

**SENATE Substitute for  
Substitute for HOUSE BILL No. 2593**

By Committee on Agriculture

3-23

11  
12 AN ACT concerning agriculture; relating to animal identification pro-  
13 gram; ~~also relating to~~ duty of care of livestock [***Kansas animal health***  
14 ***board, membership; amending K.S.A. 74-4001 and repealing the***  
15 ***existing section***].  
16

17 WHEREAS, The Kansas constitution vests all legislative authority in  
18 the legislature and such authority should be delegated to the executive  
19 branch only in limited circumstances; and

20 WHEREAS, The United States department of agriculture is in the  
21 process of developing a federal animal identification program for the pur-  
22 pose of promoting food safety by enabling a rapid response to outbreaks  
23 of animal disease; and

24 WHEREAS, The authority to conform Kansas law with any federal  
25 requirements for an animal identification program rests with the legisla-  
26 ture; and

27 WHEREAS, It is possible that a federal program may be established  
28 before the legislature convenes in January 2005 but no such program is  
29 yet established; and

30 WHEREAS, It is in the best interest of Kansas agriculture and Kansas  
31 consumers for the state of Kansas to be prepared to implement in Kansas  
32 a federal animal identification program whenever such program is imple-  
33 mented; and

34 WHEREAS, It is in the best interest of Kansas agriculture and Kansas  
35 consumers for the livestock commissioner to have authority to timely  
36 participate in establishment of a process for the registration of premises  
37 where animals are located if an animal identification program is imple-  
38 mented by the federal government prior to the legislature reconvening  
39 in January 2005.

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

41 Section 1. (a) The livestock commissioner is authorized to cooperate  
42 with the United States department of agriculture, other state govern-  
43 mental officials and representatives of private industry to define premises

1 where animals are located and to develop a premises registration system  
2 for Kansas.

3 (b) In the development of such system, the livestock commissioner  
4 shall ensure that:

5 (1) The requirements of registration of premises are consistent with  
6 the federal program and with the United States animal identification plan;

7 (2) the costs and paperwork requirements for registration of premises  
8 are minimized for the registrant and the state; and

9 (3) the program is not duplicative of or in conflict with federal  
10 requirements.

11 Sec. 2. (a) If, prior to May 15, 2005, the United States department  
12 of agriculture issues proposed or final rules for the implementation of a  
13 national animal identification or premises registration program, or (b) the  
14 congress of the United States enacts requirements for a national animal  
15 identification or premises registration system, or (c) another state estab-  
16 lishes requirements for animal identification or premises registration for  
17 importation of livestock from Kansas, the livestock commissioner is au-  
18 thorized to issue such rules and regulations as may be reasonably neces-  
19 sary to implement premises registration.

20 Sec. 3. Subject to appropriations therefor, the livestock commis-  
21 sioner is authorized to hire, in accordance with the civil service act, not  
22 more than one employee for the purpose of carrying out the provisions  
23 of this act.

24 Sec. 4. The livestock commissioner is authorized to enter into agree-  
25 ments with federal agencies or officials, other state agencies or officials  
26 or the owner of animals or such owner's authorized agent to coordinate  
27 efforts and share records and data systems pursuant to law to maximize  
28 the efficiency and effectiveness of this act.

29 Sec. 5. Any data or records provided pursuant to this act to an official  
30 of the animal health department by owners of premises or animals shall  
31 be considered confidential by the animal health department and shall not  
32 be disclosed to the public.

33 Sec. 6. Any federal financial aid or assistance, grants, gifts, bequests,  
34 money or aid of any kind for animal identification in Kansas, shall be  
35 remitted to the state treasurer in accordance with the provisions of K.S.A.  
36 75-4215, and amendments thereto. Upon receipt of each such remittance  
37 the state treasurer shall deposit the entire amount in the state treasury  
38 to the credit of the animal identification fund, which fund is hereby cre-  
39 ated. All expenditures from such fund shall be made in accordance with  
40 appropriations acts upon warrants of the director of accounts and reports  
41 issued pursuant to vouchers approved by the livestock commissioner or  
42 by a person designated by the livestock commissioner and shall be used  
43 solely for the administration of the animal identification program.

1     Sec. 7. The livestock commissioner shall prepare a report and pres-  
2 ent such report to the legislature by February 1, 2005, on the status of  
3 the animal identification program. Such report shall include the recom-  
4 mendations of the livestock commissioner as to the definition of premise  
5 for purposes of the program, appropriations and fees necessary in admin-  
6 istration of the program, enforcement provisions necessary in administra-  
7 tion of the program and any other recommendation deemed necessary  
8 by the livestock commissioner to carry out the provisions of this act.

9     Sec. 8. (a) As used in this section, for livestock prepared in Kansas  
10 in accordance with K.S.A. 65-6a18 *et seq.*, and amendments thereto: (1)  
11 “Producer” means any person engaged in the business of breeding, graz-  
12 ing, maintenance or feeding of livestock.

13     (2) “Livestock”, “meat food product”, “person” and “prepared” shall  
14 have the meanings ascribed thereto by K.S.A. 65-6a18, and amendments  
15 thereto.

16     (b) In an action arising as a result of consumption of a meat food  
17 product against a producer of livestock, there shall be a rebuttable pre-  
18 sumption that the producer of livestock met the standard of ordinary care  
19 in the production of the livestock in question, if the livestock in question  
20 was inspected and passed in accordance with the provisions of K.S.A. 65-  
21 6a18 *et seq.*, and amendments thereto.

22     (c) In no event shall a producer of livestock in an action arising as a  
23 result of consumption of a meat food product be held to a standard higher  
24 than that of ordinary care if the livestock in question had been inspected  
25 and passed in accordance with the provisions of K.S.A. 65-6a18 *et seq.*,  
26 and amendments thereto.

27     Sec. 9. (a) As used in this section, for livestock prepared in Kansas  
28 in accordance with the federal meat inspection act, 21 U.S.C.A. 601 *et*  
29 *seq.*: (1) “Producer” means any person engaged in the business of breed-  
30 ing, grazing, maintenance or feeding of livestock.

31     (2) “Livestock” means cattle, sheep, swine, goats, horses, mules or  
32 other equines.

33     (3) “Meat food product” and “prepared” shall have the meanings  
34 ascribed thereto by 21 U.S.C.A. 601(j) *et seq.*

35     (4) “Person” shall have the meaning ascribed thereto by K.S.A. 65-  
36 6a18, and amendments thereto.

37     (b) In an action arising as a result of consumption of a meat food  
38 product against a producer of livestock there shall be a rebuttable pre-  
39 sumption that the producer of livestock met the standard of ordinary care  
40 in the production of the livestock in question, if the livestock in question  
41 was inspected and passed in accordance with the provisions of 21 U.S.C.A.  
42 601 *et seq.*

43     (c) In no event shall a producer of livestock in an action arising as a

1 result of consumption of a meat food product be held to a standard higher  
2 than that of ordinary care if the livestock had been inspected and passed  
3 in accordance with the provisions of 21 U.S.C.A. 601 *et seq.*

4 Sec. 10. The provisions of sections 1 through 7 shall expire on May  
5 15, 2005.

6 **[Sec. 11. K.S.A. 74-4001 is hereby amended to read as follows:**  
7 **74-4001. There is hereby created a Kansas animal health board,**  
8 ~~which.~~ **On and after July 1, 2004, such board shall consist of seven (7)**  
9 ~~nine members of which one member shall be the president of the Kansas~~  
10 ~~livestock association and six (6) and all members shall be appointed by~~  
11 **the governor. On and after July 1, 2004, the governor shall appoint five**  
12 **members to comply with the provisions of this act. The two current mem-**  
13 **bers of the board for whom their term of office expires on July 1, 2005,**  
14 **and the two current members of the board for whom their term of office**  
15 **expires on July 1, 2006, shall serve their terms of office as provided by**  
16 **law. The members so appointed shall represent the major species or**  
17 **phases of the livestock industry and one member shall be a licensed**  
18 **dog or cat breeder, one member shall be a licensed veterinarian, one mem-**  
19 **ber shall represent auction markets, one member shall represent the swine**  
20 **industry, one member shall represent the dairy cattle industry and three**  
21 **members shall represent the beef cattle industry. Each appointive mem-**  
22 **ber shall be selected from a list of three (3) qualified persons for each**  
23 **such appointment submitted to the governor by the board of directors of**  
24 **the Kansas livestock association. The appointive Members of the board**  
25 **shall be appointed for a term of three (3) years, except that, within**  
26 **thirty (30) days after the effective date of this act, the six (6) appointive**  
27 **the five members appointed to comply with the provisions of this act**  
28 **shall be appointed for terms as follows: Two (2) members for terms**  
29 **ending July 1, 1970; two (2) members for terms ending July 1, 1971, and**  
30 **two (2) members for terms ending July 1, 1972 One member for a term**  
31 **ending July 1, 2005; one member for a term ending July 1, 2006; and three**  
32 **members for terms ending July 1, 2007. Whenever a vacancy shall occur**  
33 **occurs on said commission the board, by reason of the expiration of**  
34 **an appointive a member's term of office, the governor shall appoint**  
35 **a successor of like qualifications in the manner and for the term of**  
36 **office prescribed herein in this section. In case of a vacancy in the**  
37 **office of any appointive member of occurring on the board before the**  
38 **expiration of his a member's term, the governor shall appoint a suc-**  
39 **cessor of like qualifications for the remainder of the unexpired term.**  
40 **Members of the commission board holding office at the time this act**  
41 **takes effect shall continue in office until their successors are ap-**  
42 **pointed and qualified.**

43 **[Sec. 12. K.S.A. 74-4001 is hereby repealed.]**

S Sub. for Sub. for HB 2593—Am. by SCW  
5

1 Sec. ~~11~~ [13]. This act shall take effect from and after its publication  
2 in the statute book.