

Protection of Agricultural and Research Facilities; Livestock Branding; Senate Sub. for HB 2047

Senate Sub. for HB 2047 amends the Farm Animal and Field Crop and Research Facilities Protection Act, amends the process for applying for and registering a livestock brand with the State, and increases the fee limitation related to livestock brand application, registration, and renewal.

Farm Animal and Field Crop and Research Facilities Protection Act

Prohibition on Entering or Remaining in Facilities and Areas; Flying an Aircraft

The bill prohibits a person from entering or remaining upon or in any animal facility or field crop production area of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government entity without the consent of the owner.

The prohibition includes flying an aircraft within the airspace directly above the animal facility or production area but below the minimum safe altitude, as defined in federal general operating and flight rules (14 CFR § 91.119(c)) as in effect on July 1, 2024.

Prohibition on False Statements

The bill prohibits a person from knowingly making false statements on an employment application in order to gain access to an animal facility or field crop production area of a product development program in conjunction or coordinating with a private research facility, a university, or any federal, state, or governmental agency.

Criminal Penalties

The bill clarifies that violations of the Farm Animal and Field Crop and Research Facilities Protection Act will be a:

- Class A nonperson misdemeanor;
- Severity level 9 nonperson felony, if property damaged or destroyed is valued at more than \$1,000 but less than \$25,000; or
- Severity level 7 nonperson felony, if property damaged or destroyed is valued at more than \$25,000.

Definitions

The bill adds a definition for “aircraft” that is the same as the definition in federal aviation regulations (14 CFR § 1.1.) The bill also removes the definitions of “deprive,” “effective consent,” and “possession.”

Livestock Branding

[*Note:* Livestock brands must be registered with the Kansas Department of Agriculture (KDA) before use. They may be used on cattle, horses, mules, and asses (statutory term) and are designed using approved characters that are registered to be used on one of six locations on an animal: left or right hip, left or right rib, or left or right shoulder. The first laws requiring livestock brands to be registered with the State were enacted in 1939.]

The bill requires a separate application and registration fee for each brand to be registered or approved.

Upon application for a brand, the bill requires the Animal Health Commissioner (Commissioner) and the KDA to determine whether the brand is available for use and registration and requires the registrant, within 60 days of the notice of approval being sent by the Commissioner, to remit the brand registration fee. Upon approval, a certificate of brand title will be provided upon payment of the brand registration fee. The bill prohibits the use of a brand if a certificate of brand title has not been issued, and any such use will be subject to penalties as provided in KSA 47-421 and amendments thereto.

In continuing law, the cap on the brand registration fee is \$55. The bill states that in no case will the brand renewal fee or the total of the brand application fee and registration fee exceed \$100. If the fee is not paid as required by the bill, the Commissioner may deny the application.

Once approved, a brand registration is recorded for a five-year period, at which time a renewal is required. Upon the expiration of the recording period, the bill requires each person wanting to renew their brand certificate title to remit a renewal fee to the Commissioner.

The bill clarifies that the use of a forfeited brand is unlawful and will be subject to penalties as provided in KSA 47-421 and amendments thereto.