.A. 1992 Supp. 32-988 and amendments thereto shall accompany the application.

(c) If the secretary determines that the application is made in good faith and that the premises are suitable for engaging in the business described in subsection (a), the secretary may issue such permit. The permit shall expire on June 30 of each year.

(d) Game breeders shall make such reports of their activities to the secretary as required by rules and regulations adopted by the secretary in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto. In addition to any other penalty prescribed by law, failure to make such reports or to comply with the laws of the state of Kansas or rules and regulations of the secretary shall be grounds for the secretary to refuse to issue, refuse to renew, suspend or revoke such permit.

(e) The secretary shall adopt, in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

(f) *Any person who is engaged in the business of raising domesticated deer shall not be required to have a game breeder permit as required by this section. As used in this section, "Domesticated deer" means any member of the family cervidae which is being raised in a confined area for breeding stock or for any carcass, skin or part of such animal.*

~~Sec. 5. K.S.A. 1992 Supp. 32-1005 is hereby amended to read as follows: 32-1005. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:~~

~~(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;  
(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section.~~

was legally obtained and

sold or

;

; for exhibition; or for companionship

(g) The secretary, on a quarterly basis, shall transmit to the livestock commissioner a current list of persons issued a game breeder permit pursuant to this section who are raising or selling any member of the family cervidae.

4-6

1 ~~(3) shipping, exporting, importing, transporting or carrying, caus-~~  
2 ~~ing to be shipped, exported, imported, transported or carried; or~~  
3 ~~delivering or receiving for shipping, exporting, importing, trans-~~  
4 ~~porting or carrying all or any part of any wildlife protected by this~~  
5 ~~section, for profit or commercial purposes; or~~

6 (4) purchasing, for personal use or consumption, all or any part  
7 of any wildlife protected by this section.

8 (b) The wildlife protected by this section and the minimum value  
9 thereof are as follows:

- 10 (1) Eagles, \$500;
- 11 (2) deer or antelope, \$200;
- 12 (3) elk or buffalo, \$500;
- 13 (4) furbearing animals, \$25;
- 14 (5) wild turkey, \$75;
- 15 (6) owls, hawks, falcons, kites, harriers or ospreys, \$125;
- 16 (7) game birds, migratory game birds, resident and migratory  
17 nongame birds, game animals and nongame animals, \$10 unless a  
18 higher amount is specified above;

19 (8) fish, the value for which shall be no less than the value listed  
20 for the appropriate fish species in the monetary values of freshwater  
21 fish and fish kill counting guidelines of the American fisheries society  
22 (special publication number 13);

23 (9) turtles, \$8 each for unprocessed turtles or \$6 per pound or  
24 fraction of a pound for processed turtle parts;

25 (10) bullfrogs, \$2, whether dressed or not dressed;

26 (11) any wildlife classified as threatened or endangered, \$200  
27 unless a higher amount is specified above; and

28 (12) any other wildlife not listed above, \$5.

29 (c) Possession of wildlife, in whole or in part, captured or killed  
30 in violation of law and having an aggregate value of \$500 or more,  
31 as specified in subsection (b), is prima facie evidence of possession  
32 for profit or commercial purposes.

33 (d) Commercialization of wildlife having an aggregate value of  
34 \$500 or more, as specified in subsection (b), is a class E felony.  
35 Commercialization of wildlife having an aggregate value of less than  
36 \$500, as specified in subsection (b), is a class A misdemeanor.

37 (e) In addition to any other penalty provided by law, a court  
38 convicting a person of the crime of commercialization of wildlife may:

39 (1) Confiscate all equipment used in the commission of the crime  
40 and may revoke for a period of up to 10 years all licenses and permits  
41 issued to the convicted person by the Kansas department of wildlife  
42 and parks; and

43 ~~(2) order restitution to be paid to the Kansas department of~~

C

1 ~~wildlife and parks for the wildlife taken, which restitution shall be~~  
2 ~~in an amount not less than the aggregate value of the wildlife, as~~  
3 ~~specified in subsection (b).~~

4 (f) ~~The provisions of this section shall apply only to wildlife il-~~  
5 ~~legally harvested and possessed by any person having actual knowl-~~  
6 ~~edge that said wildlife was illegally harvested.~~

7 (g) ~~The provisions of this section shall not apply to any person~~  
8 ~~engaged in the business of raising domesticated deer. As used in~~  
9 ~~this section, "Domesticated deer" means any member of the family~~  
10 ~~cervidae which is being raised in a confined area for breeding stock~~  
11 ~~or for any carcass, skin or part of such animal.~~

12 Sec. 6. K.S.A. 1992 Supp. 47-1001 is hereby amended to read  
13 as follows: 47-1001. As used in this act, except where the context  
14 clearly indicates a different meaning:

15 (a) "Commissioner" means the livestock commissioner of the state  
16 of Kansas.

17 (b) "Livestock" means and includes cattle, swine, sheep, goats,  
18 horses and, mules and domesticated deer and any other animal as  
19 deemed necessary by the commissioner established through rules  
20 and regulations.

21 (c) "Person" means and includes any individual, partnership, cor-  
22 poration or association.

23 (d) "Producer" means any person engaged in the business of  
24 breeding, grazing or feeding livestock.

25 (e) "Consignor" means any person who ships or delivers to any  
26 public livestock market livestock for handling, sale or resale at a  
27 public livestock market.

28 (f) "Public livestock market" means any place, establishment or  
29 facility commonly known as a "livestock market," "livestock auction  
30 market," "sales ring," "stockyard," "community sale" as such term  
31 is used in article 10 of chapter 47 of the Kansas Statutes Annotated,  
32 which includes any business conducted or operated for compensation  
33 or profit as a public market for livestock, consisting of pens, or other  
34 enclosures, and their appurtenances, in which livestock are received,  
35 held, sold or kept for sale or shipment except that this term shall  
36 not apply to any livestock market where federal veterinary inspection  
37 is regularly maintained.

38 (g) "Public livestock market operator" means any person who, in  
39 this state, receives on consignment, or solicits from the producer or  
40 consignor thereof, or holds in trust or custody for another, any  
41 livestock for sale or exchange, on behalf of such producer or consignor  
42 at a public livestock market, or sells, or offer for sale, at a public  
43 livestock market, for the account of the producer or consignor

Renumber sections accordingly

4-8

1 thereof, any livestock or directly or indirectly owns, conducts or  
2 operates a public livestock market. The term "public livestock market  
3 operator" shall not be construed to include any packer or agent of  
4 a packer who receives or purchases livestock for prompt slaughter.

5 (h) "Packer" means any person engaged in the business of buying  
6 livestock for purposes of slaughter, or of manufacturing or preparing  
7 meats or meat food products for sale or shipment, or of manufacturing  
8 or preparing livestock products for sale or shipment, or of marketing  
9 meats, meat food products, livestock products, dairy products, poul-  
10 try or poultry products.

11 (i) "Board" means any three members of the Kansas animal health  
12 board designated by the chairperson of the Kansas animal health  
13 board for each particular hearing. The chairperson may be included  
14 in such designation.

15 (j) "Dealer" as used in article 10 of chapter 47 of the Kansas  
16 Statutes Annotated, to which this act is amendatory and supple-  
17 mental, shall have the same meaning as the term "public livestock  
18 market operator."

19 (k) "Domesticated deer" means any member of the family cer-  
20 vidae which is being raised in a confined area for breeding stock  
21 or for any carcass, skin or part of such animal.

22 Sec. 7. K.S.A. 1992 Supp. 47-1402 is hereby amended to read  
23 as follows: 47-1402. As used in this act: (a) "Person" means any  
24 individual, partnership, corporation, or association doing business in  
25 this state, in whole or in part.

26 (b) "Slaughterer" means any person regularly engaged in the  
27 commercial slaughtering of livestock.

28 (c) "Livestock" means cattle, calves, sheep, swine, horses, mules,  
29 goats, aquatic animals, *domesticated deer* and any other animal which  
30 can or may be used in and for the preparation of meat or meat  
31 products.

32 (d) "Packer" means any person engaged in the business of slaugh-  
33 tering of livestock.

34 (e) "Stockyard" means any place, establishment, or facility com-  
35 monly known as a stockyard, conducted or operated for compensation  
36 or profit as a public market, consisting of pens, or other enclosures,  
37 and their appurtenances, for the handling, keeping, and holding of  
38 livestock for the purpose of sale or shipment.

39 (f) "Humane method" means either: (a) A method whereby the  
40 animal is rendered insensible to pain by mechanical, electrical, chem-  
41 ical, or other means that is rapid and effective, before being shackled,  
42 hoisted, thrown, cast, or cut; or (b) a method in accordance with  
43 ritual requirements of the Jewish faith or any other religious faith

was legally obtained and

sold or

;

; for exhibition; or for companionship

4-9

1 whereby the animal suffers loss of consciousness by anemia of the  
2 brain caused by the simultaneous and instantaneous severance of the  
3 carotid arteries with a sharp instrument.

4 (g) "Domesticated deer" means any member of the family cer-  
5 vidae which is being raised in a confined area for breeding stock  
6 or for any carcass, skin or part of such animal.

was legally obtained and  
sold or  
;  
; for exhibition; or for companionship

7 Sec. 8. K.S.A. 47-1801 is hereby amended to read as follows:  
8 47-1801. As used in this act, unless the context clearly requires  
9 otherwise, the following words and phrases shall have the meanings  
10 ascribed to them in this section:

11 (a) "Livestock" means cattle, hogs or, sheep or domesticated deer;

12 (b) "slaughter" means killing livestock with the intent to process  
13 and distribute the meat and by-products of such livestock, regardless  
14 of the period of time elapsing between the purchase and the killing  
15 of such livestock;

16 (c) "person" means any individual, firm, partnership, corporation  
17 or other organization or business entity;

18 (d) "payment by check" means the actual delivery of the check  
19 to the seller or the seller's representative at the location where the  
20 transfer of ownership is accomplished. In the case of "grade and  
21 yield" selling, "payment by check" means making the check available  
22 at the packing plant, subject to the instructions of the seller or the  
23 seller's representative;

24 (e) "wire transfer" means any telephonic, telegraphic, electronic  
25 or similar communication between the bank of the purchaser and  
26 the bank of the seller which results in the transfer of funds or credits  
27 of the purchaser to an account of the seller.

28 (f) "Domesticated deer" means any member of the family cervidae  
29 which is being raised in a confined area for breeding stock or for  
30 any carcass, skin or part of such animal.

was legally obtained and  
sold or  
;  
; for exhibition; or for companionship

31 Sec. 9. K.S.A. 1992 Supp. 47-1804 is hereby amended to read  
32 as follows: 47-1804. As used in this act, unless the context otherwise  
33 requires:

34 (a) "Commissioner" means the livestock commissioner of the state  
35 of Kansas.

36 (b) "Livestock" means cattle, swine, horses, sheep, goats and,  
37 poultry and domesticated deer.

38 (c) "Livestock dealer" means any person engaged in the business  
39 of buying or selling livestock in commerce, either on that person's  
40 own account or as the employee or agent of the seller or purchaser,  
41 or any person engaged in the business of buying or selling livestock  
42 in commerce on a commission basis and shall include any person  
43 who buys or sells livestock with the use of a video. "Livestock dealer"

4-16

1 does not include any person who buys or sells livestock as part of  
2 that person's own breeding, feeding or dairy operation, nor any  
3 person who receives livestock exclusively for immediate slaughter.

4 (d) "Person" means any individual, partnership, corporation,  
5 company, firm or association. "Person" does not include any public  
6 livestock market operator licensed under K.S.A. 47-1001 *et seq.*, and  
7 amendments thereto, or any feedlot operator licensed under K.S.A.  
8 47-1501 *et seq.*, and amendments thereto.

9 (e) "Domesticated deer" means any member of the family *cervidae*  
10 which is being raised in a confined area for breeding stock ~~or~~ for  
11 any carcass, skin or part of such animal.

12 Sec. 10. K.S.A. 65-6a18 is hereby amended to read as follows:  
13 65-6a18. As used in this act:

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

16 (b) "Person" means any individual, partnership, firm, corpora-  
17 tion, association or other business unit or governmental entity.

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

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

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

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

33 (g) "Meat food product" means any product capable of use as  
34 human food which is made wholly or in part from any meat or other  
35 portions of the carcasses of any livestock or domestic rabbits, ex-  
36 cepting products which contain meat or other portions of such car-  
37 casses only in a relatively small proportion or historically have not  
38 been considered by consumers as products of the meat food industry  
39 and which are exempted from definition as a meat food product by  
40 the secretary under such conditions as the secretary may prescribe  
41 to assure that the meat or other portions of such carcasses contained  
42 in such product are not adulterated and that such products are not  
43 represented as meat food products.

was legally obtained and

sold or

;

; for exhibition; or for companionship

- 1 (h) "Poultry" means any domesticated bird, whether live or dead.  
2 (i) "Poultry product" means any poultry carcass, or part thereof  
3 or any product which is made wholly or in part from any poultry  
4 carcass or part thereof, excepting products which contain poultry  
5 ingredients only in a relatively small proportion or historically have  
6 not been considered by consumers as products of the poultry food  
7 industry and which are exempted by the secretary from definition  
8 as a poultry product under such conditions as the secretary may  
9 prescribe to assure that the poultry ingredients in such products are  
10 not adulterated and that such products are not represented as poultry  
11 products.
- 12 (j) "Capable of use as human food" means any carcass, or part  
13 or product of a carcass, of any animal unless it is denatured or  
14 otherwise identified as required by regulations adopted by the state  
15 board of agriculture to deter its use as human food or it is naturally  
16 inedible by humans.
- 17 (k) "Prepared" means slaughtered, canned, salted, rendered,  
18 boned, cut up or otherwise manufactured or processed.
- 19 (l) "Adulterated" means any carcass, or part thereof, any meat  
20 or meat food product, or any poultry or poultry product under one  
21 or more of the following circumstances:
- 22 (1) If the product bears or contains any poisonous or deleterious  
23 substance which may render it injurious to health, except that if the  
24 substance is not an added substance, the product shall not be con-  
25 sidered adulterated if the quantity of such substance on or in the  
26 product does not render it injurious to health;
- 27 (2) (A) if the product bears or contains, by reason of adminis-  
28 tration by feeding or by injection of any substance to the live animal  
29 or otherwise, any added poisonous or added deleterious substance,  
30 other than one which is (i) a pesticide chemical in or on a raw  
31 agricultural commodity; (ii) a food additive; or (iii) a color additive,  
32 which, in the judgment of the secretary, may make the product unfit  
33 for human food;
- 34 (B) if the product is, in whole or in part, a raw agricultural  
35 commodity and bears or contains a pesticide chemical which is unsafe  
36 within the meaning of rules and regulations adopted by the state  
37 board of agriculture;
- 38 (C) if the product bears or contains any food additive which is  
39 deemed unsafe in accordance with rules and regulations adopted by  
40 the state board of agriculture;
- 41 (D) if the product bears or contains any color additive which is  
42 deemed unsafe in accordance with rules and regulations adopted by  
43 the state board of agriculture; or

4-11



1 (E) any such product which is not adulterated under provisions  
2 (B), (C) or (D) shall nevertheless be deemed adulterated if the use  
3 of the pesticide chemical, the food additive or the color additive on  
4 or in such product is prohibited by rules and regulations of the state  
5 board of agriculture in establishments at which inspection is main-  
6 tained under this act;

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

10 (4) if the product has been prepared, packed or held under in-  
11 sanitary conditions whereby it may have become contaminated with  
12 filth or whereby it may have been rendered injurious to health;

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

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

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

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

24 (B) if any substance has been extracted and substitution made  
25 therefor, in whole or in part, or if any damage to, or inferiority of,  
26 the product has been concealed in any manner; or

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

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

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

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

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

4-12

1 (3) if the product is an imitation of another food, unless its label  
2 bears, in type of uniform size and prominence, the word "imitation"  
3 and immediately thereafter, the name of the food imitated;

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

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

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

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

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

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

4-13

1 (10) if the product purports to be, or is represented to be, for  
2 special dietary uses, unless its label bears such information con-  
3 cerning its vitamin, mineral and other dietary properties as the  
4 secretary, after consultation with the secretary of agriculture of the  
5 United States, determines to be, and by rules and regulations  
6 adopted by the state board of agriculture are prescribed to be,  
7 necessary in order to fully inform a purchaser as to its value for  
8 such uses;

9 (11) if the product bears or contains any artificial flavoring, ar-  
10 tificial coloring or chemical preservative, unless it bears labeling  
11 stating that fact; to the extent that compliance with the requirements  
12 of this provision is impracticable, exemptions shall be established by  
13 rules and regulations adopted by the state board of agriculture; or

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

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

25 (o) "Labeling" means all labels and other written, printed or  
26 graphic matter (1) upon any article or any of its containers or wrap-  
27 pers or (2) accompanying the article.

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

31 (q) "Federal food, drug and cosmetic act" means the act so en-  
32 titled, approved June 25, 1938, (21 U.S.C.A. 301 *et seq.*, 52 Stat.  
33 1040) and acts amendatory thereof or supplementary thereto.

34 (r) "Federal poultry products inspection act" means the act so  
35 entitled, approved August 28, 1957, (21 U.S.C.A. 451 *et seq.*, 71  
36 Stat. 441) as amended by the federal wholesome poultry products  
37 act (82 Stat. 791).

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

42 (t) "Official mark" means the official inspection legend or any  
43 other symbol prescribed by rules and regulations of the state board

4-14

4-15

1 of agriculture to identify the status of any article or animal under  
2 this act.

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

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

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

12 (x) "Slaughterhouse" means any plant which carries on the  
13 slaughter and dressing of animals but which does not engage in the  
14 further processing of meat into meat food products.

15 (y) "Packing plant" or "packing house" means any installation  
16 processing meat into meat food products.

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

19 (aa) "Livestock" means cattle, buffaloes, sheep, swine, goats, *do-*  
20 *mesticated deer* or horses, mules or other equines.

21 (bb) "Slaughter facility" means a slaughterhouse or poultry dress-  
22 ing plant.

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

25 (dd) "*Domesticated deer*" means any member of the family cer-  
26 *vidae which is being raised in a confined area for breeding stock*  
27 *or for any carcass, skin or part of such animal.*

28 Sec. 11. K.S.A. ~~47-1801~~ and 65-6a18 and K.S.A. 1992 Supp. 22-  
29 4807, ~~32-701~~, 32-951, ~~32-1005~~, 47-1001, 47-1402 and 47-1804 are  
30 hereby repealed.

31 Sec. 12. This act shall take effect and be in force from and after  
32 its publication in the statute book.

was legally obtained and

sold or

;

; for exhibition; or for companionship

See sections 10, 11 and 12, attached

47-607,

and 47-1832

,

47-635,

Sec. 10. K.S. 47-607 is hereby amended to read as follows:  
47-607. (a) It shall be unlawful for any person or persons to bring, drive or transport any cattle, calves, sheep, swine, horses, mules, goats, domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto, or any other animal that may be used in the preparation of meat or meat products into the state of Kansas, without first having caused such animal or animals to be inspected and passed under certificate of health as required by the livestock commissioner of this state.

(b) All shipments and movements of livestock into the state of Kansas upon a public highway shall be accompanied by any such certificates of health or permits required by the livestock commissioner. The livestock commissioner shall prescribe, by rules and regulations, procedure whereby certificates of health and other required statements and declarations may be submitted to the commissioner at the time of shipment.

(c) The livestock commissioner is authorized to issue a special quarantine on such conditions as ~~he--may--deem~~ the commissioner deems necessary to prevent the spread of infectious and contagious diseases in the state of Kansas and on the condition that, if any such livestock upon inspection by an authorized veterinarian are found not to be free and clear of infectious and contagious diseases, the same shall be: (1) Forthwith disposed of by the owner or possessor thereof either by: ~~(a)~~ (A) Sale at a public market for immediate slaughter~~7--or~~ ~~(b)~~; (B) delivery at a licensed disposal plant~~7~~; or ~~(c)~~ (C) return to place of origin~~7~~; or (2) held by the owner or possessor thereof under quarantine of and subject to the orders and rules and regulations of the livestock commissioner.

Sec. 11. K.S.A. 1992 Supp. 47-635 is hereby amended to read as follows: 47-635. The provisions of this act shall not be construed to include any other than contagious or infectious diseases among the domestic animals of this state; but they shall be construed to include all contagious or infectious diseases among all kinds of domestic animals including horses, mules, asses, cattle, sheep, swine, domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto, and dogs~~7--and-the~~. The

state livestock commissioner is given the same power over any domestic animal afflicted with rabies as is conferred upon the livestock commissioner in relation to other diseases of domestic animals.

Sec. 12. K.S.A. 1992 Supp. 47-1832 is hereby amended to read as follows: 47-1832. The livestock commissioner is hereby authorized to establish rules and regulations on the sale and importation into Kansas of farm animals and exotic animals. As used in this section "farm animals" and "exotic animal" means the ~~definition~~ definitions given by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. 2131 et seq.