

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 20, 2002, in Room 423-S of the Capitol.

All members were present except: Representative Faber - excused  
Representative Larkin - excused  
Representative O'Brien - excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Copies of "*Foreign Animal Disease Outbreaks in Kansas – Mitigation, Preparedness, Response and Recovery Policies*" coordinated by the Kansas Animal Health Department were distributed. ([Attachment 1](#))

**Discussion and action on SB 437 - Regulation of plant pests, plants and plant products and plant dealers and certain agriculture commodities**

Chairman Johnson opened **SB 437** for discussion and asked staff to review the bill for the committee.

Representative Schwartz moved to amend **SB 437** to assure that "Food processing plant" shall not include any commercial honey operation. ([Attachment 2](#)) Seconded by Representative Feuerborn, the motion carried.

Representative Dahl moved to amend **SB 437** as requested by the Secretary of Agriculture on page 5, line 30, after "may provide inspection services for" insert the language "any person who owns or possesses plants or plant products or for" ([Attachment 3](#)) Seconded by Representative Miller, the motion passed.

Representative Feuerborn moved to recommend **SB 437**, as amended, favorable for passage. The motion was seconded by Representative Hutchins. The motion carried.

**Discussion and action on SB 395 - State of emergency disaster and unlawful acts involving contagious or infectious diseases of plants or animals**

Chairman Johnson opened discussion on **SB 395**.

Gordon Self explained a change in the balloon amendments to **SB 395** presented at Monday's meeting. On page 2, endangering the food supply is a class A nonperson misdemeanor, except "endangering the food supply when the contagious or infectious disease is foot-and-mouth disease is a severity level 4, nonperson felony." This returns the penalty for endangering the food supply when the contagious or infectious disease is foot-and-mouth disease to current law. ([Attachment 4](#))

Representative Dahl moved to amend **SB 395** as outlined in the balloon amendments. Seconded by Representative Hutchins, the motion carried.

Representative Dahl, moved to recommend **SB 395**, as amended, favorable for passage. The motion was seconded by Representative Schwartz. The motion carried.

The meeting adjourned at 4:10 p.m. The next meeting is scheduled for March 25, 2002.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 20, 2002

NAME	REPRESENTING
Todd Johnson	KLA
Jamie Clover Adams	KS Department of Agriculture
Rebecca Reed	KS Department of Agriculture
John Miller	Assault Pass
Hauke	Coors Office
Keith Bradshaw	Div. of Budget

# Foreign Animal Disease Outbreaks in Kansas - **DRAFT**

## Mitigation, Preparedness, Response and Recovery Policies

5/14/01 2:39 PM

5/17/01 7:57 AM

6/4/01 10:23 AM **DRAFT**

Foreign Animal Disease Outbreaks in Kansas

2-28-02

Coordinated by the Kansas Animal Health Department

### **Overview**

Kansas' agriculture is a major contributor to the economy of the State, the nation and the world. An outbreak of foreign animal disease (FAD) would impact the agricultural community in a manner that could result in economic losses of unprecedented proportions.

FADs have the potential to affect livestock and wildlife, resulting in grave economic consequences for Kansas and the nation. The impact of an outbreak of this type would directly affect farmers, and with time, will affect most agricultural related industries and consumers. Extraordinary response measures may be required to effectively control the expansion of highly communicable diseases, including quarantine, traffic control, and animal disposal measures. It is likely that response procedures will extend across state lines, and require a coordinated national and international response.

Effective FAD control and eradication may require extraordinary resources and cooperation of all local, state and federal agencies, in order to minimize the impact on the agriculture industry and commerce. If a highly contagious FAD is diagnosed anywhere in the United States, the entire agricultural community may be at risk. Positive detection of such a disease elsewhere will prompt State and Federal officials to employ additional preparedness measures to prevent or eliminate the possibility of occurrence in Kansas.

A suspect FAD case, where an animal shows clinical signs that appear consistent with FADs, will require reporting and monitoring measures to be implemented. A Foreign Animal Disease Diagnostician from KAHD or USDA will be dispatched to the premise. An investigation will be conducted.

The first confirmed positive case in the nation will generate immediate, appropriate local, state and national measures to eliminate the crisis and minimize the consequences (hazard mitigation). This scenario requires an animal that exhibits the clinical signs (above) and a positive verification of a sample has occurred, reinforced by other epidemiological information that indicates the presence of a highly contagious FAD.

### **Purpose and Scope**

The purpose of this Annex is to ensure the Kansas Emergency Plan is inclusive of all necessary policies and provisions for adequate response to an actual or impending FAD outbreak. The Kansas Emergency Plan identifies existing agreements and memorandums of understanding among responding agencies, whether state, federal, professional or voluntary. These agreements establish policies to protect lives and property, and the agricultural community, by implementing efficient and coordinated response procedures.

This annex is not intended to provide step-by-step direction for individual agency response. That information, commonly referred to as standard operating procedures or guides, is developed and maintained

House Agriculture Committee  
March 20, 2002  
Attachment 1

by [redacted] agency. Specific protocols for notification and warning, activation and management of [redacted] Emergency Operations Center, collection of damage assessment information etc, are developed under the leadership of the Kansas Emergency Management, in close coordination with each participating agency.

This annex applies to FAD outbreaks that require swift intervention by the Kansas Livestock Commissioner and the US Department of Agriculture (USDA), with support from other state and federal resources. It applies to all state agencies and authorities that may be directed to respond to such an event, and expands the process and structure of the Kansas Emergency Plan into unique situations, policies, operating concepts and responsibilities.

## **General Rules and Responsibilities**

### **Local Government**

Local emergency management officials will be actively involved in the response, and should be utilized. Each county, and many local governments, has a comprehensive emergency management plan, which provides a framework for the jurisdiction's response to emergencies and disasters. County and local governments may utilize their resources, including County Emergency Boards, and provide an additional line of communication with local farmers and Cooperative extension.

### **State Government**

The Kansas Animal Health Department (KAHD) is responsible for the coordination of all state activities related to monitoring, permitting, quarantining, confiscation, disposal and disinfection. Kansas Emergency Management, a division of the Adjutant General's Department is responsible for coordinating all other state activities in support of the KAHD.

### **Federal Government**

The goal of the national response against FADs is to eradicate the disease and resume free trading status as soon as possible. At the federal level, USDA has the responsibility to coordinate worldwide surveillance, preparedness activities, and implement eradication measures, in close coordination with state and local governments. FEMA is responsible for coordinating all other federal activities in support of USDA's efforts.

## **Mitigation**

### **Awareness**

To some extent, risk reduction measures are taken on an ongoing, routine basis. However, recent events worldwide have increased the need for heightened prevention measures.

- Domestic Animal Health Permit program for livestock dealers, and Interstate Certificates of Veterinary Inspection ensure that most livestock movements can be rapidly traced.
- The Kansas Animal Health Department, in collaboration with APHIS (USDA), is implementing an ongoing public information program to advise the public and the agricultural community of protective actions that can be taken to limit the possibility of spreading disease both here and abroad.

## Surveillance

Producers and practitioners are our first line of defense against FAD's. Their surveillance is essential to controlling and eradicating all animal diseases. Producers are encouraged to call veterinary professionals at the first sign of disease. Private practitioners would contact KAHD or USDA if they suspect a Foreign Animal Disease.

Veterinary inspectors at slaughter plants are the second line of defense, performing ante mortem and post mortem examinations to determine signs of infection. Immediate notification to the Kansas Animal Health Department or USDA is required if the inspector suspects the presence of a foreign animal disease in carcasses. This may trigger an immediate shut down of the plant.

The Kansas Food and Agriculture Committee includes discussion of all potential threats to animal health as part of their regular agenda. Such meetings allow for information exchange among agricultural and animal health officials, improve interagency coordination, and joint planning opportunities.

Kansas' law requires producers and veterinary professionals to report symptoms or clinical signs of suspicious disease in animals to the Kansas Livestock Commissioner.

## Preparedness

### Planning

This annex provides the framework for coordination of planning efforts among all participating agencies. It also provides the foundation for planning efforts at the local level, helping define and summarizing the process for requesting assistance, the types of resources available, roles and responsibilities of state and federal agencies, etc.

The Kansas Planning Standards will be reviewed to provide guidance to local emergency managers in the update of County Emergency Plans.

### Training

Training Committee

### Exercises

In 1999 and again in 2001, the Kansas Animal Health Department organized table-top foreign animal disease test exercises. These exercises brought together many State agencies, Federal agencies, producer groups, individual producers and private practitioners.

Exercises are considered to be a critical component of our preparation and will continue on an annual basis.

## Response Operations

### Diagnosis

Most local practitioners have not encountered Foreign Animal Diseases such as Foot and Mouth (FMD). The clinical signs of a Foreign Animal Disease will often be:

- unfamiliar to the local practitioner;
- show an unusually high morbidity or mortality rate.

The discovery of a suspect case requires immediate notification to the KAHD or USDA for sample collection and expedited transportation of the sample to the appropriate laboratory facility.

During the investigation of a suspect FAD, USDA or KAHD will deploy a Foreign Animal Disease Diagnostician (FADD) who will use clinical signs, history and professional experience to determine the likelihood of a highly contagious disease. They will classify the assessment as "unlikely", "possible" or "highly likely".

For all scenarios, the FADD will - at a minimum - request that the producers voluntarily quarantine themselves until laboratory results rule out a FAD. A policy of officially issuing a State quarantine until laboratory results rule out a FAD will be considered if the suspected FAD has been previously confirmed in the US.

When the condition under investigation is determined to be "highly likely" to be a FAD, the FADD notifies and consults with the Area Veterinarian in Charge (AVIC) (APHIS) and the Kansas Livestock Commissioner. The samples submitted to an approved laboratory are considered top priority, so that a presumptive diagnosis can be reached in less than 24-hours. Based on the outcome of the consultation and previous confirmation of the suspected FAD in the US:

- A State quarantine <sup>will</sup> be placed on the farm;
- The Governor and the Emergency Management Office <sup>will</sup> be notified,
- The Emergency Response Plan <sup>will</sup> be initiated,
  - An appropriate movement control zone <sup>will</sup> be established around the farm,
  - The local extension agricultural agent and county emergency managers <sup>will</sup> be notified,
  - All trace-ins and trace-outs <sup>will</sup> be investigated.

## Notification Process

The Kansas Livestock Commissioner is responsible for notifying the Governor of any potential foreign animal disease outbreak in Kansas - and anywhere in the nation in cases of highly contagious disease such as FMD. Based on the advise of the Kansas Livestock Commissioner, the Governor may issue a proclamation with the details of the quarantine area and sanitary measures as defined by the Kansas Livestock Commissioner.

## Initial Notification

1. Initial notification of a suspected FAD will come from a local veterinary practitioner, meat inspector or a Diagnostic Lab.
2. A FADD from KAHD or USDA will conduct an on-site investigation.
3. When a positive test is confirmed by the USDA, the Livestock Commissioner will immediately notify the Kansas Emergency Management (KEM), which in turn, will notify other emergency response agencies, as required.
4. KEM will coordinate response activities in support of the Kansas Animal Health Department, and

will be cognizant of response operations at the local level.

5. KEM will coordinate with the Federal Emergency Management Agency (FEMA), USDA, and other federal agencies, as needed.
  - KEM will activate the Kansas Emergency Operations Center (EOC) to the level required by the event, in support of the Kansas Animal Health Department.
  - The Adjutant General, as Director of KEM, will advise the Governor of the support requirements. The Governor may exercise his authority in declaring a State Disaster. Upon such declaration, the Adjutant General may direct any and all agencies of State government to provide assistance under the policies and structures of the Kansas Emergency Plan.

### **Decontamination and Disinfections**

Determines the number and type of personnel, vehicles, and equipment.

Suspected infected locations and transport vehicles may need to be cleaned and disinfected.

Vector control may also include the discarding of any organic matter that has, in any form, been located at the site of positive detection.

### **Tracing**

Tracing may play an important role in identifying infected and in-contact animals to determine if the disease is still present. Trace-back and trace-forward procedures that have been employed in the response may identify possible future or potential threats. Tracing may include:

- Livestock
- Animal products: Meat, offal, meal, wool, skins, hides, semen, and embryos.
- Vehicles: Milk tankers, livestock, transport vehicles, feed trucks, visitor's cars.
- Materials: Hay, straw, crops and grains.
- People: Veterinarians, task force members, sales and feed representatives, technicians, farmers and visitors.

This activity may also include inspection of stock, investigation of reports of suspect disease, and a serological survey. The level and direction of surveillance will be driven by the epidemiological information being collected.

Trace-backs should be applied for a minimum of 2 times the maximum incubation period before the onset of clinical signs. Trace-forwards should be applied up to the time the quarantine is imposed.

### **Bio-Security and Surveillance**

Before leaving the farm, the FADD will work with the producer to institute appropriate biosecurity and public health measures, if warranted, and will thoroughly clean and disinfect their clothing, equipment and vehicle. The FADD will observe proper bio-security protocol.

## **Zone Designation**

Zone designation is a measure that may help reduce the adverse economic effects as a result of an endemic disease. If a disease is only established in part of the State, it may be possible to establish infected and disease free-zones in order to retain some economic benefit.

Disease-free zones may be identified as a "free zone," which must be effectively sealed off from disease-affected zones by extremely tight movement and quarantine controls. In the long term, it may be possible to eradicate a disease from an impacted zone.

While zone designation could lessen the impact on the economy, it would still impose ongoing movement restrictions on livestock industries. State and local boundaries may provide the most acceptable limits to establish zones because the case can be argued that these are distinct geographical boundaries.

## **Quarantine**

The Kansas Livestock Commissioner has the authority to order any quarantine or sanitary measures necessary to control potential outbreaks of disease in animals and has the authority to direct County Sheriffs' to implement the prescribed quarantine measures.

The quarantine carries a Class A misdemeanor violation penalty on the first conviction. Subsequent convictions are a Class D felony .

The Kansas Livestock Commissioner is authorized under Kansas' law to order the confiscation and disposal of any infected or exposed animals.

Preparations may be made to quarantine areas where suspect or confirmed cases may have originated, and may require special operational procedures.

## **Euthanasia and Disposal**

Animals will be treated humanely from the time animals are identified as presumptive or confirmed positive until they are depopulated. When depopulation occurs, euthanasia must be performed as rapidly and humanely as possible. Consideration must be given to the owners and their families and provided with complete explanation of what to expect.

- Lactating animals must be milked
- Euthanasia will be carried out by chemical or mechanical means.

## **Wildlife**

Response efforts would encompass culling of non-domesticated populations that are susceptible or possible carriers of the FAD, such as deer, elk, feral swine, etc.

Eradication will require proper sanitary and disposal procedures for carcasses. The Kansas Department of Health and Environment - Bureau of Waste Management - has published technical guidance on "Disposal Options for Large Quantities of Dead Animals". This guidance covers acceptable practices for the disposal of large quantities of dead animals (defined by state law as six or more animals units) to prevent creating hazards to human or animal health, and the environment.



## Equipment

Sources of equipment: With a gubernatorial declaration, all State assets are made available. With a Presidential disaster declaration, Federal assets are made available.

## Milk and Milk Products

- Milk from known infected or exposed (all located in depopulation zones) farms is destroyed on the farm.
- Milk from farms in the surveillance zone will be destroyed for a variable length of time based on risk analysis.

## Meat

- Meat produced from FMD exposed animals are not a food safety issue.
- Clinically normal animals in the surveillance zone would be allowed to move to slaughter, based on risk analysis.

## Zoological Parks

Biosecurity plans need to be in place to protect susceptible species.

Zoological parks are advised to take steps to reduce the risk of infection. These include halting animal movements between zoos and park areas; preventing physical contact between visitors and animals, introducing stricter feeding policies, carrying out more regular inspections, and disinfecting visitors and vehicles.

## Germaplasm Centers

- Semen: FMD virus may be transmitted by infected semen (virus is shed in semen). Semen collected prior to FAD introduction can be sold without restriction.

If semen center is located in the surveillance zone, no semen could be collected until a risk analysis has been completed.

- Embryo Transfer: Follow USDA regulations.

## Recovery

The response to an outbreak of a disease that impacts the agricultural community may be short-lived, or could extend for some period of time. Emergency response activities may include control measures that have been rapidly employed and may result in a slow demobilization of response agencies and activities.

A variety of forces may influence the direction of the recovery process. The State of Kansas will support local governments, businesses, and citizens in recovering from the impact of any emergency, including FAD's. Where possible, hazard mitigation measures will be incorporated into recovery activities in order to lessen the impact of reoccurrence or eliminate it entirely.

## Funding and Compensation (Indemnification)

The cost of all animal euthanasia and disposal of animal carcasses will be paid for by the State of Kansas (K.S.A. 47-626).

**Chapter 47. --LIVESTOCK AND DOMESTIC ANIMALS - Article 6. --PROTECTION OF DOMESTIC ANIMALS 47-626. Employees and materials for enforcement of act.** The State Livestock Commissioner may employ such persons and purchase such supplies, appliances, and materials as may be necessary to carry into full effect all the orders given by the Livestock Commissioner, as provided by law. No labor shall be employed and no material or supplies purchased by the Livestock Commissioner except such additional labor, material, and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the Commissioner. The director of accounts and reports shall draw warrants upon the Treasurer of State for the necessary amount upon vouchers properly verified by the person performing such labor or furnishing such material and approved by the Livestock Commissioner. **History:** R.S. 1923, 47-626; L. 1989, ch. 156, § 25; July 1.

Under USDA Secretarial Extraordinary Emergency Declaration, indemnity and appraisal becomes a function of USDA, under Title 9, Code of Federal Regulations, Part 53. Where an epidemic is spreading, USDA is prepared to expedite approval of funds required to support operations and compensation.

In addition to disaster relief funding and programs that are outlined in the Kansas Emergency Plan, there are some provisions under State and Federal law to provide compensation to response agencies and farmers. Provisions for compensation are as follows:

1. USDA 21 USC § 134a
2. 9 CFR 53.3, 53.8, and 53.10 address compensation for items that cannot be decontaminated and may later have to be destroyed

Federal statutes allow for <sup>farm</sup> market value compensation for animals and carcasses, as well as products and articles that were destroyed in an effort to effectively control or eradicate a disease. In addition, Federal law also allows for compensation of milk and milk products, feedstuffs, board fences, feed racks, and contaminated buildings.

The Federal Catastrophic Disaster Response Group (CDRG) has convened and facilitated discussion with Federal response agencies that may play a role in such cases. The CDRG is in the process of developing operational guidance, and will identify various issues that may address additional provisions for recovery.

## Appraisal Process

Lacking a USDA Secretarial Emergency or Extraordinary Emergency Declaration, or a Presidential declaration, if the Kansas Livestock Commissioner directs the euthanasia of animals, the Commissioner, the Chairman of the County Board of County Commissioners, and the Owner of the condemned animals are required "to appraise the animal or animals to be killed or disposed of, and he shall make an inventory of the animal or animals condemned, and in fixing the value thereof, the Commissioner and Chairman shall be governed by the value of such animal or animals at the time of the first appearance of the disease..."

Under a USDA Secretarial Emergency or Extraordinary Emergency Declaration, or a Presidential declaration, appraisal teams composed of Federal and State officials, as well as industry representatives, will assemble and coordinate with the USDA/APHIS Appraisal and Marketing Officers.

## Assessment of Eradication Activities

To assess the effectiveness of response activities, sentinel animals may be placed and closely monitored at contaminated or suspected areas. These animals should have contact with all parts of the premises and objectives that might have been contaminated with a pathogen. In some cases, sentinel animals may be maintained on the suspected contaminated areas for 60 days, and then collected for evidence of a disease.

The timing of sentinel placement may be governed by local disease status and would normally not commence until all identified contaminated and suspected areas have been decontaminated. The removal of a quarantine restriction and restocking of a clean premise should only be permitted after a thorough examination has deemed the area safe to inhabit.

## **Social and Economic Effects**

The economic effects of an outbreak of a disease, even on a small scale, may be enormous to individuals, the farming industry as a whole, and to subsidiary and support industries.

Employment may be affected over a wide range of industries, from the farming and subsidiary industries, to rural townships and governments.

The impact on local and State economy may have a cascading effect. The potential exists for all businesses that rely upon the agriculture industry to be severely impacted, including local businesses, distributors, processors, and any reliant business, market or industry. All international exports of susceptible animals and their products would cease for an undetermined period of time.

The export of grain and other foodstuffs would also be affected by an occurrence of some disease, such as FMD. The prices of animal products may be erratic, depending on the extent of an outbreak, and the supply and demand. The producers most affected will be those that have no alternative industry activities other than livestock. Further, consumer confidence may fall if consumers feel that the safety of their food has been jeopardized.

## **Risk, Reduction, and Recovery**

### **Follow-Up Surveillance**

Surveillance after an outbreak should be carefully coordinated to optimize the available resources. Many factors, such as potential spread by wind or wildlife, could warrant increase surveillance in some areas. The intervals between inspections and surveys may depend on the observed incubation period, the resources available, and the level of exposure risk. In addition, efforts must be made to educate producers about the clinical signs of a disease and to report such information to veterinary officials.

Surveillance within an area will be primarily by inspection of livestock. Surveillance may involve abattoir surveillance, serological surveys, and investigation of reports of suspected disease.

### **Vaccination**

In some cases, vaccination may be an effective risk reduction measure. Consideration should be given to strategic vaccination around outbreaks (ring vaccination/firebreak) to help contain a disease, or a general vaccination over a wide area (blanket vaccination) where other disease control methods may not be feasible. However, vaccination is not always practical. With some diseases, such as FMD, vaccination is not a preferred option due to the nature of the pathogen, and its potential to disrupt the economy.

### **Public Awareness**

Media campaigns will be conducted to reemphasize the importance of farmers inspecting susceptible animals regularly and of reporting suspicious lesions and unusual deaths promptly. The importance of movement controls, and what this means to individuals, needs to be strongly emphasized. In addition, coordinated media releases should address issues regarding the safety of food and attempt to reassure the general public that the food is safe to consume.

## **Legal Authorities**

### **Kansas**

#### **Federal Government**

Legal authority for USDA for response procedures identified in this annex is found in 21 U.S.C. § 134a.

## **Attachments**

Appendix 1:

Appendix 2:

Appendix 3:

## **Roles and Responsibilities**

### *Local Government*

County Sheriff, County Emergency Management, Initial Response to quarantine, movement controls, disposal, C & D.

### *State Government*

#### **Kansas Animal Health Department**

Kansas' law requires producers and veterinary professionals to report symptoms or clinical signs of suspicious disease in animals to the Kansas Livestock Commissioner. The Kansas Livestock Commissioner has the authority to order any quarantine or sanitary measures necessary to control potential outbreaks of disease in animals.

The Livestock Commissioner is responsible for notifying the Governor of any potential foreign animal disease outbreak in Kansas and anywhere in the nation in cases of highly contagious disease such as FMD. Based on the advise of the Kansas Livestock Commissioner, the Governor may issue an emergency proclamation with the details of the quarantine area and sanitary measures as defined by the Kansas Livestock Commissioner. The Kansas Livestock Commissioner has authority to direct County Sheriffs to implement the prescribed quarantine measures.

The quarantine carries a Class A misdemeanor violation penalty on the first conviction. Subsequent convictions are a Class D felony .

The Kansas Livestock Commissioner is authorized under Kansas law to order the confiscation and disposal of any infected or exposed animals.

If the Kansas Animal Health Commissioner directs the animals to be killed, the Commissioner, the Chairman of the County Board of County Commissioners, and the Owner of the condemned animals are required "to appraise the animal or animals to be killed or disposed of, and he shall make an inventory of the animal or animals condemned, and in fixing the value thereof, the Commissioner and Chairman shall be governed by the value of such animal or animals at the time

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of the first appearance of the disease..."

#### **Kansas Emergency Management, Adjutant General's Department**

The Kansas Emergency Management office activates and operates the State Emergency Operations Center in Topeka, provides liaisons to affected jurisdictions, prepares situation reports for the Governor and receives and acts on requests for assistance from county emergency managers. KEM coordinates state response activities with local governments, coordinates with FEMA, and the Federal Response Plan, and assists in the coordination of disaster-related public information.

- Assisting in providing temporary accommodations and emergency feeding for field operation teams.
- Assisting in providing temporary accommodation and emergency feeding for field operation teams.
- Provide information on potential sources of outside assistance, i.e., contractors, equipment sources, etc.

#### **Kansas Department of Health and Environment**

- Provides technical advice on carcass disposal locations. Consideration will be given to the sites' impact on ground water and air pollution.
- Provides technical advice to disposal teams regarding regulations on environmental impact.
- Provides assistance with vector control on infected facilities.
- Provides technical advice on location of cleaning and disinfecting stations.
- Identify/approve regulated disposal and treatment activities.

#### **Kansas Highway Patrol**

- Assisting with provision of communication resources.
- Security of the area, support local law enforcement, and implement traffic control, as required.
- Control access and movement, including visual inspections of animal transports.
- Support eradication activities.

#### **Kansas National Guard**

- Provide traffic control and controlling access and movement.
- Support response operations with specialized heavy equipment.
- Support eradication activities under the supervision of the Kansas Animal Health

Department.

- Provide equipment to haul cargo or personnel.
- Provide air transportation support.

#### **Kansas Department of Transportation**

- Provide guidance for rerouting of traffic in and around the affected area.
- Provide equipment and staff to conduct decontamination operations, if required.
- Traffic control issues and/or needs.
- Transporting of soil, carcasses or debris:

In the case of a highly contagious foreign animal disease, like FMD, contaminated animals, carcasses, soil or debris will not be transported outside the quarantined zone. All equipment will be decontaminated prior to movement outside the quarantined zone.

#### **Kansas Wildlife and Parks**

- Conducting security patrols of forestry areas.
- Establishing prohibitions on game, bird, and fish products in controlled areas.
- Conducts surveillance on susceptible wild animal species, as required.
- Reducing infected or potentially exposed wild life populations as required (WL&P).
- Conducting surveillance on susceptible wild animal species, as required.
- Provide support in reducing infected wildlife populations.

#### **Kansas Turnpike Authority**

The Kansas Turnpike Authority may provide assistance in:

- Providing guidance for rerouting of traffic in and around the affected area
- Traffic control issues and or needs
- Establishing security measures along the Kansas Turnpike

#### **Indian Nations**

The Kansas Animal Health Department and the KEM will ensure the effective coordination of efforts, as well as information, between Tribal Nations and officials responsible for emergency response and recovery operations in Kansas.

## **Kansas Department of Agriculture**

- Provides the resources to assist in the diagnosis of animal disease.
- Disease surveillance at State licensed abattoirs
- Responsible for product control. Control measures will be implemented based on the risk analysis of the ongoing animal disease emergency.

## **SRS**

- Provide counseling services for producers and all control and eradication staff

## **Federal Government**

### **Federal Emergency Management Agency (FEMA)**

FEMA is responsible for the activation of the Federal Response Plan, which provides a mechanism for organizing, coordinating, and mobilizing federal resources in support State and local response and recovery efforts.

Under the Federal Response Plan, FEMA may employ Emergency Support Function (ESF) #11, for coordinating food response and recovery activities. The lead agency for ESF #11 is the US Department of Agriculture, with other agencies as support agencies, based on their resources.

### **United States Department of Agriculture (USDA)**

USDA has broad authorities under a Secretary's Emergency Declaration and a Secretary's Extraordinary Emergency Declaration. If a response becomes too large for USDA to handle, USDA would ask other Federal agencies to provide support under the framework of the Federal Response Plan. FEMA could act as a broker or agent for USDA, coordinating Federal activities. USDA in turn would reimburse FEMA/other Federal agencies. The USDA may:

- 1) Direct all eradication activities, including: quarantine, evaluation, slaughter, disposal, cleaning and disinfecting, epidemiology, traceback, vector control and transportation permit systems.
- 2) Collect, collate, analyze and disseminate technical and logistical information.
- 3) Define training requirements for casual employees or support agencies involved in eradication operations.
- 4) Issue the declaration of the disease and define the infected area and control zones.
- 5) Prepare information for dissemination to the public, media, producers, processors and transportation industry.
- 6) Allocate funding for compensation to the owner of destroyed animals.
- 7) Restrict payment of compensation in cases of violation.

- 8) Consult with State and local authorities regarding eradication operations.
- 9) Post restrictions on interstate commerce.

## Incident Command System

### Operational Structure

This plan is predicated with the understanding that the Unified Incident Command System will be utilized to manage all emergency response operations that require multiple agency and intergovernmental support.

- 1) Command
- 2) Operations
- 3) Planning
- 4) Demobilization Unit
- 5) Logistics
- 6) Finance

### Activation of the Kansas Emergency Operations Center

Activation of the Kansas Emergency Operations Center (EOC) will be as follows:

**Level 1 - Normal Operations** - The situation statewide is monitored by the KEM at all hours. Emergency contact is through a pager system by calling 785-296-3176.

**Level 2 - Watch** - This is typically an "observation" phase when a suspicious foreign animal disease is being investigated - whether in Kansas or any other State in the nation. The Kansas Livestock Commissioner will notify the Governor and KEM of the situation, based on the information provided by KAHD, USDA or local veterinary practitioners. Limited notification may be made, on the advice of the Kansas Animal Health Commissioner, to those state agencies and Emergency Support Functions who may need to prepare to take action as part of their everyday responsibilities. The Kansas Livestock Commissioner may elect to issue news releases through the Kansas Livestock Association (KLA) or activate the Joint Public Information Center. The SEOC will be staffed with KDEM staff in room 12 of the State Defense Building.

**Level 3 - Activation - Partial Activation** - This is limited agency activation during a warning phase where laboratory results have confirmed a foreign animal health diagnosis outside Kansas. Typically, confirmation of a foreign animal disease will be received through USDA 24-hours after testing. This situation may require limited state response activation in preparation for support to other states. All primary, or lead ESFs will be notified to be on alert status. KEM personnel and necessary ESFs will staff the SEOC in Room 12 of the State Defense Bldg. The Kansas Livestock Commissioner and KEM will request representation from the following agencies:



Kansas Department of Agriculture
Kansas Department of Health and Environment
Kansas Department of Transportation
Kansas Department of Wildlife and Parks
Kansas Highway Patrol
Kansas National Guard
United States Department of Agriculture
Kansas Motor Carrier Association
Kansas Farm Services Association

**Level 4 Activation - Full-Scale Activation** - This level of activation will follow the confirmation of a foreign animal disease in Kansas, or a bordering State. This level of activation may also be required if the animal(s) suffering the confirmed disease had been transported through Kansas. In a full-scale activation all primary and support agencies under the Kansas Emergency Plan will be notified. KEM personnel and all other ESFs will staff the SEOC. The full SEOC will be mobilized in Room 11 of the State Defense Building.

At this level of activation, special task forces may be formed and deployed to local emergency operations centers to help assess the situation.

Special task forces may be formed, comprised of local, volunteer, State and Federal agricultural professionals, may be formed under the direction of the Kansas Animal Health Commissioner.

The areas affected by the disease will be defined by the Kansas Animal Health Department in coordination with the USDA. Issues of concern will include preliminary isolation of infected areas - including movement of traffic in and out of the affected zone - depopulation operations upon confirmation of disease, livestock appraisal teams, public information, and epidemiology teams.

Suspected infected livestock may be evaluated, destroyed, and disposed of at the direction of the Livestock Commissioner or his designee.

Suspected infected animal populations - such as wildlife - may be evaluated, destroyed, and disposed of at the direction of the Livestock Commissioner or his designee in close coordination with the Kansas Department of Wildlife and Parks.

Suspected infected places and animal transports may be cleaned and disinfected.

Quarantines will be issued based on risk analyses.

At this level, the following actions may be taken:

- The control area is legally defined.

- Control of movement into, from, and within the zones in the control area will be implemented.
- Infected livestock are evaluated, destroyed and disposed of as directed by the Livestock Commissioner or his designee.
- Infected places and animal transports are cleaned and disinfected. Processing facilities are quarantined until the Kansas Department of Agriculture issues an all-clear decision - in coordination with the Kansas Animal Health Department and USDA.
- Public information on health-related matters, movement controls, and eradication is widely disseminated.
- The origin of the disease is traced and potential spread monitored and controlled.

**Level 5 Activation** - Federal Involvement - (i.e., Emergency Response Team) - Level 4 is a full activation of all ESF's with 24-hour staffing of the SEOC. A Federal Response will typically be activated at this point with deployment of a Federal Emergency Response Team - Advance (ERT-A to the SEOC.

## Reportable Diseases

**K.S.A. 47-622. Report of disease to livestock commissioner.** It shall be the duty of the owner or person in charge of any domestic animal or animals who discovers, or has reason to believe that any domestic animal owned by such person or in such person's charge or keeping is affected with any contagious or infectious disease, to immediately report such fact or belief to the livestock commissioner. It shall be the duty of any person who discovers the existence of any such contagious or infectious disease among the domestic animals of any person to report this information at once to the livestock commissioner.

**K.A.R. 9-27-1. Designation of infectious or contagious diseases.** The following diseases shall be designated as infectious or contagious animal diseases and shall be reported in accordance with K.S.A. 47-622:

- |                     |  |                              |
|---------------------|--|------------------------------|
| (a) Anthrax         | (b) All species of Brucellosis                   | (c) Equine Infectious Anemia |
| (d) Hog Cholera     | (e) Pseudorabies                                 | (f) Psoroptic Mange          |
| (g) Rabies          | (h) Tuberculosis                                 | (i) Vesicular Stomatitis     |
| (j) Avian Influenza | (k) Pullorum                                     | (l) Fowl Typhoid             |
| (m) Psittacosis     | (n) Viscerotropic Velogenic<br>Newcastle Disease | (o) Foot and Mouth Disease   |
| (p) Rinderpest      | (q) African Swine Fever                          | (r) Piroplasmiasis           |

(s) Vesicular Exanthema

(t) Johne's Disease

(u) Scabies

(v) Scrapie

(w) Bovine Leukosis

(x) Other diseases as determined reportable by the Livestock Commissioner

## Movement in Controlled Zones

In the declaration of areas affected by highly contagious foreign animal diseases, the following factors need to be taken into account to effectively control traffic in and out of the zones.

Industries involved

Environmental factors

Livestock movement patterns

Processing options (livestock and products)

Natural vs. artificial barriers/boundaries

Nature of the outbreak

Livestock species involved

Wildlife involvement

Effect on non-risk commodities due to intrastate commerce restrictions

### Control Zone

The actual distance in any one direction for the zone is determined by factors such as terrain, the pattern of livestock movements, livestock concentrations, the weather, and prevailing winds, the distribution and movement of susceptible wildlife, and known characteristics of the agent. The control zone should extend at least 6 miles (10 kilometers) beyond the presumptive or confirmed infected premises.

#### *In the controlled zones*

- Conduct epidemiological investigation to:
  - Identify trace-ins and trace-outs
  - Determine source of infection
- Movement restrictions are in place.
- To leave the zone:
  - Vehicles, equipment and people may leave if strict biosecurity procedures are followed:
  - Clean and disinfect (C&D)
  - Shower out
  - Human to animal contact policies are dependent on the agent
  - No animals or products can leave the zone

### Surveillance or Movement Control Zone

This zone will surround infected areas. The exact boundary of the zone will be established to assure containment of the outbreak. Early in the outbreak all movement should be stopped. Once the extent of the outbreak is understood, susceptible livestock can move within that zone with permit, but not out of the zone.

### In the Surveillance or Movement Control Zone

- Conduct active case finding
  - Increased awareness by all animal health professionals
- Conduct on-farm surveillance on all premises in the control zone every 48 hours
- Non-susceptible livestock and poultry can move out of the zone but require appropriate bio-security such as C&D of vehicles.

## Movement in Controlled Zones

### Depopulation and Disposal

- Depopulation and disposal operations are linked. If depopulation gets ahead of the ability to dispose of the carcasses, there will be biosecurity, animal welfare and pest management issues. Procedures must keep the agent from spreading so it is important that disposal follow euthanasia as soon as possible.
- The preferred method of disposal of carcasses, milk and feedstuff is by burial rather than cremation. Burial is generally easier, quicker, uses fewer resources, and is less polluting. However, several factors such as topography, soil type and water table depth, must be considered in selecting a burial site. Forty-two cubic feet (1.5 cubic yards) are required to bury 1 bovine, 5 pigs or 5 sheep.
- In Kansas, burning is the only other disposal method to be considered. Rendering, composting and alkaline hydrolysis are not acceptable alternatives.

### Cleaning and Disinfecting (C&D)

- Removal of all organic matter
- Follow label directions
- Use appropriate disinfectant. Agents that destroy FMD virus include acids (e.g. acetic acid) and alkalis (e.g. sodium hydroxide, sodium carbonate)
- Any disinfectant or pesticide used must be approved by EPA

### Estimate Personnel Requirements

- Depopulation and disposal crew - 5 for herd of 40 or more per day
- Vaccination crew - 3 for two herds of 40 or more per day (consider using farm personnel if the State's practice allows it\*\*\*\*)
- C&D Crew 3 and only one farm per day
- Appraisal Crew - One person can do a variable number of herds per day, depending on the appraisal process adopted \*\*\*\*\*

- Trace back - 1 person can do 1-3 traces per day
- Epidemiological evaluation - 1 person can do 1-2 per day
- Foreign Animal Disease (FAD)/EDI Investigation - 1 person

## BSE AND FMD: They are not the same disease

The recent outbreak of foot-and-mouth disease in the United Kingdom and other European countries, combined with continued publicity about bovine spongiform encephalopathy (BSE), commonly called "mad cow disease," in Europe, has created misunderstandings among consumers and the media. Although some people mistakenly think that BSE and FMD are the same disease, they are actually much different. Many experts believe BSE may be responsible for variant Creutzfeldt-Jakob Disease (vCJD), a rare fatal disease of humans. Foot-and-mouth disease, however, is not a food safety threat to humans. And although foot-and-mouth disease is highly communicable, capable of traveling miles in the wind or on a human's clothing, experts believe bovine spongiform encephalopathy can only be transmitted by consuming contaminated meat.

One thing BSE and FMD have in common, though, is the fact that neither disease has been confirmed in the United States. BSE has never been identified in the United States, and the last outbreak of FMD occurred in 1929.

Precautions are being taken to prevent entry of both foot-and-mouth disease and bovine spongiform encephalopathy into the United States. The United States also has response plans to control and eradicate the diseases if they were to appear.

### FOOT-AND-MOUTH DISEASE

FMD is a highly communicable viral disease of cattle and swine. It also affects other cloven-footed animals such as sheep, goats, deer, bison, llamas, and elk. The disease is characterized by fever and blister-like lesions followed by erosions on the tongue and lips, in the mouth, on the teats, and between the hooves. Some affected animals recover but the disease leaves many animals debilitated. There are seven main types of virus and many subtypes that are subject to rapid mutation, making vaccination problematic as a method of control. Because it spreads widely and rapidly and because it has great economic and clinical consequences, FMD is one of the animal diseases most dreaded by veterinarians and livestock owners. Currently only the continents of North America, Australia, and Antarctica are free of the disease. Infection in humans is very rare and, if infected, disease symptoms are even rarer.

Foot-and-mouth disease in animals should not be confused with hand-foot-and-mouth disease of humans. Different viruses cause foot-and-mouth disease in animals and hand-foot-and-mouth disease in humans.

**Transmission:** The virus is easily transmitted by physical contact with other animals, people, or materials. Nearly 100 percent of exposed, susceptible animals will become infected. The virus can become airborne, traveling many miles in the wind. It is also carried in raw meat, animal protein, and milk from animals infected with foot-and-mouth disease. Animals are infected through inhalation or ingestion of the virus.

**Signs:** The incubation period for swine and cattle is two to seven days, and 14 days for sheep. Temperatures rise markedly, and then usually fall in about two to three days. Vesicles (blisters) appear followed by erosions in the mouth or on the feet and the resulting slobbering or lameness are the best known signs of the disease. The disease is fatal for 2-10 percent of adult animals and up to 20 percent of young animals. All affected animals lose condition and secondary bacterial infections may prolong convalescence. The most serious effects of the disease, however, are in dairy cattle. Loss of milk yield, abortion, sterility, chronic mastitis, and chronic lameness are commonplace.

## **BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)**

Bovine spongiform encephalopathy, sometimes called mad cow disease, is a slowly progressing, degenerative disease affecting the central nervous system of cattle. Almost 200,000 cases of BSE have been identified in the United Kingdom. The disease has been detected in 12 other European countries. The disease belongs to a group of diseases known as transmissible spongiform encephalopathies (TSE) that most experts believe are caused by an infectious protein called a prion. Although transmissible, they are not as contagious as foot-and-mouth disease. The TSE known to occur in animals in the United States are scrapie, which affects sheep and goats; chronic wasting disease of deer and elk; and transmissible mink encephalopathy. BSE has not been diagnosed in the United States. TSE in humans include variant Creutzfeldt-Jakob Disease (vCJD), which was first recognized in the United Kingdom in 1996. It has been associated with BSE in cattle. vCJD is a degenerative neurological disease characterized by a very long incubation period and 100 percent mortality. As of March 31, 2001, 100 people have been diagnosed with vCJD in Europe, but vCJD has not been identified in the United States. Although it has a similar name and is also a TSE, Creutzfeldt-Jakob Disease (CJD) is not the same disease as vCJD. CJD occurs sporadically worldwide at a rate of one case per one million people per year. The cause of most cases of CJD is unknown.

**Transmission:** It is suspected that BSE is spread to other cattle by ingesting ruminant-derived meat and bone meal containing the infectious prion. Some evidence indicates maternal transmission but, if possible, the rate is not believed to be great enough to maintain the disease. It is believed eating meat contaminated with brain or spinal cord tissue from cows infected with BSE may cause vCJD in humans.

**Signs:** The incubation period of BSE in cattle is extremely long, averaging 5 years. Cattle affected by BSE may exhibit some of the signs of a progressive degeneration of the nervous system such as nervousness, changes in temperament, head-shyness (easily frightened), and abnormal posture, in coordination, difficulty in rising, and eventual death. Following onset of clinical signs, the animal's condition deteriorates within two weeks to six months.

Section 1. K.S.A. 2001 Supp. 65-688 is hereby amended to read as follows: 65-688. (a) As used in ~~sections-2-through-4~~ this section and K.S.A. 2001 Supp. 65-689, and amendments thereto:

(1) "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include roadside markets that offer only fresh fruits and vegetables for sale, food service establishments or food and beverage vending machines.

(2) "Food processing plant" means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to the consumer. "Food processing plant" shall not include any commercial honey operation.

(3) "Secretary" means the secretary of health and environment.

(b) In order to reimburse the state of Kansas for inspections by the secretary of health and environment of retail food stores and food processing plants, the secretary of health and environment shall adopt rules and regulations establishing a graduated inspection fee schedule to cover all of the cost of inspection of retail food stores and food processing plants which shall not exceed \$200 per calendar year for each retail food store and food processing plant location. Whenever the secretary determines that the total amount of revenue derived from the fees collected pursuant to this section are insufficient to carry out the purposes for which the fees are collected, the secretary may amend such rules and regulations to increase the amount of the fee or fees, except that the amount of any fee shall not exceed

the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this subsection provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the secretary to decrease the amount of the fees prescribed for retail food stores or food processing plants by amending the rules and regulations which fix the fees, as the case may be.

(c) All moneys received as fees under this section shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the food inspection fee fund.

(d) The secretary of health and environment shall adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 2. K.S.A. 2001 Supp. 65-688 is hereby repealed.

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



Dept. of Ag.

1 amount assessed on the basis of \$5 for each acre or fraction thereof of  
2 nursery stock inspected. The nursery certificate fee and the rate of as-  
3 sessment for the inspection fee which are in effect on the day preceding  
4 the effective date of this act shall continue in effect until the secretary  
5 adopts rules and regulations fixing a different fee therefor under this  
6 subsection.

7 ~~—(b) Such certificate shall be valid until the first day of September of~~  
8 ~~the year of issuance, except where the inspection is made after the first~~  
9 ~~day of May the certificate shall be valid until the first day of September~~  
10 ~~of the following year, unless sooner revoked.~~

11 ~~—(c) Any person who is not a nursery person but who owns or possesses~~  
12 ~~plants or plant products which such person wishes to have inspected or~~  
13 ~~who owns or possesses plants or plant products which such person wishes~~  
14 ~~to ship into another state or country, may request that the secretary in-~~  
15 ~~spect such plant or plant products with reference to the presence of any~~  
16 ~~plant pests or with reference to the presence of plant pests likely to pre-~~  
17 ~~vent the acceptance of such plants or plant products in such other state~~  
18 ~~or country. The secretary may comply with such request as soon as it is~~  
19 ~~conveniently practicable and shall issue a certificate setting forth the facts~~  
20 ~~of the inspection. The secretary shall charge and collect fees for such~~  
21 ~~inspection and certificate which shall be fixed by rules and regulations~~  
22 ~~adopted by the secretary so that the fee is the larger of the amount de-~~  
23 ~~termined on a rate per hour plus the mileage expenses incurred by the~~  
24 ~~inspector, which shall be at the mileage allowance rate prescribed by rules~~  
25 ~~and regulations adopted under K.S.A. 75-3203a, and amendments~~  
26 ~~thereto, or a dollar amount plus an amount per certificate, except that~~  
27 ~~such fees and amounts shall not exceed fees at the rates of \$30 per hour~~  
28 ~~plus such mileage expenses incurred by the inspector or \$50 plus \$50 per~~  
29 ~~certificate, whichever is the larger amount. Upon request the secretary~~  
30 ~~may provide inspection services for certification purposes of regulated~~  
31 ~~articles intended for shipment interstate or internationally. Upon payment~~  
32 ~~of the appropriate fee as established by rule and regulation and as in-~~  
33 ~~spection personnel are available, the inspection shall be conducted and a~~  
34 ~~report or certificate setting forth the inspection results shall be issued if~~  
35 ~~requested. Inspection fees shall not exceed \$100 \$30 per hour. Mileage~~  
36 ~~incurred shall also be paid by the person requesting the inspection at the~~  
37 ~~rate established by regulation. If certificate is requested an additional fee~~  
38 ~~not to exceed \$100 \$50 shall be assessed. The fees for such inspection~~  
39 ~~and certificate in effect on the day preceding the effective date of this act~~  
40 ~~shall continue in effect until the secretary adopts rules and regulations~~  
41 ~~fixing a different fee therefor under this subsection except that on and~~  
42 ~~after July 1, 1996, the certificate fee shall be \$5 for certificates issued for~~  
43 ~~plant and plant products shipped into another state and \$20 for plants~~

any person who owns or possesses  
plants or plant products or for

SENATE BILL No. 395

By Committee on Agriculture

Proposed Amendments to SB 395

1-16

House Agriculture Committee  
March 20, 2002  
Attachment 4

12 AN ACT concerning plant and animal diseases; relating to state of dis-  
13 aster emergency; unlawful acts and punishment therefor; amending  
14 K.S.A. [21-3419 and] 21-3436 and K.S.A. 2001 Supp. 47-623 and 48-  
15 924 and repealing the existing sections; also repealing K.S.A. 2001  
16 Supp. 47-623.

17  
18 *Be it enacted by the Legislature of the State of Kansas:*

19 *New Section 1. (a) It shall be unlawful for any person to knowingly:*

20 ~~(1) Bring into this state any plant which is affected with any conta-~~  
21 ~~gious or infectious disease or any plant which has been exposed to any~~  
22 ~~contagious or infectious disease; or~~

23 ~~(2) expose any plant in this state to any contagious or infectious~~  
24 ~~disease.~~

25 ~~(b) Violation of subsection (a)(1) or (a)(2) is a severity level 3, non-~~  
26 ~~person felony.~~

27 *New Section 1. (a) Endangering the food supply is knowingly:*

28 (1) ~~Bringing into this state any domestic animal which is af-~~  
29 ~~fected with any contagious or infectious disease or any animal~~  
30 ~~which has been exposed to any contagious or infectious disease;~~

31 (2) ~~exposing any animal in this state to any contagious or infec-~~  
32 ~~tious disease;~~

33 (3) ~~except as permitted under K.S.A. 2-2112 et seq., and amend-~~  
34 ~~ments thereto, bringing or releasing into this state any plant pest as~~  
35 ~~defined in K.S.A. 2-2113, and amendments thereto, or exposing any~~  
36 ~~plant to a plant pest; or~~

37 (4) ~~exposing any raw agricultural commodity, animal feed or~~  
38 ~~processed food to any contagious or infectious disease.~~

39 (b) ~~As used in this section: (1) "Animal feed" means an article~~  
40 ~~which is intended for use for food for animals other than humans~~  
41 ~~and which is intended for use as a substantial source of nutrients~~  
42 ~~in the diet of the animal, and is not limited to a mixture intended to~~  
43 ~~be the sole ration of the animal;~~

Except as provided in subsection (b),

except as provided in subsection (b),

contaminant or

The provisions of this act shall not apply to bona fide experiments and actions related thereto carried on by commonly recognized research facilities.

(c)

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3 (2) "contagious or infectious disease" means any disease which  
 4 can be spread from one subject to another by direct or indirect  
 5 contact or by an intermediate agent, including, but not limited to,  
 6 anthrax, all species of brucellosis, equine infectious anemia, hog  
 7 cholera, pseudorabies, psoroptic mange, rabies, tuberculosis, vesic-  
 8 ular stomatitis, avian influenza, pullorum, fowl typhoid, psittacosis,  
 9 viscerotropic velogenic Newcastle disease, foot and mouth disease,  
 10 rinderpest, African swine fever, piroplasmiasis, vesicular exan-  
 11 thema, Johne's disease, scabies, scrapies, bovine leukosis and bovine  
 12 spongiform encephalopathy;

11 (3) "processed food" means any food other than a raw agricul-  
 12 tural commodity and includes any raw agricultural commodity that  
 13 has been subject to processing, such as canning, cooking, freezing,  
 14 dehydration or milling; and

15 (4) "raw agricultural commodity" means any food in its raw or  
 16 natural state, including all fruits that are washed, colored or oth-  
 17 erwise treated in their unpeeled natural form prior to marketing.

18 ~~[(c) Endangering the food supply is a severity level 9, nonperson~~  
 19 ~~felony.]~~ Endangering the food supply is a severity level 3, nonperson  
 20 felony, if done with the intent to cause damage to plants or animals  
 21 or to cause economic harm or social unrest. Endangering the food  
 22 supply is a severity level 3, person felony, if done with the intent to  
 23 cause illness, injury or death to a human being or beings.

24 [Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows:  
 25 21-3419. (a) A criminal threat is any threat to:

26 [(1) Commit violence communicated with intent to terrorize an-  
 27 other, or to cause the evacuation of any building, place of assembly  
 28 or facility of transportation, or in reckless disregard of the risk of  
 29 causing such terror or evacuation; or

30 [(2) adulterate or contaminate any food, raw agricultural com-  
 31 modity, beverage, drug, animal feed, plant or public water supply; or

32 [(3) expose any animal in this state to any contagious or infectious  
 33 disease.

34 [(b) A criminal threat is a severity level 9, person felony.

35 [(c) As used in this section, "threat" includes any statement that  
 36 one has committed any action described by subsection (a)(1) or (2).]

37 Sec. 3 [3]. K.S.A. 21-3436 is hereby amended to read as follows: 21-  
 38 3436. (a) Any of the following felonies shall be deemed an inherently  
 39 dangerous felony whether or not such felony is so distinct from the hom-  
 40 icide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and  
 41 amendments thereto as not to be an ingredient of the homicide alleged  
 42 to be a violation of subsection (b) of K.S.A. 21-3401 and amendments  
 43 thereto:

(d) (1) Except as provided in subsection  
 (d)(2) through (4), endangering the food supply  
 is a class A nonperson misdemeanor.

(2) Except as provided in subsection  
 (d)(3) and (4), endangering the food supply  
 when the contagious or infectious disease is  
 foot-and-mouth disease is a severity level 4,  
 nonperson felony.

(3)

(4)

- 1 (1) Kidnapping, as defined in K.S.A. 21-3420 and amendments  
2 thereto;
- 3 (2) aggravated kidnapping, as defined in K.S.A. 21-3421 and amend-  
4 ments thereto;
- 5 (3) robbery, as defined in K.S.A. 21-3426 and amendments thereto;
- 6 (4) aggravated robbery, as defined in K.S.A. 21-3427 and amend-  
7 ments thereto;
- 8 (5) rape, as defined in K.S.A. 21-3502 and amendments thereto;
- 9 (6) aggravated criminal sodomy, as defined in K.S.A. 21-3506 and  
10 amendments thereto;
- 11 (7) abuse of a child, as defined in K.S.A. 21-3609 and amendments  
12 thereto;
- 13 (8) felony theft under subsection (a) or (c) of K.S.A. 21-3701 and  
14 amendments thereto;
- 15 (9) burglary, as defined in K.S.A. 21-3715 and amendments thereto;
- 16 (10) aggravated burglary, as defined in K.S.A. 21-3716 and amend-  
17 ments thereto;
- 18 (11) arson, as defined in K.S.A. 21-3718 and amendments thereto;
- 19 (12) aggravated arson, as defined in K.S.A. 21-3719 and amendments  
20 thereto;
- 21 (13) treason, as defined in K.S.A. 21-3801 and amendments thereto;
- 22 (14) any felony offense as provided in K.S.A. 65-4127a, 65-4127b or  
23 65-4159 or K.S.A. 1995 2001 Supp. 65-4160 through 65-4164 and amend-  
24 ments thereto; ~~and~~
- 25 (15) any felony offense as provided in K.S.A. 21-4219 and amend-  
26 ments thereto; *and*
- 27 (16) ~~any offense as provided in K.S.A. 47-623, and amendments~~  
28 ~~thereto; and~~
- 29 ~~(17) any offense as provided endangering the food supply as de-~~  
30 ~~fin~~*ed in section 1, and amendments thereto.*
- 31 (b) Any of the following felonies shall be deemed an inherently dan-  
32 gerous felony only when such felony is so distinct from the homicide  
33 alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amend-  
34 ments thereto as to not be an ingredient of the homicide alleged to be a  
35 violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:
- 36 (1) Murder in the first degree, as defined in subsection (a) of K.S.A.  
37 21-3401 and amendments thereto;
- 38 (2) murder in the second degree, as defined in subsection (a) of  
39 K.S.A. 21-3402 and amendments thereto;
- 40 (3) voluntary manslaughter, as defined in subsection (a) of K.S.A. 21-  
41 3403 and amendments thereto;
- 42 (4) aggravated assault, as defined in K.S.A. 21-3410 and amendments  
43 thereto;

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1 (5) aggravated assault of a law enforcement officer, as defined in  
2 K.S.A. 21-3411 and amendments thereto;

3 (6) aggravated battery, as defined in subsection (a)(1) of K.S.A. 21-  
4 3414 and amendments thereto; and

5 (7) aggravated battery against a law enforcement officer, as defined  
6 in K.S.A. 21-3415 and amendments thereto.

7 (c) This section shall be part of and supplemental to the Kansas crim-  
8 inal code.

9 Sec. 3. ~~K.S.A. 2001 Supp. 47-623 is hereby amended to read as fol-~~  
10 ~~lows: 47-623. (a) It shall be unlawful for any person to knowingly;~~

11 ~~—(1) Bring into this state any domestic animal which is affected with~~  
12 ~~any contagious or infectious disease or any animal which has been exposed~~  
13 ~~to any contagious or infectious disease;~~

14 ~~—(2) except as provided in paragraph (3), expose any domestic animal~~  
15 ~~in this state to any contagious or infectious disease; or~~

16 ~~—(3) expose any animal in this state to foot and mouth disease.~~

17 ~~—(b) Violation of subsection (a)(1) or (a)(2) or (a)(3) is a class A non-~~  
18 ~~person misdemeanor severity level 3, nonperson felony. Violation of sub-~~  
19 ~~section (a)(3) is a severity level 4, nonperson felony.~~

20 Sec. 4. ~~3.~~ [4.] K.S.A. 2001 Supp. 48-924 is hereby amended to read  
21 as follows: 48-924. (a) The governor shall be responsible for meeting the  
22 dangers to the state and people presented by disasters.

23 (b) (1) The governor, upon finding that a disaster has occurred or  
24 that occurrence or the threat thereof is imminent, shall issue a procla-  
25 mation declaring a state of disaster emergency.

26 (2) In addition to or instead of the proclamation authorized by K.S.A.  
27 47-611, and amendments thereto, the governor, upon a finding or when  
28 notified pursuant to K.S.A. 47-611, and amendments thereto, that a quar-  
29 antine or other regulations are necessary to prevent the spread among  
30 ~~plants or~~ domestic animals of any contagious or infectious disease, may  
31 issue a proclamation declaring a state of disaster emergency. *In addition,*  
32 *the governor, upon a finding that a quarantine or other regulations*  
33 *are necessary to prevent the spread among plants, raw agricultural*  
34 *commodities, animal feed or processed food of any contagious or*  
35 *infectious disease, may issue a proclamation declaring a state of*  
36 *disaster emergency.*

37 (3) The state of disaster emergency so declared shall continue until  
38 the governor finds that the threat or danger of disaster has passed, or the  
39 disaster has been dealt with to the extent that emergency conditions no  
40 longer exist. Upon making such findings the governor shall terminate the  
41 state of disaster emergency by proclamation, but except as provided in  
42 paragraph (4), no state of disaster emergency may continue for longer  
43 than 15 days unless ratified by concurrent resolution of the legislature,

to or instead of a proclamation authorized by  
K.S.A. 47-611, and amendments thereto

or when notified pursuant to K.S.A. 2-2114, and  
amendments thereto,

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1 with the single exception that upon specific application by the governor  
2 to the state finance council and an affirmative vote of a majority of the  
3 legislative members thereof, a state of disaster emergency may be ex-  
4 tended once for a specified period not to exceed 30 days beyond such 15-  
5 day period.

6 (4) If the state of disaster emergency is proclaimed pursuant to par-  
7 agraph (2), the governor shall terminate the state of disaster emergency  
8 by proclamation within 15 days, unless ratified by concurrent resolution  
9 of the legislature, except that when the legislature is not in session and  
10 upon specific application by the governor to the state finance council and  
11 an affirmative vote of a majority of the legislative members thereof, a  
12 state of disaster emergency may be extended for a specified period not  
13 to exceed 30 days. The state finance council may authorize additional  
14 extensions of the state of disaster emergency by a unanimous vote of the  
15 legislative members thereof for specified periods not to exceed 30 days  
16 each. Such state of disaster emergency shall be terminated on the 15th  
17 day of the next regular legislative session following the initial date of the  
18 state of disaster emergency unless ratified by concurrent resolution of the  
19 legislature.

20 (5) At any time, the legislature by concurrent resolution may require  
21 the governor to terminate a state of disaster emergency. Upon such action  
22 by the legislature, the governor shall issue a proclamation terminating the  
23 state of disaster emergency.

24 (6) Any proclamation declaring or terminating a state of disaster  
25 emergency which is issued under this subsection shall indicate the nature  
26 of the disaster, the area or areas threatened or affected by the disaster  
27 and the conditions which have brought about, or which make possible  
28 the termination of, the state of disaster emergency. Each such procla-  
29 mation shall be disseminated promptly by means calculated to bring its  
30 contents to the attention of the general public and, unless the circum-  
31 stances attendant upon the disaster prevent the same, each such procla-  
32 mation shall be filed promptly with the division of emergency manage-  
33 ment, the office of the secretary of state and each city clerk or county  
34 clerk, as the case may be, in the area to which such proclamation applies.

35 (c) In the event of the absence of the governor from the state or the  
36 existence of any constitutional disability of the governor, an officer spec-  
37 ified in K.S.A. 48-1204 and amendments thereto, in the order of succes-  
38 sion provided by that section, may issue a proclamation declaring a state  
39 of disaster emergency in the manner provided in and subject to the pro-  
40 visions of subsection (a). During a state of disaster emergency declared  
41 pursuant to this subsection, such officer may exercise the powers con-  
42 ferred upon the governor by K.S.A. 48-925, and amendments thereto. If  
43 a preceding officer in the order of succession becomes able and available,

1 the authority of the officer exercising such powers shall terminate and  
2 such powers shall be conferred upon the preceding officer. Upon the  
3 return of the governor to the state or the removal of any constitutional  
4 disability of the governor, the authority of an officer to exercise the powers  
5 conferred by this section shall terminate immediately and the governor  
6 shall resume the full powers of the office. Any state of disaster emergency  
7 and any actions taken by an officer under this subsection shall continue  
8 and shall have full force and effect as authorized by law unless modified  
9 or terminated by the governor in the manner prescribed by law.

10 (d) A proclamation declaring a state of disaster emergency shall ac-  
11 tivate the disaster response and recovery aspects of the state disaster  
12 emergency plan and of any local and interjurisdictional disaster plans  
13 applicable to the political subdivisions or areas affected by the procla-  
14 mation. Such proclamation shall be authority for the deployment and use  
15 of any forces to which the plan or plans apply and for use or distribution  
16 of any supplies, equipment, materials or facilities assembled, stockpiled  
17 or arranged to be made available pursuant to this act during a disaster.

18 (e) The governor, when advised pursuant to K.S.A. 74-2608, and  
19 amendments thereto, that conditions indicative of drought exist, shall be  
20 authorized to declare by proclamation that a state of drought exists. This  
21 declaration of a state of drought can be for specific areas or communities,  
22 can be statewide or for specific water sources and shall effect immediate  
23 implementation of drought contingency plans contained in state approved  
24 conservation plans, including those for state facilities.

25 Sec. ~~5-4~~ [5.] K.S.A. [21-3419 and] 21-3436 and K.S.A. 2001 Supp.  
26 47-623 and 48-924 are hereby repealed.

27 Sec. ~~6-5~~ [6.] This act shall take effect and be in force from and  
28 after its publication in the Kansas register.

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