

CHAPTER 116

SENATE Substitute for Substitute for HOUSE BILL No. 2593

AN ACT concerning agriculture; relating to food safety; premises registration and animal identification program; duty of care of livestock producers; Kansas animal health board, membership; amending K.S.A. 74-4001 and repealing the existing section.

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

New Section 1. (a) The livestock commissioner is authorized to cooperate with the United States department of agriculture, other state governmental officials and representatives of private industry, and subject to the provisions of subsection (d), to promulgate rules and regulations, to define premises where animals are located and to develop a premises registration system for Kansas.

(b) In the development of such system, the livestock commissioner shall ensure that:

(1) The requirements of registration of premises are consistent with the federal program and with the United States animal identification plan;

(2) the costs and paperwork requirements for registration of premises are minimized for the registrant and the state; and

(3) the program is not duplicative of or in conflict with federal requirements.

(c) The livestock commissioner is authorized to prepare for the implementation of a premises registration program for Kansas prior to implementation of a national animal identification or premises registration program. Such acts in preparation shall include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the department of agriculture of a proposal regarding infrastructure necessary for such implementation.

(d) If, prior to May 15, 2005, the United States department of agriculture issues proposed or final rules for the implementation of a national animal identification or premises registration program, or (b) the congress of the United States enacts requirements for a national animal identification or premises registration system, the livestock commissioner is authorized to promulgate such rules and regulations as may be reasonably necessary to implement premises registration.

(e) Subject to appropriations therefor, the livestock commissioner is authorized to hire, in accordance with the civil service act, not more than two employees for the purpose of carrying out the provisions of this section.

(f) The livestock commissioner is authorized to enter into agreements with federal agencies or officials, other state agencies or officials or the owner of animals or such owner's authorized agent to coordinate efforts and share records and data systems pursuant to law to maximize the efficiency and effectiveness of this section.

(g) Any data or records provided pursuant to this section to an official of the animal health department shall be considered confidential by the animal health department and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(h) Any federal financial aid or assistance, grants, gifts, bequests, money or aid of any kind for premises registration or animal identification in Kansas, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the premises registration and animal identification fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the livestock commissioner or by a person designated by the livestock commissioner and shall be used solely for the administration of the premises registration or animal identification program.

(i) The livestock commissioner shall form study groups representing the various animal species to be affected by the provisions of this section. Each such study group shall include representatives for each such specie selected by the livestock commissioner and shall include assistance from the secretary of agriculture or the secretary's designees. Each such study group shall make recommendations to the livestock commissioner re-

garding the definition of premises for purposes of the program, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and other issues related to the administration of the program.

(j) The livestock commissioner shall prepare a report and present such report to the legislature by February 1, 2005, on the status of the premises registration and animal identification program. Such report shall include the recommendations of the livestock commissioner as to the definition of premises for purposes of the program, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and any other recommendation deemed necessary by the livestock commissioner to carry out the provisions of this section.

(k) The provisions of this section shall expire on May 15, 2005.

New Sec. 2. (a) As used in this section, for livestock prepared in Kansas in accordance with K.S.A. 65-6a18 et seq., and amendments thereto: (1) "Producer" means any person engaged in the business of breeding, grazing, maintenance or feeding of livestock.

(2) "Livestock", "meat food product", "person" and "prepared" shall have the meanings ascribed thereto by K.S.A. 65-6a18, and amendments thereto.

(b) In an action arising as a result of consumption of a meat food product against a producer of livestock, there shall be a rebuttable presumption that the producer of livestock met the standard of ordinary care in the production of the livestock in question, if the livestock in question was inspected and passed in accordance with the provisions of K.S.A. 65-6a18 et seq., and amendments thereto.

(c) In no event shall a producer of livestock in an action arising as a result of consumption of a meat food product be held to a standard higher than that of ordinary care if the livestock in question had been inspected and passed in accordance with the provisions of K.S.A. 65-6a18 et seq., and amendments thereto.

New Sec. 3. (a) As used in this section, for livestock prepared in Kansas in accordance with the federal meat inspection act, 21 U.S.C.A. 601 et seq.: (1) "Producer" means any person engaged in the business of breeding, grazing, maintenance or feeding of livestock.

(2) "Livestock" means cattle, sheep, swine, goats, horses, mules or other equines.

(3) "Meat food product" and "prepared" shall have the meanings ascribed thereto by 21 U.S.C.A. 601(j) et seq.

(4) "Person" shall have the meaning ascribed thereto by K.S.A. 65-6a18, and amendments thereto.

(b) In an action arising as a result of consumption of a meat food product against a producer of livestock there shall be a rebuttable presumption that the producer of livestock met the standard of ordinary care in the production of the livestock in question, if the livestock in question was inspected and passed in accordance with the provisions of 21 U.S.C.A. 601 et seq.

(c) In no event shall a producer of livestock in an action arising as a result of consumption of a meat food product be held to a standard higher than that of ordinary care if the livestock had been inspected and passed in accordance with the provisions of 21 U.S.C.A. 601 et seq.

Sec. 4. K.S.A. 74-4001 is hereby amended to read as follows: 74-4001. There is hereby created a Kansas animal health board, ~~which. On and after July 1, 2004, such board shall consist of seven (7) nine members of which one member shall be the president of the Kansas livestock association and six (6) and all members shall be appointed by the governor. On and after July 1, 2004, the governor shall appoint five members to comply with the provisions of this act. The two current members of the board for whom their term of office expires on July 1, 2005, and the two current members of the board for whom their term of office expires on July 1, 2006, shall serve their terms of office as provided by law. The members so appointed shall represent the major species or phases of the livestock industry and one member shall be a licensed dog or cat breeder, one member shall be a licensed veterinarian, one member shall represent auction markets, one member shall represent the swine industry, one member shall represent the dairy cattle industry and three members shall represent the beef cattle industry. Each appointive member shall be selected from a list of three (3) qualified persons for each such appointment~~

submitted to the governor by the board of directors of the Kansas livestock association. The appointive Members of the board shall be appointed for a term of three (3) years, except that, within thirty (30) days after the effective date of this act, the six (6) appointive the five members appointed to comply with the provisions of this act shall be appointed for terms as follows: Two (2) members for terms ending July 1, 1970; two (2) members for terms ending July 1, 1971; and two (2) members for terms ending July 1, 1972 One member for a term ending July 1, 2005; one member for a term ending July 1, 2006; and three members for terms ending July 1, 2007. Whenever a vacancy shall occur occurs on said commission the board, by reason of the expiration of an appointive a member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed herein in this section. In case of a vacancy in the office of any appointive member of occurring on the board before the expiration of his a member's term, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term. Members of the commission board holding office at the time this act takes effect shall continue in office until their successors are appointed and qualified.

Sec. 5. K.S.A. 74-4001 is hereby repealed.

Sec. 6. This act shall take effect from and after its publication in the statute book.

Approved April 21, 2004.
