

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 302

As Amended by Senate Committee of the Whole

Brief*

SB 302 would add new sections to and amend existing sections in the Kansas Meat and Poultry Act.

Voluntary Inspections

The bill would provide for voluntary inspections of animals other than livestock, poultry, or rabbits which can or may be used in and for the preparation of meat or meat products and poultry or poultry products. The voluntary inspections would provide greater flexibility for operations wanting to slaughter the animals listed above under inspection.

The request for voluntary inspections would be submitted to the Secretary of Agriculture who could then refuse the request due to issues of staffing, inspector expertise, or any other good cause shown. Priority in scheduling the inspections would be given to those inspections mandated by the Act. The Secretary also would have the power to establish fees for voluntary inspections. In addition, the Secretary would have the authority to prescribe rules and regulations for implementing the provisions of voluntary inspections.

Inspection Services

The bill contains provisions for when inspection services are required and instructs the Secretary to take into account

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the efficient and effective use of personnel when approving inspection work schedules.

Specifically, the bill would clarify that operations requiring inspections under the Act cannot proceed unless operated under the supervision of a representative of the Secretary. All slaughtering of animals would be done under the direct supervision of a representative of the Secretary and with reasonable speed.

The bill would establish the procedures for establishing and approving a work schedule for processing and slaughter operations. Each official establishment applying the mark of inspection would be required to submit a work schedule to the Secretary for approval upon the occurrence of any of the following:

- Prior to the inauguration of the inspection;
- When a change in work schedule is requested, except for minor deviations from a daily operating schedule approved by the area supervisor; or
- Upon request by a representative of the Secretary.

The submitted work schedules would be required to specify the daily clock hours of inspected operations.

The bill would require the Secretary to take into account the efficient and effective use of inspection personnel when approving work schedules, as well as consult with the establishments involved when designating work schedules. In addition, the bill would require establishments to maintain consistent work schedules. The Secretary would be authorized to prescribe, through rules and regulations, the process by which an establishment may request a change in its work schedule.

Inhumane Slaughter and Inhumane Handling

The Secretary, for purposes of preventing the inhumane slaughter or inhumane handling in connection with the slaughter of livestock, domestic rabbits, or poultry, shall authorize inspectors to perform an examination and inspection of the method by which those animals are slaughtered and handled. In addition, the Secretary would be authorized to prescribe rules and regulations for the examination and inspection of methods by which livestock, domestic rabbits, or poultry are slaughtered.

Custom Slaughter

The bill would amend portions of the Act with regard to custom slaughter. Any carcass, meat, or meat products prepared on a custom basis, including any containers or packages containing such products, must be plainly marked "Not for Sale" immediately after being prepared and kept identified as such until delivered to the owner.

Custom slaughter and preparation also would be subject to the humane slaughter and humane handling provisions of the Act.

Definitions

The bill would update existing sections of the Act by updating definitions, deleting obsolete definitions, and defining new terms, including "public warehouseman"; "slaughter facility"; "processing facility"; "wholesaler"; and "Humane Slaughter Act."

Fees

The bill would amend existing law by establishing a \$25 registration fee for all registrations, including those facilities operating on a custom basis and facilities operating in

conjunction with and under the jurisdiction of the Kansas Board of Regents. The bill would remove the provisions for the previous registration fee and other calculations that were previously required by the Kansas Department of Agriculture (KDA).

Records

The bill would require any person registered or required to be registered under the Act to keep records that fully and accurately disclose transactions related to animals prepared for and capable for use as human food. All persons, firms, and corporations subject to this requirement would provide access to their places of business and provide an opportunity to examine the facilities, inventory, and records, and to copy records.

Any records required to be maintained shall be maintained for a period of time as the Secretary shall prescribe by rules and regulations.

Technical Changes

The bill would make numerous technical changes, including the update of terminology for the Secretary and deleting references to the State Board of Agriculture. Additionally, the technical changes include references to various sections of existing state law.

Background

At the Senate Committee on Agriculture hearing on the bill, the Committee received proponent testimony from the KDA. The KDA stated that the \$25 fee allows the Meat and Poultry Inspection Program to cover the administrative costs of issuing the registration. Currently, fees under the Act range from no cost to \$250. The KDA testified that Kansas has the second highest registration fees of any state inspection

program, as the U.S. Department of Agriculture (USDA) and most other states have a free or minimal registration fee. Current fees represent 1.0 percent of the total budget for the program; thus, as fees are such a small portion of the budget, any decrease will not affect program operations.

The President of the Kansas Meat Processors Association and a member of the public provided testimony in opposition to the bill. The opponents raised concerns that the processors in the state are small, family-owned and operated businesses that provide numerous services to local communities. The opponents recommended establishing a food safety program that promotes and protects the safe production of meat through research, education, and cooperation, with enforcement as the last resort.

The Senate Committee made amendments to the bill, which included the following:

- Striking all in New Section 1 of the original bill;
- Clarifying the definition of non-amenable species, which includes 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;
- Clarifying official establishments that apply the mark of inspection shall submit a work schedule to the Secretary of Agriculture upon the occurrence of various factors, including when a change in work schedule is requested, except for minor deviations from a daily operating schedule approved by the area supervisor;
- Amending the proposed language of the bill to clarify that persons registered or required to be registered shall keep records that fully and accurately disclose transactions related to animals prepared for and capable for use as human food;

- Delete the definition and reference to the "Federal Humane Methods of Livestock Slaughter Act";
- Strike the reference to "or the secretary's authorized representative" in the definition of "Secretary" in the Act as it is currently; and
- Change "may" to "shall" in reference to the Secretary of Agriculture prescribing by rules and regulations the period of time that records should be maintained.

The Senate Committee of the Whole amended the bill to include three technical amendments to New Section 2(b) of the bill.

The fiscal note on the original bill, provided by the Division of the Budget, states the passage of the bill would reduce state revenue to the Meat and Poultry Fee Fund by \$9,150; however, the Department of Agriculture indicated the fiscal impact would have no operational effect.