

## **Livestock Brand Law Amendments; HB 2480**

**HB 2480** enacts new law relating to the livestock brand fee funds within the Kansas Department of Agriculture (KDA) and makes changes to livestock brand law.

### ***Fee Funds***

The bill transfers all money in and liability of the Livestock Brand Emergency Revolving Fund and the County Option Brand Fee Fund to the Livestock Brand Fee Fund on July 1, 2016. The Livestock Brand Emergency Revolving Fund and the County Option Brand Fee Fund are abolished.

### ***Changes to the Livestock Brand Law***

**Definitions.** The bill provides, for the purposes of livestock branding, that sheep are not included in the definition of "livestock."

**Employees.** The bill subjects the appointment of any brand inspectors, special investigators, examiners, deputy assistants, and employees by the Animal Health Commissioner to approval by the Secretary of Agriculture. The bill also permits the Secretary of Agriculture to enter into contractual agreements with the Attorney General with respect to the Kansas brand law.

**Brand renewal and inspection.** The bill clarifies any brand not renewed within 60 days (previously 120 days) of the end of its registration period will be forfeited and makes the use of a forfeited brand unlawful. The bill changes the brand inspection fee when brand inspection is requested and provided. This fee cannot exceed \$0.75 per head for all livestock, a change from the prior fee not to exceed \$0.75 for cattle and \$0.05 for other livestock. An exemption from the brand inspection fee for cattle consigned to or sold at a public livestock market that have clearance from a county option brand inspection area has been removed. The bill also increases the fee for recording a brand to \$30 (previously \$15).

**Rules and regulations.** The bill gives authority to the Animal Health Commissioner to adopt and enforce rules and regulations governing brand inspections and allows brand inspectors and special investigators to aid in the investigations and prosecutions of violations of Kansas livestock laws and rules and regulations.

**Brand practices.** The bill eliminates the specific language outlining branding to identify livestock with diseases, but still permits such branding on the tailhead of cattle. The bill removes language related to obtaining a permit to use a serial or herd brand in conjunction with a registered brand and also removes the requirement that serial or herd brands be six inches away from recorded brands. The bill adds language allowing brand applicants to denote their use of age, serial, or herd brands on their applications. The bill also prohibits the use of acid or chemicals for branding.

**Brand fraud.** The bill deems any person who willfully brands, or causes to be branded, any livestock in any unauthorized manner or causes livestock to be falsely branded as to incorrectly designate the disease control identification or owners guilty of a class A misdemeanor. A person who willfully and knowingly brands or causes to be branded any brand

that is not the recorded brand of the owner will be deemed guilty of a non-drug severity level 6, nonperson felony.

**Out-of-state brands.** The bill amends the law with respect to livestock with brands recognized in other states and brought into the state for feeding or grazing and exempts them from Kansas brand laws for a period of 12 months, increased from 8 months. After that time, the out-of-state brand or a new brand will need to be recorded.

**Feedlot brands.** The bill removes the requirement in prior law that livestock with feedlot brands be quarantined until released by the feedlot operator for movement to slaughter or by the Animal Health Commissioner through issuance of a permit authorizing movement for grazing purposes.

**Repeal of statutes.** The bill repeals numerous statutes dealing with such issues as the various funds being combined, branding in an unauthorized manner, and brand inspection areas. The bill continues to permit reciprocity agreements with livestock commissioners or brand inspection agencies in other states or the United States.