

SENATE BILL No. 302

By Committee on Agriculture

1-19

Proposed amendments for SB 302 by  
KS Dept. of Ag. and KS Meat  
Processors Assoc.  
Senate Committee on Agriculture  
February 21, 2012  
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Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to the Kansas meat and poultry  
2 inspection act; amending K.S.A. 65-6a34 and 65-6a41 and K.S.A. 2011  
3 Supp. 65-6a18, 65-6a20 and 65-6a31 and repealing the existing  
4 sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 ~~New Section 1. (a) In accordance with the provisions of K.S.A. 77-~~  
8 ~~536, and amendments thereto, the secretary may temporarily suspend the~~  
9 ~~registration of or close an establishment registered or required to be~~  
10 ~~registered pursuant to K.S.A. 65-6a34, and amendments thereto, without~~  
11 ~~notice or hearing if the secretary finds that the public health or safety is~~  
12 ~~endangered by the continued operation of the establishment and that the~~  
13 ~~establishment:~~

14 ~~(1) Produced and shipped adulterated or misbranded product as~~  
15 ~~defined in the meat and poultry inspection act;~~

16 ~~(2) Violated the terms of a regulatory control action;~~

17 ~~(3) Did not slaughter or handle livestock, domestic rabbits or poultry~~  
18 ~~humanely; or~~

19 ~~(4) Interfered with the ability of the secretary to conduct inspections.~~

20 ~~(b) In no case shall a temporary suspension of a registration or~~  
21 ~~closure under this section be in effect for a period of time in excess of 90~~  
22 ~~days. At the end of such period of time, the registrant shall be reinstated to~~  
23 ~~full registration or the establishment allowed to reopen unless the secretary~~  
24 ~~has suspended or revoked the registration after notice and opportunity for~~  
25 ~~hearing in accordance with the provisions of the Kansas administrative~~  
26 ~~procedure act, the registration has expired as otherwise provided under the~~  
27 ~~meat and poultry inspection act or an injunction or order has issued~~  
28 ~~preventing the establishment from reopening.~~

29 ~~(c) This section shall be a part of and supplemental to the meat and~~  
30 ~~poultry inspection act.~~

31 New Sec. 2. (a) The secretary may make provision for voluntary  
32 inspection for nonamenable species and establish such fees to cover the  
33 cost of providing such voluntary inspection services. The secretary shall  
34 consider adequate and efficient staffing and expertise prior to providing  
35 voluntary inspection services.

36 (b) A person requesting voluntary inspection services shall submit a

Strike all in New Section 1.

animals other than livestock, poultry or  
rabbits which can or may be used in and  
for the preparation of meat or meat  
products, poultry or poultry products

1 request for inspection services on a form provided by the secretary.

2 (c) The secretary may refuse to provide voluntary inspection services  
3 due to staffing, inspector expertise or any other good cause shown. Priority  
4 in scheduling inspection services shall be given for inspection services  
5 mandated by the meat and poultry inspection act.

6 (d) The secretary may prescribe rules and regulations for the  
7 implementation of this section.

8 (e) This section shall be a part of and supplemental to the meat and  
9 poultry inspection act.

10 New Sec. 3. (a) No operation requiring inspection under article 6a of  
11 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,  
12 may be conducted unless it is conducted under the supervision of a  
13 representative of the secretary. All slaughtering of animals shall be done:

14 (1) Under the direct supervision of a representative of the secretary;  
15 and

16 (2) with reasonable speed, considering the official establishment's  
17 facilities.

18 The secretary may implement inspection procedures for processing  
19 operations that are different from the inspection procedures for slaughter  
20 operations. Processing procedures may include procedures that allow for  
21 varied frequency of inspection depending on the processing operations  
22 conducted.

23 (b) Each official establishment shall submit a work schedule to the  
24 secretary for approval upon the occurrence of any of the following:

25 (1) Prior to the inauguration of the inspection.

26 (2) When a change in work schedule is requested.

27 (3) Upon request by a representative of the secretary.

28 Work schedules shall specify ~~for all departments~~ the daily clock hours  
29 of inspected ~~and custom-exempt~~ operations ~~and shall specify lunch-~~  
30 ~~periods.~~

31 (c) The secretary shall take into account the efficient and effective use  
32 of inspection personnel when approving work schedules. The secretary  
33 shall consult with the establishments involved when designating work  
34 schedules.

35 (d) Establishments shall maintain consistent work schedules. The  
36 secretary may prescribe by rules and regulations the process by which an  
37 establishment may request a change in its work schedule.

38 (e) This section shall be a part of and supplemental to the meat and  
39 poultry inspection act.

40 Sec. 4. K.S.A. 2011 Supp. 65-6a18 is hereby amended to read as  
41 follows: 65-6a18. As used in this act:

42 (a) "Secretary" means the secretary of agriculture *or the secretary's*  
43 *authorized representative.*

applying the mark of inspection

, except for minor deviations from a daily operating  
schedule approved by the area supervisor.

1 reinstated if it has been delinquent for one year. No registration required  
2 by this section shall be issued until all applicable reinstatement fees, if any,  
3 have been paid.

4 Sec. 8. K.S.A. 65-6a41 is hereby amended to read as follows: 65-  
5 6a41. (a) Any person registered or required to be registered under the  
6 provisions of K.S.A. 65-6a34, and amendments thereto, shall keep ~~such~~  
7 records ~~as will fully and correctly disclose all transactions entered in~~  
8 ~~their businesses.~~ All persons, firms and corporations subject to such  
9 requirements, at all reasonable times upon request by the secretary, shall  
10 provide access to their places of business and provide an opportunity to  
11 examine the facilities, inventory and records thereof and to copy all such  
12 records.

13 (b) Any record required to be maintained by this section shall be  
14 maintained for a period of time as the secretary may prescribe by rules  
15 and regulations.

16 (c) It shall be unlawful for any person to refuse to furnish, on request  
17 of a representative of the secretary, the name and address of the person  
18 from whom he such person received any article or animal which does not  
19 meet the requirements of this act, and copies of all documents, if any there  
20 be, pertaining to the delivery of the article or animal to him such person.

21 Sec. 9. K.S.A. 65-6a34 and 65-6a41 and K.S.A. 2011 Supp. 65-6a18,  
22 65-6a20 and 65-6a31 are hereby repealed.

23 Sec. 10. This act shall take effect and be in force from and after its  
24 publication in the statute book.

that

accurately

transactions related to animals prepared for and  
capable of use as human food. Nothing in this  
section shall affect the exemptions established in  
K.S.A. 65-6a31, and amendments thereto.