

**Department of Agriculture  
Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 9:00 a.m. Wednesday, September 4, 2013, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of a proposed regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and economic impact follows:

K.A.R. 9-7-4 clarifies current testing requirements for cattle, eliminates some outdated language in the existing regulation and sets out new testing requirements regarding Trichomoniasis.

**Economic Impact Statement:**

The Kansas Department of Agriculture will not have any costs associated with modifying the language. The seller of a non-virgin bull will bear testing costs of the animal to validate that it is free of the tritrichomonas organism. Testing costs are currently the responsibility of owners to meet import requirements of other states.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulation and the economic impact statement may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9<sup>th</sup> St., 4<sup>th</sup> Floor, Topeka, KS 66612 or (785) 296-4623 or by accessing the department's Web site at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.

Dale A. Rodman  
Secretary of Agriculture

**KANSAS DEPARTMENT OF AGRICULTURE  
IMPACT STATEMENT  
Amended Permanent Regulation  
K.A.R. 9-7-4**

**I. Summary of Proposed Regulation, Including Its Purpose.**

K.A.R 9-7-4 clarifies current testing requirements for cattle, eliminates some outdated language in the existing regulation and sets out new testing requirements regarding Trichomoniasis.

**II. Reason Or Reasons The Proposed Regulation Is Required, Including Whether Or Not The Regulation Is Mandated By Federal Law.**

These proposed changes are amended to address industry needs and to clarify language.

This regulation is not mandated by federal law.

**III. Anticipated Economic Impact Upon The Kansas Department Of Agriculture.**

There will be no costs associated with modifying and changing language of K.A.R. 9-7-4 upon the Kansas Department of Agriculture.

**IV. Anticipated Financial Impact Upon Other Governmental Agencies And Upon Private Business Or Individuals.**

The seller of a non-virgin bull will bear testing costs of the animal to validate that it is free of the tritrichomonas organism.

**V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And The Reason For Rejection.**

Testing costs are currently the responsibility of owners to meet import requirements of other states.

**VI. Environmental Impact**

No significant impacts (neither beneficial nor degrading) could be identified as resulting should the proposed changes be adopted.

**K.A.R. 9-7-4. Cattle.** (a) Tuberculosis.

(1) Breeding cattle six months of age and over shall not be imported into Kansas unless accompanied by an official health certificate showing that ~~they~~ the cattle meet the following requirements:

(A) Originated in a herd accredited to be tuberculosis-free;

(B) originated in a tuberculosis-free state; or

(C) have been tested and were found negative for tuberculosis within 60 days before date of entry.

(2) Dairy cattle that are used for breeding and are six months of age or older shall originate from a herd accredited to be tuberculosis-free or shall be tested negative for tuberculosis within 60 days before entry.

(b) Brucellosis.

(1) Brucellosis tests, regardless of method, shall be ~~confirmed~~ conducted at a ~~state-federal cooperative~~ laboratory approved by the United States department of agriculture, animal and plant health inspection service (APHIS).

(2) Breeding cattle six months of age or over imported into Kansas shall meet interstate requirements according to state certification, as outlined in chapter 2 of the United States department of agriculture's document titled "brucellosis eradication: uniform methods and rules, animal and plant health inspection service effective October 1, 2003," (APHIS) publication 91-45-013, ~~effective October 1, 2003.~~ The following portions of this document are hereby adopted by reference:

(A) In chapter 1, part I; and

(B) chapter 2.

(c) Trichomoniasis.

(1) Bulls shall not be imported into Kansas from another state unless they go directly to a licensed slaughter plant, go for feeding purposes only, or are accompanied by a completed certificate of veterinary inspection ~~signed by an accredited veterinarian~~. The certificate of veterinary inspection shall meet the following requirements:

(A) Have been issued within the past 30 days; and

~~(B) individually list each animal entering Kansas, using an “official identification device or method” as specified in the definition of that term in 9 C.F.R. 71.1. The following definitions in 9 C.F.R. 71.1, dated January 1, 2009, are hereby adopted by reference and modified as specified in paragraph (c)(1)(B)(iii):~~

~~(i) “Administrator”;~~

~~(ii) “official brand inspection agency”;~~ and

~~(iii) “official identification device or method.” At the end of this definition, the phrase “a recognized brand inspection authority” shall be deleted and replaced by “an official brand inspection agency as defined in 9 C.F.R. 71.1, dated January 1, 2009”;~~ and

~~(C)~~ state whether, to the veterinarian’s knowledge, trichomoniasis has occurred in the herd of origin within the past two years.

(2) Virgin bulls 18 months of age or younger shall not be imported into Kansas from another state unless these bulls are accompanied by a statement attached to the certificate of veterinary inspection. The statement shall be signed by the owner or owner’s representative and shall indicate that the bulls have not been sexually exposed to breeding-aged females.

~~(3)(A)~~ With the exception of bulls exempted in paragraph (c)(4), non-virgin bulls, bulls 19 older than 18 months of age or older, and bulls of unknown virginity status shall not be imported into Kansas from another state unless these bulls are certified negative for Tritrichomonas foetus, as specified in paragraph (c)(9). A copy of the test results shall be attached to the certificate of veterinary inspection.

~~(B) “Certified negative” shall mean that the samples have been submitted for testing to a laboratory accredited by the American association of veterinary laboratory diagnosticians (AAVLD). The samples shall be collected into and transported to the lab using the “InPouch TF” test kit system. The samples shall meet either of the following requirements:~~

~~(i) Be found negative on three successive test samples collected at least one week apart if the “InPouch TF” microscopic examination testing is conducted; or~~

~~(ii) be found negative on one real time polymerase chain reaction (PCR) test. The owner shall certify that the bull has had at least two weeks of sexual rest before the time the sample is collected. This statement shall be recorded on or attached to the certificate of veterinary inspection.~~

~~The tests specified in paragraphs (c)(3)(B)(i) and (ii) shall be conducted within 30 days before the tested animal’s entry into Kansas, and the producer shall ensure that no female contact occurs following the first qualifying test.~~

(4) Each bull going to a sanctioned rodeo event or to a livestock show where the bull will be shown and then returned to the state of origin without being sexually exposed to any breeding-aged females shall be exempt from the testing requirements of ~~this subsection~~ paragraph (c)(3).

(5) Cows and heifers shall not be imported into Kansas from another state unless the cows and heifers go directly to a licensed slaughter plant or are accompanied by a completed certificate of veterinary inspection. The certificate of veterinary inspection shall meet the following requirements:

(A) Have been issued within the past 30 days; and

(B) document that the cows and heifers meet at least one of the following conditions:

(i) Have a calf at side and no exposure since parturition to other than bulls that are certified negative;

(ii) are at least 120 days pregnant;

(iii) are virgin heifers with no sexual exposure to bulls since weaning;

(iv) are documented to have had at least 120 days of sexual isolation;

(v) are heifers or cows exposed only to bulls that are certified negative;

(vi) are purchased for feeding purposes only, with no exposure to bulls after entering Kansas; or

(viii) are moving for the purpose of embryo transfer or other artificial reproduction procedure, with no exposure to bulls after entering Kansas.

(6)(A) Except as provided in paragraph (c)(6)(B), if any non-virgin bull, bull older than 18 months of age, or bull of unknown virginity status changes ownership in Kansas by private sale, public sale, lease, trade, or barter but does not go directly to slaughter, that bull shall be required to be certified negative within 60 days before the change of ownership. Following the test, the owner shall ensure that no female contact occurs before the change of ownership. Each bull that has had contact with any female cattle after the testing shall be retested before movement.

(B) If an individual has a herd management plan to reduce risk of trichomoniasis that has been approved by the commissioner, virgin bulls 24 months of age or younger included within the approved plan shall not be required to be certified negative when changing ownership in Kansas. However, non-virgin bulls, virgin bulls older than 24 months of age, and bulls of unknown virginity status shall be certified negative before changing ownership in Kansas even if these bulls originate from a herd with an approved plan.

(C) Each non-virgin bull, bull older than 18 months of age, and bull of unknown virginity status sold at a livestock market shall have a negative trichomoniasis test, be purchased for feeding purposes only, or go directly to slaughter.

(7) Each bull in Kansas that tests positive for trichomoniasis shall be sold directly for slaughter.

(8) The owner or person in charge of cattle who has reason to believe at least one of those cattle is affected with trichomoniasis shall report this belief to the commissioner as required by K.S.A. 47-622, and amendments thereto, and K.A.R. 9-27-1.

(9) As used in this subsection, “certified negative” shall mean that the sample from a bull has been found negative for Tritrichomonas foetus on one real-time polymerase chain reaction (PCR) test.

The bull shall be individually identified by an official identification method approved by the commissioner. The sample shall be collected by a veterinarian who has participated in trichomoniasis training approved by the commissioner. This training shall include preputial sampling, sample handling and shipping, appropriate recordkeeping, and official animal identification. This training shall be repeated every five years.

Each sample shall be collected into and transported to the lab using a test kit system approved by the commissioner. The sample shall have been submitted for testing to a laboratory approved by the commissioner utilizing a form supplied by the commissioner. On this form, the veterinarian shall be listed, and the owner shall certify that the bull had had at least 14 days of sexual rest before the sample was collected. Certified negative test results shall be valid for 60 days from the time the sample was collected if no female contact occurs during this period.

(Authorized by K.S.A. 2012 Supp. 47-607d, 47-610, and 47-657; implementing K.S.A. 2012 Supp. 47-607, 47-610, and 47-657; 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, 1982; amended, T-9-5-12-10, May 12, 2010; amended Sept. 24, 2010; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)