

SENATE BILL No. 89

By Committee on Agriculture and Natural Resources

1-28

1 AN ACT concerning agriculture; relating to poultry disease control;
2 authorizing the commissioner to adopt rules for establishing fees
3 related to the poultry disease control act; prohibiting the shipment of
4 poultry into Kansas unless such poultry meet plan requirements;
5 establishing an annual participation fee for the national poultry
6 improvement plan, a certification fee for persons performing testing
7 and diagnostic services and a fee for providing testing or diagnostic
8 services related to pullorum-typhoid; authorizing the commissioner to
9 revoke plan participation for failure to pay the annual plan participation
10 fee within a 60-day grace period; amending K.S.A. 2-909, 2-910, 2-
11 911, 2-912, 2-913, 2-914 and 2-915 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2-909 is hereby amended to read as follows: 2-909.
15 As used in the poultry disease control act, except where the context clearly
16 requires a different meaning, ~~the following words and phrases shall have~~
17 ~~the meaning ascribed thereto:~~

18 (a) "Commissioner" means the animal health commissioner of the
19 Kansas department of agriculture.

20 (b) "Fowl typhoid" means a disease of poultry caused by salmonella
21 gallinarum.

22 ~~(c) "Hatchery" means a premises with equipment which is operated or~~
23 ~~controlled by a person for the production of baby poultry.~~

24 ~~(d)~~ "Person" means any individual, partnership, firm or corporation.

25 ~~(e)~~(d) "Plan" means the national poultry improvement plan contained
26 in sections 145.1 through 145.54 of title 9 of the code of federal
27 regulations and the auxiliary provisions thereto ~~which that~~ are contained in
28 sections 147.1 through 147.48 of title 9 of the code of federal regulations,
29 and amendments thereto.

30 ~~(f)~~(e) "Poultry" means any domesticated birds ~~which that~~ are bred for
31 the primary purpose of producing eggs or meat or of being exhibited ~~and~~
32 ~~which may include.~~ "Poultry" includes, but is not limited to, chickens,
33 turkeys, waterfowl and game birds; but ~~which shall~~ does not include doves
34 or pigeons.

35 ~~(g)~~(f) ~~"Pullorum"~~"Pullorum-typhoid" means a disease of poultry
36 caused by salmonella pullorum.

1 Sec. 2. K.S.A. 2-910 is hereby amended to read as follows: 2-910. (a)
2 The commissioner is hereby authorized to cooperate with the United States
3 department of agriculture in the administration of the plan, may enter into
4 a memorandum of understanding with that department therefor and may
5 exercise and perform the powers, duties and functions prescribed for the
6 commissioner under the memorandum of understanding and the plan.

7 (b) *The commissioner shall have the authority to adopt rules and*
8 *regulations for the purpose of establishing annual fees for plan*
9 *participation and annual fees for obtaining certification to perform and*
10 *receive testing and diagnostic services related to pullorum-typhoid or fowl*
11 *typhoid pursuant to the poultry disease control act in accordance with*
12 *K.S.A. 2-912 and 2-914, and amendments thereto.*

13 Sec. 3. K.S.A. 2-911 is hereby amended to read as follows: 2-911. (a)
14 ~~Each hatchery within Kansas shall be designated as a "national plan~~
15 ~~hatchery" by the commissioner in accordance with the plan or shall meet~~
16 ~~requirements which are equivalent to the requirements under the plan for~~
17 ~~pullorum and fowl typhoid control as determined by the commissioner.~~

18 ~~(b) Each hatchery supply flock within Kansas shall be designated as~~
19 ~~"U.S. pullorum-typhoid clean" by the commissioner in accordance with~~
20 ~~the plan or shall meet requirements which are equivalent to the~~
21 ~~requirements under the plan for pullorum and fowl typhoid control as~~
22 ~~determined by the commissioner. Any other poultry, except waterfowl, on~~
23 ~~the same premises as the hatchery supply flock shall be free from pullorum~~
24 ~~and fowl typhoid infection as evidenced by an official blood test~~
25 ~~conducted in accordance with the plan.~~

26 ~~(c) No poultry may be shipped into Kansas other than from a source~~
27 ~~which is designated U.S. pullorum-typhoid clean under the plan that is:~~

28 ~~(a) A plan participant in compliance with all plan requirements at the~~
29 ~~time of the shipment; or which meets the equivalent~~

30 ~~(b) meeting requirements equivalent to those contained in the plan.~~

31 Sec. 4. K.S.A. 2-912 is hereby amended to read as follows: 2-912. (a)
32 *Each person participating in the plan shall pay to the commissioner an*
33 *annual plan participation fee of not to exceed \$50. Each annual plan*
34 *participation fee shall allow participation in the plan, subject to all other*
35 *applicable requirements, for one year following the date of remittance of*
36 *the fee. The plan participation fee for the subsequent year shall become*
37 *due and owing thereafter.*

38 (b) All hatcheries, supply flocks of poultry, exhibition flocks of
39 poultry, poultry and poultry products shall comply with the provisions of
40 the plan ~~which~~ that provide procedures required to qualify Kansas as a
41 U.S. pullorum-typhoid clean state.

42 Sec. 5. K.S.A. 2-913 is hereby amended to read as follows: 2-913. All
43 poultry, including exhibition, exotic and game birds but excluding

1 waterfowl, taken to a public exhibition in Kansas shall:

2 (a) Come from a flock of poultry ~~which is designated U.S. pullorum-~~
 3 ~~typhoid clean or which meets the equivalent requirements as determined~~
 4 ~~by the commissioner or shall~~ *that participates in the plan and is compliant*
 5 *with all applicable provisions of the plan;*

6 (b) have a negative result from a ~~pullorum~~ *pullorum-typhoid* and fowl
 7 typhoid test conducted within 90 days of the poultry being taken to the
 8 public exhibition; or

9 (c) *be included in a surveillance program approved by the*
 10 *commissioner.*

11 Sec. 6. K.S.A. 2-914 is hereby amended to read as follows: 2-914. (a)
 12 Each person performing *any testing or poultry disease diagnostic services*
 13 *related to pullorum-typhoid or fowl typhoid pursuant to the poultry*
 14 *disease control act shall annually obtain from the commissioner*
 15 *certification to perform such testing or poultry disease diagnostic services*
 16 *and pay a certification fee of not to exceed \$50. Each certification shall*
 17 *expire on September 30 following its issuance.*

18 (b) *Each person performing poultry disease diagnostic services*
 19 *related to pullorum-typhoid or fowl typhoid pursuant to the poultry*
 20 *disease control act shall report within 48 hours to the commissioner or the*
 21 *commissioner's authorized agent the source of each poultry specimen from*
 22 *which salmonella pullorum or salmonella gallinarum is a reactor or is*
 23 *isolated. Upon receiving such report, the commissioner or the*
 24 *commissioner's authorized agent shall investigate to determine the origin*
 25 *of the infection.*

26 ~~(b)(c)~~ (c) *Each person who requests that the commissioner or an*
 27 *authorized agent of the commissioner perform testing or diagnostic*
 28 *services related to pullorum-typhoid or fowl typhoid pursuant to the*
 29 *poultry disease control act shall, prior to any such requested testing being*
 30 *performed, pay to the commissioner a fee of not to exceed \$100 per visit to*
 31 *each location participating in the plan.*

32 (d) *Testing or poultry disease diagnostic services related to pullorum-*
 33 *typhoid or fowl typhoid pursuant to the poultry disease control act that is*
 34 *performed other than by the commissioner, an authorized agent of the*
 35 *commissioner or an individual certified pursuant to this section shall not*
 36 *be considered sufficient to support participation in the plan.*

37 (e) Each flock of poultry ~~which~~ *that is found to be infected with*
 38 *pullorum-typhoid or fowl typhoid shall be quarantined by the*
 39 *commissioner or the commissioner's authorized agent until: (1) It is*
 40 *marketed or destroyed under the supervision of the commissioner or the*
 41 *commissioner's authorized agent; or (2) it subsequently receives an official*
 42 *blood test conducted in accordance with the procedure for reacting flocks*
 43 *under subsection (a)(5) of 9 C.F.R. § 145.14, as revised as of January 1,*

1 1983 October 5, 2020, and all members of the flock of poultry fail to
2 demonstrate ~~pullorum~~ *pullorum-typhoid* or fowl typhoid infection.

3 (e)(f) All costs for testing and handling a quarantined flock of poultry
4 shall be paid by the owner thereof.

5 Sec. 7. K.S.A. 2-915 is hereby amended to read as follows: 2-915.
6 ~~After a thorough investigation,~~ The commissioner may revoke any ~~national~~
7 ~~plan hatchery or U.S. pullorum-typhoid clean designation~~ *plan*
8 *participation* for failure of the person operating the hatchery or owning the
9 ~~hatchery supply flocks~~ to comply with the requirements of the poultry
10 disease control act *or any applicable plan requirements, including failure*
11 *to pay the annual plan participation fee required by K.S.A. 2-912, and*
12 *amendments thereto, within a 60-day grace period following the date that*
13 *the annual plan participation fee becomes due and owing,* or for the
14 occurrence of repeated outbreaks of ~~pullorum~~ *pullorum-typhoid* or fowl
15 typhoid in the hatchery or hatchery supply flocks.

16 Sec. 8. K.S.A. 2-909, 2-910, 2-911, 2-912, 2-913, 2-914 and 2-915
17 are hereby repealed.

18 Sec. 9. This act shall take effect and be in force from and after its
19 publication in the statute book.