

K.A.R. 9-7-1. General. (a) Livestock and exotic animals shall not be imported into Kansas except in accordance with the laws and ~~rules and regulations of the state of Kansas,~~ and of the ~~animal and plant health inspection service, veterinary services,~~ United States department of agriculture.

(b) ~~Except as specified in subsection (c),~~ Livestock and exotic animals shall not be imported into Kansas without ~~an official health certificate issued by a licensed, accredited veterinarian~~ a certificate of veterinary inspection issued by a licensed, accredited veterinarian in the state of origin. ~~When~~ If a permit is required, ~~the permit number shall be shown on the health certificate~~ each permit number shall be shown on the certificate of veterinary inspection.

(c) Livestock and exotic animals may be imported without a ~~health certificate of~~ veterinary inspection directly to any of the following:

(1) ~~A state or federally approved~~ Kansas-approved or United States department of agriculture-approved slaughter establishment for immediate slaughter;

(2) ~~a A state or federally approved~~ United States department of agriculture-approved public livestock market for sale; ~~or~~

(3) ~~A a Kansas farm, premises without change of ownership, from a farm owned or leased by the owner of the livestock within the trade territory.~~ based on a special permit pursuant to K.S.A. 47-607a, and amendments thereto, or movement agreement approved by the animal health commissioner before movement of any livestock or exotic animal; or

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(4) a Kansas premises when moving livestock or exotic animals between Kansas and an adjacent county in an adjacent state without a change in ownership or commingling of livestock or exotic animals when accompanied by a statement documenting ownership, date of movement, point of origin, and point of destination. Each owner shall retain a copy of the statement for five years from the date of movement.

~~(e) (d) A copy of the health certificate, showing the permit number when required, authorizing movement into Kansas, shall accompany the livestock. If movement of livestock be by railroad, a copy of the health certificate, showing the required permit number, shall be attached to the bill of lading. of veterinary inspection as required in subsection (b) shall accompany the livestock or exotic animals to the final destination.~~

~~(d) (c) Livestock entering Kansas on a public highway or road shall clear through a Kansas motor carrier inspection station. The following records shall be considered records obtained by the animal health commissioner to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas:~~

(1) Movement records;

(2) diagnostic laboratory results;

(3) vaccination records;

(4) tag distribution records;

(5) livestock market official identification information;

(6) enhanced biosecurity plan information; and

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(7) any other records deemed necessary by the animal health commissioner.

(Authorized by K.S.A. 47-607d, 47-610, ~~47-620~~, 47-674, and 47-1832; implementing K.S.A. 47-607, ~~47-620~~, and 47-674; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1980; amended May 1, 1982; amended P-_____.)

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K.A.R. 9-7-14. Equidae. (a) ~~Each equidae entering the state of Kansas, offered for sale in Kansas, changing ownership, or used for exhibition purposes, except a nursing foal six months of age or younger that is accompanied by its dam that has a current negative equine infectious anemia test, shall be identified individually on and accompanied by a complete USDA United States department of agriculture (USDA) veterinary services form 10-11, or an equivalent form approved by the animal health commissioner, that declares that the equid has had an official negative test for equine infectious anemia within the previous 12 months. If an equid has been tested for equine infectious anemia more than one time during the previous 12 months, only the most recent test shall be considered a valid test. and an official health certificate or certificate of veterinary inspection by one of the following methods:~~

- (1) brand;
- (2) lip tattoo;
- (3) microchip;
- (4) registration number;
- (5) description; or
- (6) any other method approved by the livestock commissioner.

(b) ~~In addition to the equine infectious anemia test required in subsection (a), Each equidae entering the state of Kansas, except a nursing foal that is six months of age or under and that is accompanied by its dam, shall test negative for equine infectious anemia within 12 months prior to entry, using an industry approved test conducted in a laboratory approved by the livestock commissioner. If the equidae has been tested more than one time during the 12 months immediately preceding entry into the state of Kansas, only the last test shall be considered valid.~~

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The following information shall appear on the official health certificate or certificate of veterinary inspection shall be accompanied by a certificate of veterinary inspection that includes the following information from the equine infectious anemia test required in subsection (a):

- (1) ~~€~~The date of the test;
- (2) the type of test utilized;
- (3) the test results; and
- (4) the name of the testing laboratory;
- (5) the accession number which is the laboratory test number; and
- (6) the description of the equidae.

(c) For the purposes of this regulation, the term “equidae” shall include the following The following definitions shall be included for the purpose of this regulation:

(1) “Equidae” shall include the following:

- (1) ~~(A)~~ hHorses;
- (2) ~~(B)~~ asses;
- (3) ~~(C)~~ zebras; and
- (4) ~~(D)~~ equidae hybrids.

(2) “Exhibition” shall mean the commingling of animals for the purpose of showing or judging contest or any other type of public display, equidae used for team roping, penning, barrel racing, rodeo, or other performance events. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976; amended Jan. 23, 1998; amended P-_____.)

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K.A.R. 9-10-1. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; implementing K.S.A. 47-607, 47-658b and 47-1008; effective Jan. 1, 1966; amended May 1, 1982; revoked P-_____.)

K.A.R. 9-10-2. (Authorized by K.S.A. 47-610, 47-1010; implementing K.S.A. 47-607 and 47-1008; effective Jan. 1, 1966; amended May 1, 1982; revoked P-_____.)

K.A.R. 9-10-3. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966; revoked P-_____.)

K.A.R. 9-10-4. (Authorized by K.S.A. 47-607a, 47-610, K.S.A. 1965 Supp. 47-607; effective Jan. 1, 1966; revoked P-_____.)

K.A.R. 9-10-5. (Authorized by K.S.A. 47-610, 47-1009, K.S.A. 1970 Supp. 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971; revoked P-_____.)

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K.A.R. 9-10-7. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966; revoked P-_____.)

K.A.R. 9-10-8. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1980; revoked P-_____.)

K.A.R. 9-10-9. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971; amended Jan. 1, 1974; revoked P-_____.)

K.A.R. 9-10-10. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972; revoked P-_____.)

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K.A.R. 9-10-14, K.A.R. 9-10-15, K.A.R. 9-10-16, K.A.R. 9-10-17, K.A.R. 9-10-18, and K.A.R.
9-10-19. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966;
revoked P-_____.)

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K.A.R. 9-10-21. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966; revoked P-_____.)

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K.A.R. 9-10-22a. (Authorized by K.S.A. 47-610, 47-1008, 47-1009, 47-1010; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1980; revoked P-_____.)

K.A.R. 9-10-23. (Authorized by K.S.A. 47-610, 47-1011, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966; revoked P-_____.)

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K.A.R. 9-10-24a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing K.S.A. 47-658a and 47-1008; effective, E70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982; revoked P-_____.)

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K.A.R. 9-10-25a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004, 47-1008; effective,
E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked P-
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K.A.R. 9-10-26a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing K.S.A. 47-658a and 47-1007; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982; revoked P-_____.)

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K.A.R. 9-10-27a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked P-_____.)

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K.A.R. 9-10-30. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective, E-71-19, July 1, 1971; effective Jan. 1, 1972; revoked P-_____.)

K.A.R. 9-10-31 (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-_____.)

K.A.R. 9-10-32. (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-_____.)

K.A.R. 9-10-33. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 19, Sec. 2; effective April 3, 1998; revoked P-_____.)

K.A.R. 9-10-33a. (Authorized by and implementing K.S.A. 2016 Supp. 47-1008; effective, T-9-8-29-00, Aug. 29, 2000; effective Dec. 29, 2000; amended Sept. 22, 2017; revoked P-_____.)

K.A.R. 9-10-34, K.A.R. 9-10-35, K.A.R. 9-10-36, K.A.R. 9-10-37, K.A.R. 9-10-38, and K.A.R. 9-10-39. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998; revoked P-_____.)

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K.A.R. 9-10-40. (Authorized by and implementing K.S.A. 47-1001a and K.S.A. 2016 Supp. 47-1001e; effective Sept. 22, 2017; revoked P-_____.)

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K.A.R. 9-10-41. Definitions. Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Accredited veterinarian" means a veterinarian approved by the administrator of the United States department of agriculture, animal plant health inspections service, to perform functions required by the cooperative state-federal disease control and eradication programs.

(b) "Backtag" means a tag issued by USDA that provides a temporary unique identification number for each animal.

(c) "Backtag contractor" means a person receiving payment for the application, recording, and reporting of official United States department of agriculture backtags applied to all sexually intact bovine 18 months of age and older at a public livestock market.

(d) "Bovine sold for slaughter" means any sexually intact bovine intended to move from a public livestock market or occasional livestock sale directly to a slaughter facility within 72 hours.

(e) "Certificate of veterinary inspection" means an official document issued by a federal, state, tribal, or accredited veterinarian certifying that the livestock or exotic animal identified on the document has been inspected and found to meet the requirements of the regulations pertaining to the intended movement location, within the same state, between states, or internationally.

(f) "Consignor" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(g) "Electronic auction" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

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(h) "Exotic animal" has the meaning specified for this term in K.S.A. 47-1832, and amendments thereto.

(i) "Livestock" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(j) "Market veterinarian" means a licensed, accredited veterinarian approved by the animal health commissioner to perform functions at a public livestock market.

(k) "Occasional livestock sale" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(l) "Occasional livestock sale operator" means any person who is licensed to conduct an occasional livestock sale.

(m) "Official identification" means a permanent, tamperproof means approved by the United States department of agriculture, animal plant health inspections service, and the animal health commissioner that assigns a permanent, unique numeric or alphanumeric identification to a livestock or exotic animal or a group of livestock or exotic animals.

(n) "Owner" means the individual or entity with legal possession or the financial control of livestock or exotic animals.

(o) "Person" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(p) "Public livestock market" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

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(q) "Public livestock market facilities" means all pens, yards, alleyways, sale rings, loading docks, scales, and vehicles and any other equipment necessary for the handling of livestock.

(r) "Public livestock market operator" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto, and also includes any designee of a person who meets that definition.

(s) "Purchaser" means the person responsible for payment of livestock or exotic animals that person purchased or were purchased by an agent in the person's name.

(t) "Sale" means livestock auctions or events, that receive on consignment, or solicit from the producer or consignor thereof, or hold in trust or custody for another, any livestock that is offered for exchange in return for monetary payment, payment in kind, or other consideration, on behalf of such producer or consignor at such auction or event, or sells, or offers for exchange in return for monetary payment, payment in kind, or other consideration, at such auction or event, for the account of the producer or consignor thereof, any livestock or directly or indirectly owns, conducts or operates such auction or event.

(u) "USDA" means United States department of agriculture. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-42. Public livestock market facilities. (a) Each public livestock market operator shall construct and maintain all public livestock market facilities used for handling, loading, and penning livestock or exotic animals in a manner that minimizes the risk of physical injury to people and to livestock or exotic animals.

(b) Each public livestock market operator shall maintain all public livestock market facilities used for handling, loading, and penning livestock or exotic animals in a manner that permits adequate drainage and in a clean and sanitary condition. Each public livestock market operator shall clean all public livestock market facilities used for handling, loading, and penning livestock or exotic animals before the next sale at the public livestock market. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-43. Limitation on use of public livestock market facilities. (a) Each public livestock market operator shall use the public livestock market facilities only for feeding, holding, trading, or assembling livestock or exotic animals if the livestock or exotic animals are consigned to the public livestock market for sale or the public livestock market is being used as a collection point for livestock moving directly to a slaughter facility.

(b) Any public livestock market operator may use the public livestock market facilities for feeding, holding, trading, or assembling livestock or exotic animals that are not consigned to the market for sale if one of the following conditions is met:

(1) housing livestock or exotic animals during an emergency response approved by the animal health commissioner; or

(2) housing “stray” as defined in K.S.A. 47-229 and amendments thereto, under the custody and control of local law authorities. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-44. Disinfection of public livestock market facilities and vehicles. (a) If any livestock or exotic animal at a public livestock market facility are found to be infected with or exposed to a contagious or infectious disease, the public livestock market operator shall clean and disinfect all public livestock market facilities under the supervision of the market veterinarian with a disinfectant approved by the animal health commissioner.

(b) If a vehicle is used to transport or confine infected or exposed livestock or exotic animals, each owner or operator of the vehicle shall pay all expenses incurred in cleaning and disinfecting the vehicle. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-634; effective P-_____.)

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K.A.R. 9-10-45. Quarantine pens and facilities. (a) If the market veterinarian determines that a livestock or an exotic animal shall be placed under quarantine, the public livestock market operator shall provide and maintain quarantine pens for the livestock or exotic animal.

(b) The market veterinarian shall ensure that each quarantine pen meets the following requirements:

(1) Be separate and apart from any pen used to pen livestock or exotic animals consigned for sale when the exposed or infected livestock or exotic animals are placed in the quarantine pen;

(2) be of ample size with sufficient shed coverage or other sheltering for exposed or infected livestock or exotic animals; and

(3) have adequate feeding and watering facilities.

(c) Each market veterinarian shall provide supervision over any quarantine pen located at the public livestock market and shall ensure that each quarantine pen is locked, unless the animal health commissioner or the market veterinarian authorizes the movement of livestock or exotic animals into or out of the quarantine pen. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610; effective P-_____.)

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K.A.R. 9-10-46. Quarantine of diseased and exposed livestock or exotic animals. (a)

If a market veterinarian finds evidence of any contagious or infectious disease or finds evidence of livestock or exotic animals being exposed to any contagious or infectious disease, the market veterinarian shall place the entire consignment of the livestock or exotic animals under quarantine and shall immediately notify the public livestock market operator and the animal health commissioner of this action. Each public livestock market operator shall immediately notify the owner of the infected or exposed livestock or exotic animals that have been placed under quarantine.

(b) If the market veterinarian observes clinical signs consistent with a contagious or infectious disease leading to the quarantine or any other adverse health or welfare issue, the market veterinarian may prescribe and administer any necessary treatment. If treatment is administered, the market veterinarian shall submit a statement of cost that includes the cost of necessary treatment, feed, water, and care to the public livestock market that shall be paid by the owner.

(c) If the animal health commissioner believes that the owner is prepared to hold the infected or exposed livestock or exotic animals at the owner's premises and the owner agrees to comply with all provisions of the quarantine, the animal health commissioner may permit the infected or exposed livestock or exotic animals to move from the public livestock market to the owner's premises.

(d) When infected or exposed livestock or exotic animals are removed from a public livestock market, the market veterinarian shall document each livestock or exotic animal on a "permit for movement of restricted animals," USDA VS form 1-27, or an equivalent form

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approved by the animal health commissioner, to accompany the livestock or exotic animals to the place of destination.

(e) If the animal health commissioner believes that the owner is not prepared to hold the infected or exposed livestock or exotic animals at the owner's premises or the owner does not agree to comply with all provisions of the quarantine, the animal health commissioner shall require each infected or exposed livestock or exotic animal to be placed in quarantine pens provided by the public livestock market operator and supervised by the market veterinarian. The market veterinarian shall submit a statement of cost of the necessary treatment and administrative fees to the public livestock market operator. The public livestock market operator shall feed, water, and care for livestock or exotic animals placed under quarantine on the public livestock market premises. Each owner shall pay the cost of necessary treatment, administrative fees, feed, water, and care incurred during the quarantine.

(f) If the market veterinarian finds that livestock or exotic animals consigned to the public livestock market originated outside the state of Kansas and did not enter the state as required by article 7 of the department's regulations, the market veterinarian shall hold the livestock or exotic animals under quarantine in quarantine pens provided by the public livestock market operator until released from quarantine by the animal health commissioner. If the livestock or exotic animals are bovine, each market veterinarian shall restrict the movement as required by K.A.R. 9-7-4a. The market veterinarian shall submit a statement of cost of the necessary treatment and administrative fees to the public livestock market operator. Each public livestock market operator shall feed, water, and care for all livestock or exotic animals placed under quarantine on the public livestock market premises. Each owner shall pay the cost of the

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necessary treatment, administrative fees, feed, water, and care incurred during the quarantine.

(Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-
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K.A.R. 9-10-47. Diseases, injuries, and conditions rendering livestock or exotic animals unfit for sale; limitation on sale; euthanasia, removal, or disposal. (a) Each market veterinarian shall have sole discretion to render any livestock or exotic animal unfit for sale based on the following diseases, injuries, and conditions:

(1) Ocular neoplasia, commonly known as “cancer eye,” unless the neoplastic lesions show no sign of metastasis and have not destroyed the eye or the eyelid. Each livestock or exotic animal with cancer eye shall be deemed unfit for sale if one of the following conditions is met:

(A) The neoplastic lesions affect the eye, eyelids, or both and have destroyed the affected organ to the point that the affected area cannot be surgically removed;

(B) the neoplastic lesions show signs of local metastatic invasion from the primary site to the bone of the orbit; or

(C) there are marked signs of swelling, discoloration, draining necrotic lesions, deformation of tissue, or odor;

(2) any other forms of neoplasia, regardless of tissue origin, that exhibit significant symptoms, including swelling, discoloration, draining necrotic lesions, tissue deformation, or odor;

(3) any disease process, including actinomycosis, pneumonia, and urinary calculi, or injury that the market veterinarian determines is unlikely to respond to treatment and has resulted in emaciation of the livestock or exotic animal;

(4) any disease process or injury resulting in a nonambulatory condition in the livestock or exotic animal;

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(5) a fracture of the long bone, open fracture, or other fracture or dislocation of a joint that renders the animal unable to bear weight on the affected limb without that limb collapsing; and

(6) any injury that results in a condition that caused an objectionable wound.

(b) If a disease, injury, or condition occurs that is not listed in subsection (a), the market veterinarian may render any livestock or exotic animal unfit for sale upon receiving approval from the animal health commissioner or the animal health commissioner's designee.

(c) After examination of the livestock or exotic animal, the market veterinarian shall determine whether each livestock or exotic animal shall be sold, removed from the public livestock market, or euthanized pursuant to K.S.A. 47-1008 and amendments thereto.

(d) If the market veterinarian permits the livestock or exotic animal to be sold, the market veterinarian shall provide a written notification to the public livestock market operator that states the livestock or exotic animal's disease, injury, or condition, and the public livestock market operator or the public livestock market operator's representative shall announce the livestock or exotic animal's disease, injury, or condition as stated in the written notification from the auction block at the time of the sale.

(e) If the market veterinarian determines the livestock or exotic animal is unfit for sale as specified in subsections (a) and (b), the market veterinarian shall identify the livestock or exotic animal with a backtag and shall make a reasonable effort to contact the owner by phone or in person to discuss euthanasia, removal, or disposal of the livestock or exotic animal.

(1) If the market veterinarian is successful in contacting the owner, the owner shall remove the livestock or exotic animal rendered unfit for sale as described in subsections (a) and

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(b) from the public livestock market within 12 hours of the notification or direct the market veterinarian to euthanize the livestock or exotic animal.

(2) If the market veterinarian is unsuccessful in contacting the owner, the market veterinarian shall determine whether the livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanized to prevent further pain or suffering.

(3) If a livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) is not removed from the public livestock market facilities within 12 hours after notification, the market veterinarian shall have discretion to euthanize the livestock or exotic animal.

(f) Each market veterinarian shall document each livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) and removed alive from the public livestock market facility on a "permit for movement of restricted animals," USDA VS form 1-27, or an equivalent form approved by the animal health commissioner, which shall accompany the livestock or exotic animals at the time of movement.

(g) If the market veterinarian determines that a livestock or an exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanized, the market veterinarian shall perform or direct all euthanasia procedures at the public livestock market and shall provide written notice to the owner of the livestock or exotic animal that indicates the reason for euthanasia and the cost of euthanasia.

(h) If a livestock or exotic animal dies or is euthanized at a public livestock market, an owner may request the return of the carcass and may retrieve the carcass within six hours after the livestock or exotic animal's death or euthanasia. If the owner does not retrieve the carcass

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within six hours after death or euthanasia, the carcass shall be disposed of pursuant to K.S.A. 47-1219, and amendments thereto.

(i) Each consignor of livestock or exotic animals rendered unfit for sale as specified in subsections (a) and (b) shall pay all costs associated with euthanasia, removal, and disposal. (Authorized by and implementing K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-48. Certificate of veterinary inspection. (a) Each market veterinarian shall provide a certificate of veterinary inspection that covers all livestock and exotic animals consigned to or sold through a public livestock market to the purchaser before the livestock or exotic animals leave the public livestock market.

(1) If the livestock or exotic animals are moving intrastate from a public livestock market, a public livestock market operator may incorporate a statement certifying veterinary inspection in the invoice of the sale unless prohibited by provisions in article 7 and 10 of the department's regulations.

(2) If the livestock or exotic animals are moving interstate from a public livestock market, each livestock or exotic animal shall be accompanied by a certificate of veterinary inspection, unless the livestock or exotic animal is moving directly to a slaughter facility. The market veterinarian shall issue a certificate of veterinary inspection before the livestock or exotic animal leaves the public livestock market if the market veterinarian knows that the livestock or exotic animal is moving interstate.

(b) If the livestock or exotic animal requires a certificate of veterinarian inspection, the market veterinarian shall provide the purchaser with documentation showing any relevant inspection, treatment, or quarantine. A public livestock market operator shall not release livestock or exotic animals until the livestock or exotic animals meet all the requirements of the state of destination. Each market veterinarian shall submit a copy of the certificate of veterinarian inspection and all applicable attachments to the division of animal health within seven business days from the date the certificate of veterinary inspection was issued to the owner.

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(c) If livestock or exotic animals are sold by an electronic auction, each consignor shall pay the cost associated with issuance of the certificate of veterinary inspection required under K.S.A. 47-1008, and amendments thereto. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607 and K.S.A. 47-1008; effective P- _____.)

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K.A.R. 9-10-49. Requirement for consignment for public livestock markets. (a) Each public livestock market operator or the public livestock market operator's representative shall complete an unloading ticket for each load of livestock or exotic animals delivered to the public livestock market at the time the livestock or exotic animals are unloaded at the public livestock market.

(1) Each unloading ticket shall contain the name, address, and contact information of the consignor.

(2) Each public livestock market operator shall be responsible for the accuracy of all information collected on the unloading ticket.

(3) A public livestock market shall not offer for sale livestock or exotic animals that are offered for sale by a consignor using a name that the public livestock market operator knows or reasonably should know is an alias name.

(b) Each public livestock market operator or the public livestock market operator's representative shall require each consignor to disclose to the public livestock market operator or the public livestock market operator's representative all known disease conditions, injuries, or physical defects of each livestock or exotic animal listed on the unloading ticket while unloading livestock or exotic animals at the public livestock market.

(c) Each market veterinarian shall inspect each livestock or exotic animal before the livestock or exotic animal is sold or exchanged to determine if the livestock or exotic animal possesses any of the diseases or injuries specified in K.A.R. 9-10-47 regardless of the livestock or exotic animal's physical location on the public livestock market premises.

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(d) A public livestock market operator shall not allow a livestock or an exotic animal to be offered for sale, sold, or exchanged anywhere on the public livestock market's facilities without the livestock or exotic animal being inspected and released by the market veterinarian.

(e) By consigning livestock or exotic animals to a public livestock market, the consignor shall consent to the following:

(1) To have the livestock or exotic animal inspected by the market veterinarian;

(2) to abide by the market veterinarian's determination of the disposition of the livestock or exotic animal;

(3) to pay any costs incurred for the removal of the livestock or exotic animal from the public livestock market if the livestock or exotic animal is deemed unfit for sale by the market veterinarian as specified in K.A.R. 9-10-47; and

(4) to pay any costs incurred for euthanasia and disposal of the livestock or exotic animal if a livestock or exotic animal is deemed unfit for sale as specified in K.A.R. 9-10-47.

(f) A person shall not remove or tamper with any official identification except at the time of slaughter.

(g) A public livestock market operator or public livestock market operator's representative shall not accept livestock or exotic animals unless the livestock or exotic animals meet the requirements in article 2, article 3, and article 7 of the department's regulations.

(h) A public livestock market shall not sell livestock or exotic animals that have been classified as a brucellosis reactor, tuberculosis-positive, pseudorabies-positive, scrapie-positive, positive for equine infectious anemia, positive for chronic wasting disease, or positive for any other disease as specified by the animal health commissioner.

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(i) When livestock or exotic animals are sold for slaughter purposes, each public livestock market operator or the public livestock market operator's representative shall disclose the status of the livestock or exotic animal from the auction block before the livestock or exotic animal is sold. Each public livestock market operator shall require that all livestock and exotic animals sold for slaughter purposes move directly from the original public livestock market to an approved slaughter facility. (Authorized by K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607, K.S.A. 47-658b, K.S.A. 47-1008, and K.S.A. 47-1009; effective P-_____.)

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K.A.R. 9-10-50. Special sales at irregular intervals. (a) Each public livestock market operator shall be responsible for the sale, purchase, or exchange of any livestock or exotic animal at regular or irregular intervals at the public livestock market, including private sales, livestock production sales, consignment sales, breed association sales, and occasional livestock sales regardless of whether the public livestock market is used by a third party or the sale is hosted by the public livestock market operator.

(b) Each public livestock market operator shall ensure that all livestock and exotic animals are released from the public livestock market as required by article 7 and article 10 of the department's regulations.

(c) Each public livestock market operator shall ensure that an accredited veterinarian is present at any sale hosted at the public livestock market. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607 and 47-1008; effective P- _____.)

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K.A.R. 9-10-51. Notice. (a) Each public livestock market operator shall post and maintain signs at the public livestock market that state the notices specified in subsection (b). A sign shall be readable and placed in a clearly visible location at the check-in dock and in the public livestock market office area accessible to the public. Signs with notices in subsection (b) shall be submitted to the animal health commissioner for review and approval before posting.

(b) The signs required in subsection (a) shall contain adaptations of the following notices:

(1) “Each non-virgin bull, bull older than 18 months of age, and bull of unknown virginity status sold at a public livestock market shall be certified negative for *Tritrichomonas foetus*, go directly to slaughter, or be purchased for feeding purposes only and then to slaughter as required by K.A.R. 9-7-4a.”

(2) “All cows, except virgin heifers, moving interstate to a public livestock market shall meet requirements in K.A.R. 9-7-4a before sale or be sold directly to slaughter or be sold for feeding purposes only and then to slaughter.”

(3) “To: All livestock owners, consignors, or agents. Any livestock or exotic animal that is injured, disabled, or deemed unfit for sale shall be examined by the market veterinarian. After examination of the livestock or exotic animal, the market veterinarian has sole discretion to determine whether the livestock or exotic animal will be sold, removed from the livestock market, or euthanized in accordance with K.S.A. 47-1008, and amendments thereto.”

(Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1008; effective P-

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K.A.R. 9-10-52. Occasional livestock sales. (a) The annual license fees for occasional livestock sales shall be the following:

- (1) 1-5 sales per year \$50.00
- (2) 6-9 sales per year \$75.00
- (3) 10-12 sales per year \$100.00

(b) In addition to record requirements in K.A.R. 9-10-53 through K.A.R. 9-10-57, each occasional livestock sale operator shall collect and maintain records for each sale that includes the following:

- (1) Any official identification associated with the livestock or exotic animal;
- (2) the name and address of both the consignor and the purchaser of the livestock or exotic animal;
- (3) the species, breed, age and sex of each livestock or exotic animal; and
- (4) the name and contact information for the attending accredited, licensed veterinarian.

(c) Each occasional livestock sale operator shall submit an electronic copy of a record containing the following information to the division of animal health within five business days from the conclusion of the sale:

- (1) The date of the sale;
- (2) the sale veterinarian's name and contact information;
- (3) a list of all species sold and the number of each animal of those species sold; and
- (4) all official identification information collected and the consignors associated with those officially identified animals.

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(d) An occasional livestock sale license shall not be required for any of the following sales:

- (1) A sale held in conjunction with a county, district, regional, or state livestock exhibition for youth exhibitors;
- (2) a sale intended for the purpose of selling livestock to youth exhibitors; or
- (3) a livestock production sale with three or fewer consignors. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-1001d; effective P-
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K.A.R. 9-10-53. Bovine. (a) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for bovine failing to meet the requirements in K.A.R. 9-7-4a prior to arrival at the market:

(1) Each cow, except a virgin heifer, moving interstate to a public livestock market shall meet the requirements in K.A.R. 9-7-4a before being sold at a public livestock market, or the cow shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(2) Each non-virgin bull, bull older than 18 months of age, or bull of unknown virginity status that is not a certified negative *Tritrichomonas foetus* bull as specified in K.A.R. 9-7-4a before leaving the public livestock market or occasional livestock sale shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(3) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall announce the status and restriction of sale for any bovine that does not meet the requirements in K.A.R. 9-7-4a at auction block before the sale of the bovine.

(b) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for any bovine known to be persistently infected with bovine viral diarrhea virus:

(1) Each public livestock market operator or occasional livestock sale operator shall require each consignor to disclose the status of each bovine known to be persistently infected with bovine viral diarrhea virus to the public livestock market's representative or the occasional livestock sale's representative at the time of unloading.

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(2) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall disclose the bovine's status as persistently infected with bovine viral diarrhea virus at the auction block immediately before the sale of the bovine.

(3) Each bovine known to be persistently infected with bovine viral diarrhea virus, regardless of the age of the bovine, shall be tagged with official identification before arrival at the public livestock market or by the public livestock market operator's representative or occasional livestock sale operator's representative upon discovering the bovine is known to be persistently infected with bovine viral diarrhea virus.

(4) Each bovine known to be persistently infected with bovine viral diarrhea virus shall be handled and penned in an isolated manner to prevent direct contact with other livestock or exotic animals on the premises. Each pen shall be separate and apart from pens that are regularly used to pen livestock or exotic animals consigned for sale and shall not share a feeding or watering source.

(5) Movement of each bovine known to be persistently infected with bovine viral diarrhea virus from the public livestock market or occasional livestock sale shall be allowed intrastate and shall be accompanied by a certification that includes the following:

(A) Purchaser name;

(B) destination of the bovine;

(C) all official identification of the bovine;

(D) a statement identifying the bovine as known to be persistently infected with bovine viral diarrhea virus; and

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(E) the signature of the market veterinarian or occasional livestock sale veterinarian and the date the certification was signed.

(6) Each market veterinarian or occasional livestock sale veterinarian shall submit a copy of the certification as required in paragraph (b)(5) to the division of animal health within seven business days from the date the certification was issued.

(c) A public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall not allow any of the following bovine to leave the public livestock market facility or the occasional livestock sale unless the bovine is individually identified by a method of official identification approved by the animal health commissioner:

- (1) All sexually intact bovine 18 months of age or older;
- (2) all dairy bovine, regardless of sex and age;
- (3) all "M" branded bovine, including any commingled domestic bovine; and
- (4) all exhibition, event, roping, and rodeo bovine.

(d) In spite of the requirements of subsection (c), any bovine sold for slaughter not already identified may be allowed to leave the public livestock market or occasional livestock sale without being individually identified by a method of official identification approved by the animal health commissioner. Instead, any such bovine sold for slaughter shall be furnished with a backtag approved by United States department of agriculture.

(e) In spite of the requirements of subsection (c), any bovine that are weak as determined by the market veterinarian or pose a greater than normal risk of being injured or injuring a person may be allowed to leave the public livestock market or occasional livestock sale without being

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individually identified by a method of official identification approved by the animal health commissioner if the bovine moves directly to a slaughter facility.

(f) Each public livestock market operator shall meet the following backtagging requirements for all bovine offered for sale at the public livestock market:

(1) Each public livestock market operator shall acquire and utilize backtags and glue or other adhesives furnished at federal or state expense.

(2) Each public livestock market operator shall employ a backtag contractor that is designated through a written contract with the animal health commissioner. Each backtag contractor shall be reimbursed by the animal health commissioner for personnel services in applying the backtags on the basis of \$0.15 per head for each bovine backtagged pursuant to the backtag contractor agreement.

(3) Each backtag contractor shall apply backtags to each sexually intact heifer, cow, or bull that is 18 months of age and older, except that upon prior approval by the animal health commissioner, the backtag contractor shall not be required to apply backtags to animals already individually identified by a method of official identification.

(4) Each backtag contractor shall maintain a backtag record on each bovine offered for sale at a public livestock market as specified in paragraph (f)(3) that includes the following:

- (A) The backtag number applied;
- (B) all official identification;
- (C) any backtag numbers on the bovine at arrival;
- (D) the sex;
- (E) the breed; and

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(F) the name and address of the consignor of the bovine or the consignor's agent if the name and address of the consignor cannot be determined.

(5) Each backtag contractor shall send a copy of the backtag record to the division of animal health in an electronic format approved by the animal health commissioner within five business days from the conclusion of the sale.

(6) Each backtag shall be applied behind the shoulder and below the mid-line of the back on each bovine. The backtag shall not be applied on the hip of the bovine.

(7) If a bovine is sold for slaughter purposes, a backtag shall not be removed until time of slaughter.

(8) Each backtag shall remain on the bovine until the bovine is determined to be part of the purchaser's herd at the point of destination.

(9) Unauthorized removal of a backtag shall be prohibited and shall be reported to the animal health commissioner immediately. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607, K.S.A. 47-610, and K.S.A. 47-1008; effective P-_____.)

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K.A.R. 9-10-54. Poultry. (a) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each box, crate, coop, or other container containing poultry is plainly labeled with the following:

(1) The name of consignor;

(2) the number and species of the birds;

(3) a guarantee of sex on sexed turkeys under 12 weeks of age or any other domestic fowl under 16 weeks of age;

(4) the date the birds were hatched; and

(5) the pullorum classification of the birds.

(b) If any turkeys 12 weeks of age and older and all other poultry 16 weeks of age and older originate outside of Kansas, each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each bird tests negative for pullorum within 90 days before sale at the public livestock market or occasional livestock sale or that each bird originated and moved directly from a pullorum-free flock to the public livestock market or the occasional livestock sale. A bird's negative pullorum test shall be documented on a VS 9-2 form, VS 9-3 form, certificate of veterinary inspection, or an equivalent form approved by the animal health commissioner.

(c) Each public livestock market operator or occasional livestock sale operator shall keep a record that includes the following for two years from the date of the sale:

(1) Number and species of birds sold;

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(2) name, address, and phone number of the consignor; and

(3) the pullorum classification if the birds originate outside of Kansas. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-1009; effective

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K.A.R. 9-10-55. Equidae. (a) Each equidae offered for sale at a public livestock market or at an occasional livestock sale, except a nursing foal six months of age or younger that is accompanied by the foal's dam that has a current negative equine infectious anemia test, shall have a valid USDA VS form 10-11, or an equivalent form approved by the animal health commissioner, that declares that the equidae had an official negative test for equine infectious anemia within the previous 12 months.

(b) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each consignor offering an equidae for sale at the public livestock market or occasional livestock sale provides a copy of a valid official equine infectious anemia test for each equidae offered for sale. If an equidae has been tested for equine infectious anemia more than once during the previous 12 months, only the most recent test shall be considered a valid test.

(c) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall maintain a copy of the equine infectious anemia test for each equidae sold at the public livestock market or the occasional livestock sale for at least five years from the date of sale. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-607, K.S.A. 47-610, and K.S.A. 47-1008; effective P-_____.)

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K.A.R. 9-10-56. Swine. (a) Each public livestock market operator or occasional livestock sale operator shall offer for sale swine that originate from a healthy herd and from a state designated as free of swine pseudorabies and swine brucellosis.

(b) A public livestock market or an occasional livestock sale shall not offer for sale swine unless the swine is officially identified with one of the following means:

(1) Official ear tag;

(2) official backtag on sexually mature sows or boars that will be moved directly to slaughter;

(3) official premises tag;

(4) official swine tattoo; or

(5) any other means approved in advance by the USDA or the animal health commissioner.

(c) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall apply official identification as required by subsection (b) at the consignor's expense before the swine may be offered for sale, unless the swine is officially identified with a means of official identification outlined in subsection (b) before arrival at the public livestock market or occasional livestock sale.

(d) When a swine is officially identified as required by subsection (c), the public livestock market operator or occasional livestock sale operator shall keep a record for two years from the date of the sale. The record shall include the following:

(1) The swine's official identification;

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(2) the date the official identification number was applied; and

(3) name, address and phone number of the consignor.

(e) Pursuant to K.S.A. 47-1809 and amendments thereto, a public livestock market operator or occasional livestock sale operator shall not offer feral swine for sale.

(f) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall report any feral swine to the animal health commissioner upon the feral swine's arrival at the public livestock market or occasional livestock sale.

(g) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each swine intended for breeding purposes is not commingled with swine intended for feeding or slaughter purposes. (Authorized by K.S.A. 47-610; implementing K.S.A. 47-610, K.S.A. 47-1009, and K.S.A. 47-1809; effective P-
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K.A.R. 9-10-57. Sheep and goats. (a) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each sheep or goat offered for sale at the public livestock market or occasional livestock sale regardless of age, breed, or sex, is identified with one of the following means of official identification:

(1) USDA approved scrapie tags;

(2) USDA animal identification number 840 tags which is an eartag that consists of 15 digits, with the first three digits being the United States country code of 840; or

(3) any other means approved in advance by the USDA or the animal health commissioner.

(b) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall identify each sheep or goat not identified before arrival at the public livestock market or occasional livestock sale as required by subsection (a) at the consignor's expense.

(c) When an animal is officially identified as required by subsection (b), the public livestock market operator or occasional livestock sale operator shall maintain a record that includes the following for a period of five years:

(1) The sheep's or goat's official identification number;

(2) the date the official identification was applied; and

(3) the name, address, and phone number of the consignor.

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(d) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that any sheep or goat sold through a public livestock market or an occasional livestock sale complies with requirements in article 32 of the department's regulations. (Authorized by K.S.A. 47-610; implementing K.S.A. 47-610 and K.S.A. 47-1009; effective P-_____.)

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K.A.R. 9-10-58. Regulatory, inspection, and brand inspection fees. (a) Each public livestock market operator shall charge each consignor a separate regulatory fee of \$0.20 for each horse, mule, bovine, swine, sheep, or goat offered for sale at the public livestock market except that each consignor shall be charged one regulatory fee for each sow and suckling pigs, cow and suckling calf, mare and suckling colt, doe and suckling kid, or ewe and suckling lamb offered for sale as a unit.

(b) Each electronic auction operator shall charge each consignor a separate regulatory fee of \$.20 for each horse, mule, bovine, swine, sheep, or goat offered for sale if the livestock animal originates in the state of Kansas, except that each consignor shall be charged only one regulatory fee for each sow and suckling pigs, cow and suckling calf, mare and suckling colt, doe and suckling kid, or ewe and suckling lamb offered for sale as a unit.

(c) In addition to the fees required by subsections (a) and (b), each public livestock market operator shall charge each consignor a separate inspection fee for each livestock offered for sale at the public livestock market, except that each consignor shall only be charged one inspection fee for each mother and suckling offspring offered for sale as a unit.

(d) In addition to the fees required by subsections (a), (b), and (c), each public livestock market operator shall charge each consignor a separate brand inspection fee of \$.40 per head on all bovine when a brand inspection occurs.

(e) Each regulatory fee, inspection fee, and brand inspection fee shall be shown on the consignor's invoice as a separate item. These fees shall not be included with any charges made by the operator for yardage, insurance, or other items. (Authorized by K.S.A. 47-610 and K.S.A.

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47-1008; implementing K.S.A. 47-1008, K.S.A. 47-1011, and K.S.A. 47-1011a; effective P-

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K.A.R. 9-10-59. License fees and renewals. (a) As part of the application for a public livestock market license or an electronic auction license, each public livestock market operator and each electronic auction operator shall pay a license application fee of \$375 to the animal health commissioner.

(b) Each license shall expire annually on September 30.

(c) Each electronic auction operator and each public livestock market operator shall pay one of the following annual license renewal fees on or before September 30:

(1) For each electronic auction operator, an annual license renewal fee of \$250;

(2) for each public livestock market operator, an annual license renewal fee of \$250; or

(3) For each person who simultaneously operates an electronic auction and a public livestock market, an annual license renewal fee of \$375.

(d) Pursuant to K.S.A. 47-1001e and amendments thereto, it shall be illegal to operate a public livestock market or an electronic auction without a valid license. (Authorized by and implementing K.S.A. 47-1001a and K.S.A. 47-1001e; effective P-_____.)

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