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The following copy of selected statutes and regulations is being made available by the Kansas Department of Agriculture for the convenience of the public and is meant to be used only as a reference. While the Kansas Department of Agriculture has made every effort to accurately reproduce these statutes and regulations, they are not the official statutes and regulations of the State. The Kansas Statutes Annotated (K.S.A.), published by the Revisor of Kansas Statutes, and the Kansas Administrative Regulations (K.A.R.), published the Secretary of State should be consulted for the text of the official statutes and administrative regulations of the State.

ANIMAL HEALTH STATUTES

K.S.A. 2-907. Kansas poultry improvement association as state agency; duties. The Kansas department of agriculture is hereby designated the official state agency for the state of Kansas, for the purpose of carrying out the national poultry improvement plan. The Kansas department of agriculture may cooperate with the United States department of agriculture and Kansas state university for the purpose of promoting the poultry industry and its allied branches and shall supervise and administer the national improvement plan in this state.

History: L. 1949, ch. 7, § 1; L. 1965, ch. 3, § 1; L. 2004, ch. 101, § 14; July 1; L. 2012, ch. 140, § 5; July 1; L. 2013, ch. 90, § 3; July 1.

K.S.A. 2-909. Definitions. As used in the poultry disease control act, except where the context clearly requires a different meaning, the following words and phrases shall have the meaning ascribed thereto.

(a) ''Commissioner'' means the animal health commissioner of the Kansas department of agriculture.

(b) ''Fowl typhoid'' means a disease of poultry caused by salmonella gallinarum.

(c) ''Hatchery'' means a premises with equipment which is operated or controlled by a person for the production of baby poultry.

(d) ''Person'' means any individual, partnership, firm or corporation.

(e) ''Plan'' means the national poultry improvement plan contained in sections 145.1 through 145.54 of title 9 of the code of federal regulations and the auxiliary provisions thereto which are contained in sections 147.1 through 147.48 of title 9 of the code of federal regulations, and amendments thereto.

(f) ''Poultry'' means any domesticated birds which are bred for the primary purpose of producing eggs or meat or of being exhibited and which may include chickens, turkeys, waterfowl and game birds, but which shall not include doves or pigeons.

(g) ''Pullorum'' means a disease of poultry caused by salmonella pullorum.

History: L. 1984, ch. 195, § 2; Jan. 1, 1985; L. 2012, ch. 140, § 6; July 1.

K.S.A. 32-951. Game breeder permit. (a) Except as provided further, a game breeder permit is required to engage in the business of raising and selling game birds, game animals, furbearing animals or such other wildlife as required by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(b) Any person who desires to engage in the business described in subsection (a) may apply to the secretary for a game breeder permit. The application shall give the name and residence of the applicant, the description of the premises, the number and kind of birds or animals which it is proposed to propagate and any other information required by the secretary. The fee prescribed pursuant to K.S.A. 32-988, and amendments thereto, shall accompany the application.

(c) If the secretary determines that the application is made in good faith and that the premises are suitable for engaging in the business described in subsection (a), the secretary may issue such permit. The permit shall expire on June 30 of each year.

(d) Game breeders shall make such reports of their activities to the secretary as required by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto. In addition to any other penalty prescribed by law, failure to make such reports or to comply with the laws of the state of Kansas or rules and regulations of the secretary shall be grounds for the secretary to refuse to issue, refuse to renew, suspend or revoke such permit.

(e) The secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

(f) Any person who is engaged in the business of raising domesticated deer shall not be required to have a game breeder permit as required by this section. As used in this section, ''domesticated deer'' means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for: (1) Breeding stock;

(2) any carcass, skin or part of such animal;

(3) exhibition; or

(4) companionship.

(g) The secretary, on a quarterly basis, shall transmit to the animal health commissioner a current list of persons issued a game breeder permit issued pursuant to this section who are raising or selling any member of the family cervidae.

(h) Any person holding a game breeder permit from the secretary is hereby authorized to recapture any game bird that such game breeder is permitted to raise or sell whenever any such game bird has escaped from confinement for any reason. The authorized area for such recapture is hereby limited to a one-quarter mile radius of the game breeder's operation from which the escape from confinement occurred, provided the game breeder has the prior approval of the owner of the land upon which the recapture will occur and has notified the department prior to the recapture.

History: L. 1943, ch. 171, § 4; L. 1978, ch. 152, § 7; L. 1987, ch. 138, § 3; L. 1989, ch. 118, § 82; L. 1991, ch. 106, § 1; L. 1993, ch. 143, § 4; L. 2007, ch. 144, § 1; July 1; L. 2012, ch. 140, § 7; July 1.

STOCK RUNNING AT LARGE

ARTICLE 1

K.S.A. 47-104. Freighters and drovers liable for damages. All damages done by stock owned by freighters or drovers to crops adjacent to roads along which the trains or droves may be passing or herded shall be paid by the owners of the stock to the owners of the crops so damaged, without regard to fences.

History: G.S. 1868, ch. 105, § 4; Oct. 31; R.S. 1923, 47-104.

K.S.A. 47-120. Driving swine along highway. (a) Nothing herein contained shall be so construed as to prevent drovers or other persons from driving livestock from one place to another along any public highway, the owner or owners being responsible for all damages that any person or persons may sustain in consequence of the driving of such livestock.

(b) For the purposes of K.S.A. 47-120 through 47-122, and amendments thereto, ''livestock'' shall mean any cattle, bison, swine, sheep, goats, horses, mules, domesticated deer, camelids, all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas, and any other animal as deemed necessary by the animal health commissioner established through rules and regulations.

History: G.S. 1868, ch. 105, § 54; Oct. 31; R.S. 1923, 47-120; L. 2012, ch. 125, § 3; July 1.

K.S.A. 47-121. Penalty for unlawful driving of animals. That any person or persons other than the owner or such owner's authorized agent who shall willfully drive or cause to be driven livestock further from their usual and customary range than the nearest corral obtainable without the written consent of the owner, or who shall neglect to return such livestock immediately to their accustomed range, shall in either case be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding ninety days, or by a fine of not less than $100 nor more than $1,000, or by both such fine and imprisonment, in the discretion of the court.

History: L. 1901, ch. 253, § 1; March 22; R.S. 1923, 47-121; L. 2012, ch. 125, § 4; July 1.

K.S.A. 47-122. Unlawful for livestock to run at large. It shall be unlawful for any livestock to run at large.

History: L. 1929, ch. 211, § 1; L. 1986, ch. 195, § 6; July 1; L. 2012, ch. 125, § 5; July 1.

K.S.A. 47-122a. Livestock running at large; taking up such livestock by county sheriff; notice; sale; disposition of proceeds of sale; consolidated law enforcement department. (a) Whenever the owner or the owner's authorized agent allows any livestock to run at large, in violation of K.S.A. 47-122, and amendments thereto, and such livestock remains on the property of another person, at the request of such person upon whose property the livestock are running at large, the sheriff of the county in which such livestock are running at large may take such livestock into custody and retain them in a secure holding area.

(b) The county sheriff shall give notice to the owner or the owner's authorized agent within 24 hours after taking such livestock into custody that the owner or the owner's authorized agent has 10 days within which to claim such livestock and to pay all actual costs for taking up, keeping and feeding of such livestock.

(c) If the owner or the owner's authorized agent fails to claim the livestock and to pay all actual costs within the ten-day period, the county sheriff shall cause the livestock to be delivered to a public livestock market or to a secure holding area approved by the animal health commissioner. If the livestock is delivered to the market, the county sheriff shall cause such livestock to be sold at such market to the highest bidder for cash. Livestock held in a secure holding

area other than a livestock market shall be advertised by the county sheriff in the official county newspaper and sold to the highest bidder for cash.

(d) The county sheriff shall pay out of the proceeds from the sale of such livestock, all actual costs for taking up, keeping and feeding of such livestock. Any proceeds remaining in the hands of the sheriff after payment of all actual costs, shall be paid to the owner of the livestock or the owner's authorized agent. If the owner or the owner's authorized agent is not known or cannot be located, the proceeds remaining after the payment of actual costs shall be paid to the county treasurer of the county in which the livestock were running at large. Such funds shall be deposited by the county treasurer in the county's special stray fund provided for in K.S.A. 47-239, and amendments thereto.

(e) In counties having a consolidated law enforcement department, the provisions of this section relating to sheriffs shall be deemed to refer to such department.

History: L. 1979, ch. 167, § 1; L. 1997, ch. 129, § 1; July 1; L. 2012, ch. 140, § 8; July 1.

K.S.A. 47-123. Damages to person injured; lien. Any owner whose livestock shall run at large, in violation of K.S.A. 47-122 shall be liable to the person injured for all damages resulting therefrom, and the person so damaged shall have a lien on said livestock for the amount of such damages.

History: L. 1929, ch. 211, § 2; L. 1979, ch. 167, § 2; July 1.

K.S.A. 47-124. Who may take animals into custody; procedure. Any person sustaining damages as provided in K.S.A. 47-123, may take the trespassing livestock into custody, and may retain the same until such damages and all reasonable charges are paid. It shall be the duty of the person taking the livestock into custody to notify the owner or the owner's authorized agent of such taking up within twenty-four (24) hours thereafter; and if such owner or authorized agent cannot be found or notified, then to proceed as provided by law in case of strays. Where notice of such taking up of such livestock is given, the person so taking up said livestock shall not retain the custody of the same for more than five days without commencing action against the owner thereof to recover such damages.

History: L. 1929, ch. 211, § 3; L. 1931, ch. 221, § 1; L. 1979, ch. 167, § 3; July 1.

STRAYS

ARTICLE 2

K.S.A. 47-229. Definitions. As used in this act: (a) "Domestic animals," shall include all domestic animals except dogs and cats.

(b) "Stray" or "strays" shall mean any domestic animal which is found running at large, contrary to law, or which may be found in any enclosure other than that of its ownership, and whose owner is not known in the community or whose owner cannot be found.

History: L. 1945, ch. 226, § 1; June 28.

K.S.A. 47-230. Taking up stray; notice, requirements; record of ownership and animal released, when; costs. (a) Any person may take up any stray found upon such person's premises or upon any public thoroughfare adjoining thereto. Within 24 hours after taking up the stray, such person shall report the taking up to the sheriff of the county in

which the stray is taken up. The report shall include a description of the stray, including the type of animal, color, weight, size, sex, age, marks, brands or other distinguishing features, the place where the animal is kept and the address of such person who took up the stray. The sheriff shall then notify the state animal health commissioner and the owners of all registered brands found on the stray. If the sheriff and the animal health commissioner, or the commissioner's duly authorized representatives find and establish the owner of the stray, a record to that effect shall be kept. (b) Subject to the agreement of both the sheriff and the animal health commissioner, or the commissioner's duly authorized representative, the stray shall be released to the established owner upon payment of:

(1) All costs accrued in the stray proceeding, including the cost for any damage which the stray may have caused while in the sheriff's control; and

(2) reasonable compensation to the person taking up the stray for the costs of keeping and feeding such stray, including the cost for any damage which the stray may have caused.

History: L. 1945, ch. 226, § 2; L. 1947, ch. 297, § 1; L. 1951, ch. 310, § 1; L. 1965, ch. 329, § 1; L. 1970, ch. 205, § 1; July 1; L. 2012, ch. 140, § 9; July 1.

K.S.A. 47-232. **Certification to court where controversy between adverse claimants; affidavits; testimony; order determining ownership and disposition of sale proceeds.** In the event that there are more than one claimant to any stray, and if a contest or controversy ensues as a result of adverse claimants, the sheriff shall certify the matter to the district court of the county in which the stray is taken up, and said court shall docket said matter in a proper docket supplied by the county. The claimants shall have ten (10) days following the date of the docketing of said matter to file affidavits in support of their several claims. The said court shall also have the right and authority to hear oral testimony at any reasonable time on notice to the claimants to determine the ownership of such stray. After any such hearing the said court shall enter a finding and order determining the ownership of said stray and directing the distribution of the proceeds from the sale of such stray animal.

History: L. 1945, ch. 226, § 4; L. 1970, ch. 205, § 4; L. 1976, ch. 145, § 201; Jan. 10, 1977.

K.S.A. 47-236. **Care of strays.** Any person taking up a stray as hereinbefore provided, shall feed and care for said stray and not injure or abuse it, and if any stray shall die while in the possession of the taker-up without fault of said taker-up, he shall not be responsible for said death or held liable for damages therefor.

History: L. 1945, ch. 226, § 8; June 28.

K.S.A. 47-237. **Penalties for unlawful acts.** If any person shall unlawfully take up any stray or fails to comply with the provisions of this act or uses or works such stray before giving notice or shall drive the same on any premises for the purpose of unlawfully taking up the same, or shall keep the same out of the county when taken up more than five days at one time before sale, such person shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding $500, or by imprisonment for not exceeding 30 days, or by both such fine and imprisonment.

History: L. 1945, ch. 226, § 9; June 28; L. 2012, ch. 125, § 6; July 1.

K.S.A. 47-238. **Same; advertising stray by sheriff; delivery of stray to market; sale; conditions.** After the sheriff has received notice of the taking up of any stray, and the ownership not having been established, the sheriff shall advertise such stray in the area where taken up, and shall cause the stray to be delivered to a public livestock market

and shall sell or cause such stray to be sold at such a market, to the highest bidder for cash. Such advertisement shall be at least seven days before sale date, and such sale date shall be at least 21 days after the date the stray was reported to the sheriff.

History: L. 1970, ch. 205, § 2; July 1; L. 2012, ch. 125, § 7; July 1.

K.S.A. 47-239. Same; publication notice for sale; contents; disposition of proceeds of sale; special stray fund; establishing of ownership within six months of sale. (a) The notice for the sale of the stray shall be published for one issue in a publication or publications having general circulation in the area where such stray was taken up. Such notice shall describe the stray by stating the kind of animal, sex, age and brands. The notice shall not contain any statement as to the color of the stray or as to any marks or other distinguishing features and it shall not contain the name or address of the person who took up such stray. Out of the proceeds from the sale of such stray, the sheriff shall pay the person who took up such stray, reasonable compensation for keeping and feeding the stray. The sheriff also shall pay all costs of the stray proceedings. Any proceeds remaining in the hands of the sheriff after payment of feeding and sale costs, shall be paid by the sheriff to the treasurer of the county in which the stray was taken up. Such funds shall be placed by the county treasurer in a special stray fund.

(b) At any time prior to the expiration to six months following the date of such deposit with the county treasurer, a claimant may appear before the sheriff and submit evidence of ownership of such stray. If such evidence is acceptable and satisfactory to the sheriff and to the state animal health commissioner or the commissioner's authorized representative, for purpose of establishing ownership of such stray, the sheriff shall direct the county treasurer to disburse the remainder of the proceeds from the sale of such stray to the claimant.

(c) Upon the expiration of a period of six months following the receipt of deposit of proceeds from the sale of any stray, without any such directive having been received from the sheriff, the county treasurer shall pay the remaining proceeds to the animal health commissioner to be remitted, deposited and credited as provided by K.S.A. 47-417a, and amendments thereto.

History: L. 1970, ch. 205, § 3; L. 1973, ch. 2, § 17; July 1; L. 2012, ch. 140, § 10; July 1.

MARKS AND BRANDS

ARTICLE 4

K.S.A. 47-414. Definitions. As used in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Person" means every natural person, firm, copartnership, association or corporation;

(b) "livestock" means cattle, horses, mules or asses;

(c) "brand" means any permanent identifying mark upon the surface of any livestock, except upon horns and hoofs, made by a hot iron or cryogenic branding;

(d) "commissioner" means the animal health commissioner of the Kansas department of agriculture;

(e) "cryogenic branding" means a brand produced by application of extreme cold temperature.

History: L. 1939, ch. 222, § 1; L. 1947, ch. 298, § 1; L. 1951, ch. 311, § 1; L. 1993, ch. 34, § 1; July 1; L. 2012, ch. 140, § 11; July 1; L. 2016, ch. 51, § 2; July 1.

K.S.A. 47-414a. "Brand commissioner" and "livestock brand commissioner" mean livestock commissioner; "board" means Kansas animal health board. Whenever in any statutes of this state the terms ''livestock commissioner,'' ''livestock brand commissioner'' or ''brand commissioner'' are used, or the term ''commissioner'' is used to refer to the livestock brand commissioner, such terms shall be construed to mean the animal health commissioner appointed by the secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments thereto. **History:** L. 1969, ch. 258, § 11; July 1; L. 2012, ch. 140, § 12; July 1; L. 2016, ch. 51, § 3; July 1.

K.S.A. 47-416. Livestock commissioner, duties; brand recording; assistant commissioner, inspectors, investigators, examiners and employees. It shall be the duty of the animal health commissioner to keep all books and records and to record all brands used for the branding or marking of livestock in Kansas. The commissioner shall receive applications for the recording of any and all brands and the commissioner shall decide on the availability and desirability of any brand or brands sent in for recording.

The commissioner, with the approval of the secretary of the Kansas department of agriculture, may appoint such brand inspectors, special investigators, examiners, deputy assistants and employees necessary, and the secretary may enter into contractual agreements with the attorney general, to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1939, ch. 222, § 3; L. 1947, ch. 298, § 3; L. 1951, ch. 312, § 1; L. 1953, ch. 254, § 1; L. 1959, ch. 228, § 12; L. 1963, ch. 419, § 2; L. 1965, ch. 458, § 28; L. 1967, ch. 443, § 3; L. 1969, ch. 258, § 8; L. 1973, ch. 2, § 18; L. 1984, ch. 196, § 2; L. 1996, ch. 90, § 2; July 1; L. 2012, ch. 140, § 13; July 1; L. 2016, ch. 51, § 4; July 1.

K.S.A. 47-416a. Livestock special investigators; law enforcement powers; training requirements. Each special investigator, appointed by the animal health commissioner, pursuant to K.S.A. 47-416, and amendments thereto, shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and while investigating livestock theft. The director as defined in K.S.A. 74-5602, and amendments thereto, is authorized to offer and carry out a special course of instruction for special investigators performing law enforcement duties under authority of this section. Such special investigators shall not carry firearms without having first successfully completed such special law enforcement training course.

History: L. 1984, ch. 196, § 1; July 1; L. 2012, ch. 140, § 14; July 1.

K.S.A. 47-417. Adoption of brands; registration of brands; registration and renewal fees; delinquent brands; abandonment; rules and regulations. (a) Any person may adopt a brand for the purpose of branding livestock in accordance with authorized rules and regulations of the animal health commissioner of the Kansas department of agriculture division of animal health. Such person shall have the exclusive right to use such brand in this state, after registering such brand with the animal health commissioner.

(b) Any person desiring to register a livestock brand shall forward to the commissioner a facsimile of such brand and shall accompany the same with the registration fee in the amount provided under this section. Each person making application for the registering of an available livestock brand shall be issued a certificate of brand title. Such brand title shall be valid for a period ending four years subsequent to the next April 1 following date of issuance.

(c) For the purpose of revising the brand records, the animal health commissioner shall collect a renewal fee in the amount provided under this section on all brands upon which the recording period expires. Any person submitting such renewal fee shall be entitled to a renewal of registration of such person's livestock brand for a five-year period from the date of expiration of registration of such person's livestock brand as shown by such person's last certificate of brand title.

(d) The livestock brand of any person whose registration expires and who fails to pay such renewal fee within a grace period of 60 days after expiration of the registration period shall be forfeited. The use of a forfeited brand shall be unlawful.

(e) Upon the forfeiture of a livestock brand, the animal health commissioner is authorized to receive and accept an application for such brand to the same extent as if such brand had never been issued to anyone as a registered brand.

(f) The animal health commissioner shall determine annually the amount of funds which will be required for the purposes for which the brand registration and renewal fees are charged and collected and shall fix and adjust from time to time each such fee in such reasonable amount as may be necessary for such purposes, except that in no case shall either the brand registration fee or the renewal fee exceed $55. The amounts of the brand registration fee and the renewal fee in effect on the day preceding the effective date of this act shall continue in effect until the animal health commissioner fixes different amounts for such fees under this section.

History: L. 1939, ch. 222, § 4; L. 1939, ch. 223, § 1; L. 1947, ch. 298, § 4; L. 1951, ch. 313, § 1; L. 1957, ch. 302, § 1; L. 1958, ch. 16, § 1 (Special Session); L. 1961, ch. 253, § 1; L. 1972, ch. 198, § 1; L. 1978, ch. 205, § 1; L. 1982, ch. 223, § 1; L. 1988, ch. 186, § 1; L. 1991, ch. 152, § 3; L. 1996, ch. 90, § 3; July 1; L. 2012, ch. 140, § 15; July 1; L. 2016, ch. 51, § 5; July 1.

K.S.A. 47-417a. Brand inspection; fees; disposition; livestock brand fee fund. (a) The animal health commissioner, when brand inspectors or examiners are available, may provide brand inspection. When brand inspection is requested and provided, the animal health commissioner shall charge and collect from the person making the request, a brand inspection fee of not to exceed $.75 per head for all livestock. No inspection charge shall be made or collected at any licensed livestock market where brand inspection is otherwise available.

(b) The animal health commissioner shall remit all moneys received under the statutes contained in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the livestock brand fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture.

(c) The commissioner is authorized to adopt and enforce such rules and regulations governing brand inspections as the commissioner shall deem necessary for the proper enforcement of the livestock laws in Kansas. The commissioner, brand inspectors and special investigators shall aid in investigations and prosecutions of violations of the livestock laws of Kansas and other laws of this state and of the rules and regulations of the commissioner.

History: L. 1958, ch. 16, § 2 (Special Session); L. 1965, ch. 330, § 1; L. 1973, ch. 2, § 19; L. 1975, ch. 281, § 2; L. 1982, ch. 223, § 2; L. 1986, ch. 196, § 1; L. 1991, ch. 152, § 4; L. 2001, ch. 5, § 160; July 1; L. 2012, ch. 140, § 16; July 1; L. 2016, ch. 51, § 6; July 1.

K.S.A. 47-418. Branding; rules and regulations; identification brands for disease control purposes. Livestock may be branded in any way, or on any part of the animal, according to rules and regulations adopted by the commissioner, but livestock shall be branded so that they may be readily distinguished should they become intermixed with other herds. Livestock brands for identification of cattle to control diseases may be placed on the tailhead of the cattle. No applications for livestock brands for owner identification shall be issued for head, neck or tailhead locations, and the tailhead location for livestock brands shall be reserved for brands for disease control purposes, except that head, neck and tailhead brands presently effective may have registration renewal upon term expirations. No evidence of ownership of brands shall be recorded except as provided in this act.

History: L. 1939, ch. 222, § 5; L. 1947, ch. 298, § 5; L. 1961, ch. 254, § 1; L. 1980, ch. 154, § 1; L. 1988, ch. 186, § 2; L. 1989, ch. 156, § 1; July 1; L. 2016, ch. 51, § 7; July 1.

K.S.A. 47-418a. Repealed

History: L. 1961, ch. 254, § 2; L. 1989, ch. 156, § 2; July 1; L. 2012, ch. 140, § 17; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-419. Certified copies of record; fee. When any brand is recorded, as provided herein, the owner thereof shall be entitled to one certified copy of the record of such brand from the commissioner. Additional certified copies of such record may be obtained by anyone upon the payment of a fee in an amount fixed by the commissioner.

History: L. 1939, ch. 222, § 6; L. 1978, ch. 347, § 6; July 1; L. 2012, ch. 125, § 8; July 1.

K.S.A. 47-420. Unlawful use of brands; additional marking systems; feedlot brands; permits, fees. (a) It shall be unlawful for any person to use any brand for branding any livestock unless such brand has been duly registered in the office of the animal health commissioner at Topeka, except: (1) The use of a single numeral digit, zero to nine, in conjunction with the registered brand of the owner may be used for the purpose of determining the age of the branded animal, such number to be applied at least six inches from such registered brand; (2) the use of serial numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying individual animals, such numbers to be applied at least six inches from the registered brand; (3) the use of numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying herds of the same owner for feeding or experimental purposes, such numbers to be applied at least six inches from the registered brand; and (4) the use of a digital system of branding livestock may be used for the purpose of identifying animals in a licensed feedlot. Such feedlot brand may be used in conjunction with the registered brand of the owner, such brand to be applied at least six inches from such registered brand or may be used on animals which are not branded with a registered brand of the owner, subject to conditions, limitations and requirements applicable to the use of a feedlot brand as prescribed in K.S.A. 47-446, and amendments thereto.

(b) The age, serial, herd or feedlot brand shall not be construed as a part of the registered brand and the use of such numeral or numerals, whether or not such use is in conjunction with a registered brand, shall not be unlawful.

(c) The animal health commissioner may allow applicants to denote on an application for a registered brand whether the applicant shall use age, serial or herd brands, and may allow the owner of a registered brand to amend the registered brand to denote whether the applicant will use such age, serial or herd brands.

History: L. 1939, ch. 222, § 7; L. 1955, ch. 259, § 1; L. 1957, ch. 303, § 1; L. 1973, ch. 212, § 1; L. 1974, ch. 223, § 1; L. 1991, ch. 152, § 5; July 1; L. 2012, ch. 140, § 18; July 1; L. 2016, ch. 51, § 8; July 1.

K.S.A. 47-421. Unlawful branding or defacing of brands; penalty; venue of prosecutions. (a) Except as provided in subsection (b), any person who willfully brands or causes to be branded any livestock in any manner other than as required or authorized by the laws of this state and the rules and regulations of the animal health commissioner shall be deemed guilty of a class A misdemeanor.

(b) Any person who shall willfully and knowingly brand or cause to be branded with such person's brand, or any brand not the recorded brand of the owner, any livestock being the property of another, or who shall willfully or knowingly efface, deface or obliterate any brand upon any livestock, shall be deemed guilty of a nondrug severity level 6, nonperson felony.

(c) Prosecution for violation of the provisions of this section may be had either in the county where such violation occurred or in any county in which the livestock may be located or found in the possession of the accused.

History: L. 1939, ch. 222, § 8; L. 1945, ch. 227, § 1; L. 1990, ch. 309, § 33; May 24; L. 2016, ch. 51, § 9; July 1.

K.S.A. 47-422. Effect of recording of brands; recordation, fee; evidence; use by another prohibited, penalty. Any brand registered with the animal health commissioner of the Kansas department of agriculture in compliance with the requirements of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall be the property of the person causing such record to be made. Such brand shall be subject to sale, assignment, transfer, devise and descent as other personal property. Instruments of writing evidencing the sale, assignment or transfer of such brand shall be recorded by the animal health commissioner. The fee for recording such instruments of writing shall be an amount not to exceed $30. Such instruments shall have the same force and effect as recorded instruments affecting real estate. A certified copy of the record of any such instrument may be introduced in evidence the same as certified copies of instruments affecting real estate. Any brand recorded with the Kansas department of agriculture division of animal health shall not be used by any person other than the recorded owner.

History: L. 1939, ch. 222, § 9; L. 1971, ch. 186, § 1; L. 1991, ch. 152, § 6; July 1; L. 2012, ch. 140, § 19; July 1; L. 2013, ch. 133, § 20; July 1; L. 2016, ch. 51, § 10; July 1.

K.S.A. 47-423. Livestock from another state; permit; damages for failure to comply. Any person who causes to be brought into the state from any other state for the purpose of grazing or feeding for a period of not to exceed 12 months, livestock which carry a brand or brands recorded in a recognized brand organization of any other state, shall be exempt from the provisions of K.S.A. 47-420, and amendments thereto, for a period of 12 months. After such time such brand or a new brand must be recorded in this state.

History: L. 1939, ch. 222, § 10; L. 1996, ch. 90, § 4; July 1; L. 2016, ch. 51, § 11; July 1.

K.S.A. 47-424. Publication of handbook and supplements; exchanges, sale and distribution. The commissioner shall from time to time cause to be published in book form or produce in electronic format, a list of all brands and marks on record at the time of such publication. Such lists may be supplemented from time to time. Such publication or production shall contain a facsimile of all brands recorded, together with the owner's name and post-office address. Such records shall be arranged in convenient form for reference. The commissioner shall send, to the sheriff of each county, one copy of such brand book and supplement thereto or electronically formatted copy thereof, which shall be kept as a matter of public record. The commissioner may exchange brand books and supplements thereto or

electronically formatted copies thereof with livestock brand commissioners and directors of other states, and with the executive officer of a statewide organization of any other state which is charged with administration of brand laws of such state. The commissioner may make other distribution of brand books and supplements or electronically formatted copies thereof without charge, to Kansas licensed veterinarians and licensed public livestock market operators, when the commissioner deems such distribution desirable and an aid to the effective administration of the brand laws of this state. Such books or electronically formatted copies of the production may be sold to the general public at a price to be determined by the commissioner which shall be based on the cost of printing or storing, preparation and postage.

History: L. 1939, ch. 222, § 11; L. 1951, ch. 314, § 1; L. 1964, ch. 26, § 1 (Budget Session); L. 1965, ch. 330, § 2; L. 1967, ch. 292, § 1; July 1; L. 2012, ch. 125, § 10; July 1.

K.S.A. 47-425. Duty of attorney general. It shall be the duty of the attorney general to enforce the provisions of this act, and all acts amendatory thereto, together with the rules and regulations of the commissioner; and for such purposes the attorney general shall have original jurisdiction in investigations and prosecutions coextensive with that of local officers.

History: L. 1939, ch. 222, § 12; March 29.

K.S.A. 47-426. Rules and regulations. The commissioner may make all the necessary rules and regulations to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and may by such rules and regulations make and provide for exceptions, in addition to those listed in K.S.A. 47-420, and amendments thereto, for the use of particular brands in conjunction with the recorded brand.

History: L. 1939, ch. 222, § 13; L. 1947, ch. 298, § 6; L. 1957, ch. 303, § 2; L. 1989, ch. 156, § 3; July 1; L. 2016, ch. 51, § 12; July 1.

K.S.A. 47-427. Invalidity of part. The provisions of this act are severable, and if any part therein shall be held unconstitutional, or invalid, the same shall not affect the validity of any remaining portion of this act.

History: L. 1939, ch. 222, § 14; March 29.

K.S.A. 47-428. Entry upon private lands; inspections; proof of ownership of livestock. The animal health commissioner and the commissioner's deputies, assistants, special investigators, inspectors or examiners are hereby authorized to enter upon any private lands to make any inspections necessary for the purpose of carrying out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto. The commissioner and the commissioner's deputies or assistants may accept proof of ownership of livestock from any person in possession of animals bearing the recorded brands of another party or any other identification as sufficient to exclude and exempt such animals from being classified as stray animals under the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1947, ch. 298, § 7; L. 1989, ch. 156, § 4; July 1; L. 2012, ch. 140, § 20; July 1; L. 2016, ch. 51, § 13; July 1.

K.S.A. 47-429. Moneys received from sale of branded stray livestock. All moneys received from the sale of branded stray livestock shall be paid to the state animal health commissioner, notwithstanding article 2 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any other provision of law relating to the disposition of the

moneys received from the sale of branded stray animals. The commissioner or the commissioner's deputies are hereby authorized and directed to receive and receipt for all moneys received from the sale of branded stray livestock and shall pay the same to the state treasurer. The state treasurer shall credit such amount to the livestock brand fee fund.

History: L. 1947, ch. 298, § 8; L. 1989, ch. 156, § 5; L. 1996, ch. 90, § 5; July 1; L. 2012, ch. 140, § 21; July 1.

K.S.A. 47-432. Repealed.

History: L. 1959, ch. 25, § 1; L. 1989, ch. 156, § 6; July 1; L. 2012, ch. 140, § 22; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-433. Repealed.

History: L. 1959, ch. 25, § 2; L. 1972, ch. 199, § 1; L. 1978, ch. 345, § 8; July 1; L. 2012, ch. 140, § 23; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-434. Repealed.

History: L. 1959, ch. 228, § 1; L. 1989, ch. 156, § 7; L. 2000, ch. 111, § 4; July 1; L. 2012, ch. 140, § 24; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-435. Repealed.

History: L. 1959, ch. 228, § 2; L. 1963, ch. 285, § 1; L. 1969, ch. 258, § 9; L. 1996, ch. 90, § 6; July 1; L. 2012, ch. 140, § 25; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-436. Repealed.

History: L. 1959, ch. 228, § 3; L. 1969, ch. 258, § 10; L. 1984, ch. 196, § 3; L. 1989, ch. 156, § 8; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-437. Repealed.

History: L. 1959, ch. 228, § 4; L. 1962, ch. 36, § 1; L. 1965, ch. 331, § 1; L. 1973, ch. 2, § 20; L. 1975, ch. 281, § 3; L. 1982, ch. 223, § 3; L. 1986, ch. 196, § 2; L. 1991, ch. 152, § 7; L. 2000, ch. 111, § 5; L. 2001, ch. 5, § 161; July 1; L. 2012, ch. 140, § 26; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-438. Repealed.

History: L. 1959, ch. 228, § 5; June 30; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-439. Repealed.

History: L. 1959, ch. 228, § 6; June 30; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-440. Repealed.

History: L. 1959, ch. 228, § 7; June 30; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-441. Repealed.

History: L. 1959, ch. 228, § 8; L. 1965, ch. 331, § 2; L. 1977, ch. 189, § 1; L. 1989, ch. 156, § 9; July 1; L. 2012, ch. 140, § 27; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-442. Repealed.

History: L. 1959, ch. 228, § 9; L. 1965, ch. 331, § 3; L. 1977, ch. 189, § 2; L. 1989, ch. 156, § 10; July 1; L. 2012, ch. 140, § 28; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-445. Repealed.

History: L. 1959, ch. 228, § 13; June 30; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-446. Feedlot brands; application; conditions. Feedlot brands may be lawfully applied to livestock which are not branded with a registered brand of the owner and which are in the custody of, and upon the premises of, a feedlot operator licensed under the provisions of article 15 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto Such feedlot brand shall not be construed as evidence of ownership identification.

History: L. 1973, ch. 212, § 2; July 1; L. 2012, ch. 140, § 29; July 1; L. 2015, ch. 51, § 14; July 1; L. 2016, ch. 51, § 14; July 1.

K.S.A. 47-447. Repealed.

History: L. 1973, ch. 212, § 3; July 1; Repealed, L. 2016, ch. 51, § 16; July 1.

K.S.A. 47-448. Reciprocity agreements with livestock commissioners or brand inspection agencies of other states; brand inspection fees, not limited by other laws. The animal health commissioner is authorized to enter into reciprocity agreements with any livestock commissioner or brand inspection agency of any other state or the United States, for cooperation in the administration of brand inspection laws and laws for the control, suppression and eradication of contagious diseases among domestic animals.

The animal health commissioner may set and charge fees for brand inspection of animals subject to any reciprocity agreement. Such fees shall not be limited by or subject to the provisions of K.S.A. 47-417a or 47-437, and amendments thereto, or any other law prescribing fees for brand inspection.

History: L. 1975, ch. 281, § 4; July 1; L. 2012, ch. 140, § 30; July 1.

K.S.A. 47-449. New Section. On July 1, 2016, the director of accounts and reports shall transfer all moneys in the livestock brand emergency revolving fund and the county option brand fee fund to the livestock brand fee fund established in K.S.A. 47-417a, and amendments thereto. On July 1, 2016, all liabilities of the livestock brand emergency revolving fund and the county option brand fee fund are hereby transferred to and imposed on the livestock brand fee fund, and the livestock brand emergency revolving fund and the county option brand fee fund are hereby abolished.

History: L. 2016, ch. 51, § 1; July 1.

PROTECTION OF DOMESTIC ANIMALS

ARTICLE 6

K.S.A. 47-604. Penalty for violating quarantine. Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any order establishing or regulating a quarantine issued pursuant to article 6 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, upon conviction of a violation of this section, such person shall be guilty of a severity level 7 nonperson felony.

History: L. 1905, ch. 495, § 24; R.S. 1923, 47-604; L. 1989, ch. 156, § 11; L. 1992, ch. 100, § 1; L. 2007, ch. 198, § 9; May 24.

K.S.A. 47-605. Oaths and affirmations. For the purpose of this act, the animal health commissioner is hereby authorized and empowered to administer oaths and affirmations.

History: L. 1905, ch. 495, § 25; R.S. 1923, 47-605; L. 1989, ch. 156, § 12; July 1; L. 2012, ch. 140, § 31; July 1.

K.S.A. 47-607. Unlawful to transport uninspected animals into state; certificates of health required; rules and regulations of animal health commissioner; special quarantine. (a) It shall be unlawful for any person or persons to bring, drive or transport any cattle, calves, sheep, swine, horses, mules, goats, domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto, any creature of the ratite family that is not indigenous to this state, including, but not limited to, ostriches, emus and rheas, or any other animal that may be used in the preparation of meat or meat products into the state of Kansas, without first having caused such animal or animals to be inspected and passed under certificate of health as required by the animal health commissioner of this state.

(b) All shipments and movements of livestock into the state of Kansas upon a public highway shall be accompanied by any such certificates of health or permits required by the animal health commissioner. The animal health commissioner shall prescribe, by rules and regulations, procedure whereby certificates of health and other required statements and declarations may be submitted to the commissioner at the time of shipment.

(c) The animal health commissioner is authorized to issue a special quarantine on such conditions as the commissioner deems necessary to prevent the spread of infectious and contagious diseases in the state of Kansas and on the condition that, if any such livestock upon inspection by an authorized veterinarian are found not to be free and clear of infectious and contagious diseases, such livestock shall be:

(1) Disposed of by the owner or possessor either by: (A) Sale at a public market for immediate slaughter; (B) delivery at a licensed disposal plant; or (C) return to place of origin; or

(2) held by the owner or possessor thereof under quarantine of and subject to the orders and rules and regulations of the animal health commissioner.

History: L. 1905, ch. 495, § 27; L. 1909, ch. 166, § 1; R.S. 1923, 47-607; L. 1945, ch. 229, § 1; L. 1947, ch. 301, § 1; L. 1949, ch. 294, § 1; L. 1951, ch. 315, § 1; L. 1965, ch. 332, § 1; L. 1977, ch. 304, § 19; L. 1993, ch. 143, § 10; L. 1994, ch. 79, § 3; L. 2012, ch. 140, § 32; July 1.

K.S.A. 47-607a. Transportation of uninspected animals into state; special permit may be required to cross state line. When the animal health commissioner of this state determines that a special permit is required to move any or all kinds or species of livestock into or through the state of Kansas, the animal health commissioner may declare that no person or persons, firm, corporation, railway, aerial or motor transportation company, or individual owner of a truck, or the agents thereof, shall ship, trail, permit to cross the state line or in any manner transport any class of livestock into the state of Kansas from any other area, state or states designated by the animal health commissioner, without first obtaining a special permit, by wire, letter or telephone, from the animal health commissioner at Topeka, Kansas. Such special permit or the authorized permit number of such special permit shall accompany such shipment of livestock into the state of Kansas.

History: L. 1947, ch. 301, § 2; L. 1951, ch. 315, § 2; L. 1989, ch. 156, § 13; July 1; L. 2012, ch. 140, § 33; July 1.

K.S.A. 47-607c. Same; penalties for violations. Any person or persons violating or failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment.

History: L. 1947, ch. 301, § 4; L. 1965, ch. 332, § 2; June 30.

K.S.A. 47-607d. Same; rules and regulations. The animal health commissioner may adopt such rules and regulations as necessary to carry out the purposes of this act.

History: L. 1951, ch. 315, § 3; L. 1989, ch. 156, § 14; July 1; L. 2012, ch. 140, § 34; July 1.

K.S.A. 47-608. Animal health commissioner to cooperate with federal officers. The animal health commissioner is hereby authorized and directed to cooperate with the secretary of agriculture of the United States, or any officer or authority of the general government, in the suppression and extirpation of contagious diseases among domestic animals and in the enforcement and execution of all acts of congress to prevent the importation and exportation of diseased animals and the spread of infectious or contagious diseases among domestic animals.

History: L. 1905, ch. 495, § 31; R.S. 1923, 47-608; L. 1989, ch. 156, § 15; July 1; L. 2012, ch. 140, § 35; July 1.

K.S.A. 47-610. State quarantine, sanitary and other regulations; veterinarian; compensation. The state animal health commissioner is hereby directed to protect the health of domestic animals of the state from all contagious or infectious diseases and for this purpose is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as necessary. If the animal health commissioner requires the assistance of technical knowledge, experience or skill to carry out the duties of the animal health commissioner, the animal health commissioner may command the services of any competent veterinarian or may call upon the dean of the college of veterinary medicine, Kansas state university at Manhattan, Kansas, for that purpose. In case the dean of the college of veterinary medicine, Kansas state university is called, the dean shall receive actual and necessary expenses in the performance of such duties as full compensation for such services. If any other veterinarian is employed, such veterinarian shall receive such actual and necessary expenses and reasonable compensation for such services.

History: L. 1911, ch. 312, § 1; R.S. 1923, 47-610; L. 1947, ch. 302, § 1; L. 1989, ch. 156, § 16; July 1; L. 2012, ch. 140, § 36; July 1.

K.S.A. 47-611. Quarantine and other regulations; notice of quarantine; proclamation by governor; enforcement; direction by governor; assistance of any state agency. (a) When the animal health commissioner determines that a quarantine and other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, the commissioner shall notify the governor of such determination, and the governor shall issue a proclamation announcing the boundary of such quarantine and the orders and rules and regulations prescribed by the commissioner. Such proclamation shall be published in the Kansas register, except that the commissioner, if the area affected by the quarantine is limited in extent, may dispense with the proclamation of the governor and give such notice as the commissioner shall deem sufficient to make the quarantine effective.

(b) Upon a determination by the governor that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, the governor shall direct the commissioner to establish a quarantine pursuant to this section.

(c) The governor may require and direct the cooperation and assistance of any state agency in enforcing such quarantine or other regulations pursuant to subsection (a) or (b).

(d) The commissioner shall establish such quarantine immediately and shall give and enforce such directions, rules and regulations as to separating, isolating, handling and treating, feeding and caring for such diseased animals, animals exposed to the disease and animals within the quarantine which have not been immediately exposed, as the commissioner deems necessary to prevent those classes of animals from coming into contact with one another.

(e) The animal health commissioner or the commissioner's designee is hereby authorized and empowered to enter any grounds and premises to carry out the provisions of this act.

History: L. 1911, ch. 312, § 2; R.S. 1923, 47-611; L. 1981, ch. 324, § 15; L. 1989, ch. 156, § 17; L. 2001, ch. 163, § 1; May 17; L. 2012, ch. 140, § 37; July 1.

K.S.A. 47-612. Delivery of animals into quarantine; payment of fees, costs and expenses; sale. Whenever the animal health commissioner determines that certain animals within the state are capable of communicating infectious or contagious disease, the commissioner may issue an order to the sheriff of the county or to any agent, inspector or authorized representative of the animal health commissioner in which such animals are found, commanding such individuals to take into custody and keep such animals subject to such quarantine regulations as the animal health commissioner may prescribe, until such time as the commissioner directs such person to deliver such animals to their owner or owners or to the agent of the owner or owners. Before any animals are delivered, the owner of such animals shall pay to the animal health commissioner all the fees, costs and expenses of taking, detaining and holding and caring for the animals. In case such fees, costs and expenses are not paid at the time fixed by the animal health commissioner, the officer having custody of such animals shall advertise, in the same manner as provided by law in case of sale of personal property on execution, that the officer will sell such animals or such portion of such animals as may be necessary to pay such fees, costs and expenses, together with the costs and expenses of such sale. At the time and place advertised the officer shall sell as many of the animals as may be necessary to pay for such fees, costs and expenses and the costs and expenses of such sale. Upon such sale the officer shall without delay pay to the owner any amount received in excess of the fees, costs and expenses, including, but not limited to, legal fees of such officer. Any officer performing any of the duties directed in this section or any other section of this act shall receive the same compensation for such services as is prescribed by law for similar services. In case such fees, costs and expenses cannot be collected by sale of such animals, such fees, costs and expenses shall be paid by the state of Kansas unless

payment or indemnity for the costs of taking into custody, keeping and selling such animals may be obtained from the United States government.

History: L. 1911, ch. 312, § 3; R.S. 1923, 47-612; L. 1989, ch. 156, § 18; L. 2005, ch. 165, § 1; Apr. 21; L. 2012, ch. 140, § 38; July 1.

K.S.A. 47-613. Quarantine duties of sheriff. The sheriff to whom the existence of any contagious or infectious disease of domestic animals is reported shall proceed without delay to the place where such domestic animal or animals are and examine the same, and shall report immediately the result of such examination to the animal health commissioner. The sheriff shall enforce such temporary quarantine regulations as the animal health commissioner may direct to prevent the spread of such disease, until the animal health commissioner provides and orders suitable permanent quarantine rules and regulations. No sheriff who takes or detains such animals under the provisions of this act shall be liable to the owner or owners of such animals for any damages by reason of such taking or detention or by reason of the performance of any other duties directed by law.

History: L. 1911, ch. 312, § 4; R.S. 1923, 47-613; L. 1989, ch. 156, § 19; July 1; L. 2012, ch. 140, § 39; July 1.

K.S.A. 47-614. Killing unconfined, diseased or exposed animals. When in the opinion of the commissioner it shall be necessary to prevent the spread of any contagious or infectious diseases among the domestic animals of this state, to destroy animals affected with or which have been exposed to any such disease, or which are unconfined in violation of any quarantine order, he shall determine what animals shall be killed and cause the same to be killed and the carcasses disposed of as in his judgment will best protect the health of the domestic animals of the locality.

History: L. 1911, ch. 312, § 5; R.S. 1923, 47-614; L. 1947, ch. 303, § 1; April 15.

K.S.A. 47-615. Killing of condemned animals; inventory and appraisal; duties of commissioner; payment or indemnity to owner. Whenever the commissioner directs the killing or disposition of any domestic animal or animals, except dogs, it shall be the duty of the commissioner and the owner of the condemned animals, to appraise the animal or animals to be killed or disposed. The commissioner shall make an inventory of the animal or animals condemned, and in fixing the value of such animal or animals, the commissioner shall be governed by the value of such animal or animals at the time of the first appearance of the disease. The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government.

History: L. 1911, ch. 312, § 6; L. 1915, ch. 348, § 1; R.S. 1923, 47-615; L. 1947, ch. 303, § 4; L. 2005, ch. 165, § 2; Apr. 21.

K.S.A. 47-616. Same; right of indemnity. When any animal or animals are killed under the provisions of this act by order of the commissioner, the owner of such animal or animals shall be paid for such animal or animals such proportion of the appraised value as fixed by the appraisement as provided by law. The right of indemnity on account of animals killed by order of the commissioner under the provisions of this act shall not extend to: (a) Animals killed on account of rabies;

(b) the owner of animals which have been brought into the state in a diseased condition, or from a state, country, territory or district in which the disease with which the animal is infected or to which it has been exposed exists;

(c) any animal which has been brought into the state in violation of any law or quarantine regulations thereof, or the owner of which has violated any of the provisions of this act or disregarded any rule and regulation or order of the animal health commissioner;

(d) any animal which came into the possession of the claimant with the claimant's knowledge that such animal was diseased or was suspected of being diseased or of having been exposed to any contagious or infectious disease; or

(e) any animal belonging to the United States.

History: L. 1911, ch. 312, § 7; R.S. 1923, 47-616; L. 1989, ch. 156, § 20; July 1; L. 2012, ch. 140, § 40; July 1.

K.S.A. 47-617. **Animals killed by order of commissioner; certificate; payment or indemnity to owner; specific disease procedures.** When any domestic animal, other than dogs and animals affected with foot-and-mouth disease, is killed by order of the commissioner, the commissioner shall issue to the owner of the animal or animals the certificate showing the number and kind of animals killed, and the amount to which the holder is entitled. The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government. In case of animals killed or disposed of that are exposed to or afflicted with the foot-and-mouth disease, the appraisement shall be conducted in accordance with the applicable rules and regulations of an applicable livestock indemnity program of the United States government. The state of Kansas shall pay all its expenses incurred in that behalf, and shall pay all its employees necessarily employed therein.

History: L. 1911, ch. 312, § 8; L. 1915, ch. 348, § 2; R.S. 1923, 47-617; L. 1947, ch. 303, § 5; L. 2001, ch. 163, § 2; L. 2005, ch. 165, § 3; Apr. 21.

K.S.A. 47-618. **Execution of orders of commissioner; fees of officers; arrests; prosecutions.** The animal health commissioner shall have power to call upon any sheriff, undersheriff or deputy sheriff to execute the commissioner's orders. Such officers shall obey the orders of the commissioner and for performing such services shall receive mileage and fees as is now provided for service in process in civil actions. For killing and disposing of diseased animals, in accordance with the rules prescribed by the animal health commissioner, such officers shall receive the following fees:

(1) For the first animal, not to exceed $5;

(2) for each additional animal, not to exceed $2; but in no case shall the amount exceed the actual cost of doing such work. Such fees shall be paid by the board of county commissioners of the county in which the services are rendered. Any such officer may arrest on view and take before any judge of a court of competent jurisdiction of the county any person found violating the provisions of this act, and such officer shall immediately notify the county or district attorney of such arrest, and such county or district attorney shall prosecute the person so offending according to law.

History: L. 1911, ch. 312, § 9; May 22; L. 1974, ch. 446, § 19; July 1; L. 2012, ch. 140, § 41; July 1.

K.S.A. 47-619. **Stockyard inspector; compensation; duties.** It shall be the duty of the animal health commissioner or the commissioner's designee to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.

History: L. 1911, ch. 312, § 10; R.S. 1923, 47-619; L. 1947, ch. 302, § 2; L. 1989, ch. 156, § 21; July 1; L. 2012, ch. 140, § 42; July 1; L. 2013, ch. 90, § 4; July 1.

K.S.A. 47-620. Prohibiting entrance of stock from other states where disease has become epidemic. Whenever the state animal health commissioner has good reason to believe that any contagious or infectious disease has become epidemic in certain localities in other states, territories or countries, or that there are conditions which render domestic animals from such infected districts liable to convey such disease, the animal health commissioner shall publish an order prohibiting the entrance of any livestock of the kind diseased into the state from such infected district.

History: L. 1911, ch. 312, § 11; R.S. 1923, 47-620; L. 1989, ch. 156, § 22; July 1; L. 2012, ch. 140, § 43; July 1.

K.S.A. 47-622. Report of diseases to animal health commissioner. It shall be the duty of the owner or person in charge of any domestic animal or animals who discovers, or has reason to believe that any domestic animal owned by such person or in such person's charge or keeping is affected with any contagious or infectious disease, to immediately report such fact or belief to the animal health commissioner. It shall be the duty of any person who discovers the existence of any such contagious or infectious disease among the domestic animals of any person to immediately report this information to the animal health commissioner.

History: L. 1911, ch. 312, § 13; R.S. 1923, 47-622; L. 1989, ch. 156, § 23; July 1; L. 2012, ch. 140, § 44; July 1.

K.S.A. 47-624. Unlawful acts; civil penalties. (a) In addition to any other penalty provided by law, any person who has in such person's possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, may incur a civil penalty imposed under subsection (b) [(c)] if such person:

(1) Permits such animal to run at large

(2) keeps such animal where other domestic animals, not affected with or previously exposed to such disease, may be exposed to such contagious or infectious disease;

(3) sells, ships, drives, trades or gives away such diseased and infected animal or animals which have been exposed to such infection or contagion, except by sale, trade or gift to a regularly licensed disposal plant;

(4) moves or drives any domestic animal in violation of the rules and regulations, directions or orders establishing and regulating quarantine

(b) Any owner of any domestic animal which has been affected with or exposed to any contagious or infectious disease may dispose of the same after such owner obtains from the animal health commissioner a bill of health for such animal.

(c) Any duly authorized agent of the commissioner, upon a finding that any person, or agent or employee thereof, has violated any of the provisions of subsection (a), may impose a civil penalty upon such person as provided in this section. Such penalty shall be an amount not less than $250 nor more than $1,000 for each such violation and in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the commissioner to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the commissioner. Any such person, within 20 days after notification, may make written request to the commissioner for a hearing in accordance with the provisions of the

Kansas administrative procedure act. The commissioner shall affirm, reverse or modify the order and shall specify the reasons therefor.

(e) Any person aggrieved by an order of the commissioner made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) Any civil penalty recovered pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

History: L. 1911, ch. 312, § 15; R.S. 1923, 47-624; L. 1943, ch. 199, § 3; L. 1989, ch. 156, § 24; L. 1992, ch. 100, § 2; L. 2001, ch. 5, § 163; L. 2010. Ch. 17, § 85; July 1; L. 2012, ch. 140, § 45; July 1.

K.S.A. 47-626. Employees and materials for enforcement of act. The state animal health commissioner may employ such persons and purchase such supplies, appliances and materials as may be necessary to carry into full effect all the orders given by the animal health commissioner as provided by law. No labor shall be employed and no material or supplies purchased by the animal health commissioner except such additional labor, material and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the commissioner. The director of accounts and reports shall draw warrants upon the treasurer of state for the necessary amount upon vouchers properly verified by the person performing such labor or furnishing such material and approved by the animal health commissioner.

History: R.S. 1923, 47-626; L. 1989, ch. 156, § 25; July 1; L. 2012, ch. 140, § 46; July 1.

K.S.A. 47-627. Treatment for itch or mange; order of commissioner. If the animal health commissioner finds the disease known as the itch or mange existing among domestic animals, the animal health commissioner shall order all animals so affected to be properly treated as the commissioner deems necessary.

History: L. 1911, ch. 312, § 18; R.S. 1923, 47-627; L. 1989, ch. 156, § 26; July 1; L. 2012, ch. 140, § 47; July 1.

K.S.A. 47-628. Repealed

History: L. 1911, ch. 312, § 19; R.S. 1923, 47-628; L. 1951, ch. 316, § 1; Repealed, L. 1955, ch. 260, § 1; June 30.

K.S.A. 47-629. Injection of virulent hog-cholera virus into hogs without permit unlawful; permit issued, when. It shall be unlawful for any person to inject any virulent hog-cholera virus into any hog, in the state of Kansas unless such person first obtains a permit from the animal health commissioner authorizing such injection. A permit to inject virulent hog-cholera virus may be issued by the animal health commissioner upon application to the animal health commissioner upon a form provided by the animal health commissioner. Such permit shall be issued only to persons who are sufficiently informed as to qualify to safely handle and use such virus. Such permit shall state the conditions, limitations and regulations as the animal health commissioner deems necessary for the protection of the health of the domestic animals of this state from infectious or contagious diseases. Such permit shall be issued for a definite period which duration shall be fixed by the animal health commissioner as the animal health commissioner deems necessary to

prevent the spread of infectious or contagious diseases. The permit holder shall comply with the requirements of such permit.

History: L. 1911, ch. 312, § 20; R.S. 1923, 47-629; L. 1951, ch. 316, § 2; L. 1961, ch. 255, § 1; L. 1989, ch. 156, § 27; July 1; L. 2012, ch. 140, § 48; July 1.

K.S.A. 47-629a. Sale of virulent hog-cholera virus by unauthorized vendors unlawful. It shall be unlawful for any person to sell or offer for sale virulent hog-cholera virus to another unless the vendor is:

(1) A manufacturer thereof; or

(2) a distributor of veterinarian supplies, authorized by the animal health commissioner to handle and sell such virus; or

(3) a veterinarian licensed under the Kansas veterinary practice act.

History: L. 1961, ch. 255, § 2; L. 1989, ch. 156, § 28; July 1; L. 2012, ch. 140, § 49; July 1.

K.S.A. 47-629b. Sale of virulent hog-cholera virus to unauthorized purchasers unlawful. It shall be unlawful for any person to sell, or offer for sale, any virulent hog-cholera virus to another unless the purchaser is:

(1) A holder of a permit from the animal health commissioner, currently in effect, authorizing such person to inject virulent hog-cholera virus; or

(2) a distributor of veterinarian supplies authorized by the animal health commissioner to handle and sell such virus.

History: L. 1961, ch. 255, § 3; L. 1989, ch. 156, § 29; July 1; L. 2012, ch. 140, § 50; July 1.

K.S.A. 47-629c. Penalty for violating 47-629 to 47-629c. Any person who violates any provision of this act, or any provision of a permit to inject virulent hog-cholera virus issued by the animal health commissioner, and any person who fails to comply with any provision of this act or any provision of such a permit, shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25 or more than $500 or shall be imprisoned in the county jail for not more than six months, or both.

History: L. 1961, ch. 255, § 4; L. 1989, ch. 156, § 30; July 1; L. 2012, ch. 140, § 51; July 1.

K.S.A. 47-631. Rules for tuberculin test. (a) The animal health commissioner, whenever the animal health commissioner deems it necessary, shall formulate and announce the rules under which the tuberculin test for tuberculosis in domestic animals shall be applied. For all proceedings pursuant to such application:

(1) No tuberculin shall be used other than that furnished by the United States government;

(2) no person other than one indicated for that purpose by the animal health commissioner shall inject any tuberculin into any animal in this state;

(3) all charts giving the temperature and conditions existing at the time the animal was tested, accompanied by a history and description of the animal, shall be submitted, immediately after the test is made, to the state animal health commissioner. The animal health commissioner shall then render a decision thereon, which shall be final and shall be recorded in the office of the animal health commissioner.

(b) The state animal health commissioner shall immediately apply the quarantine and other regulations issued under the provisions of this act to animals found infected with tuberculosis.

History: L. 1911, ch. 312, § 22; L. 1915, ch. 351, § 1; L. 1919, ch. 225, § 1; R.S. 1923, 47-631; L. 1989, ch. 156, § 31; July 1; L. 2012, ch. 140, § 52; July 1.

K.S.A. 47-632. Animals affected with tuberculosis; condemning of animal and quarantine of herd; sale of animal; payment to owner. Whenever the animal health commissioner determines that any domestic animal is affected with tuberculosis, the commissioner shall immediately condemn such animal and quarantine the herd in which it is found. Whereupon, the owner shall sell such diseased animal for immediate slaughter under state or federal inspection, subject to a post-mortem examination under the direction of the animal health commissioner. Such owner shall be indemnified by the state animal health commissioner, from funds appropriated therefor, in an amount equal to $100 for each condemned grade bovine animal and $200 for each registered bovine animal.

History: L. 1911, ch. 312, § 23; R.S. 1923, 47-632; L. 1945, ch. 230, § 1; L. 1969, ch. 259, § 1; L. 1978, ch. 206, § 1; April 6; L. 2012, ch. 140, § 53; July 1.

K.S.A. 47-632a. Same; commissioner not required to examine records. The animal health commissioner shall not be required to examine the records in the county where condemned animals are situated to determine names and rights of lien claimants or mortgagees.

History: L. 1945, ch. 230, § 2; L. 1989, ch. 156, § 32; July 1; L. 2012, ch. 140, § 54; July 1.

K.S.A. 47-633a. Same; condemnation of herd; payment for animals condemned; appraisal animals. The animal health commissioner may order the condemnation of an entire herd of domestic animals when tuberculosis of any animal within such herd has been diagnosed. In such event, the animal health commissioner shall indemnify the owner of such herd in an amount not to exceed 50% of the difference between the salvage value and the appraised value of the animals in the condemned herd. Such payment by the commissioner shall be from funds appropriated therefor, but in no event shall such payment exceed the sum of $400 per head for registered bovine animals, the sum of $200 per head for grade bovine animals. Such compensation shall not be paid, and the premises from which the herd was taken shall not be restocked, until such premises have been cleaned and disinfected and have been inspected and approved by the animal health commissioner, or the commissioner's authorized representative. Appraisals of animals condemned shall be made by the animal health commissioner, or the commissioner's authorized representative, and by the owner. If such appraisers cannot agree, a disinterested third party, who has knowledge of livestock values in such locality, shall be selected as an arbitrator by the commissioner and the owner, at the expense of the owner. The determination of values by such arbitrator shall be final.

History: L. 1969, ch. 259, § 2; L. 1978, ch. 206, § 2; April 6; L. 2012, ch. 140, § 55; July 1.

K.S.A. 47-634. Disinfection of premises; costs. The disinfection of the premises where a diseased animal or animals coming within the provisions of this act have been kept shall be under the supervision of the animal health commissioner, or the designee of the animal health commissioner. The animal health commissioner shall designate the materials to be used and the method of their application. The cost of such material together with the necessary labor of disinfecting shall be paid by the owner of such animals. Except for disinfection, the premises shall be kept in quarantine until such time as the animal health commissioner may determine.

History: L. 1911, ch. 312, § 25; R.S. 1923, 47-634; L. 1989, ch. 156, § 33; July 1; L. 2012, ch. 140, § 56; July 1.

K.S.A. 47-635. Construction of 47-610 to 47-635. The provisions of this act shall include all contagious or infectious diseases among all kinds of domestic animals including but not limited to horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs, cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto, all creatures of the ratite family including but not limited to ostriches, emus and rheas and exotic animals as defined by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. § 2131 *et seq*. The state animal health commissioner is given the same power over any domestic animal afflicted with rabies as is conferred upon the animal health commissioner in relation to other diseases of domestic animals.

History: L. 1911, ch. 312, § 26; R.S. 1923, 47-635; L. 1989, ch. 156, § 34; L. 1993, ch. 143, § 11; L. 1994, ch. 79, § 4; L. 1996, ch. 90, § 7; L. 1999, ch. 24, § 1; July 1; L. 2012, ch. 140, § 57; July 1.

K.S.A. 47-645. Liability of owner of dog for damages. If any dog shall kill, wound or worry any domestic animal the owners of such dog shall be liable to the owner of such animal for all damages that may be sustained, thereby to be recovered by the parties so injured before any court having competent jurisdiction.

History: G.S. 1868, ch. 105, § 44; L. 1911, ch. 313, § 1; May 22; R.S. 1923, 47-645.

K.S.A. 47-646. Killing dog lawful, when. It shall be lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any livestock as defined in K.S.A. 47-1001, and amendments thereto.

History: G.S. 1868, ch. 105, § 45; R.S. 1923, 47-646; L. 1947, ch. 303, § 2; L. 1996, ch. 90, § 8; July 1.

K.S.A. 47-646a. Same; unconfined dogs in violation of quarantine. It shall be lawful for any authorized representative of the animal health commissioner, any sheriff, any city marshal or any law enforcement officer at any time to kill any dog which may be found unconfined in violation of any rabies quarantine or other quarantine order issued by the state animal health commissioner or issued by the secretary of health and environment.

History: L. 1947, ch. 303, § 3; L. 1975, ch. 462, § 56; L. 1989, ch. 156, § 35; July 1; L. 2012, ch. 140, § 58; July 1.

K.S.A. 47-653a. Sale or use of hog cholera vaccines unlawful, when. It shall be unlawful for any person to sell or to use hog cholera vaccines in the state of Kansas unless the hog cholera vaccine is first approved by the state animal health commissioner.

History: L. 1968, ch. 179, § 1; L. 1989, ch. 156, § 39; July 1; L. 2012, ch. 140, § 62; July 1.

K.S.A. 47-653b. Same; rules and regulations of animal health commissioner. The state animal health commissioner is hereby authorized and empowered to adopt rules and regulations designating which hog cholera vaccines may be sold or used in this state.

History: L. 1968, ch. 179, § 2; L. 1989, ch. 156, § 40; July 1; L. 2012, ch. 140, § 63; July 1.

K.S.A. 47-653c. Unlawful use of hog cholera vaccines; penalty for violation. Any person who shall violate any provision of this act or regulations adopted in accordance therewith shall be deemed guilty of a misdemeanor and upon conviction shall be punished as prescribed by K.S.A. 2015 Supp. 21-6602, and amendments thereto.

History: L. 1968, ch. 179, § 3; L. 1974, ch. 224, § 1; L. 2011, ch. 30 § 195; July 1.

K.S.A. 47-657. Rules for approved tests for brucellosis; quarantine and other regulations. (a) The state animal health commissioner, whenever the commissioner deems it necessary, shall formulate and announce the rules under which approved test for brucellosis in cattle shall be applied and for all proceedings subsequent to such application:

(1) No person or laboratory other than those indicated for that purpose by the animal health commissioner shall test cattle for brucellosis;

(2) all charts showing result of test and conditions existing at the time of test, together with a history and description of cattle, shall be submitted to the animal health commissioner immediately upon completion of test and the animal health commissioner shall render an opinion thereon. Such decision shall be final and shall be recorded in the office of the animal health commissioner.

(b) The animal health commissioner may at once apply the quarantine and other regulations issued under the provisions of law to animals found infected with brucellosis.

History: L. 1939, ch. 225, § 1; L. 1989, ch. 156, § 48; July 1; L. 2012, ch. 140, § 71; July 1.

K.S.A. 47-658a. Brucellosis; identification of reactor animals. Whenever the state animal health commissioner determines that any domestic animal is affected with brucellosis, the animal health commissioner or the authorized representative of the animal health commissioner, may proceed at once to identify such reactor animal by causing such reactor animal to be branded with the letter "B" on the left jaw by hot iron. The animal health commissioner may approve the use of other methods for the identification of brucellosis reactors.

History: L. 1951, ch. 320, § 1; L. 1972, ch. 200, § 1; July 1; L. 2012, ch. 140, § 72; July 1.

K.S.A. 47-658b. Same; sale of reactor animals; shipping permit. Any animal determined to be a reactor animal to brucellosis shall be sold for slaughter within 15 days after being properly identified. Such animal being shipped to be sold for slaughter shall be accompanied by an official shipping permit issued by the animal health commissioner or the authorized representative of the animal health commissioner. Under unusual circumstances, the animal health commissioner may extend the period for sale for slaughter up to a maximum of an additional 30 days following the proper identification of such reactor.

History: L. 1972, ch. 200, § 2; July 1; L. 2012, ch. 140, § 73; July 1.

K.S.A. 47-660. Right of entry to inspect and examine, when. The secretary of agriculture of the United States, authorized officers of the bureau of animal industry of such department, the state animal health commissioner of Kansas and the authorized deputies of such officials shall have free access to enter upon the premises of any and all persons who own or are in possession of domestic animals and free access to inspect and examine all such domestic animals which are:

(a) Affected with any infectious or contagious disease;

(b) suspected or reported to be affected with any infectious or contagious disease;

(c) located within any area which has been designated as a tuberculosis modified accredited area or brucellosis modified accredited area by the secretary of agriculture of the United States, or by an officer or authority under the United States department of agriculture, animal plant health inspection service, veterinary services or by the state animal health commissioner;

(d) within a herd that has been designated as accredited tuberculosis free or accredited brucellosis free; or

(e) located upon the premises of an owner who has a herd of domestic animals which has been accredited as tuberculosis free or brucellosis free.

History: L. 1947, ch. 300, § 1; L. 1989, ch. 156, § 49; July 1; L. 2012, ch. 140, § 74; July 1.

K.S.A. 47-661. Same; duty of persons to assist officials; notice. Any person who owns or is in possession of any domestic animals, who has been notified by any authorized officer or officers, or their authorized deputies, that such animals are to be tested for tuberculosis or other infectious or contagious disease, shall assemble, or cause to be assembled, all such animals, and it shall be the duty of said owner or possessor to assist such official in the testing and identifying of all such animals and to assist such official in the further identifying of all animals which react positively to the tests administered.

History: L. 1947, ch. 300, § 2; April 10.

K.S.A. 47-662. Same; penalty for violating act. Any person, who owns or is in possession of domestic animals, who shall refuse to allow any authorized officer or officers or their authorized deputies to examine such domestic animals for any infectious or contagious disease, or who shall hinder or obstruct any authorized official or his authorized deputy in any examination of or in an attempt to examine such domestic animals, or who shall violate any provision in this act or who shall fail or refuse to perform any act or duty imposed upon him under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $100 nor more than $500.

History: L. 1947, ch. 300, § 3; April 10.

K.S.A. 47-663. Sale of cattle as tuberculosis tested unlawful. It shall be unlawful for any person to sell cattle as tuberculosis tested, or as clean, or as free from tuberculosis, or such equivalents, unless such animals have been tested and found negative to be tuberculin tested within a thirty (30) day period immediately preceding the sale: *Provided,* This section shall not apply to sales of cattle from an accredited tuberculin free herd.

History: L. 1949, ch. 296, § 1; April 4.

K.S.A. 47-664. Same; sale as brucellosis or Bang's tested. It shall be unlawful for any person to sell any cattle as brucellosis tested, or as Bang's tested, or as clean, or as free from brucellosis, or any equivalent, unless such animals have been tested and found negative to brucellosis within a period of thirty (30) days immediately preceding the sale: *Provided,* This shall not apply to cattle sold from an accredited brucellosis free herd.

History: L. 1949, ch. 296, § 2; April 4.

K.S.A. 47-665. Same; penalty. Any person who violates or fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment for not more than one (1) year in the county jail, or by both such fine and imprisonment.

History: L. 1949, ch. 296, § 3; April 4.

K.S.A. 47-673. Pseudorabies infected herd of swine; duties of animal health commissioner; indemnity; rules and regulations. (a) The animal health commissioner is hereby authorized to take control of any pseudorabies infected herd

of swine from the owner. A pseudorabies infected herd of swine is a herd that has been determined to be infected with pseudorabies virus by official pseudorabies testing procedures conducted at approved veterinary diagnostic laboratories from adequate samples collected from the herd by an accredited veterinarian.

(b) For any such herd, the animal health commissioner shall develop and monitor a mandatory infected herd plan to eradicate the virus from the owner's premises. If, in the opinion of the animal health commissioner, sufficient progress toward pseudorabies free status, as defined in the state-federal-industry pseudorabies eradication program as in effect on the effective date of this act, is not being made, the animal health commissioner shall order the depopulation of such herd.

(c) Whenever any swine are depopulated under provisions of this act by order of the animal health commissioner, the owner of such swine shall be paid for such swine in an amount determined by the animal health commissioner from funds appropriated for such purpose by the legislature.

(d) The animal health commissioner may adopt rules and regulations as necessary to carry out the purposes of this act.

History: L. 1997, ch. 58, § 1; July 1; L. 2012, ch. 140, § 78; July 1.

K.S.A. 47-674. Program for registering premises where animals located; voluntary premises registration and animal identification and tracking system; development and implementation by animal health commissioner. (a) The animal health commissioner is authorized to cooperate with the United States department of agriculture, other state governmental officials, tribal officials and representatives of private industry, and subject to the provisions of subsection (d), to promulgate rules and regulations, to define premises where animals are located and to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas.

(b) In the development of such system, the animal health commissioner shall ensure that:

(1) The requirements are consistent with the federal program and with the United States animal identification plan;

(2) the costs and paperwork requirements are minimized for the registrant and the state; and

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

(c) The animal health commissioner is authorized to prepare for the implementation of a premises registration program for Kansas prior to implementation of a national animal identification or premises registration system. Such acts in preparation shall include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the department of agriculture of a proposal regarding infrastructure necessary for such implementation.

(d) If the United States department of agriculture issues proposed or final uniform methods and rules or regulations for the implementation of a voluntary national animal identification and tracking system or premises registration system, or the congress of the United States enacts requirements for a voluntary national animal identification and tracking system or premises registration system, the animal health commissioner is authorized to promulgate such rules and regulations as may be reasonably necessary to implement voluntary premises registration and the national animal identification and tracking system to the extent authorized by federal requirements.

(e) Subject to appropriations therefor, the animal health commissioner is authorized to hire, in accordance with the civil service act, not more than two employees for the purpose of carrying out the provisions of this section.

(f) The animal health commissioner is authorized to enter into agreements with federal agencies or officials, other state agencies or officials, tribal officials or the owner of animals or such owner's authorized agent to coordinate efforts and share records and data systems pursuant to law to maximize the efficiency and effectiveness of this section.

(g) Any data or records provided or obtained pursuant to this section to an official of the Kansas department of agriculture division of animal health shall be considered confidential by the Kansas department of agriculture division of animal health and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(h) Any federal financial aid or assistance, grants, gifts, bequests, money or aid of any kind for premises registration or animal identification and tracking in Kansas, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the premises registration and animal identification fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the animal health commissioner or by a person designated by the animal health commissioner and shall be used solely for the administration of the voluntary premises registration or animal identification and tracking system.

(i) The animal health commissioner shall form study groups representing the various animal species to be affected by the provisions of this section. Each such study group shall include representatives for each such specie selected by the animal health commissioner and shall include assistance from the secretary of agriculture or the secretary's designees. Each such study group shall make recommendations to the livestock commissioner regarding the development of premises registration, animal identification and tracking for purposes of such systems, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and other issues related to the administration of the program.

History: L. 2004, ch. 116, § 1; L. 2005, ch. 165, § 4; Apr. 21; L. 2012, ch. 140, § 79; July 1.

REGISTRATION OF VETERINARIANS

ARTICLE 8

K.S.A. 47-814. Purpose of act. In order to promote the public health, safety and welfare, the legislature hereby declares that the practice of veterinary medicine is a privilege granted to persons possessed of the personal and professional qualifications specified in this act.

History: L. 1969, ch. 261, § 1; L. 1993, ch. 129, § 1; July 1.

K.S.A. 47-815. Short title. K.S.A. 47-814 through 47-854, and sections 1 and 2, and amendments thereto, shall be known and may be cited as the Kansas veterinary practice act.

History: L. 1969, ch. 261, § 2; L. 1993, ch. 129, § 2; July 1; L. 2015, ch. 61, § 3; July 1.

K.S.A. 47-816. Definitions. As used in the Kansas veterinary practice act:

(a) "Animal" means any mammalian animal other than human and any fowl, bird, amphibian, fish or reptile, wild or domestic, living or dead.

(b) "Board" means the state board of veterinary examiners.

(c) "Companion animal" means any dog, cat or other domesticated animal possessed by a person for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability but shall exclude any animal raised on a farm or ranch and used or intended for use as food.

(d) "Clock hour of continuing education" means 60 minutes of participation in a continuing education program or activity which meets the minimum standards for continuing education according to rules and regulations adopted by the board.

(e) "Direct supervision" means the supervising licensed veterinarian:

(1) Is on the veterinary premises or in the same general area in a field setting;

(2) is quickly and easily available;

(3) examines the animal prior to delegating any veterinary practice activity to the supervisee and performs any additional examination of the animal required by good veterinary practice; and

(4) delegates only those veterinary practice activities which are consistent with rules and regulations of the board regarding employee supervision.

(f) "Licensed veterinarian" means a veterinarian who is validly and currently licensed to practice veterinary medicine in this state.

(g) "Indirect supervision" means that the supervising licensed veterinarian:

(1) Is not on the veterinary premises or in the same general area in a field setting, but has examined the animal and provided either written or documented oral instructions or a written protocol for treatment of the animal patient, except that in an emergency, the supervising licensed veterinarian may provide oral instructions prior to examining the animal and subsequently examine the animal and document the instruction in writing;

(2) delegates only those veterinary practice tasks which are consistent with the rules and regulations of the board regarding employee supervision; and

(3) the animal being treated is not anesthetized as defined in rules and regulations.

(h) "Practice of veterinary medicine" means any of the following:

(1) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique on any animal including but not limited to acupuncture, surgical or dental operations, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to render service or recommendations with regard to any of the above and all other branches of veterinary medicine.

(2) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (1).

(3) To use any title, words, abbreviation or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph (1). Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.

(4) To collect blood or other samples for the purpose of diagnosing disease or conditions. This shall not apply to unlicensed personnel employed by the United States department of agriculture or the Kansas department of agriculture who are engaged in such personnel's official duties.

(5) To apply principles of environmental sanitation, food inspection, environmental pollution control, animal nutrition, zoonotic disease control and disaster medicine in the promotion and protection of public health in the performance of any veterinary service or procedure.

(i) "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent, which conforms to the standards required for accreditation by the American veterinary medical association and which is recognized and approved by the board.

(j) "Veterinarian" means a person who has received a doctor of veterinary medicine degree or the equivalent from a school of veterinary medicine.

(k) "Veterinary premises" means any premises or facility where the practice of veterinary medicine occurs, including but not limited to, a mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or clinic, but shall not include the premises of a veterinary client, research facility, a federal military base, Kansas state university college of veterinary medicine or any premises wherein the practice of veterinary medicine occurs no more than three times per year as a public service outreach of a registered veterinary premises.

(l) "Graduate veterinary technician" means a person who has graduated from an American veterinary medical association accredited school approved by the board.

(m) "Registered veterinary technician" means a person who is a graduate veterinary technician, has passed the examinations required by the board for registration and is registered by the board.

(n) "Veterinary-client-patient relationship" means:

(1) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment, and the client, owner or other caretaker has agreed to follow the instruction of the veterinarian;

(2) there is sufficient knowledge of the animal or animals by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal or animals. This means that the veterinarian has recently seen or is personally acquainted with the keeping and care of the animal or animals by virtue of an examination of the animal or animals, or by medically appropriate and timely visits to the premises where the animal or animals are kept, or both; and

(3) the practicing veterinarian is readily available for followup in case of adverse reactions or failure of the regimen of therapy.

(o) "Veterinary prescription drugs" means such prescription items as defined by 21 U.S.C. §353, as in effect on July 1, 2001.

(p) "Veterinary corporation" means a professional corporation of licensed veterinarians incorporated under the professional corporation act of Kansas, cited at K.S.A. 17-2706 et seq., and amendments thereto.

(q) "Veterinary partnership" means a partnership pursuant to the Kansas uniform partnership act, cited at K.S.A. 56a-101 et seq., and amendments thereto, formed by licensed veterinarians engaged in the practice of veterinary medicine.

(r) "Person" means any individual, corporation, partnership, association or other entity.

History: L. 1969, ch. 261, § 3; L. 1980, ch. 155, § 1; L. 1993, ch. 129, § 3; L. 1997, ch. 1, § 1; L. 1998, ch. 93, § 72; L. 1999, ch. 25, § 1; L. 2001, ch. 30, § 1; L. 2004, ch. 101, § 80; L. 2006, ch. 112, § 1; July 1; L. 2012, ch. 140, § 80; July 1.

K.S.A. 47-817. Practice without license prohibited; exceptions. No person shall practice veterinary medicine in this state who is not currently and validly a licensed veterinarian. This act shall not be construed to prohibit:

(a) An employee of the federal, state or local government performing such employee's official duties.

(b) A person from gratuitously giving aid, assistance or relief in veterinary emergency cases if such person does not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof.

(c) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

(d) Fisheries biologists actively employed by the state of Kansas, the United States government, or any person in the production or management of commercial food or game fish while in the performance of such persons' official duties.

(e) Any feeder utilizing and mixing antibiotics or other disease or parasite preventing drugs as a part of such feeder's feeding operations.

(f) The owner of an animal and the owner's regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred to avoid this act.

(g) Before July 1, 2016, a member of the faculty of a school of veterinary medicine performing such member's regular functions or a person lecturing, or giving instructions or demonstrations at a school of veterinary medicine or in connection with a continuing education course for veterinarians. On or after July 1, 2016:

(1) The practice of veterinary medicine at a school of veterinary medicine in this state by a person possessing an institutional license;

(2) any person, including without limitation, a member of the faculty of a school of veterinary medicine, lecturing or giving instructions or demonstrations at a school of veterinary medicine or in connection with a continuing education course for veterinarians or veterinary technicians, except when such activities involve the practice of veterinary medicine on client-owned animals; or

(3) the temporary practice of veterinary medicine at a school of veterinary medicine in this state, for a period not exceeding 30 days per calendar year, by a person eligible to obtain a veterinary or institutional license upon examination and application for the same.

(h) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals or commercial production of biologics or animal medicines.

(i) A nonstudent employee, independent contractor or any other associate of the veterinarian or a student in a school of veterinary medicine who has not completed at least three years of study and who performs prescribed veterinary procedures under the direct supervision of a licensed veterinarian or under the indirect supervision of a licensed veterinarian pursuant to rules and regulations of the board.

(j) A student who has completed at least three years of study in a school of veterinary medicine and who performs prescribed veterinary procedures assigned by such student's instructors or who works under direct or indirect supervision of a licensed veterinarian.

History: L. 1969, ch. 261, § 4; L. 1980, ch. 155, § 2; L. 1993, ch. 129, § 4; L. 1999, ch. 25, § 2; July 1; L. 2015, ch. 61, § 4; July 1.

K.S.A. 47-818. State board of veterinary examiners; appointment; terms; vacancies; qualifications; removal by governor. (a) In order to promote the public health, safety and welfare in relation to the practice of veterinary medicine, there is hereby established the state board of veterinary examiners which shall consist of seven members, six of whom shall be licensed veterinarians and one member who shall not be a veterinarian. Upon the expiration of any member's term, the governor shall appoint a successor to ensure the representation of the major facets of veterinary medical

practice for a term of four years, which term shall commence on July 1 and shall expire on June 30. Before entering into a term of office, each member of the board shall file with the secretary of state a written oath to discharge the member's duties in a faithful manner.

(b) The procedure for appointing members of the board under this act shall be as follows:

(1) The board of directors of the Kansas veterinary medical association shall submit the names of three or more, or any other person may submit the name of one or more qualified veterinarians to the governor at least 30 days before the expiration of the term of any member of the board who is a licensed veterinarian. The governor may appoint one of the persons whose name is so submitted to the veterinarian member's seat.

(2) A vacancy occurring on the board prior to expiration of the term of a member who is a veterinarian shall be filled for the remainder of the unexpired term in the same manner as prescribed in paragraph (1) of this subsection (b).

(c) No person shall be qualified to serve as a veterinarian member of the board unless such person:

(1) Is a legal resident of the state of Kansas;

(2) is a graduate of a board-approved school of veterinary medicine;

(3) is licensed to practice veterinary medicine in this state; and

(4) has had three years of actual practice in veterinary medicine in the state of Kansas preceding the time of appointment.

(d) No person shall be qualified to serve as the nonveterinarian member of the board unless such person:

(1) Has been a legal resident of the state of Kansas for three or more years;

(2) is not a family member, as defined in K.A.R. 19-40-4 and amendments thereto of a veterinarian;

(3) has no financial interest in any veterinary practice or veterinary premises as an owner or employee, or as a family member of an owner or employee, of such practice or premises; and

(4) has never engaged in the profession or business of educating or training veterinarians or students of veterinary medicine.

(e) The governor may remove any member of the board upon recommendation of the board.

History: L. 1969, ch. 261, § 5; L. 1978, ch. 308, § 50; L. 1980, ch. 155, § 3; L. 1981, ch. 299, § 49; L. 1993, ch. 129, § 5; L. 1999, ch. 25, § 3; July 1.

K.S.A. 47-819. State board of veterinary examiners; meetings; quorum; officers, election and duties; compensation and expenses. (a) The board shall meet each year at such times and places as specified by the board.

(b) Except as otherwise provided in this act, a majority of the board shall constitute a quorum.

(c) At its first meeting following April 1 of each year, the board shall organize by electing a president and a vice-president. Each officer so elected shall serve for a term of one year or until a successor is elected and qualifies. A special election shall be held whenever a vacancy occurs in an office of the board.

(d) In general, but not by way of limitation, the officers and the executive director of the board shall have and exercise the following powers and duties:

(1) The president's duties shall include the calling of and presiding at meetings of the board.

(2) The vice-president's duties shall include serving as presiding officer at meetings of the board in the absence of the president or upon the president's inability or refusal to act and overseeing budgetary and financial aspects of the operation of the board.

(3) The executive director shall perform duties which shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings,

including the disposition of all applications for license, keeping a register of all persons currently licensed by the board, and furnishing a copy of the Kansas veterinary practice act to each newly licensed veterinarian. All board records, except as otherwise provided by law, shall be open to the public during regular office hours.

(4) The executive director shall be bonded as required by the state surety bond committee pursuant to K.S.A. 75-4103 to 75-4106, and amendments thereto.

(e) Each member of the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, when engaged in the performance of the member's official duties or other board business or board activities away from the member's place of residence. **History:** L. 1969, ch. 261, § 6; L. 1974, ch. 348, § 19; L. 1980, ch. 155, § 5; L. 1993, ch. 129, § 6; L. 1999, ch. 25, § 4; July 1.

K.S.A. 47-820. Disposition of moneys; veterinary examiners fee fund. (a) Except as provided further, the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the veterinary examiners fee fund. Costs relating to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund from all moneys received that are civil fines and the balance shall be credited to the state general fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the executive director.

(b) For the fiscal years ending June 30, 2015, and June 30, 2016, the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the veterinary examiners fee fund. Costs related to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary of agriculture.

History: L. 1969, ch. 261, § 7; L. 1973, ch. 309, § 16; L. 1993, ch. 129, § 7; L. 2001, ch. 5, § 165; L. 2011, ch. 53, § 17; L. 2014, ch. 12, § 2; July 1.

K.S.A. 47-821. Powers of board. (a) In general, but not by way of limitation, the board shall have power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state in accordance with K.S.A. 47-824 and 47-826, and amendments thereto.

(2) Inspect and register any veterinary premises pursuant to K.S.A. 47-840, and amendments thereto, and take any disciplinary action against the holder of a registration of a premises issued pursuant to K.S.A. 47-840, and amendments thereto.

(3) Inspect and audit the records and compliance with the standards of practice of any veterinarian and take any disciplinary action against the licensed veterinarian consistent with the provisions of this act and the rules and regulations adopted thereunder.

(4) Issue, renew, deny, limit, condition, fine, reprimand, restrict, suspend or revoke licenses to practice veterinary medicine in this state or otherwise discipline licensed veterinarians consistent with the provisions of this act and the rules and regulations adopted thereunder.

(5) Conduct an investigation upon an allegation by any person that any licensee or other veterinarian has violated any provision of the Kansas veterinary practice act or any rules and regulations adopted pursuant to such act. The board may appoint individuals and committees to assist in any investigation.

(6) Establish and publish annually a schedule of fees authorized pursuant to and in accordance with the provisions of K.S.A. 47-822 and amendments thereto.

(7) Employ full-time or part-time an executive director and such professional, clerical and special personnel as shall be necessary to carry out the provisions of this act. The board shall fix the compensation of such personnel who shall be in the unclassified service under the Kansas civil service act. Under the supervision of the board, the executive director shall perform such duties as may be required by law or authorized by the board.

(8) Purchase or rent necessary office space, equipment and supplies.

(9) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(10) Initiate the bringing of proceedings in the courts for the enforcement of this act.

(11) Adopt, amend or repeal rules and regulations for licensed veterinarians regarding the limits of activity for assistants and registered veterinary technicians who perform prescribed veterinary procedures under the direct or indirect supervision and responsibility of a licensed veterinarian.

(12) Adopt, amend or repeal such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes of this act and enforce the provisions thereof.

(13) Have a common seal.

(14) Adopt, amend or repeal rules and regulations to fix minimum standards for continuing veterinary medical education, which standards shall be a condition precedent to the renewal of a license under this act.

(15) Examine and determine the qualifications and fitness of applicants for registration and register veterinary technicians.

(16) Issue, renew, deny, limit, condition, fine, reprimand, restrict, suspend or revoke veterinary technician registrations in this state consistent with the provisions of this act and the rules and regulations adopted thereunder.

(17) Establish any committee necessary to implement any provision of this act including, but not limited to, a continuing education committee and a peer review committee. Such committees may be formed in conjunction with professional veterinary associations in the state. Members of such committees appointed by the board shall receive the same privileges and immunities and be charged with the same responsibilities of activity and confidentiality as board members.

(18) Refer complaints to a duly formed peer review committee of a duly appointed professional association.

(19) Establish, by rules and regulations, minimum standards for the practice of veterinary medicine.

(20) Contract with a person or entity to perform the inspections or reinspections as required by K.S.A. 47-840, and amendments thereto.

(21)(A) For the purpose of investigations and proceedings conducted by the board, the board may issue subpoenas compelling:

(i) The attendance and testimony of veterinarians or veterinary technicians; or

(ii) the production for examination or copying of documents or any other physical evidence if such evidence relates to veterinary competence, unprofessional conduct, the mental or physical ability of a licensee or registrant to safely practice veterinary medicine or the condition of a veterinary premises. Within five days after the service of the subpoena on any veterinarian requiring the production of any evidence in the veterinarian's possession or under the

veterinarian's control, such veterinarian may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the physical evidence which is required to be produced.

(B) The district court, upon application by the board or by the veterinarian or veterinary technician subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such veterinarian or veterinary technician to appear before the board or the board's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence which is required to be produced.

(b) The powers of the board are granted to enable the board to effectively supervise the practice of veterinary medicine and are to be construed liberally in order to accomplish such objective.

(c) Notwithstanding any provision of this section to the contrary, on and after July 1, 2014, through June 30, 2016, the executive director of the board shall be jointly appointed by the board and the animal health commissioner of the Kansas department of agriculture. Any conflict between the board and the animal health commissioner in appointing an executive director shall be resolved by the secretary of agriculture. The executive director, in conjunction with the animal health commissioner, shall make all other hires of professional and administrative staff pursuant to hiring procedures of the Kansas department of agriculture. All employees of the board immediately prior to the effective date of this section shall become employees of the Kansas department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this section. Employees transferred pursuant to this subsection shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. The provisions of this subsection shall expire on June 30, 2016.

(d) Notwithstanding any provision of this act to the contrary, on and after July 1, 2014, through June 30, 2016, the board shall submit all proposed rules and regulations to the secretary of agriculture. The secretary of agriculture may recommend any changes to proposed rules and regulations for approval by the board. The secretary shall formally propose and adopt all rules and regulations of the board pursuant to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto. The secretary shall not adopt any rule and regulation unless such rule and regulation has been approved by the board. The provisions of this subsection shall expire on June 30, 2016.

History: L. 1969, ch. 261, § 8; L. 1980, ch. 155, § 6; L. 1987, ch. 201, § 1; L. 1993, ch. 129, § 8; L. 1999, ch. 25, § 5; July 1; L. 2012, ch. 10, § 1; L 2014, ch. 12, § 3; July 1.

K.S.A. 47-822. Fees for examinations, registrations, inspections, licenses and renewals. (a) The fee for an application for a license to practice veterinary medicine in this state, as required by K.S.A. 47-824, and amendments thereto, shall be not less than $50 nor more than $250.

(b) The fee for an application for an institutional license, issued pursuant to section 2, and amendments thereto, shall be not less than $50 nor more than $250, and the annual fee for renewal of an institutional license shall be not less than #20 nor more than $100.

(c) The annual fee for renewal of license required under K.S.A. 47-829, and amendments thereto, shall be not less than $20 nor more than $100.

(d) The fee for each examination for licensure as required by K.S.A. 47-825, and amendments thereto, shall not be less than $50 nor more than $500.

(e) The fee for an application for registration of a registered veterinary technician as provided in K.S.A. 47-821, and amendments thereto, shall be not less than $20 nor more than $50.

(f) The annual fee for renewal of registration of a registered veterinary technician as provided in K.S.A. 47-821, and amendments thereto, shall be not less than $5 nor more than $25.

(g) The fee for an application for registration of a premises required under K.S.A. 47-840, and amendments thereto, shall be not less than $50 nor more than $150.

(h) The fee for renewal of registration of a premises required under K.S.A. 47-840, and amendments thereto, shall be not less than $10 nor more than $50.

(i) A late fee of no more than $50 may be assessed to a person requesting registration of a premises.

(j) The fee for inspection or reinspection of a premises required to be registered under K.S.A. 47-840, and amendments thereto, shall be not less than $50 nor more than $150.

(k) The fee for inspection and audit of the records and compliance with the standards of practice of any veterinarian shall be not less than $50 nor more than $150.

(l) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act and shall fix by rules and regulations the fees established in this section within the limitations provided in this section.

History: L. 1969, ch. 261, § 9; L. 1980, ch. 155, § 7; L. 1982, ch. 224, § 1; L. 1987, ch. 201, § 2; L. 1993, ch. 129, § 9; L. 2001, ch. 30, § 2; July 1; L. 2012, ch. 10, § 2; July 1; L. 2015, ch. 61, § 5; July 1.

K.S.A. 47-824. Application for license; issuance of license; qualifications. (a) Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on forms provided for that purpose. The board shall issue a license to practice veterinary medicine to an applicant who:

(1) Is a graduate of a school of veterinary medicine as defined in K.S.A. 47-816 and amendments thereto or meets all education requirements prescribed by the board pursuant to rules and regulations of the board;

(2) has passed the examination or examinations prescribed by the board within time limits prescribed by the board pursuant to rules and regulations of the board;

(3) has passed the Kansas veterinary legal practice examination;

(4) is a person of good moral character;

(5) has paid the license application fee and when applicable, the examination fee as established pursuant to this section; and

(6) provides other information and proof as the board may establish by rules and regulations.

(b) If the applicant graduated from a school of veterinary medicine more than five years prior to the year in which the application is submitted, the application shall show proof that:

(1) The applicant has actively practiced veterinary medicine for at least 3,000 hours during the three years immediately preceding such application; or

(2) the applicant has passed the examination or examinations prescribed by the board within the five years preceding such application.

(c) If an applicant is found not qualified for a license pursuant to subsection (a)(1) or (a)(4), the executive director of the board shall notify the applicant in writing of such findings and the grounds therefor. An applicant found unqualified pursuant to subsection (a)(1) or (a)(4) may request a hearing on the question of the applicant's qualification

under the procedure set forth in the Kansas administrative procedure act. Any applicant who is found not qualified shall forfeit any application fee which the applicant has paid.

History: L. 1969, ch. 261, § 11; L. 1980, ch. 155, § 8; L. 1984, ch. 313, § 75; L. 1988, ch. 243, § 1; L. 1993, ch. 129, § 10; L. 1999, ch. 25, § 6; L. 2006, ch. 112, § 2; July 1.

K.S.A. 47-825. Examinations; rules and regulations; notice of results; recordation and issuance of license. (a) The board shall provide for at least one examination during each year and may provide for such additional examinations as are necessary. A person desiring to take an examination shall make application at least 60 days before taking the examination.

(b) The preparation, administration, reexamination and grading of the examination shall be governed by the rules and regulations prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in schools of veterinary medicine and the laws and rules and regulations dealing with the practice of veterinary medicine in Kansas. The board may adopt and use the examinations prepared by any national testing service for veterinary medicine. The examination of applicants for license to practice veterinary medicine shall be conducted according to methods deemed by the board to be the most practical and expeditious to test the applicant's abilities and qualifications. The minimum passing scores shall be established by rules and regulations.

(c) After each examination, the executive director shall notify each examinee in writing of the result of the examinee's examination within 60 days, and the board shall issue a license to each applicant for a license who has successfully completed the examination. The executive director shall record each new license and issue a license to each new licensee. Any applicant for examination who does not attend the examination shall forfeit the examination fee.

History: L. 1969, ch. 261, § 12; L. 1980, ch. 155, § 9; L. 1993, ch. 129, § 11; L. 1999, ch. 25, § 7; L. 2001, ch. 30, § 3; L. 2006, ch. 112, § 3; July 1.

K.S.A. 47-829. Licenses; expiration; renewal; continuing education requirements. (a) All licenses, including institutional licenses, shall expire annually on June 30, except as provided in K.S.A. 2015 Supp. 47-855, and amendments thereto, of each year but may be renewed by registration with the board and payment of the license renewal fee established and published by the board, pursuant to the provisions of K.S.A. 47-822, and amendments thereto. On June 1 of each year, the executive director shall mail a notice to each licensed veterinarian that the veterinarian's license will expire on June 30 and provide the veterinarian with a form for license renewal. For institutional licenses as provided in K.S.A. 2015 Supp. 47-855, and amendments thereto, a notice of the expiration of such license shall be mailed to the applicant and the school of veterinary medicine at which the institutional licensee is employed not later than 30 days prior to the expiration of such license. The application for renewal of institutional licenses may be made in compiled format by the school of veterinary medicine for all of its employees desiring renewal, along with a single payment for all corresponding renewal fees.

(1) The application shall contain a statement to the effect that the applicant has not been convicted of a felony, has not been the subject of professional disciplinary action taken by any public agency in Kansas or any other state, territory or the District of Columbia, and has not violated any of the provisions of the Kansas veterinary practice act. If the applicant is unable to make that statement, the application shall contain a statement of the conviction, professional discipline or violation.

(2) The board, as part of the renewal process, may make necessary inquiries of the applicant and conduct an investigation in order to determine if cause for disciplinary action exists.

(b) A license may be renewed upon payment of the renewal fee as required by this section and the provision of satisfactory evidence that the licensee has participated in a minimum of 20 clock hours of continuing education. The burden of proof for showing such participation in continuing education hours shall be the responsibility of the licensee. The continuing education requirement may be waived for impaired veterinarians, as defined by K.S.A. 47-846(c), and amendments thereto, and may be waived for veterinarians while they are on active military duty with any branch of the armed services of the United States during a time of national emergency which shall not exceed the longer of three years or the duration of a national emergency, and shall be waived for persons possessing an institutional license.

(c) Any person who practices veterinary medicine after the expiration of such person's license and willfully or by neglect fails to renew such license shall be practicing in violation of this act. Any license renewal application which is submitted beyond the annual renewal date shall be assessed a penalty fee not to exceed $100 as established by the board by rules and regulations. In the event that the application for renewal of any veterinarian license or institutional license has not been submitted within 60 days of the expiration date of such license, the board shall notify the veterinarian by certified mail, return receipt requested, that the license has expired and shall not be reinstated unless such veterinarian submits an application for and requalifies for a new license and pays the license application fee not to exceed $250 as established by the board by rules and regulations.

(d) The board, by rules and regulations, may waive the payment of the license renewal fee of any person holding a Kansas veterinary license or institutional license during the period when such person is on active military duty with any branch of the armed services of the United States during a time of national emergency which shall not to exceed the longer of three years or the duration of a national emergency.

History: L. 1969, ch. 261, § 16; L. 1980, ch. 155, § 13; L. 1993, ch. 129, § 13; L. 1999, ch. 25, § 8; July 1; L. 2015, ch. 61, § 6; July 1.

K.S.A. 47-830. Grounds for refusal to issue or revocation or suspension of license or other restrictions. The board, in accordance with the provisions of the Kansas administrative procedure act, may refuse to issue a license, revoke, suspend, limit, condition, reprimand or restrict a license to practice veterinary medicine or an institutional license for any of the following reasons:

(a) The employment of fraud, misrepresentation or deception in obtaining a license;

(b) an adjudication of incapacity by a court of competent jurisdiction;

(c) for having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof;

(d) false or misleading advertising;

(e) conviction of a felony or entering into a plea agreement or a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a felony;

(f) failure to provide a written response within the time prescribed by the board to a written request made by the board pursuant to an investigation by or on behalf of the board;

(g) employing, contracting with or utilizing in any manner any person in the unlawful practice of veterinary medicine;

(h) fraud or dishonest conduct in applying, treating or reporting diagnostic biological tests of public health significance or in issuing health certificates;

(i) failure of the veterinarian who is responsible for the operation and management of a veterinary premises to keep the veterinary premises in compliance with minimum standards established by rules and regulations as to sanitary conditions and physical plant;

(j) failure to report as required by law, or making false report of any contagious or infectious disease;

(k) dishonesty or negligence in the inspection of foodstuffs;

(l) cruelty or inhumane treatment to animals;

(m) disciplinary or administrative action taken by any federal, state or local regulatory agency or any foreign country on grounds other than nonpayment of registration fees;

(n) disclosure of any information in violation of K.S.A. 47-839, and amendments thereto;

(o) unprofessional conduct as defined in rules and regulations adopted by the board includes, but is not limited to, the following:

(1) Conviction of a charge of violating any federal statute or any statute of this state, regarding controlled substances as defined in K.S.A. 65-4101, and amendments thereto;

(2) using unless lawfully prescribed, prescribing or administering to oneself or another person any of the controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or using, prescribing or administering any of the controlled substances as defined in K.S.A. 65-4101 and amendments thereto or alcoholic beverages or any other drugs, chemicals or substances to the extent, or in such a manner as to be dangerous or injurious to a person licensed under the Kansas veterinary practice act, to oneself or to any other person or to the public, or to the extent that such use impairs the ability of such person so licensed to conduct with safety the practice authorized by the license;

(3) the conviction of more than one misdemeanor or any felony involving the use, consumption or self-administration of any of the substances referred to in this section or any combination thereof;

(4) violation of or attempting to violate, directly or indirectly, any provision of the Kansas veterinary practice act or any rules and regulations adopted pursuant to such act; and

(5) violation of an order of the board;

(p) conviction of a crime substantially related to qualifications, functions or duties of veterinary medicine, surgery or dentistry;

(q) fraud, deception, negligence or incompetence in the practice of veterinary medicine;

(r) the use, prescription, administration, dispensation or sale of any veterinary prescription drug or the prescription of an extra-label use of any over-the-counter drug in the absence of a valid veterinary-client-patient relationship;

(s) failing to furnish details or copies of a patient's medical records or failing to provide reasonable access to or a copy of a patient's radiographs to another treating veterinarian, hospital or clinic, upon the written request of and authorization from an owner or owner's agent, or failing to provide the owner or owner's agent with a summary of the medical record within a reasonable period of time and upon proper request by the owner or owner's agent, or failing to comply with any other law relating to medical records; or

(t) determination that the veterinarian is impaired, as defined in K.S.A. 47-846 and amendments thereto, by a representative of the impaired veterinarian committee, or as determined by the board after a hearing.

History: L. 1969, ch. 261, § 17; L. 1984, ch. 313, § 76; L. 1991, ch. 153, § 1; L. 1993, ch. 129, § 14; L. 1999, ch. 25, § 9; L. 2006, ch. 46, § 1; July 1; L. 2012, ch. 10, § 3; July 1; L. 2015, ch.61, § 7; July 1.

K.S.A. 47-832. Reinstatement of revoked or suspended license. Any person whose license is suspended or revoked pursuant to K.S.A. 47-830 and amendments thereto may, at the discretion of the board, be relicensed or

reinstated at any time, by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement and on such terms and conditions as specified by the board.

History: L. 1969, ch. 261, § 19; L. 1999, ch. 25, § 10; July 1.

K.S.A. 47-834. Prohibition against practice without license; unlawful practice of veterinary medicine; unlawful operation or management by a person of veterinary premises; criminal penalties; remedies of board; actions by board against persons other than licensees, registrants or veterinarians. (a) Unlawful practice of veterinary medicine is the practice of veterinary medicine by a person without a license unless that person is exempt from such requirement pursuant to the provisions of K.S.A. 47-817 and amendments thereto.

(b) Unlawful operation or management of veterinary premises is the operation or management by a person of a veterinary premises that is not registered pursuant to the provisions of K.S.A. 47-840, and amendments thereto.

(c) (1) Unlawful practice of veterinary medicine is a class B nonperson misdemeanor.

(2) Unlawful operation or management of veterinary premises is a class B nonperson misdemeanor.

(3) Each act that violates the provisions of subsection (a) or (b) constitutes a distinct and separate offense.

(d) The board may order the remedying of any violations of any provision of this act or any rules and regulations of the board. The board may issue a cease and desist order upon board determination that a licensee, registrant or any veterinarian has violated any provision of this act, an order of the board or any rules and regulations of the board.

(e) If the board determines that a person is practicing veterinary medicine without a license on a companion animal or is operating or managing a veterinary premises that is not registered pursuant to K.S.A. 47-480, and amendments thereto, in addition to any other penalties imposed by law, the board may take any or all of the following actions:

(1) Issue a cease and desist order;

(2) issue a citation and fine in accordance with the procedures in K.S.A. 47-843 and 47-844, and amendments thereto; and

(3) bring an injunction action in its own name in a court of competent jurisdiction.

(f) For purposes of investigations and proceedings conducted by the board, the board may issue subpoenas compelling the attendance and testimony of any person or the production for examination or copying of documents or any other physical evidence according to the procedures in subsection (a)(19) of K.S.A. 47-821, and amendments thereto, if such evidence relates to practicing veterinary medicine without a license on a companion animal or operating or managing a veterinary premises that is not registered pursuant to K.S.A. 47-840, and amendments thereto.

(g) The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

History: L. 1969, ch. 261, § 21; L. 1980, ch. 155, § 16; L. 1993, ch. 129, § 15; L. 1999, ch. 25, § 11; L. 2006, ch. 112, § 4; July 1.

K.S.A. 47-835. Abandonment of animals; notice to owner; relief from liability for disposal; "abandoned" defined. (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or its owner's agent for a period of more than ten (10) days after written notice by registered or certified mail, return receipt requested, is given the owner or the owner's agent at such person's last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or dog pound or disposed of as the custodian may deem proper.

(b) The giving of notice to the owner, or the agent of the owner, of such animal by the licensed veterinarian, as provided in subsection (a) of this section, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal. Such procedure by a licensed veterinarian shall not constitute grounds for disciplining procedure under this act.

(c) For the purpose of this act, the term "abandoned" shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or its owner's agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

History: L. 1969, ch. 261, § 22; L. 1980, ch. 155, § 17; July 1.

K.S.A. 47-836. **Lien for veterinary services; preference.** A veterinarian, a veterinary partnership or a veterinary corporation offering veterinary service to animals in the field or otherwise, who shall, at the request of the owner or lawful possessor of any animal or animals, bestow any professional attention, care, vaccines, antisera, virus, antibiotics, or other medical treatment, food or service upon the same shall have a lien upon such animal or animals for the just and reasonable charges therefor, and may hold and retain possession of such animal until such charges are paid, but such lien shall be valid if the veterinarian recorded a verified notice of the lien upon such animal or animals in the office of the register of deeds in the county in which such veterinary services were rendered prior to the expiration of 60 days after such services were rendered. The possessory lien hereby created shall have preference over any and all other liens or encumbrances upon such animal or animals, regardless of where such veterinary service has been rendered. The nonpossessory lien created under this section shall have preference over any and all other liens or encumbrances upon such animal or animals, except for possessory liens under K.S.A. 58-207 and 58-220, and amendments thereto, and previously perfected security interests, regardless of where such veterinary service has been rendered. A lien under this section may not be enforced against a subsequent purchaser of the animal treated unless the purchaser has received actual prior notice of the existence of such lien.

History: L. 1969, ch. 261, § 23; L. 1988, ch. 188, § 1; July 1.

K.S.A. 47-837. **Savings clause.** The amendments in this act to the Kansas veterinary practice act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this act.

History: L. 1969, ch. 261, § 24; L. 1993, ch. 129, § 16; July 1.

K.S.A. 47-838. **Severability.** If any clause, sentence, paragraph, section or part of the Kansas veterinary practice act or the application thereof to any person or circumstances shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence or paragraph, section or part thereof involved in the controversy, in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been enacted had such unconstitutional or invalid provisions not been included.

History: L. 1969, ch. 261, § 25; L. 1993, ch. 129, § 17; July 1.

K.S.A. 47-839. **Confidentiality; exceptions; waiver.** (a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, a licensed veterinarian shall not disclose any information concerning the

veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian who releases information under written authorization or other waiver by the client or under court order or subpoena shall not be liable to the client or any other person. The privilege provided by this section shall be waived under the following circumstances:

(1) Reporting cruel or inhumane treatment of any animal to federal, state or local governmental agencies;

(2) where information is necessary to provide care in an emergency where the absence of immediate medical attention could reasonably be expected to place the animal's health in serious jeopardy or impair bodily function;

(3) where the failure to disclose vaccination information may endanger the public's health, safety or welfare;

(4) where the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding; or

(5) in relation to any investigation by the board and any subsequent administrative disciplinary action brought by the board.

(b) This section shall be part of and supplemental to the Kansas veterinary practice act.

History: L. 1991, ch. 153, § 2; L. 1999, ch. 25, § 12; L. 2006, ch. 46, § 2; July 1.

K.S.A. 47-840. Registration of veterinary premises; application; inspections; renewals; fees. (a) Each veterinary premises as defined by K.S.A. 47-816 and amendments thereto, shall be registered by the board.

(b) Each premises shall be inspected and registered by the board prior to the opening of such premises. Any existing premises shall be inspected and registered by the board within 60 days of any change of the licensed veterinarian who is responsible for the operation and management of the veterinary premises. Upon receipt of the application for registration and payment of the application fee and inspection fee, as established in K.S.A. 47-822, and amendments thereto, the board shall cause such premises to be inspected by an authorized agent of the board. In lieu of an inspection, the board may register a premises which is accredited by a recognized organization whose standards are found by the board to meet or to exceed the minimum standards as established by board rules and regulations.

(c) The licensed veterinarian who will be responsible for the operation and management of the premises shall apply for registration and submit the fee established pursuant to K.S.A. 47-822 and amendments thereto. The registrant shall notify the board within 30 days of any change in the licensed veterinarian who is responsible for the operation and management of the veterinary premises.

(d) The board shall deny any application for a registration of the premises when the inspection reveals that the premises does not meet the minimum standards established by board rules and regulations or other provisions of this act; in which event the applicant shall pay the inspection fee for each additional reinspection required to determine whether or not the premises has been brought into compliance with the minimum standards and other provisions of this act.

(e) The board, in accordance with the Kansas administrative procedure act, may refuse to register a veterinary premises, or revoke, suspend, limit or condition a registration, if an inspection reveals that the premises does not meet the minimum standards established by board rules and regulations or that the premises is being operated or managed by any person other than a licensed veterinarian whose license is in good standing with the board.

(f) The board may inspect or reinspect a premises upon receipt of a written, signed complaint that a licensee has violated the provisions of this act or rules and regulations of the board or that such premises is not in compliance with the provisions of this act or rules and regulations of the board. Nothing contained in this section shall be construed as

preventing the board from conducting unannounced inspections of any premises without a finding of reasonable cause for the purpose of ascertaining whether or not such premises is in compliance with the provisions of this act.

(g) Application for and acceptance of a registration of the premises by an applicant shall be deemed as express consent for allowing the board or the board's authorized agent to conduct inspections to ensure compliance with this act or to investigate alleged complaints. All such inspections may be conducted with or without notice to the registrant. Inspections shall occur during normal business hours for the premises. Such consent and authority is to be clearly set forth in the application for registration and subscribed thereto by the applicant.

(h) All registrations shall expire annually and must be renewed by making application to the board and payment of the registration fee. Any renewal application which is submitted after the annual renewal date shall be assessed a penalty fee as established by board rules and regulations. In the event that application for renewal of registration has not been submitted within 60 days of its expiration date, and after notice by certified mail, return receipt requested, has been given to the registrant that the renewal application, the registration fee and the late renewal penalty fee are due, such registration of the premises shall automatically expire without a hearing and shall not be renewed unless a new registration application is submitted and the applicant pays the registration fee, the late renewal penalty fee and inspection fees. Any such premises which has its registration automatically expired under this subsection must be reinspected prior to the issuance of a new registration.

(i) Each registrant shall have a policy which addresses emergency and after-hour veterinary services and shall inform each client of the policy. If the policy changes, the registrant shall notify clients of the new policy.

(j) Each registrant shall keep such registration conspicuously displayed in the premises for which it is issued.

History: L. 1993, ch. 129, § 19; L. 1999, ch. 25, § 13; L. 2006, ch. 112, § 5; July 1.

K.S.A. 47-841. Veterinarian not liable for good faith volunteer actions. (a) Any licensed Kansas veterinarian or licensed veterinarian resident of another state or in the District of Columbia who in good faith as a volunteer and without fee renders emergency care or treatment to an animal shall not be liable in a suit for damages as a result of such veterinarian's acts or omissions which may occur during such emergency care or treatment, nor shall such veterinarian be liable to any animal hospital for such hospital's expense if under such emergency conditions such veterinarian orders an animal hospitalized or causes admission to such hospital.

(b) Any licensed veterinarian who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omission by such persons rendering or attempting to render the emergency care.

History: L. 1993, ch. 129, § 20; July 1.

K.S.A. 47-842. Authority of board to assess fines; grounds; proceedings conducted in accordance with Kansas administrative procedure act. In addition to the board's authority to refuse licensure or impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the board shall have the authority to assess a fine not in excess of $5,000 against a licensee for each of the causes specified in K.S.A. 47-830, and amendments thereto. Such fine may be assessed in lieu of or in addition to such discipline. The proceedings under this act shall be conducted in accordance with the Kansas administrative procedure act, and the board shall have all the powers granted therein. All fines collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the

state treasury to the credit of the state general fund. Actual costs related to investigation, adjudication and enforcement shall be deducted and credited to the veterinary examiners fee fund.

History: L. 1993, ch. 129, § 21; L. 1999, ch. 25, § 14; L. 2001, ch. 5, § 166; L. 2006, ch. 46, § 3; July 1; L. 2012, ch. 10, § 4; July 1.

K.S.A. 47-843. Violation of act; civil citation; penalties. (a) If, upon completion of an investigation, the executive director has probable cause to believe that a veterinarian violated the provisions of the Kansas veterinary practice act, in lieu of proceedings pursuant to K.S.A. 47-830 and amendments thereto, the executive director may issue a citation to the veterinarian, as provided in this section. The investigation shall include attempts to contact the veterinarian to discuss and resolve the alleged violation. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Kansas veterinary practice act alleged to have been violated. In addition, each citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of a civil penalty not in excess of $2,000. The citation shall be served upon the veterinarian by any type of mailing requiring a return receipt. Before any citation may be issued, the executive director shall submit the alleged violation for review and investigation to at least two designees of the board who are veterinarians licensed in or employed by the state. Upon conclusion of the board designee's review, the designees shall prepare a finding of fact and a recommendation. If the board's designees conclude that probable cause exists that the veterinarian has violated any provisions of the Kansas veterinary practice act, a civil citation shall be issued to the veterinarian, according to policies adopted by the board through rules and regulations.

(b) The board shall adopt rules and regulations covering the assessment of civil penalties under this section which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation;

(2) the good faith of the person being charged; and

(3) the history of previous violations.

History: L. 1993, ch. 129, § 22; L. 1999, ch. 25, § 15; July 1.

K.S.A. 47-844. Civil citation; notice to contest; procedures; disciplinary actions and civil penalties. (a) If a veterinarian desires to contest administratively a civil citation or the proposed assessment of a civil penalty such veterinarian, within 30 days after service of the citation, shall notify the executive director in writing of such veterinarian's request for an informal conference with the executive director or the executive director's designee. The executive director or the executive director's designee, within 60 days from the receipt of the request, shall hold an informal conference. At the conclusion of the informal conference, the executive director may affirm, modify or dismiss the citation or proposed assessment of a civil penalty, and the executive director shall state with particularity in writing the reasons for the action, and shall immediately transmit a copy thereof to the board, the veterinarian, and the person who submitted the complaint. If the veterinarian desires to contest administratively a decision made after the informal conference, such veterinarian shall inform the executive director in writing within 30 days after such person receives the decision resulting from the informal conference. If the veterinarian fails to notify the executive director in writing that such veterinarian intends to contest the citation or the proposed assessment of a civil penalty or the decision made after an informal conference within the time specified in this section, the citation or the proposed assessment of a civil penalty or the decision made after an informal conference shall be deemed a final order of the board and shall not be subject to further administrative review. Notwithstanding any other provision of law, where a fine is paid to satisfy an assessment

based on the findings of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(b) A veterinarian, in lieu of contesting a citation pursuant to this section, may transmit to the board the amount assessed in the citation as a civil penalty, within 30 days after service of the citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged.

(c) If a veterinarian has notified the executive director within 30 days of the issuance of the assessment or citation that such veterinarian intends to contest the decision made after the informal conference, the board shall hold a hearing to be held in accordance with the Kansas administrative procedure act. After the hearing, the board shall issue a decision, based on findings of fact, affirming, modifying, or vacating the citation, or directing other appropriate relief which shall include, but need not be limited to, a notice that the failure of a veterinarian to comply with any provision of the board's decision constitutes grounds for suspension, or denial of licensure, or both. The proceedings under this section shall be conducted in accordance with the Kansas administrative procedure act and the board shall have all the powers granted therein.

(d) After the exhaustion of the review procedures provided for in this section, the board may bring an action pursuant to the act for judicial review and civil enforcement of agency action to enforce any order issued pursuant to this section.

(e) Failure of the licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. When a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(f) All civil penalties received under this act shall be deposited in the state general fund following payment of all costs related to investigation, adjudication and enforcement which shall be credited to the veterinary examiners fee fund.

History: L. 1993, ch. 129, § 23; L. 1999, ch. 25, § 16; July 1.

K.S.A. 47-845. **Construction of act.** Nothing in this act shall be construed as forbidding or further restricting any merchant or manufacturer from selling at such person's regular place of business, medicines, pharmaceutical products, biological products, feed additives, feed, appliances or other products used in the prevention or treatment of animal diseases or any person from selling or applying any pesticide, insecticide or herbicide.

History: L. 1993, ch. 129, § 24; July 1.

K.S.A. 47-846. **Definitions.** As used in this act:

(a) "Board" means the state board of veterinary examiners.

(b) "Committee" means an executive or review committee of a state professional society or organization or an impaired veterinarian committee.

(c) "Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety due to physical or mental disabilities, including deterioration through the aging process, loss of motor skill or abuse of drugs or alcohol.

(d) "Veterinarian" means an individual licensed to practice veterinary medicine in this state.

History: L. 1989, ch. 155, § 1; July 1.

K.S.A. 47-847. Reports relating to impaired veterinarians; board or committee investigation. (a) Any person may report to the board or to an appropriate state professional society or organization of veterinarians any information such person may have relating to an alleged impaired veterinarian. If the report is made to the appropriate state professional society or organization, such society or organization shall refer the matter to an impaired veterinarian committee duly constituted pursuant to the society's or organization's bylaws. The committee shall investigate all such reports and take appropriate action.

(b) If information concerning an alleged impaired veterinarian is reported to the board, the board may investigate the report or may refer the report to an impaired veterinarian committee.

(c) The impaired veterinarian committee referred to in subsection (a) shall submit to the board, on a form promulgated by such board, at least once every three months, a report summarizing the reports received pursuant[to] this section. The report shall include the number of reports concerning impaired veterinarians, whether an investigation was conducted and any action taken.

(d) If the board determines that the impaired veterinarian committee referred to in subsection (a) is not fulfilling its duties under this section, the board, upon notice and an opportunity to be heard, may require such state professional society or organization to transfer to the board all reports made pursuant to this section to such state professional society or organization.

History: L. 1989, ch. 155, § 2; July 1.

K.S.A. 47-848. Same; board agreement with committee; responsibilities; evaluations; restricted license; immunity from civil liability for report or investigation; diagnostic examination. (a) The board may refer reports under K.S.A. 47-847, and amendments thereto, and other reports or complaints filed with such board which relate to impaired veterinarians to an impaired veterinarian committee of the appropriate state professional society or organization.

(b) The board shall have the authority to enter into an agreement with the impaired veterinarian committee of the appropriate state professional society or organization to undertake those functions and responsibilities specified in the agreement and to provide for payment therefor from moneys appropriated to the agency for that purpose. Such functions and responsibilities may include any or all of the following:

(1) Contracting with providers of treatment programs;

(2) receiving and evaluating reports of suspected impairment from any source;

(3) intervening in cases of verified impairment;

(4) referring impaired veterinarians to treatment programs;

(5) monitoring the treatment and rehabilitation of impaired veterinarians;

(6) providing posttreatment monitoring and support of rehabilitated impaired veterinarians; and

(7) performing such other activities as agreed upon by the board and the impaired veterinarian committee.

(c) The impaired veterinarian committee shall develop procedures in consultation with the board for:

(1) Periodic reporting of statistical information regarding impaired veterinarian program activity;

(2) periodic disclosure and joint review of such information as the board considers appropriate regarding reports received, contacts or investigations made and the disposition of each report;

(3) immediate reporting to the board of the name and results of any contact or investigation regarding any impaired veterinarian who is believed to constitute an imminent danger to the public or to self;

(4) reporting to the board, in a timely fashion, any impaired veterinarian who refuses to cooperate with the impaired veterinarian committee or refuses to submit to treatment, or whose impairment is not substantially alleviated through treatment, and who in the opinion of the committee exhibits professional incompetence; and

(5) informing each participant of the impaired veterinarian committee of the procedures, the responsibilities of participants and the possible consequences of noncompliance.

(d) If the board has reasonable cause to believe that a veterinarian is impaired, the board may cause an evaluation of such veterinarian to be conducted by the impaired veterinarian committee or its designee for the purpose of determining if there is an impairment. The impaired veterinarian committee or its designee shall report the findings of its evaluation to the board.

(e) An impaired veterinarian may submit a written request to the board for a restriction of such veterinarian's license. The board may grant such request for restriction and shall have authority to attach conditions to the licensure of the veterinarian to practice within specified limitations. Removal of a voluntary restriction on licensure to practice shall be subject to the statutory procedure for reinstatement of license.

(f) Notwithstanding any other provision of law, a state professional society or organization and the members thereof shall not be liable to any person for any acts, omissions or recommendations made in good faith while acting within the scope of the responsibilities imposed pursuant to this section.

(g) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires a licensee to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's choice.

History: L. 1989, ch. 155, § 3; L. 1993, ch. 129, § 18; July 1.

K.S.A. 47-849. Same; contents of; reports, records and proceedings confidential and privileged. (a) The reports and records made pursuant to K.S.A. 47-847 or 47-848, and amendments thereto, shall be confidential and privileged, including:

(1) Reports and records of executive or review committees of a professional society or organization;

(2) reports and records of the board or impaired veterinarian committee of a professional society or organization; and

(3) reports made pursuant to this act to or by any committee or any consultant.

Such reports and records shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in any civil or administrative action other than a disciplinary proceeding by the board.

(b) No person in attendance at any meeting of an executive or review committee of a state professional society or organization while such committee is engaged in the duties imposed by K.S.A. 47-847 and amendments thereto shall be compelled to testify in any civil, criminal or administrative action, other than a disciplinary proceeding by the board, as to any committee discussions or proceedings.

(c) No person in attendance at any meeting of an impaired veterinarian committee shall be required to testify, nor shall the testimony of such person be admitted into evidence, in any civil, criminal or administrative action, other than a disciplinary proceeding by the board, as to any committee discussions or proceedings.

(d) Nothing in this section shall limit the authority, which may otherwise be provided by law, of the board to require an executive or review committee or officer or impaired veterinarian committee to report to the board any action or recommendation of such committee or officer or to transfer to the board records of such committee's or officer's

proceedings or actions. Reports and records so furnished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the board.

(e) A committee or officer may report to and discuss its activities, information and findings with other committees or officers without waiver of the privilege provided under this section, and the records of all such committees or officers relating to such report shall be privileged as provided under this section.

History: L. 1989, ch. 155, § 4; July 1.

K.S.A. 47-850. **Immunity from civil liability for report or investigation, limits.** No person or entity which, in good faith, reports or provides information or investigates any veterinarian as authorized by K.S.A. 47-847 or 47-848, and amendments thereto, shall be liable in a civil action for damages or other relief arising from the reporting, providing of information or investigation except upon clear and convincing evidence that the report or information was completely false, or that the investigation was based on false information, and that the falsity was actually known to the person making the report, providing the information or conducting the investigation at the time thereof.

History: L. 1989, ch. 155, § 5; July 1.

K.S.A. 47-851. **Failure to report; immunity from civil liability.** (a) No person or entity shall be subject to liability in a civil action for failure to report as authorized by K.S.A. 47-847 or 47-848, and amendments thereto.

(b) In no event shall a professional society or organization or impaired veterinarian committee be liable in damages for the alleged failure to properly investigate or act upon any report made pursuant to K.S.A. 47-847 and amendments thereto.

History: L. 1989, ch. 155, § 6; July 1.

K.S.A. 47-852. **Employer retribution for reporting; prohibition; remedy.** (a) No employer shall discharge or otherwise discriminate against any employee for making any report pursuant to K.S.A. 47-847 or 47-848, and amendments thereto.

(b) Any employer who violates the provisions of subsection (a) shall be liable to the aggrieved employee for damages for any wages or other benefits lost due to the discharge or discrimination plus a civil penalty in an amount not exceeding the amount of such damages. Such damages and civil penalty shall be recoverable in an individual action brought by the aggrieved employee. If the aggrieved employee substantially prevails on any of the allegations contained in the pleadings in an action allowed by this section, the court, in its discretion, may allow the employee reasonable attorney fees as part of the costs.

History: L. 1989, ch. 155, § 7; July 1.

K.S.A. 47-853. **Purpose of reporting impaired veterinarians; status of entities conducting programs; antitrust immunity.** (a) The legislature of the state of Kansas recognizes the importance and necessity of protecting the public from impaired veterinarians to help insure the provision of quality veterinary services. The provisions of this act effectuate this policy.

(b) Veterinarians, review, executive or impaired veterinarian committees performing duties under this act for the purposes expressed in subsection (a) shall be considered to be state officers engaged in a discretionary function and all

immunity of the state shall be extended to such persons and committees, including that from the federal and state antitrust laws.

(c) Nothing in this section shall be construed to require veterinarians or review, executive or impaired veterinarian committees to be subject to or comply with any other law relating to or regulating state agencies, officers or employees.

History: L. 1989, ch. 155, § 8; July 1.

K.S.A. 47-854. Act supplemental to existing law. K.S.A. 47-846 to 47-853, inclusive, shall be supplemental to and a part of the Kansas veterinary practice act.

History: L. 1989, ch. 155, § 9; July 1.

K.S.A 47-855. (a) There is hereby created a designation of institutional license to practice veterinary medicine, which may be issued by the board to a person employed by a school of veterinary medicine within this state.

(b) On or after July 1, 2016, any person who practices veterinary medicine on client-owned animals in direct association with such person's employment at a school of veterinary medicine within this state must be a licensed veterinarian or possess an institutional license to practice veterinary medicine, except that, on or after June 1, 2016, interns beginning employment at a school of veterinary medicine shall possess a veterinary license or an institutional license prior to the practice of veterinary medicine pursuant to such employment, and such license shall not expire until July 1 of the following year. The term of an institutional license for the year in which a resident's employment ends shall be extended to and expire on July 31, without the necessity of renewal. Residents whose employment ends in 2016 shall not be required to obtain a veterinary or institutional license to practice veterinary medicine at a school of veterinary medicine.

(c) An institutional license permits a holder thereof to practice veterinary medicine only as it relates to the holder's regular function within the school of veterinary medicine. Persons holding only an institutional license within this state shall be remunerated for the practice of veterinary medicine within the state solely from state, federal or institutional funds and not from the patient-owner beneficiary of their practice efforts. Practicing veterinary medicine beyond the scope of an institutional license shall be the equivalent of practicing veterinary medicine without a license, and shall be grounds for discipline in accordance with the provisions of this act.

(d) A license issued under this section shall be canceled by the board upon receipt of information that the holder of the license has left or has otherwise been discontinued from employment at a school of veterinary medicine within this state.

(e) A license issued pursuant to this section may be revoked or suspended or the licensee may be otherwise disciplined in accordance with the provisions of this act.

(f) This section shall be a part of and supplemental to the Kansas veterinary practice act.

History: L. 2015, ch. 61, § 1; July 1.

K.S.A. 47-856. (a) Any person desiring to practice veterinary medicine while employed by a school of veterinary medicine in this state, and who is not a licensed veterinarian, shall make written application to the board for an institutional license on forms provided for that purpose, or in a format otherwise acceptable to the board. The board shall issue an institutional license to practice veterinary medicine to an applicant who:

(1) Has obtained the degree of doctor of veterinary medicine or its equivalent;

(2) has passed the Kansas veterinary legal practice examination, which may be completed in person, by mail or by electronic means;

(3) is a person of good moral character;

(4) has paid the license application fee;

(5) provides proof of employment with a school of veterinary medicine within this state. This proof shall be provided by an authorized administrative official of the school of veterinary medicine;

(6) certifies that such person understands and agrees that the institutional license is valid only for the practice of veterinary medicine associated with such person's employment as a faculty member, intern, resident or locum of the school of veterinary medicine where employed; and

(7) provides other information and proof as the board may establish by rules and regulations.

(b) A school of veterinary medicine located within this state may, at its option, submit the applications of its employees desiring an institutional license in a compiled format acceptable to the board, with a single form of payment of the corresponding license application fees.

(c) This section shall be a part of and supplemental to the Kansas veterinary practice act.

History: L. 2015, ch. 61, § 2; July 1.

PUBLIC LIVESTOCK MARKETS

ARTICLE 10

K.S.A. 47-1001. Definitions. As used in this act, except where the context clearly indicates a different meaning:

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(b) "Livestock" means and includes cattle, bison, swine, sheep, goats, horses, mules, domesticated deer, camelids, domestic poultry, domestic waterfowl, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, and any other animal as deemed necessary by the commissioner established through rules and regulations.

(c) "Person" means and includes any individual, partnership, corporation or association.

(d) "Producer" means any person engaged in the business of breeding, grazing or feeding livestock.

(e) "Consignor" means any person who ships or delivers to any public livestock market livestock for handling, sale or resale at a public livestock market.

(f) "Public livestock market" means any place, establishment or facility commonly known as a "livestock market," "livestock auction market," "sales ring," "stockyard," "community sale" as such term is used in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, which includes any business conducted or operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold or kept for sale or shipment except that this term shall not apply to any livestock market where federal veterinary inspection is regularly maintained.

(g) "Public livestock market operator" means any person who, in this state, receives on consignment, or solicits from the producer or consignor thereof, or holds in trust or custody for another, any livestock for sale or exchange, on behalf of such producer or consignor at a public livestock market, or sells, or offer for sale, at a public livestock market, for the account of the producer or consignor thereof, any livestock or directly or indirectly owns, conducts or operates a

public livestock market. The term "public livestock market operator" shall not be construed to include any packer or agent of a packer who receives or purchases livestock for prompt slaughter.

(h) "Packer" means any person engaged in the business of buying livestock for purposes of slaughter, or of manufacturing or preparing meats or meat food products for sale or shipment, or of manufacturing or preparing livestock products for sale or shipment, or of marketing meats, meat food products, livestock products, dairy products, poultry or poultry products.

(i) "Board" means any three members of the Kansas animal health board designated by the chairperson of the Kansas animal health board for each particular hearing. The chairperson may be included in such designation.

(j) "Dealer" as used in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall have the same meaning as the term "public livestock market operator."

(k) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

(l) "Occasional livestock sale" means livestock auctions or sales, that receive on consignment, or solicits from the producer or consignor thereof, or holds in trust or custody for another, any livestock for sale or exchange, on behalf of such producer or consignor at such auction or sale, or sells, or offers for sale, at such auction or sale, for the account of the producer or consignor thereof, any livestock or directly or indirectly owns, conducts or operates such auction or sale and such auctions or sales are held 12 or less times per year.

(m) "Electronic auction" means a live audio-visual broadcast of an actual auction where livestock are offered for sale and shall include auctions conducted by satellite communications and over the internet.

History: L. 1937, ch. 262, § 1; L. 1939, ch. 224, § 1; L. 1965, ch. 333, § 1; L. 1989, ch. 156, § 51; L. 1992, ch. 100, § 3; L. 1993, ch. 143, § 5; L. 1994, ch. 79, § 5; L. 1996, ch. 133, § 1; L. 2000, ch. 111, § 6; July 1; L. 2012, ch. 125, § 11; July 1.

K.S.A. 47-1001a. License required to operate market; application form; fee; bond. No person shall conduct or operate a public livestock market unless and until such person has a license therefor, upon which the current annual market license fee has been paid. Any person making application for an original market license shall do so to the commissioner in writing, verified by the applicant, in the form as prescribed by the commissioner showing the following:

(a) The name and address of the applicant, with a statement of the names and addresses of all persons having any financial interest in the business of the applicant and the amount of such interest.

(b) A statement of all assets and liabilities of the applicant.

(c) A legal description of the real estate and a complete description of the facilities proposed to be used in connection with such public livestock market.

(d) A detailed statement of the facts upon which the applicant relies showing the general confines of the trade area proposed to be served by such public livestock market, the benefits to be derived by the livestock industry and the services proposed to be rendered.

Such application shall be accompanied by an application fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than $375, which shall not be refundable if the application is denied or withdrawn. Each applicant shall furnish a bond in the manner required by K.S.A. 47-1002, and amendments thereto. The application fee established by this section on the day preceding the effective date of this act shall continue in effect until a different application fee is set as provided under this section.

History: L. 1965, ch. 333, § 2; L. 1969, ch. 264, § 1; L. 1991, ch. 152, § 9; L. 1993, ch. 167, § 1; April 22.

K.S.A. 47-1001b. Application for market license; notice and hearing; removal of market to another location within county; notice; finding of commissioner or board. Upon the filing of such application, the commissioner shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. The commissioner shall serve notice and a copy of the application in accordance with the Kansas administrative procedure act upon the owners of all public livestock markets within a fifty-mile radius of the applicant's proposed location and within this state. Notwithstanding any other provisions of this act to the contrary, any holder of a market license who is operating a public livestock market may move such market to other premises in the same county without securing a new license or filing a new application. However, the licensee shall give the commissioner at least thirty days' notice of the removal of the market to such other location which notice shall include a legal description of the real estate and its exact location and a complete description of the facilities to be used at such new location in connection with such public livestock market and the commissioner or board shall find that such facilities are adequate to permit the performance of the proposed market services.

History: L. 1965, ch. 333, § 3; L. 1984, ch. 313, § 77; July 1, 1985.

K.S.A. 47-1001c. Hearing on application for market license; issuance of license, when; matters considered. A hearing may be conducted by the board and the commissioner. After a hearing upon such application the application, conducted in accordance with the provisions of the Kansas administrative procedure act, if the board finds from the evidence presented that such public livestock market for which a market license is sought would beneficially serve the livestock economy, such market license shall be issued by the commissioner to the applicant. In determining whether or not the application should be granted or denied, the board shall give reasonable consideration to:

(a) The financial stability and fiduciary responsibility of the applicant.

(b) Character references to be supplied in writing by at least three persons selected by the applicant.

(c) The livestock industry marketing benefits to be derived from the establishment and operation of the public livestock market proposed in the application.

(d) The adequacy of the proposed facilities to permit the performance of proposed market services.

(e) The present market services elsewhere available to the trade area proposed to be served.

(f) Whether the proposed public livestock market would be continuous.

(g) The economic feasibility of the proposed market services.

History: L. 1965, ch. 333, § 4; L. 1984, ch. 313, § 78; July 1, 1985.

K.S.A. 47-1001d. Occasional livestock sales; exemptions; license. (a) The animal health commissioner, through rules and regulations, may exempt occasional livestock sales or issue a license for such occasional livestock sales at a fee of not more than $100 without a hearing.

(b) All livestock consigned and delivered on the premises of any licensed occasional livestock sale, before being offered for sale, shall be inspected by a licensed veterinarian who shall visually examine each animal consigned to such sale, for the purpose of determining its condition of health and freedom of clinical signs of infectious or contagious animal diseases that are determined to be reportable by the animal health commissioner. Such veterinarian may issue certificates of inspections, on a form to be approved by the commissioner.

(c) Licensed occasional livestock sales shall not:

(1) Collect a fee per head pursuant to K.S.A. 47-1011, and amendments thereto;

(2) collect an inspection fee per head pursuant to K.S.A. 47-1008, and amendments thereto; or (3) be required to furnish a bond in the manner required by K.S.A. 47-1002, and amendments thereto.

History: L. 1965, ch. 333, § 5; L. 1996, ch. 133, § 2; July 1; L. 2012, ch. 140, § 82; July 1.

K.S.A. 47-1001e. Annual renewal fee; license period; electronic auction license; renewal; fees. (a) Each livestock market operator shall pay annually, on or before June 30, a renewal market license fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than $250 to the commissioner for each public livestock market operated by such operator, which payment shall constitute a renewal until June 30 of the following year. The renewal market license fee established by this section on the day preceding the effective date of this act shall continue in effect until a different renewal market license fee is set as provided under this section.

(b) Any person who owns or operates an electronic auction which is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale, shall apply to the animal health commissioner for an electronic auction license. A license shall be granted to such person upon a showing that such person meets the bond requirements, as established in K.S.A. 47-1002, and amendments thereto, and has paid an annual fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than $250. Any such license shall expire on June 30 of each year.

History: L. 1965, ch. 333, § 6; L. 1970, ch. 206, § 1; L. 1991, ch. 152, § 10; L. 1993, ch. 167, § 2; L. 2000, ch. 111, § 7; L. 2010, ch. 105, § 1; Apr. 22; L. 2012, ch. 140, § 83; July 1.

K.S.A. 47-1001f. When license transferable; renewable, when. Each market license is personal to the holder and to the facilities covered thereby, and transferable only upon application in the same form and manner as new applications for such market licenses, except when an owner shall sell and convey a market to a bona fide purchaser who is to continue the market at the same location, the market license shall be transferred to the new owner upon application therefor, without a hearing before the commissioner, upon the furnishing of the required bond and without payment of any additional fee; and the license so transferred shall be renewable upon payment of required fees and otherwise complying with the law for renewal of market licenses.

History: L. 1965, ch. 333, § 7; June 30.

K.S.A. 47-1002. Bond, conditions; expiration date of license; damage actions; issuance of license after bond given. (a) The bond required by K.S.A. 47-1001a, and amendments thereto, shall be in the minimum amount of $20,000 for each license year or fraction thereof, but may be a continuous bond. Each license year shall expire on June 30. Such bond shall be conditioned upon compliance by the principal with the provisions of this act and upon the prompt, faithful and honest handling by the principal of such livestock and the prompt remittance of the proceeds from the sale, purchase or exchange thereof to the lawful owner of such livestock. Such bond shall be to the state for the use and benefit of such person or persons as may suffer loss or damage by breach of the condition thereof. If the commissioner is the trustee and custodian of a surety bond or bond equivalent wherein such public livestock market operator is the principal and is operating under the provisions of the packers and stockyards act of 1921 of the United States, the commissioner may accept such bond or bond equivalent in lieu of the one herein otherwise required.

(b) For the purposes of this section, a bond equivalent shall be in one of the following forms:

(1) A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the United States of federally insured deposits or accounts in the name of and readily convertible to currency by a trustee; or

(2) a trust agreement governing funds which may be drawn by a trustee, under one or more irrevocable, transferable, standby letters of credit, issued by a federally-insured bank or institution and physically received and retained by the trustee.

(c) Any producer, consignor or purchaser of livestock claiming to be injured by the breach of any public livestock market operator of any of the terms and provisions of such bond may bring action thereon in district court to recover the damages caused by such breach.

(d) When such bond shall have been given, the commissioner shall thereupon issue to such applicant a license entitling the applicant, if a public livestock market operator, to conduct the business described in the application at the place named therein for a period expiring on June 30 following date of issuance, and for such additional license year periods as the public livestock market operator may be entitled to by reason of the operator's having paid the annual application fee and the proof of the operator's having paid the annual premium upon such continuous bond, or until such license shall have been revoked for cause.

History: L. 1937, ch. 262, § 2; L. 1939, ch. 224, § 2; L. 1947, ch. 304, § 1; L. 1953, ch. 256, § 1; L. 1965, ch. 333, § 8; L. 1970, ch. 206, § 2; July 1; L. 2012, ch. 125, § 12; July 1.

K.S.A. 47-1002a. Release of surety on bond; notice to principal. Any surety on a bond furnished by any community sale dealer, or applicant for community sale dealer's license, shall be released and discharged from any and all liability under said bond accruing on such bond after the expiration of sixty days from the date upon which such surety shall have filed with the commissioner a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The commissioner, upon receipt of such request, shall promptly notify the principal who furnished the bond and unless the principal shall on or before the expiration of the sixty-day period file with the commissioner a new bond fully complying with the provisions of this act, the commissioner shall forthwith revoke and cancel such community sale dealer's license and notify such dealer.

History: L. 1947, ch. 304, § 2; Aug. 1.

K.S.A. 47-1003. Investigations; arrests; access. For the purpose of enforcing the provisions of this act, the commissioner shall have power to make investigations and arrest any persons found violating this act and shall have, at all reasonable times, free and uninterrupted access to any and all buildings, yards, pens, chutes, or scales in or upon which any of such livestock may be kept, quartered, weighed or handled by any dealer.

History: L. 1937, ch. 262, § 3; L. 1939, ch. 224, § 3; L. 1984, ch. 313, § 79; July 1, 1985.

K.S.A. 47-1004. Investigation, examination, inspection; hearing; suspension or revocation of license. The commissioner may investigate, examine or inspect any transaction or happening which may involve a violation or alleged violation of this act or any rule and regulation or order lawfully issued and promulgated by the commissioner thereunder. In the furtherance of any such examination, investigation or inspection, the commissioner may examine that part of the ledgers, books, accounts, memoranda or other documents, scales, measures, livestock and other articles and things used in connection with the business of such person relating to the transactions involved.

The commissioner shall hear the parties in accordance with the provisions of the Kansas administrative procedure act, to such complaint and after the conclusion of any hearing, the commissioner shall enter in the office of the commissioner at Topeka a decision, either dismissing such complaint or specifying the facts established on such hearing, and give notice thereof to the interested parties. If the commissioner determines from the facts specified that the licensee has violated any provisions of this act, the commissioner shall, unless the offender has already made reparation to the person offended, suspend or revoke the license of the licensee.

History: L. 1937, ch. 262, § 4; L. 1984, ch. 313, § 80; July 1, 1985.

K.S.A. 47-1005. Grounds for refusal, revocation or suspension of license. (a) After notice and an opportunity for a hearing, conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner may refuse to grant a license, or suspend or revoke a license, upon a finding of the existence of any of the following facts:

(1) That any provision of this act, order or rule and regulation lawfully promulgated thereunder by the commissioner has been violated by the licensee;

(2) that the licensee has knowingly received on consignment or sold at a public livestock market any stolen livestock, or mortgaged livestock without authority of the lawful owner or mortgagee;

(3) that the licensee was guilty of fraud or deception in the procurement of such license;

(4) that the licensee has violated the laws of the state, or official regulations governing the interstate or intrastate movement, shipment or transportation of any livestock;

(5) that the licensee fails to practice measures of sanitation, disinfection and inspection, as prescribed by law or by the commissioner, of premises used for yarding, stabling, housing or holding of livestock;

(6) that there has been failure to keep records required by the commissioner or a refusal on the part of the licensee to produce records of transactions in the carrying on of the business for which such license is granted, or that the licensee selling livestock by weight fails or refuses to have livestock handled by such licensee weighed on scales that are regularly inspected and tested for accuracy by duly authorized public authority or authorities;

(7) that there has been failure to make timely remittances of fees due under the act to the commissioner; or

(8) that the licensee has failed to properly maintain custodial accounts or bonds.

(b) Notwithstanding the provisions of subsection (a), nothing shall preclude the commissioner from issuing an emergency order in accordance with K.S.A. 77-536, and amendments thereto, to suspend the license of a public livestock market for the following reasons:

(1) If the bond or bond equivalent as described in K.S.A. 47-1002, and amendments thereto, for a livestock market operator expires or is terminated and no valid replacement bond or bond equivalent has been filed with the commissioner at the time expiration of such surety occurs; or

(2) if a shortage exists in any of the licensee's custodial accounts which the commissioner determines to endanger the public welfare.

History: L. 1937, ch. 262, § 5; L. 1939, ch. 224, § 4; L. 1965, ch. 333, § 9; L. 1984, ch. 313, § 81; July 1, 1985; L. 2012, ch. 125, § 13; July 1.

K.S.A. 47-1005c. Per diem for board members; expenses. The members of the board shall receive for their services a per diem of twenty-five dollars ($25) and subsistence and travel expense.

History: L. 1965, ch. 333, § 12; June 30.

K.S.A. 47-1007. Report of sales; remittance. The dealer shall, promptly following the sale or exchange of any livestock consigned or delivered to him, transmit or deliver to the producer or consignor a true report of such sales showing the amount sold and the selling price. Remittance in full of the amount realized from such sales, less the commission, if any, that the dealer is entitled to for making such sale and other proper charges, shall accompany such written report of sales.

History: L. 1937, ch. 262, § 7; June 30.

K.S.A. 47-1008. Prohibition on sale of certain infected or injured livestock; euthanasia or order to remove from market, expenses; inspection by accredited veterinarian; contracts for service and filing certificates of inspection; inspection fees; minimum per diem for inspector to be negotiated; use and disposition of fees; veterinary inspection fee fund; rules and regulations; electronic auctions; health certificate sale requirements. (a) Livestock shall not be offered for sale or sold at any licensed public livestock market if such livestock:

(1) Is infected with a disease that permanently renders the livestock unfit for human consumption;

(2) has severe neoplasia;

(3) has severe actinomycosis;

(4) is unable to rise to its feet by itself; or

(5) has an obviously fractured long bone or other fractures or dislocation of a joint that renders the livestock unable to bear weight on the affected limb without that limb collapsing.

(b) If, in the judgment of an accredited veterinarian, the livestock consigned and delivered on the premises of any licensed public livestock market is in any of the conditions described in subsection (a), such veterinarian shall euthanize humanely the livestock or direct the consignor to immediately remove the livestock from the premises of the public livestock market. All expenses incurred for euthanasia and disposal of the livestock under the provisions of this subsection shall be the responsibility of the consignor. Collection of expenses shall not be the responsibility of the consignee.

(c) All livestock consigned and delivered on the premises of any licensed public livestock market, before being offered for sale, shall be inspected by a veterinarian authorized by the commissioner who shall visually examine or test, or both, each animal consigned to such market, for the purpose of determining its condition of health and freedom of clinical signs of infectious or contagious animal diseases that are determined to be reportable by the animal health commissioner. Such regulatory veterinary services shall be contracted for by the animal health commissioner who shall select an accredited veterinarian for each public livestock market. The public livestock market operator, for each public livestock market, shall submit to the animal health commissioner a list of accredited veterinarians to be considered for the position. Such veterinarian shall be authorized to make all required examinations and tests, and to issue certificates of inspection at the public livestock market where such veterinarian serves. All livestock sold, resold, exchanged or transferred, or offered for sale or exchange at a livestock market shall be treated as may be necessary to prevent the spread of contagious or infectious diseases. A certificate of inspection, on a form to be approved by the commissioner, shall be issued to the purchaser by the inspector. For the visual inspection of livestock offered for sale, there shall be collected by the market operator from the consignor a fee which shall be determined by negotiation between the market operator and the market veterinarian but shall not be less than $.07 per head, except that no fee for inspection shall be collected unless the inspection actually has been made. If the charges per head collected on all livestock inspected at a livestock market on any sales day do not amount to a minimum per diem of $40 or any amount greater than $40

negotiated by the operator, the market operator shall be required to supply sufficient funds to provide such amount. Any amount lesser or greater than the $40 amount specified, shall be determined by negotiation between the market operator and the market veterinarian. A copy of any agreement or contract shall be on file with the commissioner. Payments for veterinary services rendered under a contract as provided in this section shall be paid from the veterinary inspection fee fund, and for such services rendered prior to the end of a fiscal year, payment may be made within 90 days after the end of the fiscal year.

(d) Livestock market operators shall pay amounts received and amounts due under this section to the animal health commissioner. The commissioner shall remit all such amounts received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the veterinary inspection fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner or by a person or persons designated by such commissioner.

(e) The animal health commissioner shall promulgate rules and regulations as may be necessary to carry out the purposes of this section, including, but not limited to, rules and regulations designating any disease as a disease that renders livestock or the carcasses thereof permanently unfit for human consumption.

(f) All livestock sold by a licensed electronic auction, before being delivered to an out-of-state buyer, shall have a health certificate issued by a licensed, accredited veterinarian. Kansas buyers shall be furnished a health certificate upon request.

History: L. 1937, ch. 262, § 8; L. 1939, ch. 224, § 5; L. 1947, ch. 302, § 3; L. 1949, ch. 295, § 1; L. 1957, ch. 304, § 1; L. 1970, ch. 206, § 3; L. 1973, ch. 2, § 22; L. 1981, ch. 211, § 1; L. 1991, ch. 152, § 11; L. 1993, ch. 167, § 3; L. 1996, ch. 67, § 1; L. 1997, ch. 129, § 2; L. 2000, ch. 111, § 8; L. 2001, ch. 5, § 167; July 1; L. 2012, ch. 125, § 14; July 1.

K.S.A. 47-1009. Dealer to keep books and records; reports to commissioner. Each dealer shall keep such books, records, accounts and memoranda of the business transacted at each community sale conducted and operated by such dealer hereunder, as shall show, among other things, the date on which each lot of livestock was received by the dealer, together with the names of both buyers and sellers thereof, the place of origin of livestock, the make or manufacture and the state license numbers of all vehicles transporting such livestock, together with the names of drivers of such vehicles and the driver's license number and the name of the owner or consignor, signed by owner or consignor, or their agent, to be kept on file at place of business of sale or sales for one year. Each dealer shall also make such reports to the commissioner as to the business transacted, as to the rates and charges for services rendered, as to facilities furnished by the dealer and as to such other matters and things as the commissioner may deem necessary for the effective administration of this act.

History: L. 1937, ch. 262, § 9; L. 1939, ch. 224, § 6; July 30.

K.S.A. 47-1010. Penalties for unlawful acts. (a) In addition to the penalties provided in subsection (b), any person shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $100 or more than $1,000, who commits any of the following acts:

(1) Assumes or attempts to act as a public livestock market operator without a license;

(2) imposes false charges for handling or services in connection with livestock handled, sold or offered for sale at a public livestock market;

(3) fails to account promptly, correctly and fully for any livestock sold or handled by him and properly to make settlements therefor;

(4) makes false or misleading statements as to market conditions at any public livestock market conducted or operated by the person making such statement or for whom such individual is in the employment of;

(5) makes any false or misleading statements as to the health or physical condition of the livestock or quantity of livestock shipped or sold; or

(6) fails to comply in any respect with this act and any and all lawful rules, regulations and orders of the commissioner issued and promulgated hereunder.

(b) The commissioner, upon finding that a person has violated any provision of K.S.A. 47-1001 et seq., and amendments thereto, or any rule and regulation adopted thereunder, after notice and opportunity for a hearing are given in accordance with the provisions of the Kansas administrative procedure act, may impose a civil penalty in an amount not more than $5,000 per violation. For the purposes of this section, violations shall include, but not be limited to, acts recognized in subsection (a) and acts or omissions which are grounds for administrative action pursuant to K.S.A. 47-1005, and amendments thereto.

(c) In the case of a continuing violation, every day such violation continues shall be deemed a separate violation for the purposes of assessing civil penalties therefor. Such civil penalty may be assessed in addition to any other penalty provided by law. The recipient of a civil penalty may appeal the order to the district court in the manner provided by the Kansas judicial review act.

(d) Any penalty recovered pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

History: L. 1937, ch. 262, § 10; L. 1939, ch. 224, § 7; L. 1947, ch. 304, § 3; L. 1965, ch. 333, § 14; June 30.; L. 2012, ch. 125, § 15; July 1.

K.S.A. 47-1010a. Inapplicability of act to certain businesses. Nothing in this act shall in any manner affect any person engaged in the business of buying or assembling livestock for the purpose of shipment to any packinghouse which is subject to regulation under what is commonly known as the packers and stockyards act of 1921, or for shipment to a livestock market where federal veterinary inspection is regularly maintained, or for shipment to a public livestock market.

History: L. 1965, ch. 333, § 15; June 30.

K.S.A. 47-1011. Fees for sale of livestock; disposition of moneys. (a) The public livestock market operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head on all such livestock sold at a public livestock market in the amount fixed by the commissioner under this section. The public livestock market operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(b) The electronic auction operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head in an amount fixed by the commissioner under this section on all such livestock sold at an

electronic auction if such livestock is located in the state of Kansas. The electronic auction operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(c) The fee per head provided for in this section shall be in addition to the inspection fee stated in K.S.A. 47-1008, and amendments thereto, to the license fee payable to the commissioner for licenses mentioned and described in K.S.A. 47-1002, and amendments thereto, and to the fee provided for in K.S.A. 74-534, and amendments thereto.

(d) The commissioner shall determine annually the amount of funds which will be required, in addition to the funds received for fees imposed under K.S.A. 47-1001a and 47-1001e, and amendments thereto, to properly enforce and administer the laws contained in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and shall fix and adjust from time to time the fee per head imposed under this section in such reasonable sum as may be necessary for such purposes, except that the fee per head fixed under this section shall not be more than $.25. The fee per head in effect on the day preceding the effective date of this act shall continue in effect until the commissioner fixes a different fee per head under this section.

(e) The commissioner shall remit all moneys received by or for the commissioner under K.S.A. 47-1001a, 47-1001e and this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

History: L. 1937, ch. 262, § 11; L. 1939, ch. 224, § 8; L. 1941, ch. 272, § 1; L. 1959, ch. 229, § 1; L. 1967, ch. 293, § 1; L. 1969, ch. 265, § 1; L. 1970, ch. 206, § 4; L. 1973, ch. 2, § 23; L. 1980, ch. 156, § 1; L. 1986, ch. 197, § 2; L. 1991, ch. 152, § 12; L. 2000, ch. 111, § 9; L. 2001, ch. 5, § 168; L. 2010, ch. 105, § 2; Apr. 22.

K.S.A. 47-1011a. Brand inspection fees; additional fees collected, when; disposition of fees; livestock market brand inspection fee fund. (a) The public livestock market operator shall collect from the consignor of cattle sold at a public livestock market, where brand inspection of such cattle is requested, by the public livestock market operator, as a brand inspection fee, in addition to amounts specified in K.S.A. 47-1011, and amendments thereto, a sum of not more than $.40 per head on all such cattle. Such amount shall be determined by the animal health commissioner. If a public livestock market operator requests brand inspection at a public livestock market pursuant to this section, the public livestock market operator shall contract with the animal health commissioner to perform such brand inspection services.

(b) The public livestock market operator shall pay all amounts received under this section to the animal health commissioner.

(c) The animal health commissioner shall remit all amounts received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the livestock market brand inspection fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the animal health commissioner or by a person or persons designated by the commissioner.

History: L. 1973, ch. 2, § 24; L. 1975, ch. 281, § 1; L. 1982, ch. 223, § 4; L. 1991, ch. 152, § 13; L. 1994, ch. 213, § 3; L. 2001, ch. 5, § 169; July 1; L. 2012, ch. 140, § 85; July 1; L. 2016, ch. 51, § 15; July 1; L. 2016, ch. 51, § 15; July 1.

K.S.A. 47-1012. Invalidity of part. If any clause, section, paragraph, or part of this act shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such adjudication shall have taken place.

History: L. 1937, ch. 262, § 12; June 30.

K.S.A. 47-1013. **Inspectors, contract with; reports; fees.** (a) The commissioner shall contract with inspectors and such other persons as in the commissioner's judgment may be necessary to properly administer the provisions of this act. Such persons shall be under the direct supervision of the commissioner. The commissioner shall also contract with state brand inspectors as in the commissioner's judgment may be necessary to curtail livestock thefts and assist in the enforcement of the provisions of this act.

(b) The state brand inspectors shall file a report of such inspector's inspections of brands and marks of identification of each sale inspected at the place of inspection, which copy shall be kept for a period of one year from date of filing by the organization conducting such sale.

(c) Fees paid to the state brand inspectors shall be paid out of the fees to be collected as provided in K.S.A. 47-1011a, and amendments thereto.

History: L. 1937, ch. 262, § 13; L. 1939, ch. 224, § 9; L. 1943, ch. 277, § 2; L. 1996, ch. 90, § 9; July 1.

K.S.A. 47-1014. **New section.** - In addition to the remedies provided under K.S.A. 47-1001 *et seq.*, and amendments thereto, the commissioner is hereby authorized to apply to the district court for an injunction restraining any person from violating any provision of K.S.A. 47-1001 *et seq.*, and amendments thereto. Such court, upon a showing of cause therefore, shall have jurisdiction to grant such injunction irrespective of whether or not there exists an adequate remedy at law.

History: L. 2012, ch. 125, § 1; July 1.

DELIVERIES IN MOTOR VEHICLE

ARTICLE 11

K.S.A. 47-1101. **Record of sale, purchase or receipt of livestock; exemption.** Every person, firm or corporation engaged in the business of buying, purchasing or otherwise receiving livestock from the driver of any auto truck or other motor vehicle shall be required to keep a record of the sale, purchase or receipt of said livestock. The record shall contain the name and post-office address of the driver of the truck or motor vehicle, the license tag thereof, and a description of the livestock. Such record shall be preserved for a period of two years from the date of sale and shall be available to all duly constituted peace officers of this state: *Provided,* That the provisions of this act are not intended to repeal or modify any of the provisions relating to community sales nor shall this act apply to sales or deliveries of livestock to any person or persons regularly engaged in the business and whose principal business is that of farming or livestock raising.

History: L. 1941, ch. 273, § 1; June 30.

K.S.A. 47-1102. **Penalties for violations.** Any person, firm or corporation violating or failing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of

not more than $1,000 by imprisonment in the county jail for not less than 60 days nor more than six months or by both such fine and imprisonment.

History: L. 1941, ch. 273, § 2; June 30; L. 2012, ch. 125, § 16; July 1.

DISPOSAL OF DEAD ANIMALS

ARTCLE 12

K.S.A. 47-1201. Definitions. As used in this act, except where the context clearly indicates a different meaning:

(a) "Commissioner" means the animal health commissioner of the state of Kansas.

(b) "Person" means any individual, partnership, firm, corporation or association.

(c) "Disposal plant" means a place of business or a location where the carcasses of domestic animals or packing house refuse is purchased, received or unloaded and where such carcasses or refuse are processed for the purpose of obtaining the hide, skin, grease, residue, or any other byproduct from the animal or refuse, in any way whatsoever.

(d) "Substation" means a concentration site equipped with at least one storage building and operated and maintained for the temporary deposit or storage of the carcasses of domestic animals pending final delivery of the carcasses to the disposal plant.

(e) "Place of transfer" means a reloading site, authorized for use in direct transferring of carcasses of domestic animals from vehicles making original pickup or loading to a line vehicle for the transportation of the carcasses to the disposal plant.

(f) "Carcasses of domestic animals" means bodies, or any part or portion thereof, of dead domestic animals not slaughtered for human food.

History: L. 1943, ch. 198, § 1; L. 1947, ch. 305, § 1; L. 1989, ch. 156, § 52; L. 2001, ch. 163, § 4; May 17; L. 2012, ch. 140, § 86; July 1.

K.S.A. 47-1202. Disposal of dead animals, license for; transportation, permit for. It shall be unlawful for any person to engage in the business of operating a disposal plant without first obtaining a license from the commissioner. It shall be unlawful for any person to transport or move upon a public highway carcasses of domestic animals or packing house refuse, except in a vehicle for which a permit has been obtained from the commissioner.

History: L. 1943, ch. 198, § 2; L. 1947, ch. 305, § 2; March 25.

K.S.A. 47-1203. Application for license; fee. (a) Application for such license shall be made to the commissioner on forms provided by the commissioner, which application shall set forth:

(1) The name and residence of the applicant;

(2) the proposed place of business;

(3) the location of the proposed disposal plant, all proposed substations and all places of transfer;

(4) the particular method which applicant intends to employ in the disposal of such carcasses and packing house refuse;

(5) the number and kind of vehicles the applicant intends to use and the proposed methods of operation; and

(6) such other information as the commissioner may require.

(b) Each application for license shall be accompanied by a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than $525 for each disposal plant. The fee established by this subsection on the day preceding the effective date of this act shall continue in effect until a different fee is set as provided under this subsection.

History: L. 1943, ch. 198, § 3; L. 1947, ch. 305, § 3; L. 1980, ch. 156, § 2; L. 1991, ch. 152, § 14; L. 1993, ch. 167, § 4; April 22.

K.S.A. 47-1204. Investigation and inspection. Upon a receipt of such application with accompanying fee, the commissioner, or some person appointed and designated by him, shall proceed to inspect the buildings, substations, places of transfer, and equipment which the applicant proposes to use in conducting such business, and the vehicles intended to be used in the transportation of carcasses. The person making such investigation and inspection shall record his findings in writing in the office of the commissioner.

History: L. 1943, ch. 198, § 4; April 1

K.S.A. 47-1205. Findings by commissioner, notice to applicant; license and permit fees; posting of permits. (a) If the commissioner finds that an applicant is a responsible and suitable person to conduct such business, and that the disposal plant, substations, places of transfer, vehicles, and equipment of such applicant and the methods of operation proposed comply with all the provisions of this act, and with the rules and regulations authorized and adopted under provisions of this act, and that such disposal plants, substations, and places of transfer are located in places approved by the commissioner, the commissioner shall thereupon notify such applicant of such findings.

(b) Upon receipt of such notification, such applicant shall pay to the commissioner the following permit fees:

(1) $150 for each substation and

(2) $150 for each place of transfer.

(c) Upon receipt of such fees, the commissioner shall issue to such applicant a license for each disposal plant and a permit for each substation and for each place of transfer.

(d) The permit for each substation and place of transfer shall be posted in a conspicuous place on each of such premises.

History: L. 1943, ch. 198, § 5; L. 1947, ch. 305, § 4; L. 1980, ch. 156, § 3; L. 1991, ch. 152, § 15; July 1.

K.S.A. 47-1206. Rejection of application; notice; fee not refunded. If the commissioner finds that the buildings, substations, equipment, vehicles, places of transfer, and proposed methods of operation do not fully comply with the requirements of this act and the rules and regulations authorized and adopted hereunder, he shall notify the applicant wherein the same fails to so comply. If, within a reasonable time thereafter, to be fixed by the commissioner, the applicant notifies him that such defects are remedied, a second inspection shall be made in the same manner as upon the original application, and not more than two such inspections need be made under one application. In case a license is refused or denied such applicant, no part of the fee paid by him shall be refunded.

History: L. 1943, ch. 198, § 6; April 1.

K.S.A. 47-1207. Vehicle permits; application; fee; posting on vehicles. (a) Application for a permit for a vehicle, or vehicles, to be used in the transportation of carcasses of domestic animals or packing house refuse on public

highways shall be made to the commissioner on forms provided by the commissioner. Each such application shall set forth:

(1) The type, make and year model of each vehicle,

(2) the area of proposed operations,

(3) the name and address of the disposal plant or the disposal plants where proposed deliveries are to be made and

(4) such other information as the commissioner may require.

(b) Each such application shall be accompanied by a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than $75 for each such vehicle. The fee established by this subsection on the day preceding the effective date of this act shall continue in effect until a different fee is set as provided under this subsection.

(c) The permit for each vehicle used in the transportation upon public highways of the carcasses of domestic animals or packing house refuse, or approved evidence of such permit, shall be attached to such vehicles in a conspicuous place on the left side of the cab.

History: L. 1943, ch. 198, § 7; L. 1947, ch. 305, § 5; L. 1980, ch. 156, § 4; L. 1991, ch. 152, § 16; L. 1993, ch. 167, § 5; April 22.

K.S.A. 47-1208. Duration and renewal of licenses and permits. All licenses and permits issued under this act shall expire on June 30 following date of issuance. All applications for renewal of licenses and permits shall be in compliance with the requirements of this act for the issuance of original licenses and permits.

History: L. 1943, ch. 198, § 8; April 1.

K.S.A. 47-1209. Transportation of carcasses of domestic animals and packing house refuse; conditions and limitations. All vehicles used in the transportation upon public highways of the carcasses of any domestic animals or packinghouse refuse, shall conform with the following conditions and limitations:

(1) The carcasses of dead animals or packinghouse refuse, shall be placed in containers or vehicles which are constructed of, or lined with, impervious material, and which do not permit the escape of any liquid;

(2) after original loading, the carcasses of domestic animals shall not be moved from the transporting container or vehicle upon a public highway or in any other place except at the disposal plant, at an authorized substation, or at an authorized place for transfer of carcasses or refuse into line vehicles;

(3) containers and vehicles shall be disinfected each time before leaving a disposal plant, or substation, and the exterior thereof shall be disinfected each time after loading and before entering the public highway, all in conformance with requirements and regulations prescribed by the commissioner;

(4) containers and vehicles used for transporting of carcasses of animals or packinghouse refuse shall not be used for the transportation of live animals except to a licensed disposal plant or the transportation of food or feed for human or livestock consumption until properly cleaned and sterilized.

History: L. 1943, ch. 198, § 9; L. 1969, ch. 266, § 1; July 1.

K.S.A. 47-1210. Buildings and disposal plants; specifications. All disposal plants, substations, and buildings used in connection therewith shall conform with the following requirements:

(1) All floors of buildings shall be constructed of concrete or other impervious material;

(2) adequate sanitary drainage must be provided; and all buildings must be so constructed and maintained that no unsterile liquid is permitted to escape openly therefrom. All disposal plants, substations and places of transfer shall be so located, arranged, constructed, and maintained, and the operation so conducted at all times consistent with public health and safety.

History: L. 1943, ch. 198, § 10; April 1.

K.S.A. 47-1211. Disposal of carcasses and refuse; requirements; release of portions of carcasses. (a) The operator of a licensed disposal plant shall dispose of the carcasses of domestic animals or packinghouse refuse by complying with the following standards and requirements:

(1) The skinning and dismembering of carcasses of domestic animals shall be performed within the building where the carcasses are processed;

(2) the cooking vats or tanks shall be airtight, except proper escape for live steam;

(3) steam shall be so disposed of as not to be detrimental to public health or safety;

(4) the materials not cooked or entirely consumed by burning within the plant, shall be disposed of:

(A) By burying to such a depth that no part of such carcass shall be nearer than three feet to the surface of the ground, and shall be covered with quick-lime and with at least three feet of earth; or

(B) in such manner as may be prescribed by rules and regulations adopted by the commissioner;

(5) all carcasses of domestic animals or packinghouse refuse shall be disposed of within 48 hours after delivery to the disposal plant;

(6) all carcasses, parts thereof, or refuse under process for marketing shall not be permitted to come in contact with any part of the building or the equipment used in connection with the unloading, skinning, dismembering and grinding of carcasses or refuse as originally received at disposal plant;

(7) the cooking of materials shall be at a temperature of 212° F. (boiling point) for a period of 30 minutes.

(b) The commissioner may issue a release for portions of carcasses of dead animals which are uncooked, or which are cooked for a period shorter than 30 minutes or at a temperature less than 212° F., or both. Such release requires that the products so released shall be identified by freely slashing and covering all exposed surfaces of such products with an edible green dye or other such suitable substance as may be approved by the commissioner. Such products shall otherwise meet the requirements of the Kansas feeding stuffs statute, article 10 of chapter 2, Kansas Statutes Annotated.

History: L. 1943, ch. 198, § 11; L. 1967, ch. 294, § 1; L. 2001, ch. 163, § 5; May 17.

K.S.A. 47-1212. Animal inspection. The commissioner, or his authorized representatives, shall inspect disposal plants, substations, places of transfer, and vehicles at least once each year, and so often as deemed necessary, and shall have free and uninterrupted access of all such buildings and premises.

History: L. 1943, ch. 198, § 12; April 1.

K.S.A. 47-1213. Suspension and revocation of licenses; notice and hearing. The commissioner, after providing notice and opportunity for a hearing in accordance with the Kansas administrative procedure act, shall have power to suspend or revoke any license or permit issued under this act for the failure or refusal of any licensee or permit holder to obey and comply with the provisions of this act and all rules and regulations authorized and adopted thereunder.

History: L. 1943, ch. 198, § 13; L. 1988, ch. 356, § 154; July 1, 1989; L. 2012, ch. 125, § 17; July 1.

K.S.A. 47-1214. Declaration of construction; "refuse" defined. The provisions of this act shall be construed to apply to the transportation upon public highways of carcasses and refuse, from packing houses or other points of origin to disposal plants or substations. The term "refuse" as used in K.S.A. 47-1201 to 47-1220, inclusive, or any amendments thereto, shall include offal, bones, suet and meat trimmings. The provisions of this act shall not apply to disposal plants operating under the supervision of the United States bureau of animal industry, meat inspection division, or those licensed by the secretary of health and environment, meat inspection division, and processing only packing house refuse received from a packing house operated by the same person or group upon contiguous premises.

History: L. 1943, ch. 198, § 14; L. 1951, ch. 319, § 1; L. 1975, ch. 462, § 57; July 1.

K.S.A. 47-1215. Rules and regulations; filing. The commissioner may adopt and enforce such reasonable rules and regulations relating to transportation of carcasses of domestic animals and packing house refuse, specifications for disposal plants, substations, places of transfer, equipment and vehicles, and all operations in connection therewith, as the commissioner deems advisable and which are not inconsistent with provisions of this act. All such rules and regulations shall be filed with the secretary of state.

History: L. 1943, ch. 198, § 15; L. 1988, ch. 366, § 15; June 1.

K.S.A. 47-1216. Judicial review of commissioner's actions. Any action of the commissioner is subject to review in accordance with the Kansas judicial review act.

History: L. 1943, ch. 198, § 16; L. 1986, ch. 318, § 69; L. 2010, ch. 17, § 86; July 1.

K.S.A. 47-1217. Penalties for violations; actions. The willful violation of any of the provisions of this act, or the willful failure to comply with any of the provisions of this act, or any of the rules and regulations adopted thereunder, is hereby made a misdemeanor, and any person upon conviction thereof shall be punished by a fine of not less than $25 nor more than $500. It shall be the duty of the attorney general and the various county attorneys, to file suit in a court of competent jurisdiction to enjoin any violation of this act or any rule and regulation authorized and adopted under the provisions of this act.

History: L. 1943, ch. 198, § 17; April 1; L. 2012, ch. 125, § 18; July 1.

K.S.A. 47-1218. Disposition of moneys received under article. (a) All moneys received by the animal health commissioner under article 12 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

(b) On July 1, 1986, the director of accounts and reports shall transfer all moneys in the animal health department fee fund to the animal disease control fund. On July 1, 1986, all liabilities of the animal health department fee fund are hereby imposed upon the animal disease control fund, and the animal health department fee fund is hereby abolished.

History: L. 1943, ch. 198, § 18; L. 1973, ch. 2, § 25; L. 1986, ch. 197, § 3; L. 2001, ch. 5, § 170; July 1; L. 2012, ch. 140, § 87; July 1.

K.S.A. 47-1219. Unlawful disposal; penalty. (a) Any person or persons who shall put any dead animals, carcasses of such animals or domestic fowl, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane other than the person's own private driveway, lot not owned or leased by such person, field not owned or leased by such person, meadow not owned or leased by such person or commonly-owned or public property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $500.

(b) Any owner or owners of any dead animals, carcasses of such animals or domestic fowl, or any part thereof, who shall knowingly permit the same to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane other than the person's own private driveway, lot not owned or leased by such person, field not owned or leased by such person, meadow not owned or leased by such person or commonly-owned or public property to the injury of the health or to the annoyance of or damage to the citizens of the state or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $500. Every 24 hours the owners shall permit the same to remain thereafter shall be deemed an additional offense.

(c) Persons disposing of dead animals shall do so in one of the following ways:

(1) Burial;

(2) incineration;

(3) delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the commissioner;

(4) composting; or

(5) in accordance with rules and regulations adopted pursuant to K.S.A. 65-1,199, and amendments thereto.

History: L. 1947, ch. 305, § 6; L. 1996, ch. 90, § 10; L. 1998, ch. 143, § 27; May 7; L. 2012, ch. 125, § 19; July 1.

K.S.A. 47-1220. Act inapplicable to movement of certain farm animals; exception. The provisions of this act, exclusive of subsection (b) of K.S.A. 47-1219 shall not apply to the movement of the carcasses of cattle and horses from one farm to another, if said carcasses are moved by the person who owned such animals immediately prior to their deaths, and if such animals were not affected with any contagious or infectious disease at the time of their deaths.

History: L. 1947, ch. 305, § 7; March 25.

GARBAGE RESTRICTIONS

ARTICLE 13

K.S.A. 47-1301. Garbage defined. As used in article 13 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, "garbage" means all waste material derived in whole or in part from the meat of any animal, including fish and poultry, or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food. For the purposes of article 13 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, ''garbage'' shall not be deemed to include pasteurized dairy products.

History: L. 1953, ch. 257, § 1; L. 1995, ch. 244, § 2; July 1; L. 2012, ch. 125, § 20; July 1.

K.S.A. 47-1302. Unlawful to feed unprocessed garbage to animals; exceptions. (a) Except as provided in subsection (b), it shall be unlawful for any person, firm, partnership or corporation to feed garbage to animals.

(b) Nothing in this section shall prohibit an individual from feeding such individual's own animals only the garbage obtained from such individual's own household.

History: L. 1953, ch. 257, § 2; L. 1989, ch. 156, § 53; L. 2001, ch. 163, § 6; May 17; L. 2012, ch. 125, § 21; July 1.

K.S.A. 47-1303. Unlawful acts. (a) It shall be unlawful for the governing body of any city, or any official or employee of a city, to enter into any contract or agreement for the collection or disposal of garbage unless such contract or agreement requires a disposal of garbage in accordance with rules and regulations of the state animal health commissioner, when disposed of by other means.

(b) It shall be unlawful for any person to give, sell or transfer garbage to another person, if such person knows that such other person is commercially feeding the garbage to a cloven hoofed animal.

History: L. 1953, ch. 257, § 3; L. 1989, ch. 156, § 54; L. 2001, ch. 163, § 7; May 17; L. 2012, ch. 140, § 89; July 1.

K.S.A. 47-1304. Rules and regulations by animal health commissioner. The state animal health commissioner is hereby authorized to promulgate and enforce all rules and regulations deemed necessary to carry out the provisions of K.S.A. 47-1301 through 47-1307, and amendments thereto.

History: L. 1953, ch. 257, § 4; L. 1957, ch. 305, § 1; L. 1989, ch. 156, § 55; L. 2001, ch. 163, § 8; May 17; L. 2012, ch. 140, § 90; July 1.

K.S.A. 47-1305. Penalty for violation of act. Any person, firm, partnership, corporation, city or official of any corporation or city, violating the provisions of this act or of any rule or regulation promulgated pursuant thereto shall, upon conviction thereof, be fined not less than $100 nor more than $500. Each day the provisions of this act or any rule and regulation made pursuant thereto is violated shall be a separate offense.

History: L. 1953, ch. 257, § 5; March 13; L. 2012, ch. 125, § 22; July 1.

K.S.A. 47-1306. Moving garbage or refuse on public street; restrictions. It shall be unlawful to move any garbage or the refuse of any locker plant or slaughterhouse upon any public street, alley, or highway, unless such garbage and such refuse shall be contained in a liquid-tight barrel or container, and so covered as to prevent spilling, or access to flies or insects.

History: L. 1957, ch. 305, § 2; June 29; L. 2012, ch. 125, § 23; July 1.

HUMANE SLAUGHTER

ARTICLE 14

K.S.A. 47-1401. Humane methods; state policy. It is declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock, in connection with slaughter, shall be carried out only by humane methods.

History: L. 1961, ch. 256, § 1; Jan. 1, 1962.

K.S.A. 47-1402. Same; definitions. As used in this act: (a) "Person" means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(b) "Slaughterer" means any person regularly engaged in the commercial slaughtering of livestock.

(c) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, aquatic animals, domesticated deer, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, and any other animal which can or may be used in and for the preparation of meat or meat products.

(d) "Packer" means any person engaged in the business of slaughtering of livestock.

(e) "Stockyard" means any place, establishment, or facility commonly known as a stockyard, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, for the handling, keeping, and holding of livestock for the purpose of sale or shipment.

(f) "Humane method" means either:

(a) A method whereby the animal is rendered insensible to pain by mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) a method in accordance with ritual requirements of the Jewish faith or any other religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(g) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

History: L. 1961, ch. 256, § 2; L. 1992, ch. 102, § 3; L. 1993, ch. 143, § 6; L. 1994, ch. 79, § 6; July 1.

K.S.A. 47-1403. Same; unlawful acts. No slaughterer, packer, or stockyard operator shall: (a) Shackle, hoist, or otherwise bring livestock into position for slaughter, by any method which shall cause injury or pain; or

(b) bleed or slaughter any livestock except by a humane method. The handling or other preparation of livestock for ritual slaughter shall be exempt from the provisions of this act.

History: L. 1961, ch. 256, § 3; Jan. 1, 1962.

K.S.A. 47-1404. Same; certain method of slaughter declared inhumane. The use of a manually operated hammer, sledge, or poleax is declared to be an inhumane method of slaughter within the meaning of this act.

History: L. 1961, ch. 256, § 4; Jan. 1, 1962.

K.S.A. 47-1405. Same; penalties for violations of act. Any person who violates any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

History: L. 1951, ch. 256, § 5; Jan. 1, 1962.

FEEDLOTS

ARTICLE 15

K.S.A. 47-1501. Definitions. (a) "Feedlot" means:

(1) A livestock feedlot, or feed yard, having more than 1,000 head of livestock at one time during the licensed year; or

(2) any other livestock feedlot whose operator elects to come under this act.

(b) "Feed yard feeding" means the feeding of livestock in lots or pens which are not used normally for raising crops and in which no vegetation, intended for livestock feed, is growing.

(c) "Livestock" means cattle, swine, sheep and horses.

(d) "Operator" means the owner, or the person having charge or control, of a feedlot.

(e) "Person" means an individual, a corporation, a group of individuals, joint venturers, a partnership or any other business entity.

(f) "Commissioner" means the state animal health commissioner.

(g) "Board" means the Kansas animal health board.

History: L. 1963, ch. 287, § 1; L. 1989, ch. 156, § 56; July 1; L. 2012, ch. 140, § 91; July 1.

K.S.A. 47-1502. Feeding livestock as agricultural pursuit; zoning. Feeding of livestock, and animal husbandry, for the purpose of this act shall be considered to be, and shall be construed to be, an agricultural pursuit: *Provided,* Such agricultural pursuit may be subject to any city zoning provisions created under the laws of Kansas or any subdivision thereof.

History: L. 1963, ch. 287, § 2; June 30.

K.S.A. 47-1503. Feedlot operator's license; fees; disposition of moneys. (a) It shall be unlawful for any person to operate a feedlot within the state of Kansas without having first obtained a license from the animal health commissioner authorizing and permitting such operation.

(b) An operator of any feedlot in the state of Kansas, or a person desiring to operate a feedlot in the state of Kansas, shall obtain, from the animal health commissioner, a license to operate a feedlot, unless exempted therefrom. The owner or operator of any livestock feedlot, with a capacity of less than 1,000 head of livestock, may apply for and obtain a license for feedlot operations, if such owner or operator chooses and elects to come under the terms and provisions of this act, but the licensing for operations at a capacity of less than 1,000 head shall not be required.

(c) Application for a livestock feedlot license shall be filed with the animal health commissioner, on a form prescribed and furnished by the commissioner. Upon the filing of such an application and payment of the required fees, the commissioner shall issue a livestock feedlot license to such applicant, provided the application discloses information assuring the commissioner that the operation of such feedlot will be conducted in accordance with the standards set forth elsewhere in this act, and with rules and regulations adopted by the commissioner.

(d) Feedlot licenses shall be issued for the term of one year, to expire on June 30 following the date of issuance. Feedlot licenses may be continued in force by annual renewal or extension of such license with the payment of an

annual license fee, and with continued compliance by the operator with the provisions of this act, and rules and regulations adopted hereunder.

(e) Each cattle feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

Feedlot capacity	Maximum fee
Under 1,000 head	$75
1,000 to 2,999 head	$350
3,000 to 5,999 head	$650
6,000 to 9,999 head	$750
10,000 to 17,999 head	$1,100
18,000 to 29,999 head	$1,500
30,000 to 49,999 head	$1,650
50,000 to 99,999 head	$1,800
100,000 head and over	$2,000

The fees established by this subsection on the day preceding the effective date of this act shall continue in effect until different fees are set as provided under this subsection.

(f) For the purposes of this subsection, "animal unit" means the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of goats multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

Feedlot capacity	Maximum fee
300 to 999 Animal units	$75
1,000 to 2,999 Animal units	$350
3,000 to 5,999 Animal units	$650
6,000 to 9,999 Animal units	$750
10,000 to 17,999 Animal units	$1,100
18,000 to 29,999 Animal units	$1,500
30,000 to 49,999 Animal units	$1,650
50,000 to 99,999 Animal units	$1,800
100,000 Animal units and over	$2,000

(g) If an original feedlot license expires within six months after date of issuance, only 50% of the applicable license fee shall be required. An application for feedlot license shall not be approved, nor shall a license be issued to any applicant unless the application is accompanied by the applicable license fee under the schedule of fees in this section. Each licensed feedlot operator shall pay an annual license fee in accordance with the schedule of fees in this section and, upon payment of such fee and a showing of compliance with other requirements, shall be entitled to a renewal or extension of such operator's license for the ensuing license year.

(h) The animal health commissioner shall remit all moneys received by or for the commissioner under article 15 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

History: L. 1963, ch. 287, § 3; L. 1970, ch. 207, § 1; L. 1973, ch. 2, § 27; L. 1980, ch. 156, § 6; L. 1986, ch. 197, § 5; L. 1991, ch. 152, § 18; L. 1993, ch. 167, § 6; L. 2001, ch. 5, § 171; L. 2010, ch. 105, § 3; Apr. 22; L. 2012, ch. 140, § 92; July 1.

K.S.A. 47-1504. Meetings of commission; calling, notice, minutes. The board is authorized and required to meet upon call by the commissioner, or upon written request of a majority of the members of the board. The secretary of the board shall keep minutes of all meetings called under authority of this act, separate, but concurrent with other duties prescribed by law. At least 10 days' notice shall be given of all called meetings of the board by the person or persons calling the meeting, unless the chairperson and secretary and the commissioner agree upon a shorter notice period.

History: L. 1963, ch. 287, § 4; L. 1989, ch. 156, § 57; July 1.

K.S.A. 47-1505. Standards of operations for feedlots. Owners and operators who are granted a feedlot license shall:

(1) Provide reasonable methods for the disposal of animal excrement;

(2) provide chemical and scientific control procedure for prevention and eradication of pests;

(3) provide adequate drainage, from feedlot premises, and such drainage shall be so constructed as to control pollution of streams and lakes;

(4) provide adequate veterinarian services for detection, control and elimination of livestock diseases;

(5) have available for use at all times, mechanical means for scraping, cleaning and grading feedlot premises;

(6) provide weather resistant aprons adjacent to all permanently affixed feed bunks, water tanks, and feeding devices;

(7) conduct feedlot operations in conformity with established practices in the feedlot industry as approved by regulations made and promulgated by the commissioner, and in accordance with the standards set forth in this act.

Any feedlot operated in compliance with such standards, and in compliance with the regulations made and promulgated by the commissioner shall be deemed to be prima facie evidence that a nuisance does not exist.

History: L. 1963, ch. 287, § 5; L. 1967, ch. 295, § 1; April 20.

K.S.A. 47-1506. Powers and duties of the animal health commissioner. (a) The animal health commissioner shall have the power to:

(1) Receive applications for feedlot licenses;

(2) issue licenses to qualifying applicants;

(3) make and enforce reasonable regulations pertaining to the operation of feedlots, within the framework of the standards set forth in this act, and acts amendatory and supplemental thereto;

(4) make rules of procedure for the administration and enforcement of this act; and

(5) determine adequateness of the compliance with the requirements fixed in standards prescribed in this act.

(b) The commissioner shall have the duty to

(1) Prepare, design and have printed application forms which shall be available to feedlot operators and to applicants for such a license. Such forms shall provide for answers and statements by applicants, to disclose whether such applicants can, and are capable of complying with standards of operation set forth in this act, and as set forth in the regulations made by such commissioner under authority of this act;

(2) keep, maintain and compile all necessary records; and

(3) undertake and carry through research studies, investigations and surveys which are needed and required for the proper administration of this act.

(c) The commissioner shall have the power to call upon the university of Kansas and Kansas state university for aid and assistance in conducting such research studies and surveys.

(d) The commissioner, or authorized agents or employees, are authorized to investigate all complaints concerning the operation of feedlots within the state of Kansas when an operator of such a feedlot is charged with any violations of the provisions of this act. The commissioner shall have the power to enter upon feedlot premises and to investigate the methods of operation of all such feedlots.

(e) The commissioner shall have the power and the duty to suspend or revoke the license of any feedlot operator, after a hearing and after an administrative determination that such an operator has violated, or has failed to comply with any of the provisions of this act, or any regulation adopted thereunder. The commissioner shall have the power and duty to reinstate any such suspended or revoked licenses, upon a satisfactory and acceptable showing and assurance that such feedlot operator conducted feedlot operations in conformity with, and in compliance with, the provisions of this act and regulations adopted thereunder, and that such conformity and compliance will be continuous. A feedlot license shall not be suspended or revoked by the commissioner, until charges have been submitted, in writing, concerning alleged violations, and until the licensee shall have been given an opportunity to be heard in such licensee's defense in accordance with the provisions of the Kansas administrative procedure act.

History: L. 1963, ch. 287, § 6; L. 1988, ch. 356, § 156; July 1, 1989; L. 2012, ch. 140, § 93; July 1.

K.S.A. 47-1507. Review of actions of commissioner and board. (a) If any feedlot operator is aggrieved by any action of the commissioner pertaining to the operation and licensed feedlot operations, other than an order of the commissioner resulting from a hearing conducted in accordance with the Kansas administrative procedure act, such aggrieved operator shall have the right to appeal to the board, by serving written notice upon the commissioner within 15 days after notice of such action is deposited in the mail, addressed to such operator, as evidenced by date stamp applied by the United States postal service.

Upon the filing of such a notice of appeal with the commissioner, the commissioner shall cause the matter to be set for hearing for a date certain within 30 days after receipt of such notice of appeal. The commissioner shall call the board into session for the purpose of hearing such appeal in the county where the operation is being conducted. The board shall conduct a hearing thereon in accordance with the provisions of the Kansas administrative procedure act and issue an order and decision determining whether the grievance of such operator is justified. If the record shows any abuse of discretion or any misinterpretation of the law or rules and regulations by the commissioner, the board may reverse the decision of the commissioner or modify or affirm the commissioner's decision.

An order of the commissioner resulting from a hearing in accordance with the provisions of the Kansas administrative procedure act is subject to review by the board in accordance with K.S.A. 77-527 and amendments thereto.

(b) Any action of the board pursuant to subsection (a) is subject to review in accordance with the Kansas judicial review act.

(c) The commissioner and, upon appeal, the board shall have the exclusive power to determine whether or not a feedlot operator has complied with the standards set forth in this act and rules and regulations adopted by the commissioner, subject to review as provided by subsection (b).

History: L. 1963, ch. 287, § 7; L. 1986, ch. 318, § 70; L. 1988, ch. 356, § 157; L. 1989, ch. 156, § 58; L. 2010, ch. 17, § 87; July 1.

K.S.A. 47-1508. **Compensation of board members.** The members of the board shall receive no compensation for their services, but shall be reimbursed for all necessary expenses, including travel and subsistence, in connection with the performance of their duties as members of the board, and may be allowed a reasonable per diem for service in hearing appeals and in performance of assigned services as members of committees.

History: L. 1963, ch. 287, § 8; L. 1989, ch. 156, § 59; July 1.

K.S.A. 47-1509. **Unlawful acts; penalty.** Any person violating any of the provisions of this act, or any regulation promulgated by the commissioner, thereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500. Each day upon which a violation shall be committed, or shall be permitted to continue, shall be deemed to be a separate offense.

History: L. 1963, ch. 287, § 9; June 30; L. 2012, ch. 125, § 24; July 1.

K.S.A. 47-1510. **Invalidity of part.** If any part of this act be declared unconstitutional, by any court of competent jurisdiction, the validity of the remaining parts of said act shall not hereby be affected or impaired.

History: L. 1963, ch. 287, § 10; June 30.

K.S.A. 47-1511. **Planning assistance for feedlots.** Upon request of the animal health commissioner, the secretary of health and environment shall make staff engineers available to assist:

(1) an operator of any feedlot in the state of Kansas; and

(2) any person who has applied for a license to operate a feedlot in the state of Kansas, in the development of plans and in the design for the construction of facilities for a feedlot in order to control pollution of streams and lakes. Nothing in this act shall be construed as limiting the authority of the secretary of health and environment in matters of stream and lake pollution as provided for in K.S.A. 65-161 through 65-171h, and amendments thereto.

History: L. 1967, ch. 295, § 2; L. 1975, ch. 462, § 58; L. 1989, ch. 156, § 60; July 1; L. 2012, ch. 140, § 94; July 1.

PET ANIMAL ACT

ARTICLE 17

K.S.A. 47-1701. **Definitions.** As used in the Kansas pet animal act, unless the context otherwise requires:

(a) "Adequate feeding" means supplying at suitable intervals not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

(b) "Adequate watering" means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.

(c) "Ambient temperature" means the temperature surrounding the animal.

(d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) Animal does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.

(e) "Animal breeder" means any person who operates an animal breeder premises.

(f) "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

(g) "Animal shelter" or "pound" means a facility which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

(h) "Cat" means an animal which is wholly or in part of the species *Felis domesticus*.

(i) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(j) "Dog" means any animal which is wholly or in part of the species *Canis familiaris*.

(k) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

(l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718 and amendments thereto.

(m) "Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license year. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

(n) "Hobby breeder" means any person who operates a hobby breeder premises.

(o) "Housing facility" means any room, building or area used to contain a primary enclosure or enclosures.

(p) "Boarding or training kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week during the license year for boarding, training or similar purposes for a fee or compensation.

(q) "Boarding or training kennel operator premises" means the facility of a boarding or training kennel operator.

(r) "License year" or "permit year" means the 12-month period ending on June 30.

(s) "Person" means any individual, association, partnership, corporation or other entity.

(t) (1) "Pet shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:

(A) Any dogs or cats, or both; or

(B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

(2) Pet shop does not include:

(A) Any pound or animal shelter;

(B) any premises where only fish are sold, or offered or maintained for sale; or

(C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.

(3) Nothing in this section prohibits inspection of those premises which sell only fish to verify that only fish are being sold.

(u) "Pet shop operator" means any person who operates a pet shop.

(v) "Primary enclosure" means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.

(w) "Research facility" means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.

(x) "Sale," "sell" and "sold" include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.

(y) "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

(z) "Animal distributor" means any person who operates an animal distributor premises.

(aa) "Animal distributor premises" means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor's self out to be so engaged.

(bb) "Out-of-state distributor" means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent.

(cc) "Food animals" means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the sole purpose of being consumed as food by other animals.

(dd) "Adequate veterinary medical care" means:

(1) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year;

(2) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal, and such veterinary care shall be documented and maintained on the premises; and

(3) all documentation required by subsections (dd)(1) and (dd)(2) shall be made available to the commissioner or the commissioner's authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

(4) As used in the Kansas pet animal act, "adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.

(ee) "Ratites" means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.

(ff) "Retail breeder" means any person who operates a retail breeder premises.

(gg) "Retail breeder premises" means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

(hh) "Retail" means any transaction where the animal is sold to the final consumer.

(ii) "Wholesale" means any transaction where the animal is sold for the purpose of resale to another.

History: L. 1972, ch. 201, § 1; L. 1974, ch. 226, § 1; L. 1980, ch. 157, § 2; L. 1988, ch. 189, § 1; L. 1991, ch. 152, § 22; L. 1995, ch. 244, § 5; L. 1996, ch. 151, § 6; July 1; L. 2012, ch. 125, § 25; July 1.

K.S.A. 47-1702. Animal distributor license. It shall be unlawful for any person to act as or be an animal distributor unless such person has obtained from the commissioner an animal distributor license for each animal distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

History: L. 1972, ch. 201, § 2; L. 1980, ch. 156, § 7; L. 1986, ch. 197, § 6; L. 1988, ch. 189, § 2; L. 1996, ch. 151, § 7; July 1.

K.S.A. 47-1703. Pet shop operator license. It shall be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. **History:** L. 1972, ch. 201, § 3; L. 1988, ch. 189, § 3; L. 1996, ch. 151, § 8; July 1.

K.S.A. 47-1704. Pound or animal shelter license. It shall be unlawful for any person to operate a pound or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian's clinic, unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

History: L. 1972, ch. 201, § 4; L. 1988, ch. 189, § 4; L. 1991, ch. 152, § 28; L. 1995, ch. 244, § 6; L. 1996, ch. 151, § 9; July 1.

K.S.A. 47-1706. Refusal to issue or renew or suspension or revocation of license or permit; grounds; judicial review; seizure and disposition of animals, when. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for any one or more of the following reasons:

(1) Material misstatement in the application for the original license or permit, or in the application for any renewal of a license or permit;

(2) willful disregard of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, or any willful aiding or abetting of another in the violation of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder;

(3) permitting any license or permit issued hereunder to be used by an unlicensed or unpermitted person or transferred to unlicensed or unpermitted premises;

(4) the conviction of any crime relating to the theft of animals;

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or permittee;

(7) fraudulent bill of sale;

(8) the housing facility or the primary enclosure is inadequate;

(9) the feeding, watering, sanitizing and housing practices at the licensee's or permittee's premises are not consistent with the Kansas pet animal act or the rules and regulations adopted hereunder;

(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care; or

(11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and amendments thereto, to animals in such licensee or permittee's custody or care when access to such is requested by the commissioner or the commissioner's authorized representatives.

(b) The commissioner shall refuse to issue or renew and shall suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-4310, prior to its repeal, or subsections (a)(1) through (a)(5) of K.S.A. 2015 Supp. 21-6412, and amendments thereto.

(c) Any refusal to issue or renew a license or permit, and any suspension or revocation of a license or permit, under this section shall be issued only after notice and opportunity for a hearing are provided in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(d) Notwithstanding subsection (c), nothing shall preclude the commissioner from issuing a quarantine order in accordance with K.S.A. 77-536, and amendments thereto, on any premises regulated under this act wherein the animals are found to be infected with a contagious or zoonotic disease which may infect animals or humans that may come into contact with or be exposed to such animals.

(e) Whenever the commissioner denies, suspends or revokes a license or permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or permit is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 2015 Supp. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or permit is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or permit is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

History: L. 1972, ch. 201, § 6; L. 1988, ch. 189, § 7; L. 1991, ch. 152, § 29; L. 1996, ch. 151, § 10; L. 2006, ch. 126, § 5; L. 2010, ch. 17, § 88; L. 2011, ch. 30 § 196; July 1; L. 2012, ch. 125, § 26; July 1.

K.S.A. 47-1706a. Bond to prevent disposition of animals seized or impounded; approval; additional bond; notice. (a) When an animal is seized or impounded pursuant to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the owner or person who was in possession of the animal at the time such animal was seized or impounded may post a cash or security bond as provided in this section which shall prevent the sale, placement or euthanasia of the animal. Such cash or security bond shall be in an amount sufficient to pay for the animal's care and keeping for a period of at least 30 days, commencing on the date which the animal was seized or impounded. Any such security bond or any security bond as provided in subsection (b) shall be approved by the Kansas department of agriculture division of animal health.

(b) Such bond shall be filed with the Kansas department of agriculture division of animal health and shall be posted on or before the date of the disposition hearing or within 10 days after the animal is seized or impounded, whichever is earlier. At the end of the time for which expenses are covered by the bond if the owner or person who was in possession of the animal at the time it was seized or impounded desires to prevent disposition of the animal, such owner or person shall post a new cash or security bond prior to the previous bond's expiration. At the end of the time for which expenses are covered by the bond, the animal may be sold, placed or euthanized.

(c) The authority seizing or impounding an animal shall give notice by delivering a copy of this section to a person residing on the property where the animal was seized or by posting a copy at the place where the animal was seized.

(d) Nothing in this section shall prevent the euthanasia at any time of an animal seized or impounded which is determined by a licensed veterinarian to be diseased or disabled beyond recovery for any useful purpose.

(e) This act is supplemental to and shall become a part of the Kansas pet animal act.

History: L. 2003, ch. 119, § 1; July 1; L. 2012, ch. 140, § 96; July 1.

K.S.A. 47-1707. Penalties for violations of act; judicial review; seizure and disposition of animals, when. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil penalty not exceeding $1,000 for each violation or require such person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the penalty or the educational course. If such person chooses the penalty, the commissioner shall establish the amount pursuant to the penalty provisions of this section. The educational course shall be administered by the commissioner in consultation with Kansas state university college of veterinary medicine.

(b) Any imposition of a civil penalty pursuant to this section shall be only upon notice and opportunity for a hearing in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or permitted under the Kansas pet animal act has failed to comply with or has violated any provision of the Kansas pet animal act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by section 223 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive

adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

History: L. 1972, ch. 201, § 7; L. 1988, ch. 189, § 8; L. 1991, ch. 152, § 30; L. 1996, ch. 151, § 11; L. 2005, ch. 190, § 2; L. 2010, ch. 17, § 89; L. 2011, ch. 30 § 197; July 1; L. 2012, ch. 125, § 27; July 1.

K.S.A. 47-1708. Judicial review of commissioner's actions. Any action of the commissioner pursuant to K.S.A. 47-1706 or 47-1707, and amendments thereto, is subject to review in accordance with the Kansas judicial review act.

History: L. 1972, ch. 201, § 8; L. 1986, ch. 318, § 71; L. 2010, ch. 17, § 90; July 1; L. 2012, ch. 125, § 28; July 1.

K.S.A. 47-1709. Inspections and investigations; confidentiality of complaints; records of inspections; training of inspectors and owners of pet animal facilities. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice need not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized, trained representatives shall make inspections of the premises of a person required to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person's license or permit.

(d) Any complaint filed with the commissioner shall be confidential and shall not be released to any person other than employees of the commissioner as necessary to carry out the duties of their employment.

(e) Any person making inspections under this section shall be trained by the commissioner in reasonable standards of animal care.

(f) The commissioner may request a licensed veterinarian to assist in any inspection or investigation made by the commissioner or the commissioner's authorized representative under this section.

(g) Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

(h) No person shall act as the commissioner's authorized representative for the purposes of making inspections and conducting investigations under this section if such person has a beneficial interest in a person required to be licensed or permitted pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

(i) Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

(j) The commissioner, in consultation with Kansas state university college of veterinary medicine, shall:

(1) Continue procedures to provide for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act and to allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and

(2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

(k) If the commissioner or the commissioner's authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.

History: L. 1972, ch. 201, § 9; L. 1988, ch. 189, § 9; L. 1991, ch. 152, § 31; L. 1996, ch. 151, § 12; L. 2005, ch. 190, § 3; July 1; L. 2012, ch. 125, § 29; July 1.

K.S.A. 47-1710. Release or disposition of animals from pound or animal shelter; use of proceeds from sale of animals. (a) An animal shall not be disposed of by an owner or operator of a pound or of an animal shelter as a pound until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, any owner or operator of such facility shall attempt to notify the owner or custodian of any animal maintained or impounded by such facility if such owner or custodian is known or reasonably ascertainable. Such an animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift animal to an animal shelter, or euthanized by a duly incorporated humane society or by a licensed veterinarian if it appears to an officer of such humane society or to such veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.

(b) After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal. Any pound releasing live animals to prospective owners shall comply with the provisions established in K.S.A. 47-1731, and amendments thereto. Any such proceeds derived from the sale or other disposition

of such animals shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

(c) After the expiration of the holding period established in subsection (a), the board of directors of any humane society operating an animal shelter as a pound, shall have ownership of such animal and shall determine the method of disposition of any animal. Any animal shelter releasing live animals to prospective owners shall comply with the provisions established in K.S.A. 47-1731, and amendments thereto. Any such proceeds derived from such sale or disposition shall be paid directly to the treasurer of the humane society and no part of such proceeds shall accrue to any individual.

History: L. 1972, ch. 201, § 10; L. 1977, ch. 116, § 5; L. 1995, ch. 244, § 7; L. 1996, ch. 151, § 13; L. 2000, ch. 31, § 1; July 1; L. 2012, ch. 125, § 30; July 1.

K.S.A. 47-1711. Dog warden; license as or employment by animal dealer or pet shop operator prohibited; record of taking custody and disposition. An animal control officer shall not be granted an animal distributor's, animal breeder's, retail breeder's, hobby breeder's or a pet shop operator's license. Each application for any such license shall include a statement that neither the applicant nor any of the applicant's employees is an animal control officer. An animal control officer, upon taking custody of any animal in the course of such officer's official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete information relating to the disposition of the animal shall be shown on the record and shall be added immediately following the disposition of the animal. Such records shall be made available to the commissioner or the commissioner's authorized representative upon request.

History: L. 1972, ch. 201, § 11; L. 1996, ch. 151, § 14; July 1; L. 2012, ch. 125, § 31; July 1.

K.S.A. 47-1712. Rules and regulations. (a) The commissioner is hereby authorized to adopt rules and regulations for licensees and permittees. Such rules and regulations shall include, but not be limited to, provisions relating to:

(1) Reasonable treatment of animals in the possession, custody or care of a licensee or permittee or being transported to or from licensed or permitted premises;

(2) a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease;

(3) identification of animals handled;

(4) primary enclosures;

(5) housing facilities;

(6) sanitation;

(7) euthanasia;

(8) ambient temperatures;

(9) feeding;

(10) watering;

(11) adequate veterinary medical care;

(12) inspections of licensed or permitted premises, investigations of complaints and training of persons conducting such inspections and investigations; and

(13) a requirement that each licensee or permittee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of the Kansas pet animal act.

(b) The commissioner shall only adopt as rules and regulations for United States department of agriculture licensed animal distributors and animal breeders, and animal distributor and animal breeder premises the rules and regulations promulgated by the secretary of the United States department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to the provisions of the United States public law 91-579 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare act.

(c) Notwithstanding any provision in subsection (b), the commissioner may adopt a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease.

History: L. 1972, ch. 201, § 12; L. 1988, ch. 189, § 10; L. 1991, ch. 152, § 32; L. 1995, ch. 244, § 8; L. 1996, ch. 151, § 15; July 1.

K.S.A. 47-1713. Prohibiting sale or gift of certain animals. The commissioner may prohibit the sale or gift of animals which constitute a hazard to human health or safety or to animal health or safety.

History: L. 1972, ch. 201, § 13; L. 1996, ch. 151, § 16; July 1.

K.S.A. 47-1715. Violation of act or rules and regulations; penalty; seizure and disposition of animals, when. (a) Any violation of or failure to comply with any provision of the Kansas pet animal act, or any rule and regulation adopted hereunder, shall constitute a class A nonperson misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(b) Upon a conviction of a person for any violation of the Kansas pet animal act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 2015 Supp. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

History: L. 1972, ch. 201, § 15; L. 1988, ch. 189, § 11; L. 1991, ch. 152, § 33; L. 1996, ch. 151, § 17; L. 2011, ch. 30 § 198; July 1.

K.S.A. 47-1717. Invalidity of part. If any provision of this act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of the act, and the application of any such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

History: L. 1972, ch. 201, § 17; July 1.

K.S.A. 47-1718. Euthanasia, approved methods. (a) No animal shall be euthanized by any animal control officer, licensee, permittee, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except through the most current, approved euthanasia methods established by the American veterinary medical

association panel on euthanasia. The commissioner shall promulgate rules and regulations by December 31, 2015, regarding acceptable methods of euthanasia. Such acceptable methods may be more stringent than those established by the American veterinary medical association.

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1980, ch. 157, § 3; L. 1996, ch. 151, § 18; July 1; L. 2015, ch. 61, § 9; July 1.

K.S.A. 47-1719. Hobby breeder license. (a) It shall be unlawful for any person to act as or be a hobby breeder unless such person has obtained from the commissioner a hobby breeder license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 *et seq.* and amendments thereto.

History: L. 1988, ch. 189, § 5; L. 1996, ch. 151, § 19; July 1.

K.S.A. 47-1720. Research facility license. (a) It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 *et seq.* and amendments thereto.

History: L. 1988, ch. 189, § 6; L. 1996, ch. 151, § 20; July 1.

K.S.A. 47-1721. License and permit fees; costs of inspection; disposition of moneys. (a) Each application for issuance or renewal of a license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

(1) Except as provided in paragraph (5) or (6), for a license for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), an amount not to exceed $200;

(2) except as provided in paragraph (5) or (6), for a license for any other premises, an amount not to exceed $405;

(3) for a temporary closing permit, an amount not to exceed $95;

(4) for an out-of-state distributor permit, an amount not to exceed $675;

(5) for a hobby breeder license or a kennel operator license an amount not to exceed $95;

(6) for a license for an animal shelter or a pound, an amount not to exceed $300; and

(7) a late fee of $70 shall be assessed to any person whose permit or license renewal is more than 45 days' late.

(b) The commissioner shall determine annually the amount necessary to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto, for the next ensuing fiscal year and shall fix by rules and regulations the license and permit fees for such year at the amount necessary for that purpose, subject to the limitations of this section. In fixing such fees, the commissioner may establish categories of licenses and permits, based upon the type of license or permit, size of the licensed or permitted business or activity and the premises where such business or activity is conducted, and may establish different fees for each such category. The fees in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided by this subsection.

(c) If a licensee, permittee or applicant for a license or permit requests an inspection of the premises of such licensee, permittee or applicant, the commissioner shall assess the costs of such inspection, as established by rules and regulations of the commissioner, to such licensee, permittee or applicant.

(d) No fee or assessment required pursuant to this section shall be refundable.

(e) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal dealers fee fund, which is hereby created in the state treasury. Moneys in the animal dealers fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal dealers fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Kansas animal health commissioner or the commissioner's designee.

(f) Premises required to be licensed under the Kansas pet animal act shall not be required to pay for more than one license. If more than one operation is ongoing at the premises, each operation shall comply with the applicable statutes and rules and regulations pertaining to such operation.

(g) Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for a premises which has been doing business but is not licensed or permitted. If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.

(h) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

History: L. 1988, ch. 189, § 12; L. 1991, ch. 152, § 23; L. 1996, ch. 151, § 21; L. 2001, ch. 5, § 172; L. 2005, ch. 190, § 1; July 1; L. 2012, ch. 140, § 98; July 1.

K.S.A. 47-1723. Kennel operator license. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 *et seq.*, and amendments thereto.

History: L. 1991, ch. 152, § 21; L. 1996, ch. 151, § 22; July 1; L. 2012, ch. 125, § 32; July 1.

K.S.A. 47-1724. Unlawful to purchase from person not licensed or permitted. (a) It shall be unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from a person required to be licensed or permitted under public law 91-579, 7 U.S.C. § 2131 *et seq.*, or K.S.A. 47-1701 *et seq.*, and amendments thereto, or both, if that person is not so licensed or permitted.

(b) It shall be unlawful for licensees to knowingly sell to out-of-state distributors, animal distributors or pet shops operating within the state who are not permitted or licensed in accordance with the Kansas pet animal act.

History: L. 1991, ch. 152, § 24; L. 1996, ch. 151, § 23; July 1.

K.S.A. 47-1725. Kansas pet animal advisory board; duties and powers. (a) There is hereby created the Kansas pet animal advisory board, consisting of 10 members. Members shall be appointed by the governor as follows:

(1) One member shall be a representative of a licensed animal shelter or pound;

(2) one member shall be an employee of a licensed research facility;

(3) one member shall be a licensed animal breeder;

(4) one member shall be a licensed retail breeder;

(5) one member shall be a licensed pet shop operator;

(6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas veterinary medical association;

(7) one member shall be a private citizen with no link to the industry;

(8) one member shall be a licensed animal distributor;

(9) one member shall be a licensed hobby breeder; and

(10) one member shall be a licensed boarding or training kennel operator.

(b) Each member shall be appointed for a term of three years and until a successor is appointed and qualified.

(c) A vacancy on the board of a member shall be filled for the unexpired term by appointment by the governor.

(d) The board shall meet at least once every calendar quarter regularly or at such other times as the chairperson or a majority of the board members determine. A majority of the members shall constitute a quorum for conducting board business.

(e) The members of the board shall annually elect a chairperson.

(f) The board shall have the following duties, authorities and powers:

(1) To advise the animal health commissioner on hiring a director to implement the Kansas pet animal act;

(2) to review the status of the Kansas pet animal act;

(3) to make recommendations on changes to the Kansas pet animal act; and

(4) to make recommendations concerning the rules and regulations for the Kansas pet animal act.

(g) Board members who are required to be licensed except retail breeders shall be affiliated with or a member of an organized pet animal association which is representative of the position such person will hold on the board.

History: L. 1991, ch. 152, § 25; L. 1996, ch. 151, § 24; July 1; L. 2012, ch. 125, § 33; July 1.

K.S.A. 47-1726. Citation and purpose of act. K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723 through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736 and amendments thereto, shall be known and may be cited as the Kansas pet animal act. This act shall license, permit and regulate the conditions of certain premises and facilities within the state of Kansas where animals are maintained, sold or offered or maintained for sale. The provisions of this act shall not apply to any farm, kennel or other premises registered with and inspected by the national greyhound association which is used solely for the purposes of breeding, maintaining, training or selling greyhound dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto. The commissioner shall have the authority to enter into agreements with the national greyhound association pertaining to the aforementioned greyhound premises. Notwithstanding any other provisions of this section, any agreements between the commissioner and the national greyhound association may contain terms allowing the commissioner to access records, complete inspections of such premises and other related matters.

History: L. 1991, ch. 152, § 26; L. 1996, ch. 151, § 25; July 1; L. 2012, ch. 125, § 34; July 1.

K.S.A. 47-1727. Injunctive relief to commissioner. Notwithstanding the existence or pursuit of any other remedy, when it appears to the commissioner that any person is violating any provisions of the Kansas pet animal act, the commissioner may bring an action in a court of competent jurisdiction or other process against such person to enjoin, restrain or prevent such person from continuing operation in violation of the Kansas pet animal act without regard to whether administrative proceedings have been or may be instituted or whether criminal proceedings may be or have been instituted.

History: L. 1991, ch. 152, § 27; L. 1996, ch. 151, § 26; July 1; L. 2012, ch. 125, § 35; July 1.

K.S.A. 47-1731. Dogs and cats; spaying or neutering required, when. (a) No dog or cat may be transferred to the permanent custody of a prospective owner by a pound or animal shelter, as defined by K.S.A. 47-1701 and amendments thereto, or by a humane society, unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or

(2) the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the pound or animal shelter funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the pound or animal shelter shall keep the deposit and may reclaim the unspayed or unneutered animal.

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound or animal shelter unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program and as part of the curriculum under the direct supervision of a licensed veterinarian. Students shall only spay or neuter any dog or cat that belongs to the point or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member or the public. No pound or animal shelter shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such pound or animal shelter. Any premises located in the state of Kansas where the spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners.

(c) With the written approval of the animal health commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the pound or shelter can prove to the commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.

(d) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner within the holding period established in K.S.A. 47-1710, and amendments thereto.

(e) The animal health commissioner shall promulgate rules and regulations as may be necessary to carry out the provisions of this section.

History: L. 1988, ch. 185, § 1; L. 1993, ch. 59, § 1; L. 1995, ch. 244, § 9; L. 1996, ch. 151, § 27; L. 2000, ch. 31, § 2; L. 2011, ch. 68 § 2; July 1; L. 2012, ch. 140, § 100; July 1.

K.S.A. 47-1732. Temporary closing permit; application; effective date; renewal. (a) Any licensee or permit holder required to be licensed or obtain a permit under the Kansas pet animal act, who is in the process of ceasing to do business on July 1, may be issued a temporary closing permit at the discretion of the commissioner.

(b) Application for such permit shall be made in writing on a form provided by the commissioner.

(c) The permit will be effective for 30 days. During the 30-day period, the licensee or permit holder shall be required to comply with the Kansas pet animal act and all rules and regulations adopted thereunder. By accepting such permit, the licensee or permit holder agrees to allow an inspection of the facility at the end of the 30-day period to certify that the operation has ceased business. The licensee or permit holder shall provide records as to the disposition of the animals to the commissioner upon request.

(d) The permit may be renewed, at the discretion of the commissioner, for an additional 30-day period.

(e) This section shall be part of and supplemental to the Kansas pet animal act.

History: L. 1996, ch. 151, § 1; July 1.

K.S.A. 47-1733. Animal breeder license. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

History: L. 1996, ch. 151, § 2; July 1.

K.S.A. 47-1734. Out-of-state distributor permit. (a) It shall be unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, within the state of Kansas unless such person has obtained from the commissioner an out-of-state distributor permit. Application for each such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

History: L. 1996, ch. 151, § 3; July 1.

K.S.A. 47-1735. Unlawful to interfere with a representative of the animal health department. (a) A licensee, permittee or applicant for a license or permit shall not interfere with, hinder, threaten or abuse, including verbal abuse, any representative or employee of the animal health department who is carrying out such representative's or employee's duties under the provisions of the Kansas pet animal act.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

History: L. 1996, ch. 151, § 4; July 1; L. 2012, ch. 140, § 101; July 1.

K.S.A. 47-1736. Retail breeder license. (a) It shall be unlawful for any person to act as or be a retail breeder unless such person has obtained from the commissioner a retail breeder license for each retail breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

History: L. 1996, ch. 151, § 5; July 1.

K.S.A. 47-1737. Severability clause. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

History: L. 1996, ch. 151, § 28; July 1.

MISCELLANEOUS

ARTICLE 18

K.S.A. 47-1801. Payment for livestock purchased for slaughter; definitions. As used in K.S.A. 47-1801 through 47-1803, amendments thereto, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Livestock" means cattle, hogs, sheep, goats, bison, camelids, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas or domesticated deer;

(b) "slaughter" means killing livestock with the intent to process and distribute the meat and by-products of such livestock, regardless of the period of time elapsing between the purchase and the killing of such livestock;

(c) "person" means any individual, firm, partnership, corporation or other organization or business entity;

(d) "payment by check" means the actual delivery of the check to the seller or the seller's representative at the location where the transfer of ownership is accomplished. In the case of "grade and yield" selling, "payment by check" means making the check available at the packing plant, subject to the instructions of the seller or the seller's representative;

(e) "wire transfer" means any telephonic, telegraphic, electronic or similar communication between the bank of the purchaser and the bank of the seller which results in the transfer of funds or credits of the purchaser to an account of the seller.

(f) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

History: L. 1975, ch. 279, § 1; L. 1993, ch. 143, § 7; L. 1994, ch. 79, § 7; July 1; L. 2012, ch. 125, § 36; July 1.

K.S.A. 47-1802. Same; unlawful acts; payment by check, requirements; penalty. (a) Unless otherwise agreed to in writing between the owner and the purchaser or their respective agent or representative for each transaction, it shall be unlawful for any person who purchases livestock for slaughter, whether acting individually or as an agent or representative of another, to fail or refuse to make payment by check or wire transfer of funds to the owner of such livestock, owner's representative, agent or assignee, for such livestock on the business day within which the ownership of said livestock is transferred within the state of Kansas, except that if the transfer of ownership is accomplished after normal banking hours said payment shall be made in the manner herein provided not later than the close of the first business day following the transfer of ownership. For the purposes of this section, where livestock is sold and purchased

on a "grade and yield" basis, the transfer of ownership shall be deemed to have occurred on the day when the grade and yield is determined.

(b) Whenever payment for livestock purchased for slaughter is made by check, such check shall be drawn on a banking institution within the same federal reserve district in which the transaction takes place, unless otherwise agreed to in writing between the owner and the purchaser or their respective agent or representative.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor.

History: L. 1975, ch. 279, § 2; July 1.

K.S.A. 47-1803. Disposition of injured or diseased animals. (a) Any public health officer, officer or agent of a duly incorporated humane society, animal shelter or other appropriate facility, licensed veterinarian or police officer may take charge of any livestock or other domestic animal found injured or diseased upon public property. Such animal may be transported to a licensed veterinarian or a duly incorporated humane society, animal shelter or other appropriate facility for treatment, or, if such animal is injured or diseased beyond recovery or appears likely to injure any person or property, such animal may be killed in a humane manner by any such officer or agent.

(b) Any public health officer, officer or agent of a duly incorporated humane society, animal shelter or other appropriate facility, licensed veterinarian or police officer may take charge of any livestock or other domestic animal found injured or diseased upon private property if such animal appears likely to injure any person or property. The disposition of such animal shall be as provided in subsection (a) of this section.

(c) Unless any such animal's death appears to be imminent by reason of its disease or disability, or such animal is likely to injure any person or property, no such animal may be killed under the provisions of this section unless its owner cannot be located within twenty-four (24) hours.

History: L. 1975, ch. 280, § 1; July 1.

K.S.A. 47-1804. Registration of livestock dealers; definitions. As used in K.S.A. 47-1804 through 47-1808, amendments thereto, unless the context otherwise requires:

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(b) "Livestock" means cattle, bison, swine, horses, sheep, goats, camelids and all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas and domesticated deer.

(c) "Livestock dealer" means any person engaged in the business of buying or selling livestock in commerce, either on that person's own account or as the employee or agent of the seller or purchaser, or any person engaged in the business of buying or selling livestock in commerce on a commission basis and shall include any person who buys or sells livestock with the use of a video. "Livestock dealer" does not include any person who buys or sells livestock as part of that person's own breeding, feeding or dairy operation, nor any person who receives livestock exclusively for immediate slaughter.

(d) "Person" means any individual, partnership, corporation, company, firm or association. "Person" does not include any public livestock market operator licensed under K.S.A. 47-1001 *et seq.*, and amendments thereto, or any feedlot operator licensed under K.S.A. 47-1501 *et seq.*, and amendments thereto.

(e) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for:

(1) Breeding stock;

(2) any carcass, skin or part of such animal;

(3) exhibition; or

(4) companionship.

History: L. 1984, ch. 194, § 1; L. 1990, ch. 193, § 2; L. 1993, ch. 143, § 8; L. 1994, ch. 79, § 8; July 1; L. 2012, ch. 125, § 37; July 1; L. 2013, ch. 133, § 21; July 1.

K.S.A. 47-1805. Livestock dealer; registration; fees; disposition of moneys. (a) Any person operating as a livestock dealer in Kansas shall register with the Kansas department of agriculture division of animal health. Registration shall be made on an application form approved by the animal health commissioner. The application shall be accompanied by the livestock dealer registration fee or renewal fee fixed by the commissioner under subsection (b). If an application for registration or renewal of registration is denied by the commissioner or withdrawn by the applicant, the fee shall not be refunded. Unless renewed under this section, each registration shall expire on the June 30 following the date of issuance.

(b) The animal health commissioner shall determine annually the amount of funds which will be required for the administration and enforcement of this section and K.S.A. 47-1806, and amendments thereto, and shall fix and adjust from time to time a livestock dealer registration fee and a renewal fee in such reasonable amounts as may be necessary for such purposes, except that in no case shall either the livestock dealer registration fee or the renewal fee exceed $75.

(c) The animal health commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

History: L. 1984, ch. 194, § 2; L. 1986, ch. 197, § 7; L. 1991, ch. 152, § 20; L. 2001, ch. 5, § 173; July 1; L. 2012, ch. 140, § 103; July 1.

K.S.A. 47-1806. Livestock dealer; records and accounts; denial of application or suspension or revocation of registration, hearings. (a) Each livestock dealer shall keep records and accounts of all livestock purchased for resale that are sufficient to enable the commissioner to trace individual animals back to the herd of origin, to the point of destination or both. These records and accounts shall be kept for a minimum of two years after livestock were purchased for resale. The commissioner or the commissioner's employees or agents may examine the records and accounts during normal working hours.

(b) After notice and hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner may deny any application for registration or suspend or revoke any registration in force, if formal findings are made that the person has failed repeatedly to maintain records and accounts that are sufficient to allow the commissioner to trace animals back to the herd of origin, to the point of destination or both.

History: L. 1984, ch. 194, § 3; L. 1988, ch. 356, § 160; July 1, 1989.

K.S.A. 47-1807. Penalties. Any person violating or failing to comply with the provisions of K.S.A. 47-1804 through 47-1808, and amendments thereto, shall be deemed guilty of a class A misdemeanor.

(b) The commissioner, after providing notice and opportunity for a hearing in accordance with the Kansas administrative procedure act, may assess a civil penalty against any person who violates or fails to comply with the requirements of this act, or any rules and regulations adopted hereunder, of not less than $100 nor more than $1,000

per violation. A separate civil penalty may be assessed for each separate violation. Such civil penalty may be assessed in addition to any other penalty provided by law.

History: L. 1984, ch. 194, § 4; L. 1990, ch. 193, § 3; July 1; L. 2012, ch. 125, § 38; July 1.

K.S.A. 47-1808. Bonding of livestock dealers; exceptions; amount of bond; who bond benefits; additional bond may be required; attorney fees assessed as costs in certain actions; penalties. (a) Except if bonded under the packers and stockyards act, 1921, as amended and supplemented, 7 U.S.C. 181 et seq., every livestock dealer required to be registered pursuant to K.S.A. 47-1805, and amendments thereto, upon notification by the animal health commissioner of the amount of bond required, shall file with the animal health commissioner a bond with good corporate surety qualified under the laws of the state of Kansas in a sum computed by dividing the dollar value of livestock sold during the preceding business year, or the substantial part of that business year, in which the livestock dealer did business, by the actual number of days on which livestock was sold. The divisor, the number of days on which livestock was sold, shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10% of the excess over $75,000, raised to the next $5,000 multiple. In cases where a business operation is being commenced, an estimated amount of business to be transacted during the next 12 months may be used subject to adjustment later, if indicated. In no event shall the bond be for an amount less than $10,000.

(b) The bond shall be in favor of the state of Kansas for the benefit of all persons interested, their legal representatives, attorneys or assigns and shall be conditioned on the faithful performance of all the registrant's duties as a livestock dealer. Any person injured by the breach of any obligation of the livestock dealer may commence suit on the bond in any court of competent jurisdiction to recover damages that the person has sustained, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on the bond. No bond shall be canceled by the surety on less than 30 days' notice by mail to the animal health commissioner and the principal except that no such notice shall be required for cancellation of any bond by reason of nonpayment of the premium thereon. The liability of the surety on the bond may continue for each successive registration period the bond covers. The total liability of the surety shall be limited to the amount stated on the current bond or on an appropriate rider or endorsement to the current bond. It is the intent of this statute that the bonds be nonaccumulative, that stacking of bonds not occur in excess of the face value of the current bond.

(c) Whenever the animal health commissioner determines that any bond given by any livestock dealer is inadequate and insufficient security against any loss that might arise under the terms of the bond, the animal health commissioner shall require any additional bond that the animal health commissioner considers necessary to provide adequate security. If the animal health commissioner considers the financial condition of the surety upon any livestock dealer and the livestock dealer's bond to be impaired, the animal health commissioner shall require any substituted or additional bond that the animal health commissioner considers necessary except this act shall not apply to those who buy livestock for others incidentally to their own farming operation.

(d) In all actions hereafter commenced in which judgment is rendered against any surety company on any surety bond furnished under the provisions of this section, if it appears from the evidence that the surety company has refused without just cause to pay the loss upon demand, the court shall allow the plaintiff a reasonable sum as attorney fees to be recovered and collected as a part of the costs. When a tender is made by the surety company before the commencement of the action in which judgment is rendered and the amount recovered is not in excess of the tender, no such costs shall be allowed.

(e) Any person violating or failing to comply with the provisions of this section shall be deemed guilty of a class A misdemeanor.

(f) This section shall be part of and supplemental to article 18 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1990, ch. 193, § 1; July 1; L. 2012, ch. 140, § 104; July 1.

K.S.A. 47-1809. Feral swine; prohibited acts related to such swine; penalties; appeals; destruction of such swine; duties of animal health commissioner. (a) As used in this section, "feral swine" means any untamed or undomesticated hog, boar or pig; swine whose reversion from the domesticated state to the wild state is apparent; or an otherwise freely roaming swine having no visible tags, markings or characteristics indicating that such swine is from a domestic herd, and reasonable inquiry within the area does not identify an owner. Feral swine includes members of the species sus scrofa lineas, including, but not limited to, swine commonly known as old world swine, Russian wild boar, European wild boar, Eurasian wild boar and razorbacks. Feral swine does not include members of the species sus domestica which are involved in domestic hog production.

(b) No person shall import, transport or possess live feral swine in this state.

(c) No person shall intentionally or knowingly release any hog, boar, pig or swine to live in a wild or feral state upon public or private land.

(d) No person shall engage in, sponsor, or assist in the operation of a contained hunting preserve of swine, whether such swine are feral or otherwise, within this state. For the purposes of this subsection, any tract of land on which a fence or other apparatus is used to prevent the free roaming of swine which are to be hunted and not used solely for domestic swine production shall be deemed to be a contained hunting preserve.

(e) No person shall engage in, sponsor, instigate, assist or profit from the release, killing, wounding or attempted killing or wounding of feral swine for the purpose of sport, pleasure, amusement or production of a trophy.

(f) Violation of subsection (b), (c) or (d) may result in a civil penalty in the amount of not less than $1,000 nor more than $5,000 for each such violation. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(g) Violation of subsection (e) may result in a civil penalty of not less than $250 nor more than $2,500 for each such violation.

(h) Any duly authorized agent of the animal health commissioner, upon a finding that any person, or agent or employee thereof, has violated any of the provisions stated above, may impose a civil penalty upon such person as provided in this section.

(i) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the animal health commissioner to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to request a hearing in the matter. Any such person, within 20 days after notification, may make written request to the commissioner for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(j) Any person aggrieved by an order of the commissioner made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(k) Any civil penalty recovered pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(l) The animal health commissioner of the Kansas department of agriculture, or the authorized representative of the animal health commissioner, may destroy or require the destruction of any feral swine upon discovery of such swine.

(m) The provisions of this section shall not be construed to prevent owners or legal occupants of land, the employees of such owners or legal occupants or persons designated by such owners or legal occupants from killing any feral swine when found on their premises or when destroying property. Such designees shall have a permit issued by the animal health commissioner in their possession at the time of the killing of the feral swine.

(n) The animal health commissioner may adopt rules and regulations to carry out the provisions of this section.

History: L. 1995, ch. 244, § 1; L. 2000, ch. 121, § 2; L. 2001, ch. 5, § 174; L. 2006, ch. 114, § 1; L. 2010, ch. 17, § 91; July 1; L. 2012, ch. 125, § 39; July 1.

47-1825. Short title. The provisions of K.S.A. 47-1825 through 47-1828, and amendments thereto, shall be known and may be cited as the farm animal and field crop and research facilities protection act.

History: L. 1990, ch. 192, § 1; L. 2001, ch. 90, § 1; July 1; L. 2012, ch. 125, § 40; July 1.

K.S.A. 47-1826. Definitions. As used in the farm animal and field crop and research facilities protection act:

(a) "Animal" means any warm or coldblooded animal used in food, fur or fiber production, agriculture, research, testing or education and includes dogs, cats, poultry, fish and invertebrates.

(b) "Animal facility" includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Consent" means assent in fact, whether express or apparent.

(d) "Deprive" means to:

(1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

(2) restore the animal or other property only upon payment of reward or other compensation; or

(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(e) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(1) Induced by force, fraud, deception, duress or threat;

(2) given by a person the offender knows is not legally authorized to act for the owner; or

(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

(f) "Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

(g) "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest or other legal entity.

(h) "Possession" means actual care, custody, control or management.

(i) "Research facility" means any place, laboratory, institution, medical care facility, elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal or field crop product is carried out, conducted or attempted.

History: L. 1990, ch. 192, § 2; L. 2001, ch. 90, § 2; July 1; L. 2012, ch. 125, § 41; July 1.

K.S.A. 47-1827. Prohibited acts; criminal penalties. (a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.

(b) No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property and to damage the enterprise conducted at the animal facility.

(c) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:

(1) Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

(2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility;

(3) enter an animal facility and commit or attempt to commit an act prohibited by this section; or

(4) enter an animal facility to take pictures by photograph, video camera or by any other means.

(d) (1) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:

(A) Had notice that the entry was forbidden; or

(B) received notice to depart but failed to do so.

(2) For purposes of this subsection (d), "notice" means:

(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(g) (1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of $25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least $1,000 but less than $25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than $1,000 or is of the value of $1,000 or more and is damaged to the extent of less than $1,000.

(2) Violation of subsection (b) is a severity level 10, nonperson felony.

(3) Violation of subsection (c) is a class A, nonperson misdemeanor.

(4) Violation of subsection (d) or (f) is a class B nonperson misdemeanor.

(h) The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.

History: L. 1990, ch. 1092, § 3; L. 2001, ch. 90, § 3; L. 2006, ch. 194, § 32; May 25.

K.S.A. 47-1828. Recovery of damages. (a) Any person who has been damaged by reason of a violation of K.S.A. 47-1827, and amendments thereto may bring an action in the district court against the person causing the damage to recover:

(1) An amount equal to three times all actual and consequential damages. Actual and consequential damages shall include the damages involving production, research, testing, replacement and crop or animal development costs directly related to the field crop or animal that has been damaged or destroyed; and

(2) court costs and reasonable attorney fees.

(b) Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of K.S.A. 47-1827, and amendments thereto.

History: L. 1990, ch. 192, § 4; L. 2001, ch. 90, § 4; July 1.

K.S.A. 47-1831. Animal health commissioner authorized to register original veterinary certificates and provide official calfhood vaccination tags. (a) The animal health commissioner is hereby authorized to:

(1) Register original veterinary certificates of inspection for livestock, as defined in K.S.A. 47-1001, and amendments thereto; and

(2) provide official calfhood vaccination tags. Such tags shall not exceed $.25 for each tag.

(b) The commissioner shall determine annually tag fee and shall fix such fee by rules and regulations.

(c) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

History: L. 1991, ch. 152, § 1; L. 2001, ch. 5, § 175; July 1; L. 2012, ch. 140, § 106; July 1.

K.S.A. 47-1832. Animal health commissioner to establish rules and regulations on farm and exotic animals. The animal health commissioner is hereby authorized to establish rules and regulations on disease control programs for and on the sale and importation into Kansas of farm animals and exotic animals. As used in this section "farm animals" and "exotic animal" means the definitions given by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. § 2131 *et seq.*

History: L. 1991, ch. 152, § 2; L. 1993, ch. 143, § 12; July 1; L. 2012, ch. 140, § 107; July 1.

K.S.A. 47-1833. Chronic wasting disease tests; results reported to animal health commissioner. (a) All tests for chronic wasting disease must be conducted in laboratories in a method approved by the animal plant health inspection service of the United States department of agriculture.

(b) All results of testing for chronic wasting disease shall be reported to the animal health commissioner.

History: L. 2013, ch. 90, § 2; July 1.

AQUACULTURE

ARTICLE 19

K.S.A. 47-1901. Definition. As used in this act, "aquaculture" means the controlled cultivation and harvest of aquatic plants and animals.

History: L. 1992, ch. 102, § 1; July 1.

K.S.A. 47-1902. State aquaculture plan. (a) The Kansas department of agriculture shall be the official lead agency to coordinate aquaculture activities in the state and shall be responsible for the implementation of a state aquaculture plan.

(b) The secretary of agriculture shall, in regard to the aquaculture industry, have the following duties, authorities and powers to:

(1) Work with the respective regulatory and resource agencies to delineate individual agency responsibilities and activities in aquaculture research, regulation, service, and development;

(2) serve as an advocate for the industry and assist in promoting and marketing aquaculture products. The secretary shall provide market development assistance in conjunction with the industry and shall facilitate improved communication and interaction among aquaculture producers, governmental agencies, both federal and state, and with national organizations representing aquaculture interests;

(3) coordinate the development of aquaculture literature for the general public and fish growers, and act as a central clearinghouse for the transfer of information;

(4) provide guidance for aquaculture research and development;

(5) assist in the development and conducting of educational seminars, workshops, short courses, and other programs on aquaculture;

(6) accept grants and donations; and

(7) promulgate and adopt rules and regulations for the administration of this act.

(c) In implementing the provisions of this section, aquaculture and aquaculture products shall be deemed to be agricultural products as that term is used in K.S.A. 74-530, and amendments thereto. In addition, the secretary of agriculture may use any power and authority granted under K.S.A. 74-530, and amendments thereto, in the implementation of this act.

History: L. 1992, ch. 102, § 10; L. 2004, ch. 101, § 81; L. 2006, ch. 16, § 1; July 1.

K.S.A. 47-1905. Aquaculture fund. (a) There is hereby created in the state treasury the aquaculture fund. Such fund shall be used to receive and expend donations and grants to fund research in aquaculture and to promote and market aquaculture and aquaculture products in the state of Kansas.

(b) All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary.

History: L. 1992, ch. 102, § 13; L. 1993, ch. 53, § 2; L. 2004, ch. 101, § 84; July 1.

KANSAS SHEEP COUNCIL

ARTICLE 20

K.S.A. 47-2001. Definitions. As used in this act:

(a) "Council" means the Kansas sheep council.

(b) "Purchaser" means any person, public or private corporation, association or partnership who buys sheep or wool from the seller or acts as an agent for the sale or slaughter transaction.

(c) "Producer" means a person who is actively engaged within this state in the business of producing or marketing sheep or wool and who receives income from the production of sheep or wool.

(d) "Sale" or "sold" means a transaction in which the property in or to sheep or wool is transferred from the seller to a purchaser for full or partial consideration.

(e) "Secretary" means the secretary of agriculture.

(f) "Sheep" means an animal of the ovine species, produced, fed, slaughtered or marketed in this state.

(g) "Wool" means the natural fiber produced by sheep.

(h) "Seller" means any private entity or corporation that sells sheep or wool.

History: L. 1992, ch. 275, § 1; L. 2004, ch. 101, § 85; July 1.

K.S.A. 47-2002. Kansas sheep council; members, officers, compensation. (a) There is hereby created the Kansas sheep council.

(b) The council shall consist of seven members who will be elected at the annual meeting of the Kansas sheep association. The board of directors of the Kansas sheep association shall act as interim council members until council members can be elected and qualified. Vacancies which may occur shall be filled for unexpired terms by the board of directors of the Kansas sheep association from among the producers of the state. Each council member appointed on and after the effective date of this act, other than a council member appointed to fill a vacancy for an unexpired term, shall be elected for a term of four years except that three of the council members first elected on and after the effective date of this act shall be elected for a term of two years. No member may serve more than one consecutive term. Upon the expiration of a term of a member of the council, such member shall continue to serve as a member of the council until a successor to such member is elected and qualified.

(c) Members of the council shall be residents of this state and have been an active producer in this state for at least five years immediately preceding their appointment. Of such members, two members shall be lamb feeders, two members shall have ewe flocks, one member shall produce purebred sheep and two members shall be from producers at large. The selections shall be made from nominations for each respective position by each respective producer group. The elections will be held at an open session to all sheep producers at the annual meeting of the Kansas sheep association.

(d) The dean of the college of agriculture of Kansas state university or the dean's representative and the secretary or the secretary's designee shall serve as ex officio nonvoting members of the board.

(e) The council shall annually elect a chairperson from its membership.

(f) A member of the council may cease to hold such member's position on the council for any of the following reasons, at the discretion of a majority of the council, upon resolution duly adopted by the council dismissing such member:

(1) Failure to attend two or more regular meetings of the council; or

(2) ceasing to be a producer.

(g) Members of the Kansas sheep council attending meetings of such council, or attending a subcommittee meeting authorized by such council, shall be paid compensation and other expenses.

(h) The council shall meet at least once every calendar quarter regularly and hold an annual meeting which shall be open to the public. The day, time and place of each meeting shall be determined by the council. The chairperson or any three members of the council may call special meetings of the council upon such notice as may be prescribed by the duly adopted rules and regulations of the council.

History: L. 1992, ch. 275, § 2; July 1.

K.S.A. 47-2003. Same; powers and duties. In the administration of this act, the council shall have the following duties, authorities and powers:

(a) To conduct a campaign of market development, through research, education and promotion;

(b) to find new markets for sheep and wool, or their products;

(c) to accept grants and donations;

(d) to sue and be sued;

(e) to enter into such contracts as may be necessary or advisable for the purpose of this act;

(f) to appoint an administrator who is knowledgeable about the sheep industry and fix the compensation. With the approval of the council, the administrator may appoint such other personnel as is needed;

(g) to cooperate or contract with any local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the council, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and promotion;

(h) to establish an office of the administrator at any place in this state the council may select;

(i) to adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules and regulations for the procedure and exercise of its powers and the performance of its duties; and

(j) to approve an annual budget and establish a reserve. Each market research project budgeted and approved by the council shall include a stated objective and anticipated results. In the council's annual report to the industry, the council shall include those objectives and actual results.

History: L. 1992, ch. 275, § 3; July 1.

K.S.A. 47-2004. Assessment; receipts, refunds. (a) An assessment to be set by the council at not more than $.02 for each pound of wool produced and sold by a seller and not more than $.35 per head for each sale transaction or slaughter transaction for each sheep of all classes shall be imposed on the seller at the time of delivery of the wool or sheep to the purchaser who will deduct the assessment from the price paid to the seller at the time of sale. If the seller sells, ships, or otherwise disposes of wool or sheep to a purchaser or other person outside the state of Kansas, the seller shall deduct the assessment from the amount received from the sale. Any sheep owned less than 30 days or any sheep less than 30 days of age shall be exempt from such assessment.

(b) The council shall not change the assessment rate, either to increase or reduce, more than once a year. The administrator shall furnish to every purchaser receipt forms which shall be issued by such purchaser to the seller upon payment of such assessment. The form shall indicate thereon the procedure by which the seller may obtain a refund of any such assessment, except a refund shall not be issued unless the amount of the refund is $5 or more. Within one year after any and all sales during such period the seller, upon submission of a request therefor to the administrator, may obtain such refund in the amount of the assessment deducted by the purchaser. Such request shall be accompanied by evidence of the payment of the assessment which need not be verified.

(c) The council shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two years after the refund is made. All funds expended in the administration of this act and for the payment of all claims whatsoever growing out of the performance of any duties or activities pursuant to this act shall be paid from the proceeds derived from such act. In the case of a lien holder who is a first purchaser as defined herein, the assessment shall be deducted by the lien holder from the proceeds of the claim secured by such lien at the time the sheep or wool, or their products, is pledged or mortgaged. The assessment shall constitute a preferred lien and shall have priority over all other liens and encumbrances upon such sheep or wool, or their products. The assessment shall be deducted and paid as herein provided whether such sheep or wool, or their products, is in this or any other state.

History: L. 1992, ch. 275, § 4; July 1.

K.S.A. 47-2005. Collection and disbursement of assessment. (a) The council shall negotiate and contract with a person or persons to collect and disburse the assessments pursuant to this act.

(b) The assessment hereby imposed, on or before the 20th day of the calendar month following the date of settlement, shall be paid by the purchaser or seller who sells out of state to such person or persons. The person or persons shall issue a receipt to the purchaser or seller therefor and shall remit all moneys received in payment of such assessment to a bank account at least monthly.

(c) Each bank account for use in operating and conducting the council's duties shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218, and amendments thereto or if such bank account is in an institution outside the state of Kansas, the institution shall be licensed by a state or the federal government.

(d) All money collected pursuant to K.S.A. 47-2004 shall be expended in the administration of this act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in this act, and for no other purpose.

History: L. 1992, ch. 275, § 5; July 1.

K.S.A. 47-2006. Lien; foreclosure. If the assessment is not deducted and paid to the person or persons as provided in K.S.A. 47-2005, or within 10 days thereafter, such lien, within one year after the expiration of such 10-day period, may be foreclosed by action in any court having jurisdiction in the county in which such sheep or wool, or their products, was sold, or in which such sheep or wool, or their products, may be found, or in which such sheep or wool, or their products, shall have been commingled with other sheep or wool, or their products.

History: L. 1992, ch. 275, § 6; July 1.

K.S.A. 47-2007. Penalties. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $500 or by imprisonment in the county jail for not less than 30 nor more than 90 days, or by both such fine and imprisonment.

History: L. 1992, ch. 275, § 7; July 1.

DOMESTICATED DEER

ARTICLE 21

K.S.A. 47-2101. Raising domesticated deer; unlawful acts; permit; identification of deer; inspection of premises; communications with assistance from wildlife, parks and tourism; definitions. (a) It shall be unlawful for any person to possess domesticated deer unless such person has obtained from the animal health commissioner a domesticated deer permit. Application for such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on June 30 following the issuance date.

(b) Each application for issuance or renewal of a permit shall be accompanied by a fee of not more than $400 as established by the commissioner in rules and regulations.

(c) The animal health commissioner shall adopt any rules and regulations necessary to enforce the provisions of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, ensure compliance with federal requirements and protect domestic animals and wildlife from disease risks related to domestic deer production.

(d) Any person who fails to obtain a permit as prescribed in subsection (a) shall be deemed guilty of a class C nonperson misdemeanor and upon conviction shall be punished by a fine not exceeding $1,000. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(e) The commissioner may refuse to issue or renew or may suspend or revoke any permit for any one of the following reasons:

(1) Material misstatement in the application for the original permit or in the application for any renewal of a permit;

(2) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the theft of or cruelty to animals;

(3) substantial misrepresentation;

(4) the person who is issued a permit is found to be poaching or illegally obtaining deer; or

(5) the permit holder's willful disregard of any rule or regulation adopted under this section.

(f) Any refusal to issue or renew a permit and any suspension or revocation of a permit under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(g) Each domesticated deer, regardless of age, that enters a premises alive or leaves a premises alive or dead for any purpose, other than for direct movement to a licensed or registered slaughter facility in Kansas, shall have official identification, as prescribed by rules and regulations of the commissioner. Any person who receives a permit issued pursuant to subsection (a) shall keep records of such deer as required by rules and regulations adopted pursuant to this section.

(h)(1) The animal health commissioner or the commissioner's representative may inspect the premises and records of any person issued a domesticated deer permit, but shall not inspect such premises and records more than once each permit year, unless the commissioner has:

(A) Discovered a violation of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto; or

(B) received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.

(2) The commissioner or the commissioner's representatives may inspect unlicensed premises when the commissioner has reasonable grounds to believe that a person is violating the provisions of this section.

(i) The animal health commissioner, on an annual basis, shall transmit to the secretary of wildlife, parks and tourism a current list of persons issued a permit pursuant to this section. The department of agriculture may request assistance from the department of wildlife, parks and tourism to assist in implementing and enforcing article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

(j) All moneys received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

(k) As used in this section:

(1) "Deer" means any member of the family cervidae.

(2) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for:

(A) Breeding stock;

(B) any carcass, skin or part of such animal;

(C) exhibition; or

(D) companionship.

History: L. 1993, ch. 143, § 1; L. 2001, ch. 5, § 175; L. 2010, ch. 105, § 4; L. 2010, ch. 155, § 17; July 1; L. 2012, ch. 140, § 108; July 1; L. 2013, ch. 90, § 5; July 1; L. 2015, ch. 2, § 1; July 1.

K.S.A. 47-2102. Intentionally releasing domesticated deer; penalty. (a) It shall be unlawful for any person to intentionally release or set free domesticated deer from a confined area.

(b) Violation of this section is a class C nonperson misdemeanor.

History: L. 1993, ch. 143, § 2; July 1.

K.S.A. 47-2103. Raising domesticated deer; civil penalty. In addition to or in lieu of any other civil or criminal penalty provided by law, the animal health commissioner, upon a finding that a person has violated or failed to comply with any provision of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation adopted thereunder, may impose on such person a civil fine not exceeding $1,000 for each violation. Each day any provision of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation adopted pursuant thereto is violated shall constitute a separate offense.

History: L. 2013, ch. 90, § 1; July 1.

OSTRICHES

ARTICLE 22

K.S.A. 47-2201. Classifying ostriches, emus and rheas as livestock. All creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, are hereby classified as livestock and shall be subject to all appropriate laws and rules and regulations relating to livestock.

History: L. 1994, ch. 79, § 1; July 1.

KANSAS DAIRY COMMISSION

ARTICLE 23

K.S.A. 47-2301. Definitions. As used in this act:

(a) "Commission" means the Kansas dairy commission.

(b) "Purchaser" means any person, public or private corporation, association or partnership who buys fluid milk from the seller or acts as an agent for the sale transaction.

(c) "Producer" means a person who is actively engaged within this state in the business of producing fluid milk and who receives income from the production of fluid milk.

(d) "Sale" or "sold" means a transaction in which fluid milk is transferred from the seller to a purchaser for full or partial consideration.

(e) "Secretary" means the secretary of agriculture.

(f) "Seller" means any private entity or corporation that sells fluid milk.

History: L. 1995, ch. 89, § 1; L. 2004, ch. 101, § 86; July 1.

K.S.A. 47-2302. Kansas dairy commission; members, officers, compensation. (a) There is hereby created the Kansas dairy commission.

(b) The commission shall consist of seven members who will be elected at the annual meeting of the Kansas dairy association. The board of directors of the Kansas dairy association shall act as interim commission members until commission members can be elected and qualified. Vacancies which may occur shall be filled for unexpired terms by the board of directors of the Kansas dairy association from among the producers of the state. Each commission member appointed on and after the effective date of this act, other than a commission member appointed to fill a vacancy for an unexpired term, shall be elected for a term of four years except that three of the commission members first elected on and after the effective date of this act shall be elected for a term of two years. No member may serve more than two consecutive terms. Upon the expiration of a term of a member of the commission, such member shall continue to serve as a member of the commission until a successor to such member is elected and qualified.

(c) Members of the commission shall be residents of this state and currently be active producers. One member shall be elected from each of the dairy herd improvement association districts and the remaining members shall be

elected at large. The elections will be held at an open session to all dairy producers at the annual meeting of the Kansas dairy association.

(d) The dean of the college of agriculture of Kansas state university or the dean's representative and the secretary or the secretary's designee shall serve as ex officio nonvoting members of the commission.

(e) The commission shall annually elect a chairperson from its membership.

(f) A member of the commission may cease to hold such member's position on the commission for any of the following reasons, at the discretion of a majority of the commission, upon resolution duly adopted by the commission dismissing such member:

(1) Failure to attend two or more regular meetings of the commission, if unexcused; or

(2) ceasing to be a producer.

(g) Members of the Kansas dairy commission attending meetings of such commission, or attending a subcommittee meeting authorized by such commission, may be paid compensation and other expenses.

(h) The commission shall meet at least once every calendar quarter regularly and hold an annual meeting which shall be open to the public. The day, time and place of each meeting shall be determined by the commission. The chairperson or any three members of the commission may call special meetings of the commission upon such notice as may be prescribed by the duly adopted rules and regulations of the commission.

History: L. 1995, ch. 89, § 2; July 1.

K.S.A. 47-2303. Same; powers and duties. In the administration of this act, the commission shall have the following duties, authorities and powers:

(a) To conduct a campaign of dairy industry development, through research, education and information;

(b) to accept grants and donations;

(c) to sue and be sued;

(d) to enter into such contracts as may be necessary or advisable for the purpose of this act;

(e) to appoint an administrator who is knowledgeable about the dairy industry and fix the compensation. With the approval of the commission, the administrator may appoint such other personnel as is needed;

(f) to cooperate or contract with any local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and promotion;

(g) to establish an office of the administrator at any place in this state the commission may select;

(h) to adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules and regulations for the procedure and exercise of its powers and the performance of its duties; and

(i) to approve an annual budget and establish a reserve. Each project budgeted and approved by the commission shall include a stated objective and anticipated results. In the commission's annual report to the industry, the commission shall include those objectives and actual results.

History: L. 1995, ch. 89, § 3; July 1.

K.S.A. 47-2304. Assessments; receipts; refunds. (a) An assessment to be set by the commission at not more than .1 percent of the market price per hundred pounds of fluid milk produced and sold by a seller shall be imposed on

the seller at the time of delivery of the fluid milk to the purchaser who will deduct the assessment from the price paid to the seller at the time of sale.

(b) The commission shall not change the assessment rate, either to increase or reduce, more than once a year. The administrator shall furnish to every purchaser receipt forms which shall be issued by such purchaser to the seller upon payment of such assessment. The form shall indicate thereon the procedure by which the seller may obtain a refund of any such assessment, except a refund shall not be issued unless the amount of the refund is $5 or more. Within one year after any and all sales during such period the seller, upon submission of a request therefor to the administrator, may obtain such refund in the amount of the assessment deducted by the purchaser. Such request shall be accompanied by evidence of the payment of the assessment which need not be verified.

(c) The commission shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two years after the refund is made. All funds expended in the administration of this act and for the payment of all claims whatsoever growing out of the performance of any duties or activities pursuant to this act shall be paid from the proceeds derived from such act.

History: L. 1995, ch. 89, § 4; July 1.

K.S.A. 47-2305. Collection and disbursement of assessment. (a) The commission shall negotiate and contract with a person or persons to collect and disburse the assessments pursuant to this act.

(b) The assessment hereby imposed, on or before the 20th day of the calendar month following the date of settlement, shall be paid by the purchaser and remitted to the person or persons contracted with pursuant to subsection (a). The person or persons shall issue a receipt to the purchaser therefor and shall remit all moneys received in payment of such assessment to a bank account at least monthly.

(c) Each bank account for use in operating and conducting the commission's duties shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218, and amendments thereto or if such bank account is in an institution outside the state of Kansas, the institution shall be licensed by a state or the federal government.

(d) All money collected pursuant to K.S.A. 47-2304 shall be expended in the administration of this act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in this act, and for no other purpose.

History: L. 1995, ch. 89, § 5; July 1.

K.S.A. 47-2306. Penalties. Any person who shall violate any of the provisions of article 23 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 nor more than 90 days, or by both such fine and imprisonment.

History: L. 1995, ch. 89, § 6; July 1; L. 2012, ch. 125, § 42; July 1.

K.S.A. 48-3502. Creation of working group; organization. (a) There is hereby established the Kansas national bio and agro defense facility interagency working group.

(b) The working group shall consist of the following members ex officio: The secretary of health and environment, the secretary of commerce or designee, the secretary of administration or designee, the secretary of agriculture or designee, the animal health commissioner or designee, the secretary of revenue or designee, the attorney general or

designee, the state board of regents or designee, the mayor of the city of Manhattan or designee, the chairperson of the Leavenworth county board of commissioners or designee, the adjutant general (the state director of homeland security) or designee and the superintendent of the Kansas highway patrol or designee.

(c) The secretary of health and environment shall serve as chairperson of the working group, and the working group may elect a vice-chairperson from among the members of the working group.

(d) All appointments of designees must be made and submitted to the Kansas bioscience authority no more than 30 days after enactment of this act.

History: L. 2007, ch. 6, § 2; Feb. 22; L. 2012, ch. 140, § 109; July 1.

K.S.A. 65-171i. Feedlot law administration not affected by this act. Nothing in this act shall be construed as limiting the authority of the state animal health commissioner in matters concerning the administration of the law concerning feedlots, K.S.A. 47-1501 et seq., and amendments thereto.

History: L. 1967, ch. 333, § 6; L. 1989, ch. 156, § 63; July 1; L. 2012, ch. 140, § 110; July 1.

K.S.A. 65-5721. Commission on emergency planning and response; establishment; members; terms, compensation and expenses. (a) There is hereby established the commission on emergency planning and response.

(b) The membership of the commission on emergency planning and response shall consist of the agency head or secretary or a designated person of authority from the following agencies:

(1) The fire marshal;

(2) the department of health and environment;

(3) the department of transportation;

(4) the Kansas highway patrol;

(5) the adjutant general;

(6) the department of commerce;

(7) the Kansas bureau of investigation;

(8) the Kansas department of agriculture; and

(9) the Kansas department of agriculture division of animal health.

(c) In addition, the membership of the commission on emergency planning and response shall also consist of 18 members appointed by the governor as follows:

(1) One individual shall be representative of counties;

(2) one individual selected to represent cities;

(3) three individuals selected to represent businesses and industries, one of which represents broadcasting;

(4) one individual selected to represent agriculture, crop or livestock;

(5) one individual selected to represent transportation, trucking or rail;

(6) one individual selected to represent energy;

(7) one individual selected to represent law enforcement officers;

(8) one individual selected to represent fire fighters;

(9) one individual selected to represent county emergency managers;

(10) one individual selected to represent emergency medical services;

(11) one individual selected to represent public works services;

(12) one individual selected to represent hospitals;

(13) one individual selected to represent public health;

(14) one individual selected to represent the tribes of Kansas;

(15) one individual selected to represent individuals with disabilities; and

(16) one individual selected to represent the seven regional homeland security councils.

(d) A designee of the adjutant general shall serve as the secretary of the commission on emergency planning and response. The adjutant general shall provide staff support for the commission on emergency planning and response.

(e) Of the members first appointed to the commission on emergency planning and response by the governor, one representative of cities one representative of counties, and one representative of business and industry shall serve a term of two years, and the remainder of the members appointed by the governor shall serve terms of three years. Thereafter, members appointed pursuant to subsection (c) shall serve terms of four years and until the successor has been appointed. Any vacancy in the office of an appointed member shall be filled for the unexpired term by appointment by the governor.

(f) A chairperson shall be elected annually by the members of the commission. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(g) For attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, those members of the commission appointed by the governor shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

History: Executive Reorganization Order No. 29, L. 1999, ch. 192, § 1; L. 2003, ch. 154, § 19; L. 2007, ch. 8, § 1; July 1; L. 2012, ch. 140, § 111; July 1.

K.S.A. 66-1319. Powers granted to members of highway patrol; inspection and registration of vehicles; cooperation of state agencies. (a) Members of the Kansas highway patrol shall exercise the power and authority of the superintendent of the Kansas highway patrol in the execution of the duties imposed upon the superintendent by this act to the extent that the exercise of such power and authority is delegated to such members by the superintendent or is prescribed by law. In enforcing the laws referred to in K.S.A. 66-1318, and amendments thereto, members of the highway patrol are authorized and empowered to inspect any motor vehicle required by law to comply with any of such laws and rules and regulations relating thereto. Except as otherwise provided in K.S.A. 8-1910, and amendments thereto, whenever any member of the highway patrol shall determine that any vehicle is not properly registered under or not in compliance with any of such laws, such member of the highway patrol may require such vehicle to be driven to the nearest motor carrier inspection station, if there is one within five miles, and if not, to another suitable place, and remain there until the driver thereof has complied with any or all of such laws. Any driver of a vehicle who fails or refuses to drive such vehicle to the nearest inspection station or other suitable place when so directed by a member of the highway patrol shall be deemed guilty of a misdemeanor.

(b) The superintendent of the Kansas highway patrol or any other member thereof designated by the superintendent may issue any license, permit, registration or certificate required under any of such laws when so directed by law or by the head of the agency administering such laws.

(c) The superintendent of the Kansas highway patrol, the secretary of revenue, the secretary of transportation, the chairperson of the state corporation commission and the animal health commissioner shall cooperate in all functions relating to the enforcement of such laws.

History: L. 1977, ch. 304, § 4; L. 1988, ch. 266, § 9; July 1; L. 2012, ch. 140, § 112; July 1.

K.S.A. 74-4001. Kansas animal health board; creation; membership; appointment and terms of office; vacancies. There is hereby created a Kansas animal health board. On and after July 1, 2004, such board shall consist of nine members and all members shall be appointed by the governor. On and after July 1, 2004, the governor shall appoint five members to comply with the provisions of this act. The two current members of the board for whom their term of office expires on July 1, 2005, and the two current members of the board for whom their term of office expires on July 1, 2006, shall serve their terms of office as provided by law. The members appointed shall represent the major species or phases of the livestock industry and one member shall be a licensed dog or cat breeder, one member shall be a licensed veterinarian, one member shall represent auction markets, one member shall represent the swine industry, one member shall represent the dairy cattle industry and three members shall represent the beef cattle industry. Members of the board shall be appointed for a term of three years, except that, the the five members appointed to comply with the provisions of this act shall be appointed for terms as follows: One member for a term ending July 1, 2005; one member for a term ending July 1, 2006; and three members for terms ending July 1, 2007. Whenever a vacancy occurs on the board, by reason of the expiration of a member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed in this section. In case of a vacancy occurring on the board before the expiration of a member's term, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term. Members of the board holding office at the time this act takes effect shall continue in office until their successors are appointed and qualified.

History: L. 1943, ch. 200, § 1; L. 1961, ch. 390, § 1; L. 1969, ch. 258, § 1; L. 2004, ch. 116, § 4; July 1.

K.S.A. 74-4002. Same; chairman of animal health board; meetings; compensation and expenses. The members of the Kansas animal health board shall choose their own chairman, who shall serve for a term of one year. Such board shall meet at least once in each quarter. Meetings may be called and held at the discretion of the chairman, and meetings shall be called by the chairman upon written request of a majority of the members of such board. Members of the Kansas animal health board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Amounts paid under this section shall be paid from appropriations to the animal health commissioner upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner.

History: L. 1943, ch. 200, § 2; L. 1967, ch. 413, § 3; L. 1969, ch. 258, § 2; L. 1974, ch. 348, § 68; July 1; L. 2012, ch. 140, § 113; July 1.

K.S.A. 74-4003. Same; advisory board to animal health commissioner. It shall be the duty of the Kansas animal health board to serve in an advisory capacity to the animal health commissioner. It shall aid the commissioner in determining policies and plans relating to the commissioner's office.

History: L. 1943, ch. 200, § 3; L. 1969, ch. 258, § 3; July 1; L. 2012, ch. 140, § 114; July 1.

Executive Reorganization Order No. 40, July 1, 2011

K.S.A. 74-5,119. Powers, duties and functions of animal health department transferred to department of agriculture; appointment of animal health commissioner. (a) The division of animal health is hereby established within

the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, the secretary of agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nominations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.

(c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

History: Executive Reorganization Order No. 40, § 8; L. 2011, ch. 135, § 8; July 1.

K.S.A. 74-5,120. **Animal health department and livestock commissioner abolished.** The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.

History: Executive Reorganization Order No. 40, § 9; L. 2011, ch. 135, § 9; July 1.

K.S.A. 74-5,121. **Department of agriculture successor to animal health department; application of documentary references and designations; rules and regulations, orders and directives of secretary continued in effect until superseded.** (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

(b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the

animal health division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.

(d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:

(1) The animal health commissioner shall submit such rules and regulations to the animal health board; and

(2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.

History: Executive Reorganization Order No. 40, § 10; L. 2011, ch. 135, § 10; July 1.

K.S.A. 74-5,121a. "Agency head" means the secretary or animal health commissioner. For purposes of administrative proceedings of the division of animal health of the Kansas department of agriculture, "agency head" means the Kansas secretary of agriculture or the animal health commissioner of the Kansas department of agriculture, when acting on behalf of the secretary.

History: L. 2012, ch. 125, § 2; July 1.

K.S.A. 74-5,122. Animal health board and pet animal advisory board continued. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Persons who are members of the Kansas animal health board on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to hold such offices under the conditions and limitations provided under K.S.A. 74-4001, and amendments thereto.

(b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Persons who are members of the Kansas pet animal advisory board on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to hold such offices under the conditions and limitations provided under K.S.A. 47-1725, and amendments thereto.

History: Executive Reorganization Order No. 40, § 11; L. 2011, ch. 135, § 11; July 1.

K.S.A. 74-5,123. Department of agriculture successor to animal health department and livestock commissioner. The Kansas department of agriculture shall succeed to all property, property rights and records of the Kansas animal health department and the livestock commissioner of the Kansas animal health department.

History: Executive Reorganization Order No. 40, § 12; L. 2011, ch. 135, § 12; July 1.

K.S.A. 74-5,124. Funds and liabilities transferred from animal health department to department of agriculture. (a) On the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas animal health department are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to animal health programs shall remain dedicated to animal health programs on and after the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

History: Executive Reorganization Order No. 40, § 13; L. 2011, ch. 135, § 13; July 1.

K.S.A. 74-5,125. Transfer of officers and employees; rights and benefits preserved. (a) (1) The secretary of agriculture in consultation with the animal health commissioner shall determine such employees as are necessary to enable the secretary to carry out the duties of the animal health division. The livestock commissioner of the animal health department shall become the animal health commissioner of the animal health division of the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. All other officers and employees of the Kansas animal health department who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the Kansas animal health department and who are, in the opinion of the secretary of agriculture in consultation with the animal health commissioner, necessary to perform the powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

(2) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the Kansas animal health department transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall affect the classified status of any transferred person employed by the Kansas animal health department prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall be assumed and paid by the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

History: Executive Reorganization Order No. 40, § 14; L. 2011, ch. 135, § 14; July 1.

LIVESTOCK COMMISSIONER

K.S.A. 75-1901. Animal health commissioner; appointment; qualifications; executive officer of department; Kansas animal health department created. A animal health commissioner shall be appointed by the secretary of agriculture and shall serve as the executive officer of the Kansas department of agriculture division of animal health. The person so appointed shall have been actively engaged in one of the major phases of the livestock industry for a period

of not less than five years immediately preceding such person's appointment. Before entering upon the duties of such office, such commissioner shall take and subscribe an oath of office to faithfully and honestly discharge the duties of such office to the best of such commissioner's knowledge and ability, and shall file the same with the secretary of state. The animal health commissioner shall serve at the pleasure of the secretary of agriculture and the animal health board.

History: L. 1905, ch. 495, § 1; L. 1919, ch. 286, § 1; R.S. 1923, 75-1901; L. 1967, ch. 434, § 57; L. 1969, ch. 258, § 4; July 1; L. 2012, ch. 140, § 115; July 1.

K.S.A. 75-1903. Commissioner and livestock sanitary commissioner means animal health commissioner; livestock commission and commission means Kansas animal health board. (a) Whenever in any of the statutes of this state the term "livestock sanitary commissioner" is used, or the term "commissioner" is used to refer to the livestock sanitary commissioner, such terms shall be construed to mean the animal health commissioner appointed by the secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments thereto.

(b) Whenever in any of the statutes of this state the terms "Kansas livestock commission" or "livestock commission" are used, or the term "commission" is used to refer to the Kansas livestock commission, such terms shall be construed to mean the Kansas animal health board created in K.S.A. 74-4001, and amendments thereto.

History: L. 1969, ch. 258, § 7; July 1; L. 2012, ch. 140, § 116; July 1.

K.S.A. 75-3141. Animal health commissioner; compensation. The animal health commissioner shall devote full time to the discharge of official duties, and shall be within the unclassified service under the Kansas civil service act. The commissioner's compensation shall be determined by the secretary of agriculture, subject to the approval of the governor.

History: R.S. 1923, 75-3141; L. 1933, ch. 271, § 15; L. 1937, ch. 329, § 31; L. 1945, ch. 325, § 2; L. 1949, ch. 442, § 1; L. 1963, ch. 419, § 11; L. 1965, ch. 458, § 24; L. 1967, ch. 443, § 18; L. 1969, ch. 258, §5; L. 1978, ch. 332, § 40; L. 1989, ch. 156, § 64; July 1; L. 2012, ch. 140, § 117; July 1.

K.S.A. 75-3142. Same; appointment of employees. The animal health commissioner is hereby authorized to appoint, within the provisions of the civil service law and within available appropriations, such employees as are necessary to properly discharge the duties of office.

History: R.S. 1923, 75-3142; L. 1933, ch. 271, § 16; L. 1937, ch. 329, § 32; L. 1943, ch. 277, § 22; L. 1969, ch. 258, § 6; July 1; L. 2012, ch. 140, § 118; July 1.

ANIMAL HEALTH REGULATIONS

Article 1.—ANTHRAX VACCINE

K.A.R. 9-1-1. **Sale or distribution.** It shall be unlawful for any person to sell or distribute any anthrax spore vaccine, any Sterns' nonencapsulated spore vaccine, or any anthrax bacterin in the state of Kansas, without first having obtained, from the livestock sanitary commissioner of Kansas, a permit therefor; which permit shall limit sale and distribution of such products to veterinarians holding specific authority from the livestock sanitary commissioner of Kansas to use such products. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-1-2. **Use.** It shall be unlawful for any person to inject or use anthrax spore vaccine, Sterns' nonencapsulated spore vaccine, or anthrax bacterin, except veterinarians having authority for such purpose from the livestock sanitary commissioner of Kansas, and injecting and using such products under the supervision of the livestock sanitary commissioner of Kansas.

It shall be unlawful for any person to inject or use anthrax spore vaccine, except at locations or on premises where the existence of anthrax has been determined and confirmed by a laboratory diagnosis.

It shall be unlawful for any person to inject or use Sterns' nonencapsulated spore vaccine or anthrax bacterin, except:

(1) At locations or on premises where a field diagnosis of the existence of anthrax has been made by a veterinarian authorized by the livestock sanitary commissioner of Kansas; or

(2) where such location or premises as have been specifically designated by the livestock sanitary commissioner of Kansas as authorized for the injection or use of such products. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

Article 2.—BOVINE BRUCELLOSIS

K.A.R. 9-2-1. **Official vaccinate.** (a) "Official calfhood vaccinate" means any heifer calf that is permanently identified and that has been officially vaccinated for brucellosis with a vaccine approved by the livestock commissioner and produced and approved under license of the United States department of agriculture (USDA) for injection into cattle and bison to enhance resistance to brucellosis. Each official calfhood vaccinate shall be vaccinated in accordance with subsection (b).

(b)(1) Female cattle of any breed and female bison shall be vaccinated with a USDA-approved brucella abortus vaccine. The vaccine shall be administered in accordance with the vaccine labeling for cattle when the calf is at least four months of age but less than 12 months of age, or at least 120 days of age but less than 360 days of age and for bison when the calf is at least four months of age but less than 10 months of age, or at least 120 days of age but less than 300 days of age.

(2) The vaccination shall be given by a veterinarian employed by the USDA, a veterinarian employed by the Kansas animal health department, or a veterinarian licensed to practice in the state of Kansas and accredited by the USDA. The veterinarian shall send to the livestock commissioner, within 10 days after the date of the vaccination, one copy of an official brucellosis vaccination record reflecting the calfhood vaccination. One copy of the official brucellosis vaccination record shall be given to the owner, and one copy shall be retained by the veterinarian. (Authorized by

K.S.A. 47-610 and 47-657; implementing K.S.A. 47-608 and 47-622; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1974; amended May 1, 1984; amended, T-86-11, May 1, 1985; amended May 1, 1986; amended April 23, 1990; amended Jan. 23, 1998.)

K.A.R. 9-2-6. Reports. All activities, conducted either privately or as a part of the official brucellosis eradication program, such as results of agglutination tests and vaccinations, shall be reported promptly to the state livestock sanitary commissioner. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966.)

K.A.R. 9-2-32. Brucellosis: uniform methods and rules. The provisions of ''brucellosis eradication: uniform methods and rules,'' approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, as the minimum standards for achieving and maintaining certified and validated herds and certified and validated area status, effective February 1, 1998, are hereby adopted by reference, except for the definition of ''official vaccinate (adult)'' in chapter 1, part 1. (Authorized by K.S.A. 47-610 and 47-657; implementing K.S.A. 47-608, 47-610, and 47-657; effective, T-85-10, April 11, 1984; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005; amended June 10, 2005.)

K.A.R. 9-2-33. Change of ownership requirements for intrastate movement. ''Test eligible cattle,'' as defined in the uniform methods and rules, that are offered for sale or sold shall be tested for brucellosis on the date of sale. The seller shall be responsible for brucellosis testing. (Authorized by and implementing K.S.A. 47-608, 47-610, 47-657; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

K.A.R. 9-2-34. ''F'' branding of heifers. (a) All sexually intact female feeder cattle, 18 months of age or younger, originating in ''b'' and ''c'' states, must be branded with the letter ''F'' on the left jaw or the left tail head. All female feeder cattle shall be branded at the farm of origin or first point of concentration except those going to a licensed Kansas feedlot. The letter ''F'' shall be at least three inches by two inches in size. All female feeder cattle moving direct to Kansas licensed feedlots shall be exempt.

(b) All spayed female cattle from ''b'' and ''c'' states shall be individually identified with a metal eartag or be branded with an open spade brand on the left jaw.

(c) Replacement female cattle from ''b'' and ''c'' states must originate from a certified brucellosis free herd or enter the state upon approval from the Kansas livestock commissioner.

(d) All livestock from ''b'' and ''c'' states moving into Kansas shall have:

(1) A valid certificate of veterinary inspection; and

(2) a permit from the animal health department (Authorized by and implementing K.S.A. 47-608; 47-610; 47-623; 47-624; 47-657; effective May 1, 1987.)

Article 3.—SWINE BRUCELLOSIS AND CERVIDS

K.A.R. 9-3-1. Definitions. (1) Herd. A herd of swine shall include all swine on the premises of any owner of swine, or other person in possession, which swine are 6 months of age and over, exclusive of feeder swine maintained separate and apart from the swine kept for breeding purposes, and production therefrom.

(2) Negative herd test. A negative herd test means a test in which no agglutination titre exceeds a reaction of incomplete in the 1-100 dilution on the plate test or when no animal in the herd reacts on the brucella card test.

(3) Negative animal test. A negative animal test means a test in which the agglutination titre is negative in the 1-25 dilution on the plate test or negative on the brucella card test.

(4) Swine reactor. A swine reactor means any porcine animal showing a complete reaction in the 1-100 dilution of the blood agglutination test or complete agglutination on the brucella card test.

(5) Infected herd. An infected herd means any herd for which the herd test discloses one or more animals reacting completely in the dilution of 1-100 or higher on the plate test, then any animal in the herd showing a reaction of complete in dilution of 1-25, or higher shall be considered a reactor. Any animal in the herd reacting in the brucella card test. (Authorized by K.S.A. 47-608, 47-610, and 47-657; effective Jan. 1, 1966; amended Jan. 1, 1969.)

K.A.R. 9-3-2. Validated brucellosis-free swine herd. (1) Validation: A herd may be validated when the swine therein have passed one negative herd test. This includes all animals 6 months of age and over, with no agglutination tests being positive in the dilution of 1:100, or higher, on the plate test or no reactors on the brucella card test.

(2) Requirements for maintaining validated brucellosis-free herd: Annual herd blood test of all animals 6 months of age and over and herd additions limited to:

(a) Swine from validated herds, without a test, and

(b) Swine from herds where clinical evidence, or history, does not indicate infection, and which shall have passed a negative test within 30 days prior to herd addition. Such swine shall be held in isolation from herd to which they are intended as additions, until found to be negative to a retest 60 to 90 days from date of first test.

(3) Revalidation: Herd. A negative herd test of all eligible swine conducted within 10 to 14 months of the last validation date or establish that at least 20 percent of adult breeding swine were tested under a market swine identification program during the year and that at least one-half of sampling occurred during the last 6 months of the validation period.

(4) Revalidation: Area. Market swine identification coverage of at least 30 percent (10 percent per year) of the breeding swine 6 months of age or over from each herd, during the 3-year validation period. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1974.)

K.A.R. 9-3-3. Plans for eradicating brucellosis from infected swine herds. If infection is disclosed in swine herds, one of the following plans should be selected for eradicating the disease and for subsequent qualifying the herd for validated brucellosis-free status, if desired. Infected herds under test for area validation status should also choose one of these plans to eradicate brucellosis from the herd: A. Plan 1—This plan is recommended for commercial herds found infected. The following procedures should be carried out: (a) Market the entire herd for slaughter as soon as practicable.

(b) Clean and disinfect houses and equipment.

(c) Restock premises with animals (from validated brucellosis-free herds), placing them on ground that has been free of swine for at least 60 days.

(d) After 2 consecutive negative tests, not less than 60 nor more than 90 days apart, the herd is eligible for validated brucellosis-free herd status.

B. Plan 2—This plan is recommended for use in infected pure-bred herds only where it is desired to retain valuable blood lines. The following procedures should be carried out: (a) Separate pigs from sows at 42 days of age or younger and isolate.

(b) Market infected herd for slaughter as soon as practicable. Infected sows should not be rebred and should be slaughtered as soon as possible. Complete isolation of infected animals is essential. The separated weanling pigs form the nucleus for establishment of the infection-free herd.

(c) Test the gilts to be used for the following breeding season about 30 days before breeding. Save only the gilts that are negative. Breed only to negative boars.

(d) Retest the gilts after farrowing and before removing them from individual farrowing pens. Should reactors be found, they should be segregated from the remainder of the herd and slaughtered as soon as possible. Select only pigs from negative sows for breeding gilts.

(e) If reactors are found in step (d), the process is repeated.

(f) Following 2 consecutive negative tests, not less than 90 days apart, the herd is eligible for validated brucellosis-free herd status.

C. Plan 3—This plan is not recommended in general, but it has been found useful in herds where only a few reactors are found and where no clinical symptoms of brucellosis have been noted. Carry out the following procedures: (a) Market reactors for slaughter.

(b) Retest herd at 30-day intervals, removing reactors for slaughter until the entire herd is negative.

(c) If the herd is not readily freed of infection, abandon this plan in favor of plan 1 or plan 2.

(d) Following 2 consecutive negative tests, not less than 90 days apart, the herd is eligible for validated brucellosis-free herd status. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974.)

K.A.R. 9-3-4. Official program work and reports. All official work shall be conducted by an authorized licensed, accredited veterinarian and the work shall be at the expense and liability of the swine owners, except fee-basis testing of swine is authorized in areas not validated brucellosis free and the testing shall be limited to suspicious and infected herds and area validation. Blood samples shall be tested at a state-federal cooperative laboratory. All testing shall be reported to the livestock commissioner on official brucellosis test charts and the reports shall show the date, name and address of the owner, the positive identification of the animal tested, and test results. (Authorized by K.S.A. 47-608, 47-610, 47-657; implementing K.S.A. 47-610; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1982.)

K.A.R. 9-3-5. Quarantine. When brucellosis is found in a herd, all swine on the premises where such disease is found, shall be under quarantine until released by the livestock sanitary commissioner of Kansas. Shipments to slaughter may be authorized by a shipping permit issued by the livestock sanitary commissioner of Kansas.

All swine moved to slaughter on a permit shall be identified in a manner approved by the livestock sanitary commissioner of Kansas. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1968.)

K.A.R. 9-3-6. Definitions. As used in K.A.R. 9-3-6 through 9-3-17, each of the following terms shall have the meaning specified in this regulation:

(a) "Adult domesticated cervid" means any domesticated cervid that is 12 months of age or older.

(b) ''Affected herd'' means any domesticated cervid herd in which tissues or fluids collected from a live animal or carcass of an animal tested positive for any infectious or contagious disease for which the herd may be quarantined, including chronic wasting disease (CWD), bovine tuberculosis (TB), or *Brucella abortus* (brucellosis), using an approved test conducted at an approved laboratory.

(c) ''Animal'' means a member of the family Cervidae, unless otherwise stated.

(d) ''APHIS'' means the animal and plant health inspection service of the United States department of agriculture.

(e) ''Approved laboratory'' means any laboratory approved by APHIS to conduct brucellosis, TB, and CWD testing.

(f) ''Approved test'' means any test for brucellosis, TB, or CWD conducted under protocols established by APHIS.

(g) ''Cervid'' means any member of the family Cervidae and hybrids, including deer, elk, moose, caribou, reindeer, and related species.

(h) ''Chronic wasting disease'' and ''CWD'' mean a nonfebrile, transmissible spongiform encephalopathy that is insidious and degenerative and that affects the central nervous system of cervids.

(i) ''Commingling'' means grouping animals in a manner in which physical contact among animals could occur, including maintaining animals in the same pasture or enclosure. This term shall not include holding animals at a sale, during transportation, during artificial insemination, or in other situations in which only limited contact is involved.

(j) ''Commissioner'' means Kansas animal health commissioner.

(k) ''CWD-clean herd'' means a herd that has been a participating herd for at least 10 years in Kansas or in a state with a CWD monitoring program of equivalent status.

(l) ''CWD-exposed animal'' means an animal that is part of a CWD-positive herd or that has been exposed to a CWD-positive animal or contaminated premises within the previous five years.

(m) ''CWD-exposed herd'' means a herd in which a CWD-positive animal has resided within five years before that animal's diagnosis as CWD-positive, as determined by an APHIS employee or representative of the commissioner.

(n) ''CWD-infected herd'' means any herd with a confirmed CWD-positive animal that has not completed a herd plan.

(o) ''CWD-positive animal'' means any cervid that tests positive on an approved test at an approved laboratory.

(p) ''CWD-source herd'' means a herd that is identified through testing or epidemiological investigations to be the source of CWD-positive animals identified in other herds.

(q) ''CWD-suspect animal'' means any cervid that showed clinical signs of the disease before death, but whose results on an approved test are inconclusive or have not yet been reported.

(r) ''CWD-suspect herd'' means a herd for which unofficial CWD test results, laboratory evidence, or clinical signs suggest a diagnosis of CWD, as determined by an APHIS employee or state representative, but for which confirmatory laboratory results have been inconclusive or not yet reported.

(s) ''Depopulate'' means to remove, from a premises, animals that are determined to be infected or exposed to a specific disease by means of euthanizing the animals or by moving the animals to an approved slaughter facility for slaughter.

(t) ''Domesticated cervid'' means ''domesticated deer,'' as defined in K.S.A. 47-2101 and amendments thereto.

(u) ''Domesticated cervid permit'' means the permit required by K.S.A. 47-2101, and amendments thereto, to sell or raise any cervid.

(v) ''Herd'' means a group of animals maintained on the same premises or two or more groups of animals maintained in a manner that results in commingling.

(w) ''Herd inventory'' means an accounting that lists each adult domesticated cervid by its sex, age, breed or species, official identification and any other identification and that is confirmed by an accredited veterinarian or by a representative of the commissioner.

(x) ''Herd plan'' means a signed written agreement between the herd owner, the commissioner, and the APHIS administrator, detailing any testing requirements and allowable movements into and out of an affected herd. The herd plan may also include requirements on fencing, decontamination, and cleanup of premises.

(y) ''Herd status'' means the number of years during which a herd owner's participating herd has been in an approved CWD monitoring program, indicating the probability that the herd is not affected by the disease.

Herd status is determined by the length of time the herd has been monitored for CWD and by the herd owner's full compliance with the program.

(z) ''Official identification'' means the identification required by K.S.A. 47-2101, and amendments thereto, which for any animal in a participating herd shall be in the form of a unique means of identification approved by APHIS and the commissioner. Acceptable forms of official identification shall include electronic implants, which are also known as microchips, radio frequency identification (RFID) tags, tamper-resistant tags, and national uniform eartagging system tags but shall exclude ear tattoos and flank tattoos.

(aa) ''Participating herd'' means any herd enrolled in the CWD monitoring program.

(bb) ''Premises'' means the grounds and buildings occupied by a herd and equipment used in the husbandry of the herd.

(cc) ''Program'' means the CWD monitoring program or the APHIS herd certification program, whichever is applicable.

(dd) ''TB'' means bovine tuberculosis. (Authorized by and implementing K.S.A. 2013 Supp. 47-607d, 47-610, and 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-7. Fees. (a) Each applicant for an annual domesticated cervid permit issued pursuant to K.S.A. 47-2101 et seq., and amendments thereto, shall pay one of the following application fees:

(1) For 1-19 domesticated cervids, $75.00;

(2) for 20-49 domesticated cervids, $125.00; or

(3) for 50 or more domesticated cervids, $175.00.

(b) Only those individuals with a current domesticated cervid permit may possess domesticated cervids.

(c) Each applicant shall submit the application for a domesticated cervid permit at least 30 days before taking possession of any domesticated cervid. (Authorized by and implementing K.S.A. 2013 Supp. 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-8. Records. Each holder of a domesticated cervid permit shall maintain records for each domesticated cervid purchased, acquired, held, transported, sold, or disposed of in any other manner. Each cervid, regardless of age, that enters a herd or leaves a herd alive for any purpose other than for direct movement to slaughter shall have official identification before change of ownership.

The records shall be held for at least five years after the animal dies or leaves the premises and shall include the following information:

(a)(1) The name and either the residential or business address of the person from whom each domesticated cervid was acquired; and

(2) the geographic location from which each domesticated cervid was acquired, if this location is different from the residential or business address in paragraph (a)(1);

(b) the date each domesticated cervid was acquired or, if born on the premises, the year of birth of the domesticated cervid;

(c) a description of each domesticated cervid, including the following characteristics:

(1) The species or breed;

(2) the age;

(3) all official identification numbers;

(4) the sex; and

(5) any other significant identification for that animal, including any of the following types of identification:

(A) An ear tag;

(B) an ear tattoo;

(C) an ear notch; or

(D) any brands, scars, or other permanent markings that help identify the animal;

(d)(1) The name and either the residential or business address of the person to whom any domesticated cervid is sold, given, or bartered or to whom the domesticated cervid is otherwise delivered;

(2) the geographic location to which the domesticated cervid is delivered, if this location is different from the residential or business address in paragraph (d)(1); and

(3) the date and method of disposition; and

(e) if the domesticated cervid dies, is euthanized, or is slaughtered, the following additional information:

(1) The date of the death of the animal;

(2) the cause of death of the animal; and

(3) the method of disposition of the animal. (Authorized by and implementing K.S.A. 2013 Supp. 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-9. Certificate of veterinary inspection; importation and intrastate movement requirements and permits. (a) Each cervid imported into Kansas shall be identified with official identification and shall be accompanied by a certificate of veterinary inspection.

(b) Each individual importing a cervid into Kansas shall obtain an import permit from the Kansas department of agriculture, division of animal health before the cervid enters Kansas. The cervid shall not be allowed entry into Kansas without this permit.

(c) Each animal of the genera Odocoileus, Cervus, and Alces, including whitetail deer, mule deer, black-tailed deer and associated subspecies, North American elk (wapiti), red deer, sika deer, moose, and any hybrids of these species, regardless of age, not moving directly to a licensed slaughter establishment within Kansas shall originate and move directly from a herd with at least five years of herd status in the APHIS herd certification program or an equivalent program administered by the office of the state veterinarian in the state of origin. Muntjacs, Pe`re David's deer, reindeer or caribou, fallow deer, and axis deer shall be exempt from the monitoring requirements for CWD in K.A.R. 9-

3-15 and 9-3-16. Other cervid species may be exempted by the commissioner if the species are determined by APHIS to be nonsusceptible to CWD.

(d) Each adult domesticated cervid, except whitetail deer and mule deer, that is entering Kansas from another state, is not moving directly to a licensed slaughter establishment within Kansas, and has not originated and moved directly from an APHIS-certified brucellosis-free herd shall be required to test negative for brucellosis, using an approved test, within 30 days before entry into Kansas.

(e) All cervids originating from an area identified by APHIS as a designated surveillance area shall be prohibited entry into Kansas.

(f) Each domesticated cervid, except nursing young under four months of age and accompanied by their dam, that is entering Kansas, is not from a herd accredited by APHIS to be TB-free, and is not moving directly to a licensed slaughter establishment in Kansas shall be required to test negative for TB, using an approved test administered twice at least 90 days apart. The first test shall be administered no more than 180 days before entry into Kansas, and the second test administered no more than 90 days before entry.

(g) Any imported cervid may be quarantined for a retest for TB by order of the commissioner.

(h) Each domesticated cervid, alive or dead, transported within the state of Kansas shall be accompanied by a completed transportation notice signed by the shipper on a form provided by the Kansas department of agriculture, division of animal health. One copy of the notice shall be mailed to the commissioner, one copy shall accompany the shipment, and one copy shall be retained by the shipper. The shipper shall possess a current domesticated cervid permit. (Authorized by K.S.A. 2013 Supp. 47-607, 47-607d, and 47-2101; implementing K.S.A. 2013 Supp. 47-607, 47-607a, and 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-10. Brucellosis. (a) Each sexually intact adult domesticated cervid, except whitetail deer, mule deer, and any other species designated by the commissioner as nonsusceptible to brucellosis, that is changing ownership within Kansas and is not intended for immediate slaughter shall originate and move directly from a herd certified by APHIS to be brucellosis-free or shall be required to test negative for brucellosis by an approved test conducted at an approved laboratory within 30 days before the change of ownership. The designation of nonsusceptibility shall be based on written confirmation from APHIS veterinary services that the species is not considered susceptible to brucellosis.

(b) The owner of any herd infected with brucellosis shall take either of the following steps:

(1) Quarantine and depopulate the herd; or

(2) quarantine the herd until a herd plan to eradicate brucellosis from the infected herd has been completed.

(Authorized by K.S.A. 2013 Supp. 47-610; implementing K.S.A. 2013 Supp. 47-610 and K.S.A. 47-614; effective Sept. 19, 2014.)

K.A.R. 9-3-11. Tuberculosis. (a) The following portions of the document titled ''bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999,'' published by APHIS, are hereby adopted by reference:

(1) Part I, except the definitions of ''affected herd,'' ''approved laboratory,'' ''herd,'' and ''individual herd plan'';

(2) part II, except II.A and II.K.3;

(3) part IV;

(4) part VI; and

(5) appendix 1.

(b) All testing and sample collection for the testing of TB in cervids shall be conducted by a licensed and accredited veterinarian in the state of origin who has been certified by APHIS to conduct TB testing in cervids.

(c) Each adult domesticated cervid that is changing ownership within Kansas, is not intended for immediate slaughter, and has not originated and moved directly from a herd accredited by APHIS to be TB-free shall be required to test negative for TB by an approved test conducted within 90 days before change of ownership.

(d) The owner of each herd infected with TB shall take one of the following steps:

(1) Quarantine and depopulate the herd; or

(2) quarantine the herd until a herd plan to eradicate TB from the infected herd has been completed.

(e) Any imported cervid may be quarantined for a test for TB by order of the commissioner. The test shall be at the owner's expense. (Authorized by K.S.A. 2013 Supp. 47-607d and 47-610; implementing K.S.A. 2013 Supp. 47-607, 47-610, 47-631, and 47-634; effective Sept. 19, 2014.)

K.A.R. 9-3-12. Confinement, handling, and health. (a) Perimeter fencing. Each owner shall confine domesticated cervids with perimeter fencing, which shall meet the following requirements:

(1) Provide a barrier that prevents the escape of the domesticated cervids confined within and prevents the entry of wild cervids from outside the fenced area;

(2) be structurally sound;

(3) be in good repair; and

(4) be of sufficient height to prevent escape, but not less than eight feet for elk, red deer, whitetail deer, moose, and mule deer and not less than six feet for all other types of domesticated cervid. Any perimeter fencing constructed before January 23, 1998 that does not meet the height requirements in this paragraph may be utilized subject to written approval of the commissioner. All new fencing constructed on these premises shall meet the requirements of this paragraph.

(b) Facilities.

(1) Each owner shall provide handling facilities, which shall be adequate to allow each domesticated cervid to be physically handled without undue harm to the domesticated cervid or the handler.

(2) Each access lane and catch pen shall be constructed of materials and shall be of a design adequate to safely contain domesticated cervids for any inspection, identification, testing, quarantine, or other action required by the commissioner.

(c) Herd management. The owner shall provide each domesticated cervid with free access to the following:

(1) Clean water;

(2) adequate feed;

(3) appropriate shelter, natural or otherwise; and

(4) protection from predators.

(d) Health. Each owner or handler of domesticated cervids shall meet the requirements of all federal and state regulations for contagious and communicable diseases. (Authorized by and implementing K.S.A. 2013 Supp. 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-13. Escaped domesticated cervids. (a) The owner of any domesticated cervid that has escaped confinement shall report the animal as missing to the commissioner within 48 hours of noticing the animalmissing.

This report shall include the following information:

(1) The breed or species of cervid that has escaped;

(2) the sex of the escaped animal;

(3) the date the animal was found to be missing;

(4) the official identification of the animal; and

(5) any secondary identification on the animal, including plastic tags and brands.

(b) The owner of an escaped domesticated cervid shall bear the cost of recovering that animal.

(c) The following types of domesticated cervids shall be immediately destroyed without compensation to the owner upon the order of the commissioner:

(1) Any escaped domesticated cervid from a herd that is quarantined because the herd is infected with or has been exposed to any infectious or contagious disease; or

(2) any escaped domesticated cervid that is deemed by the commissioner to constitute a hazard to livestock or wildlife through the spread of disease. (Authorized by K.S.A. 2013 Supp. 47-610 and 47-2101; implementing K.S.A. 2013 Supp. 47-610, K.S.A. 47-614, and K.S.A. 2013 Supp. 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-14. Handling, care, treatment, and transportation. The following portions of 9 C.F.R. part 3, as in effect on January 1, 2013, as applied to cervids, are hereby adopted by reference: (a) Secs. 3.125 through 3.133, except sec. 3.127(d); and

(b) secs. 3.136 through 3.142, except that in sec. 3.136(c), ''a veterinarian accredited by this Department'' shall be replaced by ''a veterinarian accredited by APHIS,'' and ''part 160 of this title'' shall be replaced by ''9 C.F.R. Part 160.'' (Authorized by and implementing K.S.A. 2013 Supp. 47-610 and 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-15. Participation in the chronic wasting disease monitoring program. (a) Each participating herd shall be maintained or held only on premises for which a current domesticated cervid permit has been issued by the commissioner. If a herd owner wishes to maintain separate herds, the herd owner shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around each separate herd, and no commingling may occur. Movement between herds shall be recorded as if the herds were separately owned.

(b) Each application for enrollment of a herd in the chronic wasting disease program shall be submitted on a form provided by the commissioner and shall include the following:

(1) Documentation that a current domesticated cervid permit has been issued to the owner of the premises on which the herd is held or maintained;

(2) a copy of an initial herd inventory, including documentation of at least one form of official identification for each animal and one form of other visible identification, including eartags, brands, and any other means that are unique to that animal in the herd; and

(3) adequate herd records and documentation of the history of the herd since it originated or over at least the previous 60 months, whichever is less, including the following:

(A) For each animal added to the herd, any available records documenting the herd status of the herd from which the animal was transferred; and

(B) records establishing that no animal has displayed any clinical signs of CWD and that the herd has not had any CWD-positive animals.

(c) The date of the initial application into the CWD monitoring program shall be the anniversary date. On initial application, a herd inventory, including all official identification and any other identification, shall be completed and confirmed by means of visual inspection by an accredited veterinarian or a representative of the commissioner.

An application accompanied by a herd inventory, including all official identification and any other identification, shall be completed annually and confirmed by an accredited veterinarian or by a representative of the commissioner. Each herd inventory shall be filed at least 11 months and no more than 13 months after the last anniversary date of the participating herd's enrollment in the program. A visual inspection of the identification listed on the herd inventory shall be conducted and confirmed by an accredited veterinarian or by a representative of the commissioner at least once every three years.

An approved test for CWD shall be administered to the carcass of each animal that is 12 months of age or older at the time the animal dies or is slaughtered, unless an exception is granted by the commissioner.

(d) Failure to comply with this regulation shall result in a reduction or loss of herd status. (Authorized by and implementing K.S.A. 2013 Supp. 47-610 and 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-16. Program levels. (a) Each participating herd shall be assigned herd status based on the following:

(1) The number of years that the participating herd has been under surveillance with no evidence of CWD; and

(2) the herd owner's compliance with K.A.R. 9-3-15.

Herd status shall be reassigned based on the herd status of each herd from which the participating herd has received any animal.

(b)(1) Each of the following shall start at the entry level of year one:

(A) Each herd that has not received any animal from a herd with previous herd status;

(B) each herd that has received any animal of unknown herd status; and

(C) each herd that is not currently a participating herd.

(2) Application for renewal and advancement within the CWD monitoring program shall be yearly as described in K.A.R. 9-3-15. Each herd meeting the requirements of K.A.R. 9-3-15 shall advance one year in herd status for every year during which these requirements are met. Each participating herd with at least 10 years with no evidence of CWD shall be considered a CWD-clean herd. To maintain herd status as a CWD-clean herd, a herd shall receive animals only from other CWD-clean herds.

(c) Any owner of a herd in which all animals received have been moved directly from herds of a designated herd status within Kansas, or from a state with a CWD monitoring program equivalent to the Kansas program, may apply for the same level of herd status. However, the participating herd shall be assigned the herd status of the herd with the lowest herd status from which the participating herd has obtained any animal.

(d) Each herd that receives any animals from a herd of lesser herd status shall drop to the lowest level of herd status of the animals received. If a participating herd receives any animals of unknown or no herd status, then the herd status of the participating herd shall be reduced to year one. (Authorized by and implementing K.S.A. 2013 Supp. 47-610 and 47-2101; effective Sept. 19, 2014.)

K.A.R. 9-3-17. CWD-infected herds. Each CWD-infected herd shall be subject to the following requirements: (a) A herd quarantine shall be issued by the commissioner immediately after receiving a report from an approved laboratory of a positive test for CWD in an animal from a herd.

(b) A herd plan shall be developed by a representative of the commissioner and the owner within 21 days of the date the herd quarantine is issued. This herd plan shall be approved by the owner, the state APHIS representative, and the commissioner and shall detail how animal movement into and from the CWD-infected herd may occur.

(c) Each domesticated cervid permittee shall notify the commissioner of the death of any animal in a CWD-infected herd. The notice shall be given to the commissioner within 24 hours of the discovery of the animal's death. An approved test shall be administered by a designee of the commissioner to the carcass of each animal in the CWD-infected herd that dies.

(d) If an animal in a CWD-infected herd shows symptomatic or clinical signs of CWD, the domesticated cervid permittee shall notify the commissioner. The animal shall be euthanized and administered an approved test by a designee of the commissioner.

(e) The carcass of each CWD-positive animal shall be disposed of only by a method and at a site approved by the commissioner and the secretary of the Kansas department of health and environment or the secretary's designee.

(f) The quarantine on the CWD-infected herd shall be removed after five consecutive years in which there are no animals in the CWD-infected herd with any clinical signs of CWD and no positive results on an approved test. The owner of a CWD-infected herd may apply to reenroll the herd in the program with a year-five herd status. (Authorized by K.S.A. 2013 Supp. 47-610 and 47-2101; implementing K.S.A. 2013 Supp. 47-610, K.S.A. 47-614, K.S.A. 2013 Supp. 47-622 and 47-2101; effective Sept. 19, 2014.)

Article 4.—DISPOSAL PLANTS

K.A.R. 9-4-1. Definitions. (a) ''Commissioner'' means the livestock sanitary commissioner of the state of Kansas.

(b) ''Inedible meat'' means meat and meat products derived from dead, dying, disabled, diseased, or condemned animals, or animals whose meat or meat products are otherwise unsuitable for human consumption, and shall include meat or meat products regardless of origin which have deteriorated so far as to be unfit for human consumption.

(c) ''Decharacterization'' means the uniform application of sufficient quantities of dye, charcoal, malodorous fish oil, acid or any other agent approved by the commissioner, upon and into freshly slashed flesh, or inedible meat, so as to unequivocally preclude its use in human food. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

K.A.R. 9-4-2. Inedible meats. Inedible meats, (except hides, meat meal, or bone meal, being shipped from a disposal plant) shall be packed in type of container approved by the commissioner. The container so used, shall be clearly marked or stamped with the legend ''unfit for human consumption.'' Lettering used in the legend shall be at least as large as any other lettering on the container, and in no event shall the lettering in the legend, be smaller than one-half inch in height or less than one-half inch in width. Master containers or cartons shall not exceed 100 pounds. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

K.A.R. 9-4-3. Handling of inedible meats; identification and decharacterization. Inedible meats, placed into overnight cooler storage, shall be readily identified as an inedible product, by the direct application of green ink, or by

the direct application of charcoal, to the exposed exterior surfaces of the carcasses, or major parts, in sufficient amounts to clearly identify it as an inedible product.

Boned meat shall be ground, or shall be in small pieces not more than four inches in diameter. Boned meat may be processed in pieces larger than four inches in diameter if such pieces are promptly slashed at no more than two-inch intervals, and if an approved denaturing agent is promptly and freely applied to all outside and slashed surfaces.

Application of any denaturing agent to the outside surface of molds, or to outside of blocks, of boned inedible meats shall not be adequate. The denaturing agent shall be mixed intimately with all inedible meats sought to be denatured. Sufficient denaturant shall be used to give the inedible meats, so distinctive a color, odor, or taste, that it is not susceptible of being confused with any article for human food. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

K.A.R. 9-4-4. Records. Each disposal plant operator shall maintain complete and accurate records as to amount of inedible meats denatured, the amount sold, to whom sold, the address of the consignee, and how and by whom hauled. Such records shall be open to inspection by the commissioner, or his authorized agent, at all times during the normal working hours at such establishment.

Copies of invoices of all sales shall be forwarded to the commissioner, not later than the 10th of each month, covering the previous month's transactions. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

K.A.R. 9-4-5. Sales of inedible meats; registration. Inedible meat products (1) may be sold, when properly decharacterized, for shipment directly to a plant producing dog food, or (2) may be sold to a person for use in feeding dogs, pets, mink or other animals, as allowed by the commissioner. A disposal operator shall register with the commissioner, before he engages in the business of selling inedible meats. This registration shall be in writing. After the disposal plant operator (1) has made application for registration to engage in such activity, and (2) has informed the commissioner where the inedible meats are to be sold, and (3) has had his disposal plant inspected, and (4) such plant has been determined to be adequate to process and handle inedible meats, the commissioner may issue a registration certificate to the applicant. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

K.A.R. 9-4-6. Exemptions. Disposal plants operating under federal inspection are exempt from the application of these regulations. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

Article 5.—GARBAGE FEEDING

K.A.R. 9-5-1. Movement or sale of garbage fed hogs. All swine fed garbage or slaughterhouse refuse shall be so fed and handled under quarantine. It shall be unlawful to move or sell any animals which have been fed garbage or slaughterhouse refuse, unless such garbage or slaughterhouse refuse has been adequately cooked. Such animals, so fed, only may be lawfully moved or lawfully sold, if accompanied by an official inspection certificate and permit, authorizing such movement or sale and a quarantine release. Such certificate and permit shall be executed by the livestock sanitary commissioner, or by his approved representative. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-2. Receiving, purchasing or slaughtering animals fed garbage or slaughterhouse refuse. It shall be unlawful for any person, knowingly, to receive or to purchase from another, or to slaughter any animal which has been fed garbage or slaughterhouse refuse; unless such animal has been fed garbage or cooked slaughterhouse refuse which has been adequately cooked and is accompanied by health certificate, permit, and quarantine release. Animals so fed may be lawfully received, if accompanied by an inspection certificate, permit, and quarantine release issued by the livestock sanitary commissioner, or by his approved representative, within 48 hours, prior to the delivery of such animals. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-3. Destruction of diseased swine; indemnity. Swine that develop the disease of vesicular exanthema shall be slaughtered under directive of the livestock sanitary commissioner, or shall be otherwise disposed of under supervision of the federal agricultural research service (ARS) and processed in a manner determined and approved by such agency. Such animals shall be appraised, and indemnity shall be paid as provided by law, insofar as funds for the purpose are available. Swine fed uncooked garbage or uncooked slaughterhouse refuse shall not be eligible for indemnity payments. Any owner of swine who had failed to comply with any or all laws and regulations in regard to feeding cooked garbage, any person who has violated any quarantine or other regulation invoked to control and eradicate vesicular exanthema, shall not be eligible for indemnity payments. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-4. Feeding platforms and other feeding equipment. It shall be unlawful for any person to feed cooked garbage or cooked slaughterhouse refuse to animals, except on a feeding platform constructed of concrete or other approved impervious material. Curbs or feeding troughs shall be provided to confine all refuse to the platform. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-5. Disposal of materials removed from feeding platforms. Feeding platforms and troughs shall be cleaned daily, or frequently enough to maintain sanitary conditions as required by the livestock sanitary commissioner. It shall be unlawful for anyone to dispose of materials cleaned or removed from a feeding platform, used for feeding cooked garbage or cooked slaughterhouse refuse, except into a place and in a manner approved by the livestock sanitary commissioner . (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-6. Veterinarian inspectors to supervise garbage and refuse feeding operations. It shall be unlawful for anyone to feed cooked garbage or cooked slaughterhouse refuse to animals which will be offered for sale or for slaughter, without first having obtained the approval of the livestock sanitary commissioner, or a veterinarian employed by the owner of such animals, for purposes of supervising the health and release for sale or for slaughter of animals being so fed. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-7. Heating requirements. All garbage and packinghouse refuse which is cooked for feeding to animals shall be cooked in a mixture with water, with the water to be added in such quantity as to equal one-third the depth of

the garbage and refuse at the time the cooking process is started. This mixture shall be heated to the boiling point, and shall be held at the boiling point for 30 minutes. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

K.A.R. 9-5-8. Records. All persons feeding cooked garbage or cooked slaughterhouse refuse shall keep a record, showing the number of all animals added to the herd; the date of such additions; number of all animals removed; the destination of all animals removed; and the date of such removal. A copy of the approved inspector's certificate, and permit for removal and quarantine release shall be kept with and as a part of such records. All such records shall be available to the livestock sanitary commissioner, or his representative, for inspection at all times. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

Article 6.—HOG CHOLERA

K.A.R. 9-6-1. Reportable disease. Hog cholera is hereby recognized as an infectious and contagious disease which shall be reported to the state livestock sanitary commissioner when diagnosed or suspected. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

K.A.R. 9-6-2. Quarantine requirements. All swine in herds where hog cholera is diagnosed by any veterinarian shall be placed under herd quarantine. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

K.A.R. 9-6-3. Supervision of quarantined herds. All swine, which have been quarantined for hog cholera in herds or otherwise, shall be under the supervision of the state livestock commissioner, or his authorized representative, until released from such quarantine. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966; amended Jan. 1, 1970.)

K.A.R. 9-6-4. Disinfection of premises. Buildings, pens and enclosures, in which swine have been held under quarantine for hog cholera, shall be cleaned and disinfected with an approved disinfectant, after evidence that hog cholera has been eliminated. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

K.A.R. 9-6-6. Movement to slaughter. All swine moved to slaughter from hog cholera quarantined herds shall be moved in a manner approved by the livestock commissioner of Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1968; amended Jan. 1, 1970.)

K.A.R. 9-6-7. Hog cholera modified live virus. The sale or use of hog cholera modified live virus vaccines is prohibited in the state of Kansas. (Authorized by K.S.A. 47-629, 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1974.)

K.A.R. 9-6-8. Inactivated hog cholera vaccines. The sale of or the use of inactivated hog cholera virus vaccine in the state of Kansas is prohibited. (Authorized by K.S.A. 47-610, 47-629, K.S.A. 1968 Supp. 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-6-9. Vaccination with serum alone. When serum alone is used for prophylaxis, swine vaccinated at public livestock markets in Kansas, and swine vaccinated in Kansas for interstate shipment, or swine vaccinated for shipment into the state of Kansas, shall be injected with the amount of anti hog cholera serum or the amount of antibody concentrate as hereinafter stated.

Weight of swine in pounds	Minimum dose of serum	Minimum dose of antibody concentrate
Under 60 pounds	20 cc	10 cc
60-120 pounds	30 cc	15 cc
Over 120 pounds	40 cc	20 cc

Provided, Each animal weighing under 20 pounds shall be injected with a dosage of serum of not to exceed 1 cubic centimeter per pound of body weight or with a dosage of antibody concentrate of not to exceed 1/2 cubic centimeter per pound of body weight. (Authorized by K.S.A. 47-610, 47-629, K.S.A. 1968 Supp. 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969.)

Article 7.—MOVEMENT OF LIVESTOCK INTO OR THROUGH KANSAS

K.A.R. 9-7-1. General. (a) Livestock 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) Livestock shall not be imported into Kansas without an official health certificate issued by a licensed, accredited veterinarian. When a permit is required, the permit number shall be shown on the health certificate. Livestock may be imported without a health certificate directly to:

(1) A state or federally-approved slaughter establishment for immediate slaughter;

(2) A state or federally-approved public livestock market for sale; or

(3) A Kansas farm, without change of ownership, from a farm owned or leased by the owner of the livestock within the trade territory.

(c) 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.

(d) Livestock entering Kansas on a public highway or road shall clear through a Kansas motor carrier inspection station. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607; 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.)

K.A.R. 9-7-2. Health certificates. (a) Livestock moved into Kansas, except as specifically exempted, shall be accompanied by an official interstate health certificate and completed in a manner approved by the livestock commissioner of Kansas.

(b) A copy of the health certificate, required for livestock imported into Kansas, shall be submitted to the livestock official of the state of origin for his or her approval, and shall be forwarded to the livestock commissioner of Kansas.

(c) Livestock imported into Kansas, other than by railroad, shall clear through a Kansas motor carrier inspection station. Health certificates are required for motor carrier inspection station clearance. Two copies of the certificates shall be supplied, one copy for the motor carrier inspection station attendant and one copy for the owner of the livestock. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1982.)

K.A.R. 9-7-3. Livestock permits required. (a) Before any of the following types of livestock are imported into the state of Kansas, the veterinarian in the state of origin who issues the health certificate shall obtain a permit from the Kansas livestock commissioner:

(1) all cattle originating from Mexico;

(2) calves under 60 days of age that are not accompanied by their dams;

(3) all swine;

(4) all rodeo stock, as defined by K.A.R. 9-7-18(e);

(5) all cattle, bison, or elk originating from within Yellowstone national park or from within a 20-mile zone surrounding Yellowstone national park;

(6) all live, owned cervidae; and

(7) livestock imported from areas where a specific disease exists.

(b) The permit shall be issued to the veterinarian in the state of origin who issues the health certificate. The permit number shall be shown on the health certificate.

(c) Each permit shall be void 15 days after date of issuance. (Authorized by K.S.A. 47-607d, 47-610; implementing K.S.A. 1996 Supp. 47-607; effective Jan. 1, 1966; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1982; amended Jan. 23, 1998.)

K.A.R. 9-7-4. Tuberculosis and brucellosis in 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 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 conducted at a 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, effective October 1, 2003," APHIS publication 91-45-013. The following portions of this document, which shall apply to only this subsection, are hereby adopted by reference:

(A) In chapter 1, part I; and

(B) chapter 2.

(Authorized by K.S.A. 2015 Supp. 47-607d, 47-610, and 47-657; implementing K.S.A. 2015 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 Oct. 4, 2013; amended May 27, 2016.)

K.A.R. 9-7-4a. Trichomoniasis in cattle. (a) Definitions. For the purposes of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Approved laboratory" means any laboratory designated and approved by the commissioner for performing official Tritrichomonas foetus PCR tests.

(2) "Certified negative Tritrichomonas foetus bull" means a bull that is individually identified by an official identification method approved by the commissioner and meets one of the following requirements:

(A) Originates from a herd that is not known to be infected and, following at least 14 days of sexual rest before sampling and testing, has had a negative official Tritrichomonas foetus PCR test result within the last 60 days, with no subsequent exposure to female bovine; or

(B) originates from a positive Tritrichomonas foetus herd but, following at least 14 days of sexual rest before sampling and testing, has had a series of two negative official Tritrichomonas foetus PCR test results at intervals of at least 14 days, with the second test occurring within the last 60 days, with no subsequent exposure to female bovine.

(3) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(4) "Herd" means a group of both sexually intact male animals and sexually intact female animals under common ownership or control and consisting of all bovines over 12 months of age at the time of commingling that have commingled for any period of time during the last 12 months.

(5) "Official positive trichomoniasis infection identification tag" means an individual identification tag approved by the commissioner and signifying that an animal is trichomoniasis-infected.

(6) "Official Tritrichomonas foetus PCR test" means a polymerase chain reaction test method approved by the commissioner that detects, through in vitro amplification, the presence of Tritrichomonas foetus deoxyribonucleic acid (DNA). Each official Tritrichomonas foetus PCR test shall be performed only on an animal that is individually identified by an official identification method approved by the commissioner. Each sample shall be collected using a test kit system approved by the commissioner, packaged and transported according to the approved laboratory's protocol for the transport of specimens, and collected by a veterinarian who has completed trichomoniasis training. This training shall be approved by the commissioner; include preputial sampling, sample handling and shipping, appropriate recordkeeping, and official animal identification; and be repeated every five years.

(7) "Positive Tritrichomonas foetus bull" means a bull that has had a positive official Tritrichomonas foetus PCR test.

(8) "Positive Tritrichomonas foetus herd" means either of the following: (A) A herd in which any male or female animal has had a positive diagnosis for Tritrichomonas foetus; or (B) a herd that has commingled for any period of time during the last 12 months with another herd, or portion thereof, from which an animal has had a positive diagnosis for

Tritrichomonas foetus. The herd, or a portion thereof, shall no longer be classified as a positive Tritrichomonas foetus herd once any trichomoniasis quarantine has been lifted for the herd or that portion of the herd.

(9) "Trichomoniasis-infected bovine" means a bovine that has tested positive on an official Tritrichomonas foetus PCR test.

(10) "Trichomoniasis quarantine" means a movement restriction issued by the commissioner and placed on all cattle in a positive Tritrichomonas foetus herd. This restriction shall specify the identity of the animals and the premises to which the animals shall be confined.

(b) Importation of male bovines into Kansas.

(1) Bulls shall not be imported into Kansas from another state unless they go directly to a licensed slaughter plant or an approved Kansas livestock market to be sold for slaughter, or for feeding purposes and then to slaughter, 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;

(B) state whether, to the veterinarian's knowledge, trichomoniasis has or has not occurred in the herd of origin within the past two years; and

(C) for virgin bulls 18 months of age or younger, have attached to the certificate a statement signed by the veterinarian or owner or owner's representative and indicating that the bulls have not been sexually exposed to breeding-aged females.

(2) With the exception of bulls exempted in paragraph (b)(3), non-virgin bulls, bulls older than 18 months of age, and bulls of unknown virginity status shall not be imported into Kansas from another state for breeding purposes unless these bulls are certified negative Tritrichomonas foetus bulls. The inspecting veterinarian shall either attach a copy of the official Tritrichomonas foetus PCR test results to the certificate of veterinary inspection or provide the following information on the certificate: type of test, results of the test, accession number, and name and address of the testing laboratory.

(3) Each imported 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 requirements of paragraph (b)(2).

(c) Importation of female bovines into Kansas. 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 an approved Kansas livestock market to be sold for slaughter, or for feeding purposes and then to slaughter, or are accompanied by a completed certificate of veterinary inspection. The certificate of veterinary inspection shall meet the following requirements:

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

(2) except for cows or heifers imported into Kansas for a sanctioned rodeo event or a livestock show that will be shown and then returned to the state of origin without being sexually exposed to any bull while in Kansas, document that the cows and heifers meet at least one of the following conditions:

(A) Have a calf at side and no exposure since parturition to bulls other than certified negative Tritrichomonas foetus bulls;

(B) are at least 120 days pregnant;

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

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

(E) are heifers or cows exposed only to bulls that are certified negative Tritrichomonas foetus bulls;

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

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

(d) Intrastate movement of bulls.

(1) Except as provided in paragraphs (d)(2) and (d)(3), if any non-virgin bull, bull older than 18 months of age, or bull of unknown virginity status changes possession or ownership in Kansas by private sale, public sale, lease, trade, barter, or other method, that animal shall be a certified negative Tritrichomonas foetus bull at the time of the movement accompanying the change of ownership or possession.

(2) 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 herd management plan shall not be required to be certified negative Tritrichomonas foetus bulls 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 Tritrichomonas foetus bulls before movement with a change in possession or ownership in Kansas even if these bulls originate from a herd with an approved herd management plan.

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

(e) Trichomoniasis-infected bovines and herds.

(1) The sale, lease, or movement of a bovine from a positive Tritrichomonas foetus herd for reproductive purposes shall be prohibited while the bovine is under trichomoniasis quarantine.

(2) The owner or manager of a positive Tritrichomonas foetus herd shall inform the commissioner of the total number of bulls and the total number of sexually intact female cattle in the herd.

(3) Each trichomoniasis-infected bovine, and the entire positive Tritrichomonas foetus herd from which the bovine originates, shall be placed under trichomoniasis quarantine at the time of positive lab confirmation.

(4) Bulls from a positive Tritrichomonas foetus herd shall remain under trichomoniasis quarantine as follows:

(A) Each positive Tritrichomonas foetus bull shall be identified with an official positive trichomoniasis infection identification tag by a licensed veterinarian within seven days of the positive official Tritrichomonas foetus PCR test.

(B) Positive Tritrichomonas foetus bulls shall be sent directly to slaughter or to public livestock market to be sold for slaughter. Each bull shall have an official positive trichomoniasis infection identification tag before the bull is moved to slaughter or public livestock market.

(C) All other bulls in a positive Tritrichomonas foetus herd shall remain under trichomoniasis quarantine until one of the following conditions is met:

(i) The bulls have been declared certified negative Tritrichomonas foetus bulls.

(ii) The bulls are identified with an official positive trichomoniasis infection identification tag and sent directly to slaughter or to public livestock market to be sold for slaughter.

(D) The owner or manager of a positive Tritrichomonas foetus herd shall assist the commissioner in determining the destination of all non-virgin bulls and bulls of unknown virginity status sold during the 12 months before the diagnosis of trichomoniasis in the herd.

(5) Each reproductive bovine female from a positive Tritrichomonas foetus herd shall remain under trichomoniasis quarantine until one of the following conditions is met:

(A) The female is sold directly to slaughter.

(B) The female is sold or transferred directly to a feedyard for feeding purposes and then to slaughter.

(C) The female is sold through an approved livestock market to be sold for slaughter or for feeding purposes and then to slaughter.

(D) Each bull from the female's herd has been declared a certified negative Tritrichomonas foetus bull or has been identified with an official positive trichomoniasis infection identification tag and sent directly to slaughter or to public livestock market to be sold for slaughter, and the female meets one of the following conditions:

(i) Has a calf at side and has had no exposure since parturition to bulls other than bulls that are certified negative Tritrichomonas foetus bulls;

(ii) has documented 120 days of sexual isolation, except that breeding by artificial insemination with semen from a certified negative Tritrichomonas foetus bull shall be allowed during the isolation period; or

(iii) is determined by a licensed veterinarian to be at least 120 days pregnant.

(E) Regardless of the status of bulls from the positive Tritrichomonas foetus herd, the owner or manager of the female obtains a release from trichomoniasis quarantine from the commissioner by providing adequate information and assurances, to the satisfaction of the commissioner, that despite being part of the positive Tritrichomonas foetus herd, the female has had no exposure to trichomoniasis.

(6) Unless otherwise allowed by the commissioner, all quarantined bovine females moved from the original premises of trichomoniasis quarantine during the trichomoniasis quarantine period shall be identified with an official positive trichomoniasis infection identification tag.

(7) The owner or manager of a positive Tritrichomonas foetus herd shall assist the commissioner in determining the destination of all non-virgin female bovines sold during the 12 months before the diagnosis of trichomoniasis in the herd.

(f) Approved laboratory responsibilities. Each approved laboratory shall immediately report any Tritrichomonas foetus-positive specimen to the commissioner. Each report shall include the official identification device; brand; owner's name, address, and telephone number; and the submitting veterinarian's name, address, and telephone number.

(g) Self-reporting. The owner or manager of cattle who has reason to believe that 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.

(h) Stray bulls. Any stray bull found on public or private land, from a known or unknown herd of origin, may be confined and placed under a hold order until the bull has one or more official Tritrichomonas foetus PCR tests. Each test and the cost of holding the bull shall be the responsibility of the bull's owner. The conditions of the hold or trichomoniasis quarantine order and the number of tests shall be determined by the commissioner.

(i) Neighbor notification. The owner or manager, or both, of a positive Tritrichomonas foetus herd shall, within 14 days after lab confirmation of the diagnosis, submit to the commissioner a list of the names and contact information of all known adjacent landowners or land managers. For purposes of this subsection, "adjacent landowners or land managers" shall include all owners and managers of land capable of maintaining livestock susceptible to trichomoniasis whose land is located within the perimeter of the epidemiological study established by the commissioner.

If an owner or manager does not comply with this subsection, the commissioner may assess all administrative costs associated with the notification process against the owner or manager, or both. (Authorized by K.S.A. 2015 Supp. 47-607d and 47-610; implementing K.S.A. 2015 Supp. 47-607 and 47-610; effective May 27, 2016.)

K.A.R. 9-7-5. Heifers for feeding and grazing. Beef heifers, under test-eligible age, may be imported into Kansas for feeding and grazing, without a permit, if accompanied by an official health certificate. Heifers consigned to any

location other than a licensed feed lot will be quarantined upon arrival and shall be held for feeding purposes only. A permit for import movement may be required when a specific disease condition exists. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607 and 47-610; 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.)

K.A.R. 9-7-6. Cattle; calves (heifers or bulls), and steers. Calves (heifers or bulls), over 2 and under 6 months of age, and steers, may be imported into Kansas, accompanied by an official health certificate, except when a specific disease condition exists in a state and special requirements are made by the Kansas livestock commissioner.

Calves under 2 months of age shall not be moved into the state of Kansas and shall not be sold therein, unless and until a purchaser of the same, located in Kansas, has first obtained from the Kansas animal health department a special permit, authorizing such movement into Kansas with delivery at a Kansas destination. Any movement of such calves into the state of Kansas, under such a special permit, shall be accompanied by an official health certificate, issued by authorized personnel within the state from which the movement of such calves originated. Any such calves, being moved into the state of Kansas under authority of a special permit, shall be quarantined upon the premises of the Kansas purchaser at the Kansas delivery destination for a period of 60 days following the date of delivery: *Provided,* That this regulation shall not apply to any movement of calves under the age of two months, when such calves are accompanied by their respective dams and when such dams are accompanied by a health certificate which has been issued by authorized personnel at the point of origin. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-72-14, May 26, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974.)

K.A.R. 9-7-7. Swine. (a) All swine imported into Kansas shall be identified to the farm of origin.

(b) All swine importers of feeding, breeding and feral swine shall produce a certificate of veterinary inspection and a permit issued by the Kansas animal health department upon entry to the state of Kansas. All classes of swine from herds of origin consigned to slaughter in Kansas or consigned to an approved Kansas market are exempt. ''Herd of origin'' as defined in subpart A general provision 78.1 of code of federal regulations in effect on January 1, 1988 is hereby adopted by reference.

(c) All imported swine shall originate from herds free of pseudorabies. Any herd may be classified free by the monitoring system approved by the state of origin. Swine that have been pseudorabies vaccinated shall not enter Kansas, except on special permission of the livestock commissioner.

(d) All breeding swine, regardless of age, shall be tested and found negative for brucellosis and pseudorabies within 30 days of entry, or shall be from a validated brucellosis-free and qualified pseudorabies-free herd as defined in subpart A, general provision of 78.1 and part 85, pseudorabies, sec. 85.1 of the code of federal regulations, as in effect on Jan. 1, 1988, which is hereby adopted by reference. All breeding swine shall be quarantined for 21 to 45 days and shall be retested for brucellosis and pseudorabies.

(e) All feeder swine imported into Kansas shall be held under quarantine until fed out and delivered for slaughter.

(f) Swine importers may prefile a written modified quarantine and/or test requirement plan for approval from the livestock commissioner. (Authorized by K.S.A. 47-607, implementing 47-607 and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982; amended Feb. 5, 1990.)

K.A.R. 9-7-8. Sheep. Sheep shall not be imported into Kansas, except for immediate slaughter, unless accompanied by an official health certificate, showing:

(1) that they are from a state-federal approved scab free area, or

(2) that they have been dipped in an approved dip under veterinary supervision, within thirty (30) days prior to movement into Kansas. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966.)

K.A.R. 9-7-9. Dogs. Dogs shall not be imported into Kansas, unless accompanied by a certificate of health issued by an approved veterinarian, stating: (a) that such dogs are free from symptoms of any communicable disease;

(b) that such dogs have not been exposed to rabies; and

(c) that such dogs have been vaccinated against rabies with a product licensed by the U.S.D.A. and the duration of immunity and method of administration be in accordance with manufacturer's guidelines. Dogs under three (3) months of age need not be vaccinated against rabies. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1980.)

K.A.R. 9-7-9a. Cats. Cats shall not be imported into Kansas, unless accompanied by a certificate of health issued by an approved veterinarian, stating: (a) that such cats are free from symptoms of any communicable disease;

(b) that such cats have not been exposed to rabies, and

(c) that such cats have been vaccinated against rabies with a product licensed by the U.S.D.A. and the duration of immunity and method of administration be in accordance with manufacturer's guidelines. Cats under three (3) months of age need not be vaccinated against rabies. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976; amended May 1, 1980.)

K.A.R. 9-7-10. Livestock for exhibition purposes. Except for rodeo stock, livestock may be moved into Kansas for exhibition purposes, if accompanied by a health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner and shall show that such livestock met regular Kansas interstate health requirements, as established for the particular species, before the date of entry into Kansas. (Authorized by K.S.A. 47-607d, 47-610; implementing K.S.A. 47-610; effective Jan. 1, 1966; amended April 3, 1998.)

K.A.R. 9-7-11. Zoo animals, fur-bearing animals and other domesticated wild animals. Zoo animals, fur-bearing animals and other domesticated wild animals shall be accompanied by an official health certificate. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1971.)

K.A.R. 9-7-12. Buffalo or bison. (a) Except as provided in subsection (b), each buffalo or bison that enters the state of Kansas shall be accompanied by an official health certificate and shall have tested negative for brucellosis within the preceding 30 days, if the buffalo or bison meets one of the following criteria.

(1) It is a non-vaccinated female that is 18 months of age or older.

(2) It is a vaccinated female that is 24 months of age or older.

(3) It is a bull that is 12 months of age or older.

(b)(1) Before any buffalo or bison from the greater Yellowstone area is imported into the state of Kansas, the veterinarian in the state of origin who issues the health certificate shall obtain a permit from the Kansas animal health department. "Greater Yellowstone area" means Yellowstone national park and a 20-mile zone surrounding Yellowstone national park.

(2) Buffalo or bison originating from free-roaming herds located in the greater Yellowstone area shall be prohibited from entering the state of Kansas.

(3) Each buffalo and bison entering the state from the greater Yellowstone area that is owned, that is eligible for brucellosis testing, and that did not originate from a free-roaming herd shall test negative within 30 days before entry into Kansas and shall be quarantined at the destination for a re-test at the owner's expense no sooner than 45 days and no later than 150 days from the date of entry. (Authorized by K.S.A. 47-607d, 47-610, and 47-620; implementing K.S.A. 47-610 and 47-620; effective Jan. 1, 1971; amended Jan. 23, 1998.)

K.A.R. 9-7-13. Goats. Goats shall not be imported into Kansas, unless accompanied by an official health certificate, identifying the animals and showing that the animals have had negative tuberculosis and brucellosis tests within 30 days prior to date of entry. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976.)

K.A.R. 9-7-14. Equidae. (a) Each equidae entering the state of Kansas shall be identified individually on and accompanied by a USDA veterinary services form 10-11 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) 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. The following information shall appear on the official health certificate or certificate of veterinary inspection:

(1) the date of the test;

(2) the type of test utilized;

(3) the test results; and

(4) the name of the testing laboratory.

(c) For the purposes of this regulation, the term "equidae" shall include the following:

(1) horses;

(2) asses;

(3) zebras; and

(4) equidae hybrids. (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.)

K.A.R. 9-7-15. Ratites. (a) Each ratite imported into Kansas shall be accompanied by an official health certificate or a certificate of veterinary inspection signed by a licensed veterinarian on a form approved by the livestock commissioner, unless the ratite is moved directly to one of the following locations:

(1) to an approved state or federally inspected livestock market;

(2) to an approved state or federally inspected slaughter establishment; or

(3) to property in the state of Kansas from property located not more than 20 miles outside of the state of Kansas, if both properties are owned by the same person or entity.(b) Each ratite that the owner intends to sell or to use for the purpose of breeding or exhibition shall be identified individually by an implanted microchip or some other method approved by the livestock commissioner. The following information shall be written on the health certificate or the certificate of veterinary inspection:

(1) the microchip manufacturer's name;

(2) the microchip number; and

(3) the location of the microchip.

(c) Each ratite imported for the purpose of slaughter or feeding that has a microchip implant shall be identified individually by the following information on an official health certificate:

(1) the microchip manufacturer's name;

(2) the microchip number; and

(3) the implant location.

(d) For the purposes of this regulation, the term ''ratite'' shall include the following:

(1) ostriches;

(2) emus;

(3) rheas;

(4) cassowaries; and

(5) kiwis. (Authorized by K.S.A. 1996 Supp. 47-607 and 47-607d; implementing K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-7-16. Cervidae. The owner of each live cervidae imported into Kansas shall comply with importation and testing requirements set out in K.A.R. 9-29-4, K.A.R. 9-29-5, and K.A.R. 9-29-6. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-7-17. Camelidae. (a) Each camelidae imported into the state of Kansas shall be identified by one of the methods stated in subsection (b) and shall be accompanied by an official health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner.

(b) For identification purposes, the following information shall be written on the health certificate or the certificate of veterinary inspection:

(1) A description of each camelidae, including the following characteristics:

(A) the age;

(B) the size;

(C) the color marking;

(D) the sex;

(E) the breed; and

(F) any information available regarding vaccinations and testing; and

(2) Any other significant identification for each camelidae, which may include these types of identification:

(A) An official microchip identification that includes the microchip number the microchip manufacturer's name, and the location of the microchip;

(B) an ear tag;(C) a tattoo number and the location of the tattoo; or

(D) any other permanent identification approved by the livestock commissioner.

(c) Brucellosis. Each camelidae imported into the state of Kansas that is six months of age or older shall test negative for brucellosis, using an official test, within 30 days before entry.

(d) Tuberculosis. Each camelidae imported into the state of Kansas that is six months of age or older shall test negative for tuberculosis, using an official test, within 60 days before entry.

(e) For the purposes of this regulation, the term ''camelidae'' shall include the following:

(1) camels;

(2) llamas; and

(3) alpacas. (Authorized by K.S.A. 47-607d; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-7-18. Rodeo stock. (a) Each owner of rodeo stock shall obtain a permit from the livestock commissioner authorizing importation of the rodeo stock.

(b) All rodeo stock shall be accompanied by a health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner and shall include the permit number issued by the Kansas animal health department.

(c) Bulls that are 12 months of age and older shall test negative for brucellosis, using an official test, within 12 months before entry.

(d) Horses that are six months of age and older shall test negative for equine infectious anemia (EIA) within 12 months before entry.

(e) For purposes of this regulation, ''rodeo stock'' means livestock participating, working, or being used in connection with competition. ''Competition'' may include bull riding, bronco riding, barrel racing, team penning, or other similar events. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-7-19. Equine passport. (a)(1) For the purposes of these regulations, the term ''equidae'' shall have the meaning in K.A.R. 9-7-14.

(2) ''Equine passport'' means a document issued by a veterinarian licensed and accredited in the state of origin and written on a form approved by and bearing a certificate number issued by the animal health regulatory agency in the state of origin. This passport shall individually identify an equidae, show the date of a negative EIA test conducted on that equidae at an approved laboratory within the preceding six months, and provide the information specified below in subsections (b) and (c).

(3) ''EIA test'' means an equine infectious anemia test.

(b) Each equidae entering Kansas on an equine passport shall be identified by name and shall be further identified on the passport by the designation of one of the following:

(1) A description of any brands;

(2) a description of a lip tattoo;

(3) a statement that a microchip is present, with the brand name and location of the microchip written on the passport; or

(4) any alternate method of designation approved by the livestock commissioner.

(c) The following information shall appear on the equine passport:(1) A description of the equidae that includes its age, breed, color, and sex, as well as any marks that help identify the equidae;

(2) the date of the EIA test used for validation;

(3) the type of test utilized;

(4) the test results;

(5) the name of the testing laboratory; and

(6) the laboratory accession number.

(d) Each equine passport shall be accompanied by a valid, completed ''equine infectious anemia laboratory test'' report on USDA veterinary services form VS 10-11T. The equidae shall be identified on the report in the same manner as on the equine passport.

(e) In order for an equidae passport to be valid in Kansas, the veterinarian who issued the equidae passport in another state shall have verified the following:

(1) That the equidae listed on the VS 10-11T form is the same equidae listed on the equine passport, based on one of the methods of identification described in subsection (b); and

(2) that the equidae listed on the equine passport was examined on the date of issuance and found to be free from evidence of contagious, infectious, or communicable disease.

(f)(1) Each inspecting veterinarian who determines that an equidae originating in Kansas is eligible for an equine passport shall complete the passport form, including the EIA test results. The inspecting veterinarian then shall contact the department to obtain a passport certification number, validation date, and expiration date, which shall be recorded by the veterinarian on the equine passport.

(2) The white copy of the completed equine passport form and the related EIA test information for equidae originating from Kansas shall be submitted to the department within 48 hours of issuance of the passport certification number and validation date.

(3) The equidae owner shall be provided by the inspecting veterinarian with itinerary forms at the time the equine passport is issued. The itinerary forms shall be completed and returned to the department with the next application for an equine passport for that equidae. Additional equine passports shall not be issued for the identified equidae until the completed itinerary forms have been received by the department.

(g)(1) Except as provided in paragraph (g)(2), each equine passport shall remain in effect for six months from the date of the EIA test listed on the passport.

(2) Any equine passport issued in the state of Kansas may be suspended or revoked at any time due to a disease outbreak or another similar factor by the livestock commissioner. Any equidae with an equine passport issued in another state may be prohibited by the livestock commissioner from entering the state if the livestock commissioner determines that a disease outbreak or similar factor in the equidae's state of origin warrants such an action.

(h) Equine passports shall not apply to equidae imported into the state of Kansas for the purpose of parimutuel racing. (Authorized by K.S.A. 47-607, K.S.A. 47-607d, and K.S.A. 47-610; implementing K.S.A. 47-607 and K.S.A. 47-610; effective, T-9-5-31-01, May 31, 2001; effective March 15, 2002.)

Article 8.—LIVESTOCK FEED LOTS

K.A.R. 9-8-1. Cleaning of premises. (1) Feed lots shall be thoroughly scraped and cleaned, and all manure removed, at least two times each calendar year, and more frequently if necessary to maintain proper standards of cleanliness and sanitation.

(2) Manure removed from a feed lot shall be disposed of in one of the following manners:

(a) Hauling to and placing upon farm land, where same shall be spread out and plowed under the soil surface;

(b) dehydrating by a mechanical dehydrating process;

(c) depositing in lagoons or settling tanks, having such construction and size to effectuate substantial reduction by bacterial action;

(d) using any other method specifically approved by the livestock sanitary commissioner. Manure removed from a feed lot may be stockpiled, and shall be moved for final disposal when conditions permit.

(3) Locations at a feed lot which might be the source of insect breeding:

(a) shall be cleaned; or

(b) shall be treated with approved chemicals; or

(c) shall be both cleaned and treated with approved chemicals. The procedure followed shall be in such manner as to eliminate or substantially reduce the breeding of flies. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

K.A.R. 9-8-2. Control of insects, rodents, and pests. (1) Effective chemicals, approved by the livestock sanitary commissioner, shall be used for killing of flies on and about the feed lot premises. Such chemicals shall be applied with such frequency, and with such coverage, as will eliminate or reasonably control the fly population on such premises.

(2) Effective methods, approved by the livestock sanitary commissioner, shall be used for the eradication of the rodent population. Approved formulas of gas and poisons, may be used. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

K.A.R. 9-8-3. Location and construction of facilities. (1) Feed bunks, hay feeders, water tanks, and other permanent installations, shall be located and constructed in such a manner as to permit adequate cleaning of premises adjacent to such permanent facilities.

(2) Weather resistant platform aprons shall be provided adjacent to all feed bunks, feeders, water tanks and other permanently affixed facilities. Such aprons shall be of concrete, blacktop, compacted gravel, crushed rock, or other approved materials. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

K.A.R. 9-8-4. Drainage of feed lot. (1) Surfaces of feed lot pens shall be prepared and maintained at a grade or slope, and in a manner which will prevent future and eliminate present accumulations of surface waters, and which will permit and facilitate the immediate runoff of surface waters, from the feeding area.

(2) The surface waters running off, or being discharged from, the feeding area, shall be directed into storage reservoirs or settling basins, where practical and recommended, or shall be diverted and spread over fields, thus preventing the direct drainage and movement of solids being carried by water into draws, ravines, streams, and rivers. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

K.A.R. 9-8-5. Veterinarian. A licensed veterinarian shall be available at the feed lot, or subject to call at any time. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

K.A.R. 9-8-6. Mechanical equipment. The operator of a feed lot shall have available at his feed lot, either by ownership or by lease arrangement, necessary equipment, in good repair, which shall include the following: a bulldozer, a road grader, and a scoop or other mechanically operated equipment capable of scraping pens and loading manure. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

Article 9.—POULTRY AND HATCHING EGGS

K.A.R. 9-9-1. Poultry affected with, or exposed to, disease; importation prohibited. Poultry which is infected with, or which has been exposed to, pullorum disease, typhoid disease, Newcastle disease, fowl plague, chronic respiratory disease, fowl cholera, infectious bronchitis, laryngottacheiti infectious sinusitis, fowl pox, coccidiosis, ornithosis, tuberculosis, or any other infectious or contagious disease, shall not be brought, shipped, or imported into the state of Kansas for any purpose whatsoever. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-9-2. Poultry for immediate slaughter; importation. Turkeys, chickens, waterfowl, and other domesticated fowl which are apparently healthy may be brought, shipped, or imported into the state of Kansas, for immediate slaughter only, without health certificates, when consigned by common carrier, or by other approved transportation, to a destination approved by the livestock sanitary commissioner of Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-9-3. Turkeys under four (4) months; other poultry under five (5) months; poultry hatching eggs. Turkey poults under four (4) months of age, and other poultry under five (5) months of age, and poultry hatching eggs, may be brought, shipped, or imported into Kansas, without health certificates, if such poults and poultry and eggs originate in flocks, or are distributed from hatcheries or premises: (a) where the flock owner or hatchery owner is participating in the national turkey improvement plan and the national poultry improvement plan, whichever is applicable; or

(b) where the flock owner or hatchery owner is operating under supervision of a disease control agency of the state of origin and has been and is classified as U.S. pullorum-typhoid clean. Waterfowl and waterfowl hatching eggs may be brought, shipped, or imported into Kansas, without meeting the above requirements:

(a) if not consigned to, or if not delivered to, an approved national plan hatchery; or (b) if not consigned to, or if not delivered to, a hatchery handling domesticated fowl and hatching eggs. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-9-4. Poultry importation permits. Any person desiring to import poultry, or poultry hatching eggs, into Kansas shall not be entitled to do so, unless and until he shall have first obtained a poultry importation permit from the livestock sanitary commissioner of Kansas. Such a permit shall not be required for waterfowl or for waterfowl hatching eggs imported under provision of regulation 9-9-3. An application for such a permit shall be submitted to the livestock

sanitary commissioner and shall be made only on a form approved and supplied by the livestock sanitary commissioner. Such a permit shall be issued to the applicant, by the livestock sanitary commissioner of Kansas, or his duly authorized representative, when it has been determined: (a) That the official disease control agency of the state of origin of proposed poultry and poultry hatching egg imports, has verified the pullorum-typhoid classification of the flock, hatchery or premises, from which the birds or eggs originate; and

(b) when such classification is acceptable to such Kansas official; and

(c) when such additional conditions and provisions, as the livestock sanitary commissioner had deemed essential for the protection of poultry in Kansas from infectious or contagious disease, have been satisfied. Each such permit shall state a date of expiration, as of June 30 following date of issuance. Each container in which poultry or poultry hatching eggs are transported or shipped into Kansas shall bear an official label stating:

(a) The name and address of the consignor;

(b) the name and address of consignee;

(c) the pullorum-typhoid classification of the poultry and poultry eggs; and

(d) the number of Kansas poultry import permit. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-9-5. Health certificates; turkeys over four (4) months and other poultry over five (5) months of age. Turkeys over four (4) months of age, and other poultry over five (5) months of age, may be brought, shipped, or imported into the state of Kansas, for purposes other than immediate slaughter: Provided, they are accompanied by an official health certificate, or a permit acceptable to livestock sanitary commissioner of Kansas, issued by the chief livestock health official of the state of origin certifying: (a) that such turkeys, and such other poultry are free from any evidence of any infectious or contagious disease;

(b) that such turkeys and such other poultry have not been exposed to any such disease; and

(c) that such poultry are classified as U.S. pullorum-typhoid clean. Such turkeys and other poultry may be permitted to move into the state of Kansas under quarantine. Upon arrival at the point of destination such turkeys and poultry shall be held under such quarantine, separate and apart from other poultry, until they have been tested for pullorum and typhoid diseases, and have been found negative to such diseases, and until the elapse of thirty (30) days after such importation and after such negative tests. Such turkeys and other poultry, so imported, which are tested and found to be positive to any of such diseases, shall be immediately moved under quarantine to a destination, acceptable to the livestock sanitary commissioner, for purposes of immediate slaughter. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

Article 10.—PUBLIC LIVESTOCK MARKETS

K.A.R. 9-10-1. Requirement for sale. (a) The consignor, at the time of unloading of livestock, shall indicate to the public livestock market operator , or his representative in charge at the unloading dock, any and all known disease conditions , injuries or physical defects and the information shall be recorded on the drive-in ticket.

(b) Brucellosis reactor animals may be sold at a public livestock market, for slaughter only, and other animals approved by the veterinary inspector, may be permitted to sell within limitations otherwise authorized.

(c) Consigned livestock delivered at a public livestock market shall be inspected by the authorized veterinary inspector, and the livestock shall be tested, and shall be otherwise treated, as required by law and regulations. (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.)

K.A.R. 9-10-2. Special sales at irregular intervals. The public livestock market operator shall be responsible for the sale, purchase, or exchange of livestock at regular or irregular intervals at the public livestock market premises, including private sales, consignment sales, and breed association sales. Livestock shall be released from the market premises, only in accordance with the Kansas laws and regulations. Laws and regulations hold the market operator responsible for sale and release of livestock even though the facilities may be rented. Veterinary inspector's presence is required. (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.)

K.A.R. 9-10-3. Health certificates. Health certificates covering all livestock consigned to, or sold through a public livestock market shall be issued to the purchasers. Said certificates shall show the kind of inspection made, any treatment administered, the kind of vaccination administered, and the general description of the animals. Except for interstate shipments, such certificates may be incorporated in the account of sale. Acceptance of livestock by purchaser of the animals covered by such certificates, shall complete the sale.

In handling livestock for interstate movement, the veterinary inspector is directed to make inspection and tests necessary, and to issue a health certificate which meets the requirements of the state of destination.

Two copies of the health certificate, covering all interstate shipments, shall be sent to the livestock sanitary commissioner, Topeka, Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

K.A.R. 9-10-4. General inspection. All livestock, including poultry, when delivered to a public livestock market, whether held in outside pens, yards, sheds, barns, vehicles, crates or coops (whether loaded on vehicles or unloaded) or other places on such market premises, shall be inspected, and shall not be offered for sale, sold or exchanged until inspected, passed and released by the veterinary inspector.

Public livestock market operators may be required to report weekly to the livestock sanitary commissioner the number and kind of livestock received from out of state, the name and address of each consignor, and the number or location of the port of entry through which the livestock entered this state. (Authorized by K.S.A. 47-607a, 47-610, K.S.A. 1965 Supp. 47-607; effective Jan. 1, 1966.)

K.A.R. 9-10-5. Inspection of cattle. (1) General: All cattle and calves shall be given an inspection for detection of any communicable, infectious and contagious disease. Cattle showing evidence of lump jaw (actinomycosis) or cancer-eye (carcinoma) in the advanced stages, that in the judgment of the veterinary inspector will not respond to treatment, shall not be sold at any public livestock market, except for immediate slaughter, and then only to an establishment where federal inspection is maintained.

(2) Scabies: Veterinary inspectors shall use particular care in making examination to detect scabies infestation. If cattle are found to be infested with scabies, the veterinary inspector shall quarantine the animals, and shall promptly notify the livestock commissioner of such quarantine. (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.)

K.A.R. 9-10-7. Inspection of sheep and goats. All sheep and goats shall be given an inspection for communicable, contagious or infectious diseases. Veterinary inspectors shall use particular care in making examination to detect scabies infestation. If sheep or goats are found to be infested with scabies, the veterinary inspector shall quarantine the animals, and shall promptly notify the livestock sanitary commissioner. The livestock sanitary commissioner may direct operators of public livestock markets to dip, with approved solution, all sheep and goats which are offered for sale or sold. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-8. Inspection of swine. (a) Feeder swine, of Kansas origin, shall not be eligible to sell at a public livestock market, unless they have been maintained on Kansas premises for at least thirty (30) days; and

(1) have been held separately and apart from other swine; or

(2) have been raised on that farm.

(b) Out-of-state swine are not eligible to sell except as otherwise provided by regulations. If, after swine are unloaded at the public livestock market premises, it is determined that such swine

(1) are from another livestock market; or

(2) are from another state; or

(3) are for any other reason not eligible to sell, then neither the consignor, nor the person in charge of such livestock, shall be permitted to reload such livestock, or to move such swine from the public livestock market premises. All such swine shall be placed under quarantine by the veterinary inspector and shall be held in the quarantine pens at the public livestock market premises until officially released. The livestock commissioner, or his representative, shall be notified of issuance of any such quarantine.

(c) The drive-in ticket, which shall be completed at the unloading dock at each public livestock market, shall contain the following information:

(1) The name and address of the consignor; the name and address of the driver of the vehicle (the sale operator shall be responsible for the accuracy of such names and addresses; he shall check the driver's license, record the number of such driver's license);

(2) the place of origin of the swine; this shall be specific as to the address where the swine were originally loaded. If the consignor, or his agent, refuses to give complete information as to the origin of the swine, and as otherwise required, the swine shall not be eligible to sell, and shall be quarantined on the premises of the public livestock market;

(3) the make or manufacturer of the delivering vehicle;

(4) the registration or license number of delivering vehicle; the state of issuance, and year of issuance, of the registration or license tag shall be shown;

(5) the consignor of swine, or his agent, shall sign the drive-in or dock record.

(d) Sows, boars and stags sold for slaughter shall be tattooed on the shoulder with the national market swine identification coded tattoo or identified by eartag and such tattoo number or eartag number shall be recorded on the drive-in ticket or scale ticket. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1980.)

K.A.R. 9-10-9. Restrictions on sale of swine. (1) Out-of-state swine are not eligible to sell at a public livestock market except for slaughter, unless such swine are consigned direct by a producer in a recognized trade territory.

(2) Feeder swine are not eligible to sell in Kansas at any public livestock market or other sale, unless such swine shall have been produced and moved directly from a healthy herd, from a Kansas farm, or unless such swine shall have

been maintained on a Kansas farm, or on Kansas premises, for at least 30 days, and shall have been held separately and apart from other swine. Swine originating on said Kansas premises, shall have a history and record of being free from any and all diseases, and free from exposure to disease, and meet other requirements, before such swine shall be salable.

Feeder swine shall not be offered for sale, sold or exchanged, at a public livestock market, until they have been inspected and passed by the veterinary inspector; nor may such swine be released from such market premises except as provided by law and regulations, and then only under quarantine to be held at a destination on Kansas premises, giving detailed location, with provision for such swine to be checked by Kansas officials, until subsequently released.

Feeder swine shall not be offered for sale, sold or exchanged, until all drive-in and dock records, and other required information, are secured by the public livestock market operator. Such operator shall not permit any such swine to be sold under name of a consignor using an alias name. (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.)

K.A.R. 9-10-10. Swine. Release and quarantine of feeding and breeding swine from a public livestock market shall be in accordance with the following:

(1) Identification of swine. Swine shall be identified by the market veterinary inspector, at the time of inspection, by paint, paint stick or a permanent-type dye mark applied on top of shoulders, before such swine are released from such market premises.

(2) Removal from public livestock market premises. Breeding and feeding swine shall not be sold or removed from public livestock market premises, until inspected and marked by the veterinary inspector; swine shall be released to purchaser's premises under quarantine for 30 days. Owners shall be furnished a buyer's sheet by the market operator, which shall be stamped with the official quarantine notice.

(3) Interstate movement of swine. Swine being moved from public livestock market premises, to an out-of-state destination, shall meet the federal interstate requirements and the requirements of the state of destination. (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.)

K.A.R. 9-10-14. Poultry. Chickens, turkeys, ducks, geese, pigeons, and other poultry shall be given an inspection for communicable, infectious, or contagious diseases, before being offered for sale, sold, or exchanged at a public livestock market.

When poultry is sold as "chicks" this regulation shall mean any domestic fowl under the age of six weeks.

Each box, crate, coop or other container, holding chicks, shall be plainly labeled with the name of seller and description of contents. Such description of contents shall include name of the breed and of the variety. Additional labeling requirements shall include a guarantee of sex on sexed chicks, the date of the hatch, the number of chicks in the container, and the pullorum classification of such chicks.

An inspection fee of one cent per bird shall be collected from the consignor, by the public livestock market operator, which fee shall be paid to the veterinary inspector for inspections made on poultry. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-15. Quarantine of diseased and exposed animals. When livestock, including poultry, is offered for sale, and the veterinary inspector finds evidence of such animals being infected with any contagious or infectious

disease, by temperature or other clinical symptoms, or finds same evidence of such animals being exposed to any such disease, the veterinary inspector shall place the entire consignment of such livestock under quarantine, and shall promptly notify the public livestock market operator, of his action. The public livestock market shall then notify the consignor of such livestock of the infected or exposed animals, which have been placed under such quarantine.

When the veterinary inspector is satisfied that such consignor is prepared to, and is agreeable to holding such animals under quarantine on his own premises, he may permit same to be moved to said premises. When the veterinary inspector is not satisfied that such consignor can comply with the requirements of the quarantine, then the infected or exposed animals shall be placed in quarantine pens provided by the public livestock market operator. If a veterinary inspector finds that livestock consigned to his public livestock market, originated outside the state of Kansas and had not entered the state in line with Kansas requirements, he shall hold such livestock under quarantine in the quarantine pens provided by the public livestock market operator. It shall be the duty of the public livestock market operator to feed, water, and shelter all animals placed under official quarantine on his public livestock market premises.

After the veterinary inspector has diagnosed the disease, with which the animals, including poultry, are infected, or to which they have been exposed, he shall prescribe and administer the necessary medicine, vaccine or serum, and shall submit a statement of the cost of such service, together with the cost of feed, water and care, and such amount shall be charged to the owner or consignor. When livestock is rejected for sale purposes, as provided in this regulation, the veterinary inspector shall issue an official quarantine notice to the consignor covering all livestock in the consignment. The quarantine notice shall be made in triplicate, and the original shall be given to the consignor, the first copy shall be forwarded to the livestock sanitary commissioner at Topeka, Kansas, and the second copy shall be retained by the veterinary inspector. Said quarantine shall be effective for twenty-one days, or until released by the livestock sanitary commissioner, or his authorized representative. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-16. Limitation on sale of injured or physically defective livestock. The veterinary inspector shall have authority to prevent the sale of livestock which are found to have physical defects, produced by injury or disease. In the event that such animals are permitted to be sold, the veterinary inspector's certificate shall state such physical defects or injuries, and the public livestock market operator, or his representative, shall announce such conditions as are shown on the veterinarian's certificate to the prospective purchasers, before such animals are offered for sale. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-17. Yard facilities. Facilities used for handling, penning or loading livestock shall be constructed in such a manner as will prevent physical injury to persons and livestock.

Floors of pens in which swine are held, floors of alleyways used in the moving of swine, and the floors of pens used for holding small calves, shall be of concrete or of some approved impervious material. Such floors shall be so constructed that they may be properly washed, cleaned, drained and disinfected. This requirement does not apply to pens in which fat hogs are held after being sold for slaughter purposes. Cattle pens shall be so constructed, and of such material, as will permit proper drainage, and such pens shall be cleaned and disinfected within 24 hours after each sale day. Facilities for handling livestock on public livestock market premises shall be kept clean at all times. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-18. Limitation on use of public livestock market premises. The pens, yards, alleys and sale ring shall not be used for feeding, holding, trading, or assembling livestock, except twenty-four hours before or twenty-four hours after any sale day: *Provided,* This regulation shall not apply to quarantine pens. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-19. Disinfection of public livestock market premises and vehicles. Pens, and other public livestock market facilities, and trucks and other vehicles used to transport or confine livestock, found to be infected with or exposed to a contagious or infectious disease, shall be washed, cleaned, and disinfected with an approved disinfectant after each sale day, the same to be performed under the supervision of the veterinary inspector. Expenses incurred in the cleaning and disinfecting of pens and other public livestock market facilities shall be paid by the public livestock market operator. Expenses incurred in the cleaning and disinfecting of trucks, cars, or other vehicles used to transport or confine diseased or exposed livestock shall be paid by owner or operator of such equipment. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-21. Quarantine pens and facilities. Each operator of a public livestock market shall provide and maintain adequate quarantine pens, separate and apart from such market pens as are regularly used to pen livestock consigned for sale. These quarantine pens shall be of ample size, and have sufficient shed coverage and room to provide shelter for any diseased livestock. Proper feeding and watering facilities shall be provided for, and in such pens. Designated quarantine pens shall be under the direct supervision of the veterinary inspector, and such pens shall be locked at all times, except for authorized movement of livestock into and out of same. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-22a. Veterinary testing fees. (a) Fees shall be collected by the public livestock market operator for blood testing of livestock for brucellosis detection. Brucellosis testing shall include the following services:

(1) Collecting the blood sample from the animal;

(2) Making the agglutination test;

(3) Recording of tests on official test chart and on official health certificate when such certificate is required;

(4) Issuing of public livestock market shipping permits; and

(5) Issuing test cards on tested animals released for a Kansas destination.

(b) Charges for swine identification with eartag: Charges may be made by the veterinary inspector for the identification of swine with eartags when such identification is required to meet state regulations or federal interstate regulations.

Charges for such required eartag identification shall be collected by the market operator and paid to the veterinary inspector.

The charges shall be collected from the buyer, except on swine being returned home under quarantine, as required in K.A.R. 9-10-30, and then the charge shall be collected from the consignor. (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.)

K.A.R. 9-10-23. Regulatory fees. A regulatory fee of one cent per bird on all poultry over ten days old, and twenty-five cents per hundred, or a fraction thereof, on all poultry ten days old or under shall be collected by the operator of a

public livestock market, from the consignor of all consigned poultry, which amounts shall be paid to the livestock sanitary commissioner.

When sow and suckling pigs, cow and suckling calf, mare and suckling colt, or ewe and suckling lamb, are offered for sale and sold as a unit, only one inspection fee, and one regulatory fee, shall be collected from the consignor for each such unit.

Inspection fees and regulatory fees shall be shown on the consignor's invoice as separate items, and such items shall not be included with charges made by the operator for yardage, insurance, or other items. (Authorized by K.S.A. 47-610, 47-1011, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

K.A.R. 9-10-24a. Backtagging procedures at public livestock markets. (a) Heifers, cows, and bulls over test-eligible age shall be tagged with the uniform backtag. This includes animals from other states, as well as from Kansas origin. The owner's name, at the point of origin (farm location), shall be shown on the record sheet for the animals which are backtagged. If the owner's name, as defined here, cannot be determined, then the seller's name may be shown.

(b) The backtags, glue, and other adhesives shall be furnished to the public livestock market operators at federal or state expense. Backtags shall be applied by personnel of the public livestock market operator under the supervision of the market veterinarian or the market manager. The public livestock market operator shall be reimbursed for personnel services in applying the backtags on the basis of fifteen cents (15¢) per head for each animal backtagged when authorized by the livestock commissioner.

(c) The person doing the backtagging shall keep a record showing the tag number used, the name and address of the owner of the animal, and the county of origin for the animal backtagged. A copy of this record shall be forwarded to the Kansas animal health department when a sheet covering the listed backtag number is completed.

(d) A backtag shall be applied on each animal, just behind the shoulder and below the mid line of the back; not on hip.

(e) The backtag on animals sold for slaughter without a test shall not be removed until time of slaughter.

(f) Backtagged animals which are bled at markets shall have the backtag sprayed with yellow transparent lacquer. This lacquer will be furnished by the Kansas animal health department. The backtag shall remain on the animal and will help serve as rapid identification should the animal be moved to another market or should there be any reason for trace back.

(g) Any unauthorized removal of a backtag from cows, which are moved for slaughter, shall be reported to the livestock commissioner of Kansas or his authorized representative. The buyer of the animals may be denied a release of backtagged cattle for any purpose, unless the backtagged animal has been tested before removal from the market. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing K.S.A. 47-658a and 47-1008; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982.)

K.A.R. 9-10-25a. Procedures for use of testing forms, blood samples; payment to market veterinarian for testing. (a) The special market brucellosis test chart shall be used at all markets. When completed, all copies, together with blood samples, shall be forwarded immediately to the state-federal laboratory.

(b) The market veterinarian shall show on the test chart the eartag number, the backtag number, the age, the sex, and the breed of each animal, together with the test results, and the name and address of the seller (NOT the buyer), and the county from which the animal was moved to the market. (This can be obtained from the backtag

record sheet.)

(c) The brucellosis testing service of the veterinary inspector shall include the collection of the blood sample; the completion of the agglutination test; the completion of the forms supplied; the forwarding of blood samples and test charts to the state-federal laboratory; the tagging and branding of reactors; the issuing of shipping permits on reactors and suspects; and the issuing of test cards on tested animals released to be moved to a Kansas destination.

(d) Fees for brucellosis testing by the market veterinary inspector shall be collected by the public livestock market operator and shall be paid by him to the veterinary inspector. (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.)

K.A.R. 9-10-26a. Brucellosis testing procedures and status determination for cattle; handling of exposed cattle. (a) Testing procedures.

(1) Backtagged animals, cows, heifers, and bulls of test-eligible age and from non-quarantined herds shall be tested for brucellosis before being released from the market, unless they:

(A)Have a negative brucellosis test within thirty (30) days of sale;

(B) Are from a certified brucellosis-free herd;

(C) Are ''S'' branded because they originated from a quarantined herd or a licensed feed lot; or

(D) Originated from a Class C state or a state designated by the livestock commissioner as having a high incidence of brucellosis.

(2) Animals shall be tested for brucellosis before the sale, or shall be sold subject to test when they are received at the market too late to be tested before being sold.

(3) Brucellosis reactors found at the market and all brucellosis exposed animals in the consignment shall revert back to the consignor of the cattle. All reactors shall be tagged and branded and sold for slaughter.

(b) Handling of exposed cattle. When brucellosis reactors are found in tested cattle, the remainder of any consignment of cattle, classified as exposed, shall be:

(1) Quarantined by the market veterinarian to the original owner until the cattle have passed two

(2) clean tests—the first not earlier than thirty (30) days from date reactors were removed, the second test not earlier than ninety (90) days from date of first test;

(2) Sold for slaughter by being ''S'' branded and identified on an official shipping permit issued by the market veterinarian; or

(3) Moved to a Kansas licensed feed lot, ''S'' branded and identified on an official shipping permit. (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.)

K.A.R. 9-10-27a. Procedures for handling brucellosis reactors and suspects. 1. Reactors. When reactors are found in animals tested, the reactor animals shall be tagged and branded, and indemnity papers shall be completed by the market veterinarian. The owner (seller or consignor) shall be eligible to collect indemnity

(1) if subsequent testing procedures are followed for the remainder of the herd of origin, and

(2) if all other requirements are met.

2. Suspects. When one or more suspects are found in the brucellosis test and no reactors are found, the suspects may be

(1) quarantined to the owner for a 30 to 60 day brucellosis test at the owner's expense, or

(2) sold for slaughter and released on a shipping permit. (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.)

K.A.R. 9-10-30. Swine rejected by the veterinary inspector. Swine rejected by the veterinary inspector for regular sale purposes may be released to be

(1) returned to the farm of origin under quarantine, until released by the livestock commissioner or sold for slaughter; or

(2) shipped direct to slaughter on an official shipping permit. Such swine must be identified by the veterinary inspector by an eartag and with a paint mark applied on top of the shoulders. The eartag number shall be shown on the quarantine or shipping permit issued by the veterinary inspector.

Any inspection and release of these swine by the livestock commissioner, or his authorized representative, shall be only upon request by the owner and, in no case, shall they be released in less than thirty (30) days following the return of the swine to the farm of origin. (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.)

K.A.R. 9-10-31. Occasional livestock sale fees. The annual fee for an occasional livestock sales license shall be as follows:

(a) 1-2 sales per year $25.00
(b) 3-5 sales per year $50.00
(c) 6-9 sales per year $75.00
(d) 10-12 sales per year $100.00

(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.)

K.A.R. 9-10-32. Exemption from occasional livestock sale requirements. Occasional livestock sales held in conjunction with a county, district, regional, or state exhibition for junior exhibitors shall not be required to apply for or obtain an occasional livestock sale license. (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.)

K.A.R. 9-10-33. Livestock injured, disabled or unfit for sale. Definitions. As used in this act, these definitions shall apply. (a) ''Actinomycosis'' means the disease commonly known as lump jaw.

(b) ''Livestock'' or ''animal'' means animals as defined by K.S.A. 1996 Supp. 47-1001(b), and amendments thereto.

(c) ''Commissioner'' means the Kansas livestock commissioner or a designated employee of the Kansas animal health department, or a designated employee of the United States department of agriculture veterinary services.

(d) ''Department'' means the Kansas animal health department.

(e) ''Euthanasia'' or ''euthanize'' refers to accomplishing the humane death of an animal by a method appropriate for the species and the location.

(f) ''Metastatic'' or ''metastasis'' means the invasion or infiltration of other structures or tissue by a neoplasm.

(g) ''Neoplasia,'' ''neoplasm,'' or ''neoplastic'' means new, abnormal tissue growth deleterious to the animal's health. Tumors and cancer are neoplasias.

(h) ''Nonambulatory'' means that the animal is unable to rise to its feet and walk with minimal stimulus.

(i) ''Owner''means the actual owner of the livestock or the person who consigned the livestock for sale, or the owner's or consignor's agent.

(j) ''Urinary calculi'' means the condition commonly known as water belly.

(k) ''Market veterinarian'' means an accredited veterinarian licensed to practice in Kansas and appointed by the commissioner to perform the duties of a veterinarian at a specific livestock market. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 19, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-33a. Electronic auctions. (a) As part of the application for an electronic auction license, each owner or operator of an electronic auction that is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale shall pay a license application fee to the livestock commissioner in the amount of $40.00. The owner or operator shall pay an annual license renewal fee of $40.00 before June 30 of each year.

(b) The electronic auction operator shall collect from each consignor of livestock at the electronic auction a fee of $.15 per head of livestock sold at the electronic auction if the livestock are located in the state of Kansas. The electronic auction operator shall remit these fees to the commissioner in accordance with K.S.A. 47-1011, and amendments thereto.

(c) The costs associated with issuance of the health certificate required under K.S.A. 47-1008, and amendments thereto, shall be paid by the consignor. Each of these health certificates shall meet the requirements of K.A.R. 9-10-3. (Authorized by and implementing K.S.A. 47-1001e, as amended by L. 2000, Ch. 111, §7, K.S.A. 47-1008, as amended by L. 2000, Ch. 111, §8, and K.S.A. 47-1011, as amended by L. 2000, Ch. 111, §9; effective, T-9-8-29-00, Aug. 29, 2000; effective Dec. 29, 2000.)

K.A.R. 9-10-34. Notice. (a) Every operator of a public livestock market in Kansas shall post and maintain signs at the livestock market that state the following notice specified in subsection (b). Such signs shall be placed in a clearly visible location at the check-in dock, in the sale ring, and in the market office area available for public access. The notice specified in subsection (b) shall appear on the sign in black letters, and each letter shall be a minimum of one inch in height.

(b) The signs required in subsection (a) shall contain the following notice:

NOTICE

To: All livestock owners, consignors, or agents. Any animal that is injured, disabled, or deemed unfit for sale shall be examined by the market veterinarian. After examination of the animal, the market veterinarian has sole discretion to determine whether the animal will be sold, removed from the livestock market, or euthanized in accordance with K.S.A. 1996 Supp. 47-1008, and amendments thereto.

A copy of the statute and its regulations is available at the market office or from the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, Kansas 66603. The statute and regulations are enforced by the Kansas Livestock Commissioner and not the livestock market.

(c) By consigning the animal to a public livestock market, the owner, consignor or agent consents to the following:

(1) to have the animal examined;

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

(3) to pay any cost incurred for the removal of the animal from the livestock market; and

(4) to pay any costs incurred for euthanasia and disposal of the animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-35. Procedures. (a) Each animal presented to the livestock market for public sale shall be inspected by the market veterinarian.

(b) Veterinary inspection shall occur before sale, with a determination made by the market veterinarian as to whether or not the animal presented possesses any of the diseases or injuries specified in K.A.R. 9-10-36 or K.A.R. 9-10-37.

(c) After examination of the animal, the market veterinarian shall have sole discretion to determine whether the animal will be sold, removed from the livestock market, or euthanized in accordance with K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2 and amendments thereto.

(d) If the market veterinarian determines that a disease or injury identified in K.A.R. 9-10-36 or K.A.R. 9-10-37 exists, the market veterinarian shall make a reasonable effort to contact the owner by phone or in person to discuss the disposition of the animal.

(e) Within 12 hours after notification, the owner may remove from the livestock market any animal identified by the market veterinarian pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 or may direct the market veterinarian to euthanize this animal.

(f) Animals deemed not fit for sale and removed live from the market shall be accompanied by a United States department of agriculture VS1-27 form.

(g) If the market veterinarian is unsuccessful in contacting the owner, the market veterinarian shall have sole discretion in determining whether or not the animal identified pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 should be euthanized to prevent further pain or suffering.

(h) Any animal identified by the market veterinarian pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 that is not removed from the livestock market 14 hours after the initial veterinary inspection may be euthanized, at the sole discretion of the market veterinarian.

(i) All costs associated with removal or euthanasia of the animal shall be paid by the owner.

(Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-36. Diseases or conditions that shall render livestock unfit for sale at public livestock markets. The following diseases or conditions shall render an animal unfit for sale at a public livestock market:

(a) Ocular neoplasia, which is commonly known as ''cancer eye,'' unless the neoplasitc lesions show no signs of metastasis and have not destroyed the eye or the eyelid. Livestock with cancer eye will be deemed unfit for sale if any of these conditions is met:

(1) 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;

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

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

(b) any animal displaying other forms of neoplasia, regardless of tissue origin, which exhibit significant involvement, including swelling, discoloration, draining necrotic lesions, tissue deformation, or odor;

(c) any disease process, including actinomycosis, pneumonia, and urinary calculi, that, in the judgment of the market veterinarian, is unlikely to respond to treatment and has resulted in emaciation of the animal; and

(d) any disease process that has resulted in the presentation of a nonambulatory animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-37. Injuries that shall render livestock unfit for sale at public livestock markets. Injuries rendering livestock unfit for sale at public markets shall include any of the following: (a) A fracture of the long bone, open fractures, or other fractures or dislocations of a joint that render the animal unable to bear weight on the affected limb without that limb collapsing;

(b) any injury that has not responded to treatment and has resulted in emaciation of the animal; or

(c) any injury resulting in the presentation of a nonambulatory animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-38. Euthanasia. (a) Euthanasia shall be accomplished by or under the direction of the public market veterinarian.

(b) The cost of the euthanasia shall be posted at the livestock market and the commissioner notified of the cost at each market. The cost of euthanasia shall be paid by the owner.

(c) For each animal euthanized in accordance with K.A.R. 9-10-34 through K.A.R. 9-10-38, the market veterinarian shall provide written notice to the owner of the animal, indicating the reason for the euthanasia and the cost of the euthanasia. A copy of this notice shall be sent to the commissioner. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

K.A.R. 9-10-39. Disposal of euthanized carcasses. (a) The owner may request the return of the carcass and may retrieve the carcass within six hours after euthanasia occurs.

(b) If the owner does not retrieve the carcass within six hours after euthanasia, the carcass shall be disposed of pursuant to K.S.A. 1996 Supp. 47-1219, and amendments thereto. Any disposal fee shall be paid by the owner. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

Article 11.—TUBERCULOSIS

K.A.R. 9-11-10. Tuberculosis: uniform methods and rules. ''Bovine tuberculosis eradication: uniform methods and rules,'' adopted and approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, effective January 1, 2005, is hereby adopted by reference. (Authorized by K.S.A. 47-610 and 47-631; implementing K.S.A. 47-608, 47-610, and 47-631; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005; amended June 10, 2005.)

Article 12.—SWINE, SPECIFIC PATHOGEN FREE REGULATIONS

K.A.R. 9-12-1. Definitions. (a) SPF—Specific Pathogen Free—Means swine which are free of certain specific diseases. SPF swine shall be free from virus pig pneumonia, infectious atrophic rhinitis, external parasites, vibrio coli dysentery, and any other disease or condition spread by direct contact.

(b) Licensed laboratory. A licensed laboratory shall be licensed under a patent held by the university of Minnesota and shall be in good standing with the national swine repopulation association.

(c) Primary SPF herd. A primary herd means a closed swine herd that originates solely from a licensed laboratory. Any additions to this herd must be laboratory swine from a licensed laboratory. The exchange of male stock between primary herds may be permitted, if completed under the supervision of a licensed veterinarian.

(d) Secondary SPF herd. A secondary SPF herd means a closed swine herd which originates from a licensed laboratory, primary SPF herd, or a secondary SPF herd. Any additions to a secondary herd must be from an accredited SPF herd. All swine added to the herd must be accompanied by individual SPF accreditation certificates issued by the national SPF swine accrediting agency, incorporated.

(e) Accredited SPF herd. An accredited SPF herd means a swine herd which has met all the standards for health, as determined by records, observation on the farm, and inspection at slaughter. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-2. Laboratory SPF swine. Laboratory SPF pigs shall be derived only as follows: (a) By the conventional hysterectomy procedure;

(b) By laparotomy or caesarian section, in which:

(1) There is accepted practice of strict surgical asepsis; and

(2) This pig's first breath is taken in an area protected from the expired area of the non-SPF dam. The latter may be accomplished by:

(A) Passing the pig from the uterus into a separate room with a separate air supply;

(B) Passing the pig from the uterus through a disinfectant water lock into a receptacle; or

(C) The closed method which is the removal of the uterus and placing same in a sterile receptacle, where the pigs are removed. (Authorized by K.S.A. 47-670; implementing K.S.A. 47-669; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1982.)

K.A.R. 9-12-3. Licensed laboratory approval. A licensed laboratory for the production of SPF pigs shall be inspected and approved periodically by the national SPF advisory committee, and shall be on record with the national swine repopulation association as having been so approved. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-4. Slaughter examinations. A minimum of two examinations each year, showing negative results for virus pig pneumonia and atrophic rhinitis, shall be required for pigs farrowed on a farm, in order to maintain SPF accreditation status. The examinations shall be conducted by a pathologist designated by the livestock sanitary

commissioner.

Permission may be granted by the livestock sanitary commissioner or his authorized representative for an annual slaughter examination when the owner is farrowing only once each year. The slaughter examination shall consist of a minimum of seven animals per inspection; provided, that in small herds, a lesser number may be submitted for slaughter examination. Specific permission for slaughter examination for a lesser number shall be required from the livestock sanitary commissioner of Kansas, or his authorized representative.

One slaughter inspection showing negative results, shall be considered as a qualifying inspection for SPF accreditation; provided such pigs are those actually farrowed on the farm. Slaughter inspection dates and locations shall be designated by the livestock sanitary commissioner of Kansas, or his authorized representative. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-5. Health inspections. All health and disease inspections shall be made by a licensed accredited veterinarian before accreditation for the swine herd, is issued. If, after this inspection, gross evidence of disease is established, further laboratory analysis shall be made before the swine herd can be accredited. Health and disease inspection reports shall be filed in the office of the livestock sanitary commissioner of Kansas, or his representative, on a quarterly basis.

All veterinarian visits and contacts with swine herds on the farm, during the quarterly periods, between required reports, shall be reported in the current quarterly report, including complete diagnostic reports. Due date for the required quarterly reports shall be for the period ending on January 10, April 10, July 10, or October 10, of each year. A producer member delinquent in his reports or inspections, for longer than three months after report due date, shall have his accreditation suspended by the livestock sanitary commissioner of Kansas; provided, he shall have been first duly notified by such commissioner, or his authorized representative. He may have his accreditation renewed when his required reports and inspections are brought to date. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-6. Parasites. External parasites in a Specific Pathogen Free swine herd will be cause for suspending accreditation status until the parasitic condition is eliminated. Reinstatement shall be subject to regulation 9-12-8. (Authorized by K.S.A. 47-670; implementing K.S.A. 47-669; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1982.)

K.A.R. 9-12-7. Herd validation. The SPF swine herd shall be validated as brucellosis-free, according to existing state-federal brucellosis regulations. (Authorized by K.S.A. 1968 Supp. 47-670; effective Jan. 1, 1969.)

K.A.R. 9-12-8. Accreditation suspension or termination. A positive diagnosis or atrophic rhinitis, virus pig pneumonia, or vibrio coli dysentery, shall be cause for disqualification of SPF swine herd accreditation. The presence of any other disease may cause temporary suspension of such accreditation, for a minimum of 30 days after the disease is eliminated, and until the livestock sanitary commissioner of Kansas has passed favorably on the herd. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-9. Accreditation status. The status of SPF swine herd accreditation or reaccreditation shall be determined by the livestock sanitary commissioner of Kansas or his authorized representative. In instances of problems,

a committee made up of one state veterinarian, one extension veterinarian, and one veterinarian from the Kansas state university diagnostic laboratory, shall determine favorably the health of the swine herd for accreditation. A copy of the committee determination and recommendation shall be submitted to the livestock sanitary commissioner of Kansas and to the national association. The livestock sanitary commissioner shall then rule on the accreditation status of the herd. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

K.A.R. 9-12-10. Inspection personnel. All inspections, reports, tests, vaccinations, surgical procedures, accreditation, reaccreditation, or any other methods or procedures necessary to accredit, and maintain accreditation of, SPF swine herds, shall be done by a veterinarian, or by some other appropriate individual who shall not have any financial interest in the swine herd involved; except when special permission to perform any of these acts is granted by the livestock sanitary commissioner or his authorized representative. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

Article 13.—ANIMAL WELFARE

Article 14.—LIVESTOCK DEALERS REGISTRATION

K.A.R. 9-14-1. Definitions. The following definitions shall apply in the interpretation, administration and enforcement of Article 14:

(a) ''Commissioner'' means the livestock commissioner of the state of Kansas.

(b) ''Livestock'' means cattle, swine, horses, sheep, goats, and poultry.

(c) ''Livestock dealer'' means any person engaged in the business of buying or selling livestock in commerce, either on that person's own account or as the employee or agent of the seller or purchaser, or any person engaged in the business of buying or selling livestock in commerce on a commission basis. It shall not include any person who buys or sells livestock as part of that person's own breeding, feeding, or dairy operation, nor any person who receives livestock exclusively for immediate slaughter.

(d) ''Person'' means any individual, partnership, corporation, company, firm, or association. ''Person'' does not include any public livestock market operator licensed under K.S.A. 47-1001, *et seq.,* or any feed lot operator licensed under K.S.A. 47-1501, *et seq.* (Authorized by and implementing K.S.A. 47-607d, 47-610; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

K.A.R. 9-14-2. Registration; application; fee. Each person operating as a livestock dealer in Kansas shall register with the Kansas animal health department on an application form approved by the commissioner. An annual fee of $75.00 shall accompany each application for registration or renewal of registration. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-607d, 47-610, and 47-1805; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984; amended, T-9-8-8-00, Aug. 8, 2000; amended Nov. 13, 2000.)

K.A.R. 9-14-3. Recordkeeping; violations. Each livestock dealer shall keep records and accounts of all livestock purchased for resale that are sufficient to enable the commissioner to trace individual animals back to the herd of origin, to the point of destination or both. These records and accounts shall be kept for a minimum of two years after livestock were purchased for resale. The commissioner or the commissioner's employees or agents shall have the authority to examine the records and accounts during normal working hours. After notice and hearing, the commissioner may deny any application for registration or suspend or revoke any registration in force, if formal findings are made that the person has failed repeatedly to maintain records and accounts that are sufficient to allow the commissioner to trace animals back to the herd of origin, to the point of destination or both. (Authorized by and implementing K.S.A. 47-607d, 47-610; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

Article 15.—LIVESTOCK BRANDS

K.A.R. 9-15-1. Single letters or numerals banned. Single letters or single numerals are not acceptable for registration as cattle brands. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

K.A.R. 9-15-2. Ear marks; limited recognition. Ear marks are not acceptable for registration as livestock brands. Applicants may record earmarks in conjunction with the registration of a lawful brand, at the time of the original registration without additional cost, and subsequent to the original registration of a lawful brand upon the payment of a handling charge of one dollar. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

K.A.R. 9-15-3. Brand locations. Certificate of brand title shall not be issued upon original application for registration except for the shoulder, rib and hip locations on either side of the animal; *Provided,* That certificate of brand title may be issued for the branding of sheep with paint or tar on the back. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

K.A.R. 9-15-4. Brand registration and renewal fees. Each person desiring to register a livestock brand in accordance with the laws of the state of Kansas shall forward to the livestock commissioner a fee of $45.00. Upon receipt of a notice of renewal from the livestock commissioner, each person who wishes to renew the registration of a livestock brand shall submit to the livestock commissioner a renewal fee of $45.00 before the registration period expires. (Authorized by and implementing K.S.A. 1999 Supp. 47-417; effective, E-81-5, Jan. 10, 1980; effective May 1, 1980; amended, T-9-8-8-00, Aug. 8, 2000; amended Nov. 13, 2000.)

K.A.R. 9-15-5. Brand inspection fees. (a)(1) Each owner or seller of cattle or sheep that are in a brand inspection area shall pay a fee of $.50 per head of cattle inspected by the livestock commissioner's brand inspectors and a fee of $.05 per head of sheep inspected. The total minimum fee charged for each brand inspection area shall be the sum of $20.00 plus a mileage charge per mile traveled by the brand inspector between the inspection site and the inspector's residence. The mileage charge shall be based on the schedule of charges for use of central motor pool vehicles established under K.S.A. 75-4607, and amendments thereto.

(2) If one or more of the livestock commissioner's brand inspectors provide on-site inspection of cattle or sheep that are not in a brand inspection area or a public livestock market, the owner or seller shall pay the fee established under paragraph (a)(1).

(b) The owner or seller shall pay the fee established under subsection (a) to the brand inspector at the conclusion of the inspection. (Authorized by K.S.A. 47-426, K.S.A. 47-436, and K.S.A. 47-437, as amended by L. 2000, Ch. 111, §5; implementing K.S.A. 47-417a and K.S.A. 47-437, as amended by L. 2000, Ch. 111, §5; effective, T-9- 8-29-00, Aug. 29, 2000; effective Dec. 29, 2000.)

Article 16.—ESTRAY NOTICES

Article 17.—PSEUDORABIES IN SWINE

K.A.R. 9-17-1. Definitions. (a) ''Herd'' means all swine on the premises of any person owning or possessing swine.

(b) ''Negative herd test'' means all breedingage animals are negative to an approved pseudorabies test or tests conducted by an approved diagnostic laboratory.

(c) ''Monitored herd test'' means a herd in which an approved percentage or qualifying number of breeding animals in the herd have been tested and are negative to an approved pseudorabies test.

(d) ''Pseudorabies infected herd'' means any herd that has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(e) ''Exposed animal'' means any animal that has been in contact with an animal infected with pseudorabies.

(f) ''Exhibition swine'' means swine that are to be exhibited in public view.

(g) ''Swine slaughter show'' means a show at which all swine on the premises are slaughtered immediately following their exhibition and swine may exhibit without a negative pseudorabies test.

(h) ''Breeding herd'' means all swine on the premises six months of age and older maintained for breeding purposes and which shall be kept separate and apart from all other swine except their progency less than eight weeks of age.

(i) ''Pseudorabies monitored qualified feedlot'' means a licensed premise that feeds swine originating from a qualified pseudorabies negative tested herd or a monitored pseudorabies negative herd.

(j) ''Swine feedlot'' means licensed premises that purchase, grow and/or finish swine. They may be animals of unknown status from either intra or interstate sources.

(k) ''Quarantine swine feedlot'' means premises that may feed swine from a known infected or exposed quarantined herd located in Kansas.

(l) ''Circle testing'' means testing all swine including those in feedlots within a 1.5 mile radius of infected premises by either testing of all breed ing swine or by a monitored herd test for pseudorabies.

(m) ''Mandatory infected herd plan'' means any herd owner that has been determined to be infected with pseudorabies shall develop an acceptable herd plan to eradicate the virus from the owner's premises. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 154, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 154, Sec. 14, 47-608 as amended by L. 1989, Ch. 156, Sec. 15; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

K.A.R. 9-17-2. Qualified pseudorabies negative herd. (a) Qualified pseudorabies negative herd status shall be attained by subjecting all swine over six months of age to an official pseudorabies test and finding all swine so tested to be negative. Each herd shall not have been a known infected herd within the last 30 days before the test. Ninety percent of the swine in the herd shall have been on the premises for at least 50 days prior to testing.

(b) Each qualified pseudorabies negative herd status shall be maintained by subjecting all swine in the herd over six months of age to an official pseudorabies test at least once each year. This shall be accomplished by:

(1) (A) testing 25 per cent of the swine over six months of age, every 80-105 days with negative results for all tested; or

(B) testing 10 per cent of the herd each month with negative results for all tested; and

(2) finding the entire herd negative for pseudorabies as a result of tests performed in paragraph

(1) (A) and (B).

(c) All swine to be added to a qualified negative herd shall be isolated until they have passed two official negative tests. The first test shall be conducted 30 days or more after the start of isolation. The second test shall be conducted 30 days or more after the first test. Any modification of these requirements shall have prior approval from the livestock commissioner. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; 46-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

K.A.R. 9-17-3. Eradication of pseudorabies from infected swine herds. (a) The herd owner of a pseudorabies infected herd shall submit a mandatory infected herd plan within 60 days after discovery of the infection.

(b) (1) Any swine may be fed out for slaughter, or moved to a quarantined feed lot after approval for direct movement and a shipping permit by the Kansas animal health department for direct movement.

(2) Swine shall not be eligible for exhibition if they originate from a known infected herd.

(c) Any swine herd owner possessing pseudorabies infected tissue or a carcass may dispose of the tissue or carcass by deep burial, removal to a rendering plant, or incineration. The infected swine herd shall be isolated from all other animals. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; effective Sept. 26, 1988; amended Feb. 5, 1990.)

K.A.R. 9-17-4. Exhibition swine. All swine shall pass an official pseudorabies test approved by the livestock commissioner within 60 days before the opening date of exhibition, except: (a) Swine from a qualified pseudorabies negative herd;

(b) Swine qualifying for slaughter shows where all swine on the premises are slaughtered immediately following exhibition and no other species of animals are on the premises; or

(c) Suckling pigs accompanying tested and negative dams. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

K.A.R. 9-17-5. Swine slaughter show. (a) Swine originating from a herd or premises known to have had pseudorabies in any animal within the preceding 12 months shall not be exhibited in Kansas, except at a slaughter show.

(b) Shows of any animals except poultry, rabbits or horses shall not be on the same premises within 14 days following a swine slaughter show.

(c) Swine from a herd in which pseudorabies vaccine has been used shall not be exhibited, except in a swine slaughter show. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d, 47-608; and 47-610 effective Sept. 26, 1988.)

K.A.R. 9-17-6. Change of ownership. All breeding swine that are offered for sale shall be tested for pseudorabies or originate from a qualified pseudorabies negative herd. The seller shall be responsible for the testing. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

K.A.R. 9-17-7. Monitored qualified feedlot breeding swine. Animals for breeding purposes originating in a pseudorabies monitored qualified feedlot shall be separated 21 to 45 days prior to being tested for pseudorabies. A positive test shall result in the loss of pseudorabies monitored qualified feedlot status. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

K.A.R. 9-17-8. Swine feedlot restrictions. Sale of animals from a swine feedlot are restricted to sale for slaughter only or for sale to another approved swine feedlot. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

Article 18.—ANIMAL FACILITY INSPECTION PROGRAM—LICENSE AND REGISTRATION FEES

K.A.R. 9-18-1. Fees. Each applicant for a license and each registrant under K.S.A. 47-1701 et seq., and amendments thereto, shall pay the appropriate application fee as set forth below:

(a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq. $200.00

(b) License for animal breeder premises of a person not licensed under 7 U.S.C. § 2131 et seq. $405.00

(c) License for a pound or shelter

(1) First-class city, as defined in K.S.A. 13-101 and amendments thereto, or any entity contracting with a first-class city $300.00

(2) Second-class city, as defined in K.S.A. 14-101 and amendments thereto, or any entity contracting with a second-class city	$250.00
(3) Third-class city, as defined in K.S.A. 15-101 and amendments thereto, or any entity contracting with a third-class city	$200.00
(4) All other types of pound or shelter licenses	$200.00
(d) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq	$200.00
(e) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq.	$405.00
(f) License for an operator of a temporary pet shop	
(1) 1-2 sale days during license year	$75.00
(2) 3-4 sale days during license year	$150.00
(3) 4-6 sale days during license year	$200.00
(4) 7-12 sale days during license year	$350.00
(g) License for an operator of a pet shop	$405.00
(h) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq	$200.00
(i) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq.	$405.00
(j) License for a hobby breeder or boarding kennel operator	$95.00
(k) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq.	$200.00
(l) License for an animal distributor not licensed under 7 U.S.C. § 2131 et seq.	$405.00
(m) Out-of-state distributor permit	$650.00
(n) License for a foster home shelter	$10.00
(o) License for a rescue home shelter	$50.00
(p) License for a group home shelter	$50.00
(q) Temporary closing permit for a hobby breeder or kennel operator	$45.00
(r) Temporary closing permit for a pound or shelter, animal breeder, animal distributor, retail breeder, pet shop, or research facility	$95.00

(Authorized by and implementing K.S.A. 2004 Supp. 47-1721, as amended by 2005 SB 266, sec. 1; effective, T-9-7-22-89, July 27, 1989; amended Sept. 11, 1989; amended, T-9-7-1-91, July 1, 1991; amended, T-9-10-22-91, Oct. 22, 1991; amended Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996; amended, T-9-5-31-01, May 31, 2001; amended, T-9-9-27-01, Sept. 27, 2001; amended May 30, 2003; amended, T-9-7-1-05, July 1, 2005; amended Sept. 16, 2005.)

K.A.R. 9-18-2. Inspections of premises. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 *et seq.* and amendments thereto, which is known as the Kansas animal pet act, shall be subject to routine inspections by the commissioner or any of the commissioner's authorized representatives to determine compliance with the act and all regulations.

(b) In addition to the routine inspections, any of the premises may be subject to one or more further inspections under any of the following circumstances:

(1) A violation was found in a previous inspection.

(2) A complaint is filed regarding the premises.

(3) The ownership of the premises changed in the previous year.

(4) The license for the premises was not renewed on a timely basis.

(c) Inspections shall be made only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except that inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(d) If the owner or operator of the premises is not routinely available between the hours of 7:00 a.m. and 7:00 p.m., the owner or operator shall designate a representative who will be present while the inspection is conducted and shall notify the commissioner in writing of the name of the designated representative. The designated representative shall be 18 years of age or older. The owner or operator shall notify the commissioner in writing of any new representative who is designated to be present during inspections.

(e) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the commissioner who the commissioner determines is trained in reasonable standards of animal care. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1709; effective, T-9-7-1-03, July 1, 2003; effective Nov. 7, 2003.)

K.A.R. 9-18-3. Inspection generated by a complaint. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 *et seq.* and amendments thereto, which is known as the Kansas pet animal act, shall be subject to inspections by the commissioner or any of the commissioner's authorized, trained representatives as needed to investigate any specific complaint filed with the department regarding any violation of these regulations or other violations of this act.

(b) Inspections to investigate an unlicensed facility or to determine whether a licensed facility is in violation of these regulations or the act shall be conducted only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except as follows:

(1) Inspections to investigate allegations of violations adversely affecting the health, safety, and welfare of the animals may be conducted on any day of the week.

(2) Inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(c) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the department who the commissioner determines is trained in reasonable standards of animal care.

(d) Inspections may be conducted without notice to the owner or operator of the premises. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1709; effective, T-9-7-1-03, July 1, 2003; effective Nov. 7, 2003.)

K.A.R. 9-18-31. Euthanasia methods; prohibition. The following portion of the American veterinary medical association's document titled "AVMA guidelines for the euthanasia of animals: 2013 edition" is hereby adopted by reference: pages 5-102, excluding the section titled "references" on pages 84-97 and any portion that applies to any animal that is not an "animal" as defined in K.S.A. 47-1701 and amendments thereto. For the purposes of this document, the terms "animal" and "euthanasia" shall have the meanings specified in K.S.A. 47-1701, and amendments thereto.

Each licensee who euthanizes any animals shall follow the recommendations and guidelines for the handling and care of animals during the euthanasia process as identified in this document and shall use only the acceptable methods of euthanasia for a particular species to be euthanized specified in this document. Inhaled carbon monoxide shall not be used as a method of euthanasia of dogs and cats. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2015 Supp. 47-1718; effective April 29, 2016.)

Article 19.—ANIMAL BREEDERS AND DISTRIBUTORS; FACILITY STANDARDS, ANIMAL HEALTH, HUSBANDRY, AND OPERATIONAL STANDARDS

K.A.R. 9-19-12. Adoption by reference. Each animal breeder and each animal distributor shall comply with 9 C.F.R. 3.1 through 3.12, as in effect on January 1, 2003, which are hereby adopted by reference with the following modifications, deletions, and additions:

(a) All references to ''the administrator,'' ''APHIS,'' ''pertinent funding federal agency,'' and ''USDA officials'' shall be deemed to refer to the commissioner.

(b) All references to ''dealer'' or ''dealers'' and to ''exhibitor'' or ''exhibitors'' shall be deemed to refer to animal breeders and animal distributors.

(c) All references to ''research facility,'' ''research facilities,'' ''federal research facilities,'' and ''research needs,'' shall be deleted.

(d) 9 C.F.R. 3.5 shall be deleted.

(e) Paragraphs (b)(5) and (c)(3) of 9 C.F.R. 3.6 shall be deleted.

(f) Paragraphs (b)(1) and (d)(2) of 9 C.F.R. 3.8 shall be deleted. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-03, July 1, 2003; effective Oct. 31, 2003.)

Article 20.—PET SHOPS

K.A.R. 9-20-1. Facilities. (a) Structures.

(1) Each pet shop shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each pet shop facility.

(3) Space shall be supplied in each pet shop to store the provisions necessary to adequately operate the pet shop.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for a pet shop shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pet shop shall be provided at all times by natural or mechanical means. Each pet shop facility shall be operated to provide fresh air by means of windows, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each pet shop shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each pet shop shall be provided with a drainage system which will effectively eliminate excess water from the pet shop unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each pet shop shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each pet shop shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each pet shop shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-20-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the pet shop or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-20-3. Records. Each operator of a pet shop shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) the name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinational information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-20-4. Prohibiting the sale or gift of certain animals. (a) A pet shop shall not sell any reptiles, offer any reptiles for sale, or offer any reptiles as a gift or promotional consideration unless a notice regarding safe reptile-handling practices and meeting the requirements of subsection (b) is prominently posted or displayed at each location in the pet shop where the reptiles are displayed, housed, or held.

(b) Each notice regarding safe reptile-handling practices shall be one of the following: a notice provided at no charge by the animal health department upon the request of any pet shop, any notice created by the centers for disease control and prevention, or a notice that meets the following standards:

(1) The dimensions of each notice shall be a minimum of 8.5 inches by 11 inches and shall use one or more typefaces or fonts that are clearly visible and readily draw attention to the notice.

(2) At a minimum, the notice shall contain the following statements:

(A) ''As with many other animals, reptiles carry salmonella bacteria, which can make people sick. To reduce the chance of infection, follow these safe reptile-handling steps.''

(B) ''Always wash your hands thoroughly after you handle your pet reptile, its food, and anything it has touched.''

(C) ''Keep your pet reptile and its equipment out of the kitchen or any area where food is prepared.''

(D) ''Don't nuzzle or kiss your pet reptile.''

(E) ''Keep reptiles out of homes where there are children under one year of age or people with weakened immune systems. Children under five should handle reptiles only with adult or parental guidance. And they should always remember to wash their hands afterwards.''

(c) A pet shop shall not possess, sell, offer for sale, or offer as a gift or promotional consideration any skunk, raccoon, fox, or coyote. (Authorized by K.S.A. 1998 Supp. 47-1712; implementing K.S.A. 1998 Supp. 47-1713; effective Feb. 26, 1999.)

Article 21.—ANIMAL RESEARCH FACILITY

K.A.R. 9-21-1. Animal research facilities. (a) Structures.

(1) Each animal research facility shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal research facility.

(3) Space shall be supplied in each animal research facility to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor animal research facility shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for an animal research facility shall be provided at all times by natural or mechanical means. Each animal research facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal research facility shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal research facility shall be provided with a drainage system which will effectively eliminate excess water from the animal research facility unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal research facility shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal research facility shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal research facility shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-21-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the animal research facility or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990

Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-21-3. Records. Each operator of an animal research facility shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following:
(a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinational information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

Article 22.—ANIMAL POUNDS AND SHELTERS

K.A.R. 9-22-1. Animal pounds and shelters. (a) Structures.

(1) Each animal pound and shelter shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal pound and shelter.

(3) Space shall be supplied in each animal pound and shelter to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for each pound and shelter shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pound and shelter shall be provided at all times by natural or mechanical means. Each animal pound and shelter facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal pound and shelter shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal pound and shelter shall be provided with a drainage system which will effectively eliminate excess water from the research animal pound and shelter unit. If drains are used, they shall be constructed in such a manner

to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal pound and shelter shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal pound and shelter shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal pound and shelter shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-22-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the animal pound and shelter or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-22-3. Records. Each operator of an animal pound and shelter shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following:

(a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinational information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-22-4. Foster homes. (a) Definitions.

(1) ''Act'' means the Kansas pet animal act, K.S.A. 47-1701 *et seq.* and amendments thereto.

(2) ''Adult animal'' means a dog or cat that is four months of age or older.

(3) ''Animal'' means a dog or cat, as defined by K.S.A. 47-1701, and amendments thereto.

(4) ''Foster home shelter'' means a type of shelter consisting of the premises of an individual who provides temporary care for one or more animals owned by a shelter that is licensed by the state of Kansas.

(5) ''Foster home shelter licensee'' means the individual to whom a foster home shelter license is issued.

(6) ''Group home shelter,'' ''manager,'' and ''rescue home shelter'' shall have the meanings set out in K.A.R. 9-22-5.

(7) ''Shelter'' means an animal pound or shelter as defined in K.S.A. 47-1701(g), and amendments thereto. For purposes of this regulation, the term ''shelter'' shall include ''group home shelter'' and ''rescue home shelter,'' as defined in K.A.R. 9-22-5.

(8) ''Temporary care'' means the care and housing of an individual animal for 365 days or less during the calendar year, except as provided by subsections (i) and (j).

(b)(1) Application forms for a foster home shelter license shall be provided by the commissioner at the request of a licensed shelter. Each shelter wishing to use foster home shelters shall provide the application to each individual it approves as a foster home shelter. Both the sponsoring shelter and the foster home shelter license applicant shall sign the completed foster home shelter license application. The completed foster home shelter license application shall be submitted to the commissioner with the foster home shelter license fee established by K.A.R. 9-18-1.

(2) No animal shall be placed by the sponsoring shelter in a foster home shelter until the commissioner has issued the foster home shelter license.

(c) Any foster home shelter licensee may house animals for more than one shelter if the following conditions are met:

(1) A separate foster home shelter license application has been jointly signed by the applicant and the sponsoring shelter and has been submitted to the commissioner.

(2) The commissioner has issued a separate foster home shelter license on behalf of each sponsoring shelter.

(d) Each sponsoring shelter using a foster home shelter shall develop a plan of veterinary care to be followed by the foster home shelter caretaker. The plan of veterinary care shall be recorded on the form specified in K.S.A. 47-1701(dd)(1)(A), and amendments thereto. This plan shall include the name of the licensed veterinarian the foster home shelter caretaker must contact in case of injury or illness and the name of the party responsible for the payment of treatment and office call charges. The foster home shelter caretaker shall notify the sponsoring shelter of any animal receiving veterinary care within 24 hours of treatment. A copy of the plan of veterinary care shall be filed annually with the commissioner.

(e) A foster home shelter licensee shall not directly accept stray animals or any animal relinquished by its owner. Any foster home shelter applicant or licensee wishing to accept stray animals or animals relinquished by their owners shall apply for and receive a shelter license before accepting these animals. Except as provided in K.A.R. 9-22-5, each sponsoring shelter shall have a physical facility for the intake of stray and relinquished animals and the housing of stray

animals. Each manager of a group home shelter shall be responsible for the intake of all animals in the care of the group home shelter. No stray animal may be placed with a foster home shelter until the applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met.

(f)(1) A foster home shelter licensee shall not at any time maintain or house on the premises more than 19 adult animals as defined in subsection (a). These limitations shall include the following:

(A) Any adult animal that is a personal pet of the foster home shelter caretaker; and

(B) any adult animal owned by any other individual or entity and maintained, housed, or harbored on the premises.

(2) If it appears that more than 19 adult animals will be housed on the premises for any reason, the foster home shelter licensee shall immediately apply for a shelter license and shall not accept any adult animals in excess of that limit before receiving the shelter license.

(g) A foster home shelter licensee shall not house intact dogs or cats six months of age or older unless spaying or neutering is contraindicated by a licensed veterinarian. If a veterinarian recommends that the animal should not be altered, the foster home shelter licensee shall obtain a copy of a written opinion by the veterinarian as to why the animal cannot be spayed or neutered and an estimated time of when, if ever, the animal may be altered. A copy of the written opinion shall be kept by both the foster home shelter licensee and the sponsoring shelter.

(h) The sponsoring shelter shall process all documentation for each adoption and all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. Each intact dog, cat, puppy, or kitten shall be adopted directly from the facility of the sponsoring shelter or, in the case of a group home shelter, from the premises of the manager or a licensed shelter. Any altered dog, cat, puppy, or kitten may be adopted directly from the foster home shelter only after all final adoption paperwork has been processed through the sponsoring shelter.

(i) Each animal placed with a foster home shelter shall be evaluated every 180 days by the sponsoring shelter to determine whether it should be returned to the shelter or should remain in the care of the foster home shelter. The records of both the sponsoring shelter and the foster home shelter shall reflect the date on which the animal was evaluated, the reason for the animal to remain in a foster home shelter, and the name of the person at the sponsoring shelter who made the decision.

(j) An animal shall not remain in the care of one or more foster home shelters for more than 12 months without written permission from the commissioner. Any sponsoring shelter wishing to maintain an animal in the care of its foster home shelters beyond 12 months shall send a written request to the commissioner stating the reasons for the request.

(k) In addition to meeting the provisions of this regulation, each foster home shelter licensee shall comply with the statutory provisions of the act and with K.A.R. 9-22-1 through K.A.R. 9-22-3. All records shall be kept on a form provided by the commissioner.

(l) Foster home shelter licenses shall not be transferable. (Authorized by K.S.A. 47-1712 and 47-1731; implementing K.S.A. 47-1701, 47-1704, 47-1710, 47-1712, and 47-1731; effective, T-9-5-31-01, May 31, 2001; effective, T-9-9-27-01, Sept. 27, 2001; effective May 30, 2003; amended, T-9-7-1-03, July 1, 2003; amended Sept. 19, 2003.)

K.A.R. 9-22-5. Group homes and rescue homes. (a) Definitions. As used in this regulation, the following terms shall be defined as follows:

(1) ''Act'' means the Kansas pet animal act.

(2) ''Adult animal'' means a dog or cat that is four months of age or older.

(3) ''Animal'' means a dog or cat, as defined in K.S.A. 47-1701, and amendments thereto.

(4) ''Foster home shelter'' and ''foster home shelter licensee'' shall have the meanings set out in K.A.R. 9-22-4. Except as expressly provided in this regulation, each foster home shelter licensee shall comply with the requirements of K.A.R. 9-22-4.

(5) ''Group home shelter'' means a type of shelter consisting of two or more foster home shelters that meet all of the following conditions:

(A) The foster home shelter licensees have joined together to house and provide temporary care for one or more animals for the purpose of finding permanent adoptive homes.

(B) The foster home shelters are not sponsored by a licensed shelter that maintains a central facility for keeping animals.

(C) The group home shelter has designated a manager who carries out the duties of a sponsoring shelter.

(6) ''Licensee'' means the individual, group of individuals, or entity to whom a group home shelter or rescue home shelter license is issued.

(7) ''Manager'' means the person designated by a group home shelter to be responsible for the following functions:

(A) Approving the membership of each foster home shelter in the group home shelter;

(B) carrying out the duties of the sponsoring shelter under K.A.R. 9-22-4, including the intake of all animals in the care of the group home shelter;

(C) maintaining on that person's premises all documentation required by K.A.R. 9-22-4 and K.A.R. 9-22-5, including records pertaining to the adoption, placement, or other disposition of each animal receiving temporary care from the group home shelter; and

(D) ensuring compliance with this regulation and K.A.R. 9-22-4 by each foster home shelter belonging to the group home shelter.

(8) ''Rescue home shelter'' means a type of shelter consisting of the premises of an individual or corporation who meets all of the following criteria:

(A) Provides care and housing for a specific type of purebred dog or cat; and

(B) is an affiliate or agent of a national purebred organization or is a corporation registered to do business in the state of Kansas with a focus on the specific type of purebred that will receive care and housing in the rescue home shelter.

(9) ''Shelter'' means an animal pound or shelter as defined in K.S.A. 47-1701(g), and amendments thereto.

(10) ''Temporary care'' means care and housing of an individual animal for 365 days or less during the calendar year, except as provided by K.A.R. 9-22-4(i) and (j).

(b) Applications and licensure.

(1) Group home shelters. An application form for a group home shelter license shall be provided by the commissioner at the request of the proposed manager. The completed application and the license fee, as established by K.A.R. 9-18-1, shall be submitted to the commissioner. Once a group home shelter license has been issued by the commissioner, applications for foster home shelters approved for membership in the group home shelter shall be processed in accordance with the application and licensing requirements in K.A.R. 9-22-4 for foster home shelters. No animal shall be placed with the group home shelter until the commissioner has issued licenses for both the group home shelter and the foster home shelter that will provide temporary care.

(2) Rescue home shelters.

(A) Each individual who wishes to be licensed to operate a rescue home shelter shall submit the rescue home shelter license fee established by K.A.R. 9-18-1 and an application on a form provided by the commissioner, along with one of the following:

(i) A letter or other documentation from the national organization accepting that individual as a rescue home shelter; or

(ii) documentation that the rescue home shelter is a corporation registered to do business in the state of Kansas with a focus on the specific type of purebred that will receive care and housing in the rescue home shelter.

(B) No animal shall be placed in a rescue home shelter until the commissioner has issued a license for the rescue home shelter.

(C) If an applicant wishes to serve as a rescue home shelter for more than one type of purebred dog or cat, the applicant shall list on the application each type of purebred to be served and, for each type, shall submit the documentation as required under paragraph (b)(2)(A)(i) or (ii).

(c) General provisions for licensees.

(1)(A) Except as provided in paragraph (c)(1)(B) below, each animal in the care of a licensee , other than the personal pets of the licensee, shall have been relinquished by an owner, transferred from another licensee, or transferred from a shelter licensed in Kansas. Each manager of a group home shelter shall be responsible for the intake of all animals in the group home shelter. Each licensee obtaining a dog or cat from a veterinarian shall adopt the animal and comply with the requirements of K.S.A. 47-1731, and amendments thereto, as veterinarians are not subject to licensing by the commissioner.

(B) No stray dog, cat, puppy, or kitten may be placed with a licensee until the requirements of K.S.A. 47-1710, and amendments thereto, have been met by a licensed shelter. If a licensee wishes to accept stray dogs, cats, puppies, or kittens, the licensee first shall apply for and receive a shelter license.

(2)(A) Any rescue home shelter wishing to maintain or house more than 19 adult animals at any time shall apply for and receive a shelter license before accepting more than 19 adult animals. The limit of 19 adult animals shall include the following:

(i) Any adult animal that is a personal pet of the rescue home shelter caretaker; and

(ii) any adult animal owned by any other individual or entity and maintained, housed, or harbored by the licensee.

(B) Each foster home shelter belonging to a

group home shelter shall be subject to the limitation on the number of animals in its care established

by K.A.R. 9-22-4(f).

(3)(A) Each rescue home shelter licensee shall develop a plan of veterinary care to be followed by each animal caretaker for that rescue home shelter. The plan of veterinary care shall be recorded on the form specified in K.S.A. 47-1701(dd)(1)(A), and amendments thereto. This plan shall include the name of the veterinarian licensed in Kansas that the rescue home shelter will contact in case of injury or illness. A copy of the plan of veterinary care shall be filed annually with the commissioner by each rescue home shelter licensee.

(B) Each group home shelter licensee shall meet the requirements for a plan of veterinary care, as specified in K.A.R. 9-22-4.

(4)(A) Any licensee may offer animals in its custody for adoption and may transfer ownership in accordance with K.S.A. 47-1731, and amendments thereto.

(B) Each rescue home shelter licensee shall process all documentation for each adoption of an animal in the custody of the rescue home shelter and for all spay and neuter deposits required by K.S.A. 47-1731, and amendments

thereto. A copy of each of these documents shall be kept at the rescue home shelter. Intact dogs, cats, puppies, or kittens shall be adopted only from the rescue home shelter or a licensed shelter.

(C) Each rescue home shelter sponsoring one or more foster home shelters and each group home shelter shall comply with the provisions of K.A.R. 9-22-4 regarding adoption and transfer of ownership of animals receiving temporary care in a foster home shelter.

(5) An animal shall not remain in the custody of a group home shelter or rescue home shelter for more than 12 months without written permission from the commissioner. Each licensee wishing to maintain an animal in its care beyond 12 months shall send a written request to the commissioner stating the reasons for the request.

(6) In addition to the provisions of this regulation, each licensee shall comply with the statutory provisions of the act and with K.A.R. 9-22-1 through K.A.R. 9-22-3. All records shall be kept on a form provided by the commissioner.

(7) Each licensee accepting animals from out of state shall comply with the importation and certificate of health requirements set out in K.A.R. 9-7-9, K.A.R. 9-7-9a, and K.A.R. 9-7-11. The original of each certificate of health shall be maintained with the files of the rescue home shelter or, for group home shelters, with the foster home shelter caring for the animal.

(8) Rescue home shelter and group home shelter licenses shall not be transferable. (Authorized by K.S.A. 47-1712 and 47-1731; implementing K.S.A. 47-1701, 47-1704, 47-1710, 47-1712, and 47-1731; effective, T-9-5-31-01,May 31, 2001; effective, T-9-9-27-01, Sept. 27, 2001; effective May 30, 2003; amended, T-9-7-1-03, July 1, 2003; amended Sept. 19, 2003.)

Article 23.—HOBBY KENNEL OPERATORS

K.A.R. 9-23-1. Hobby kennel operators. (a) Structures.

(1) Each hobby kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each hobby kennel.

(3) Space shall be supplied in each hobby kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor hobby kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a hobby kennel shall be provided at all times by natural or mechanical means. Each hobby kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each hobby kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each hobby kennel shall be provided with a drainage system which will effectively eliminate excess water from the hobby kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each hobby kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each hobby kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each hobby kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; Feb. 10, 1992.)

K.A.R. 9-23-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the hobby kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-23-3. Records. Each operator of a hobby kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinational information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

Article 24.—KENNEL OPERATORS

K.A.R. 9-24-1. Kennel operators. (a) Structures.

(1) Each kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each kennel.

(3) Space shall be supplied in each kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a kennel shall be provided at all times by natural or mechanical means. Each kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each kennel shall be provided with a drainage system which will effectively eliminate excess water from the kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-24-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

K.A.R. 9-24-3. Records. Each operator of a kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinational information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

Article 25.—RETAIL BREEDERS FACILITY STANDARDS; ANIMAL HEALTH, HUSBANDRY AND OPERATIONAL STANDARDS

K.A.R. 9-25-1. Housing facilities, general. (a) Definition. ''Housing facility'' means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

(b) Structure; construction. Each housing facility for dogs and cats shall be designed and constructed as follows:

(1) in a manner which is structurally sound; and

(2) in a manner that protects animals from injury, contains the animals securely, and restricts other animals from entering.

(c) Condition and site.

(1) Housekeeping for premises. Each retail breeder licensee shall keep the premises where housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to

facilitate the husbandry practices required by K.A.R. 9-25-6(b), and to reduce or eliminate breeding and living areas for rodents and other pests or vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(2) Food and supply storage areas. Each licensee shall ensure that the areas used for storing animal food or bedding are free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. The licensee shall keep animal areas inside each housing facility neat and free of clutter, including equipment, furniture and stored material, but the animal areas may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

(3) Location with other businesses. Each housing facility shall be physically separated from any other business. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(d) Surfaces.

(1) General requirements.

(A) The surfaces of each housing facility, including houses, dens, and fixtures and objects in the facility which are similar to furniture, shall be:

(i) constructed in a manner and made of materials that allow them to be readily cleaned and sanitized as required in paragraph (d)(3); or

(ii) removed or replaced when worn or soiled. Any such surface that cannot be readily cleaned and sanitized shall be replaced when worn or soiled.

(B) All interior surfaces and any surfaces that come into contact with dogs or cats shall:

(i) be free of excessive rust which prevents the required cleaning and sanitization, or which affects the structural strength of the surface; and

(ii) be free of jagged edges or sharp points that might injure the animals.

(2) Maintenance and replacement of surfaces. Each licensee shall maintain all surfaces on a regular basis.

(3) Cleaning. Each licensee shall spot clean daily all hard surfaces with which the dogs or cats come into contact and sanitize such surfaces in accordance with K.A.R. 9-25-6(b) to prevent accumulation of excreta and reduce disease hazards. Each licensee shall rake and spot clean floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure that all animals are free to avoid contact with excreta. The licensee shall replace contaminated material whenever raking and spot cleaning is not sufficient to prevent or eliminate odors or insect, pest, or vermin infestation. Each licensee shall clean and sanitize all other surfaces of housing facilities when necessary to satisfy generally accepted husbandry standards and practices. The licensee may use any of the sanitation methods provided in K.A.R. 9-25-6(b)(3) for primary enclosures.

(e) Water and electric power. Every housing facility shall have reliable electric power which is adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this article. The housing facility shall provide adequate, running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(f) Storage. Each licensee shall store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The licensee shall store supplies off the floor and away from walls to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. Each licensee shall keep

all open supplies of food and bedding in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the dogs or cats but is required for normal husbandry practices in food storage and preparation areas, but may store such substances in cabinets in the animal areas.

(g) Drainage and waste disposal.

(1) Each licensee shall provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead animals in a manner that minimizes contamination and disease risks.

(2)(A) Each housing facility shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. The disposal and drainage systems shall minimize vermin and pest infestation, insects, odors, and disease hazards. All drains shall be properly constructed, installed, and maintained.

(B) If a closed drainage system is used, it shall be equipped with traps and shall prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation.

(3) Each licensee shall ensure that standing puddles of water in animal enclosures are drained or mopped up so that animals stay dry.

(4) Each licensee shall use trash containers in housing facilities and in food storage and food preparation areas that are leak-proof and shall keep tightly-fitted lids on the containers at all times.

(5) Dead animals, animal parts, and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(h) Washrooms and sinks. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-2. Indoor housing facilities. (a) Definition. ''Indoor housing facility'' means any structure or building with environmental controls that houses or is intended to house animals and that is constructed in the following manner.

(1) The building or structure is constructed so that the temperature within the building or structure can be controlled within the limits set forth for that species of animal, humidity levels of 30 to 70 percent can be maintained, and odors can be eliminated rapidly from within the building.

(2) The building or structure is an enclosure created by the continuous connection of a roof, floor, and walls. A shed or barn set on top of the ground is not considered to have a continuous connection between the walls and the ground unless a foundation and floor are provided.

(3) The building or structure has at least one door for entry and exit that can be opened and closed. Any windows or openings which provide a natural light are covered with a transparent material, which may include glass or hard plastic.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating an indoor housing facility for dogs and cats shall ensure that the indoor housing facility is sufficiently heated and cooled when necessary to protect dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility shall not permit the ambient temperature in the facility to fall below 50 F. or 10 C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

(C) any dog or cat that is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the facility is below 50 F. or 10 C.

(3) Each licensee shall ensure that, when dogs or cats are present, the ambient temperature in the facility does not fall below 45 F. or 7.2 C. for more than four consecutive hours, and does not rise above 85 F. or 29.5 C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that, when dogs or cats are present, each indoor housing facility for dogs and cats is sufficiently ventilated at all times to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85 F. or 29.5 C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units. The licensee shall maintain the relative humidity at a level that ensures the health and wellbeing of the dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(d) Lighting. Each licensee shall provide enough lighting for each indoor housing facility for dogs and cats to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the animal facility and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Interior surfaces. The floors and walls of each indoor housing facility, and any other surfaces in contact with the animals, shall be impervious to moisture. The ceilings of each indoor housing facility shall be impervious to moisture or shall be replaceable. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-3. Sheltered housing facilities. (a) Definition. ''Sheltered housing facility'' means a housing facility which provides the animals with the following:

(1) shelter;

(2) protection from the elements; and

(3) protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens which are totally enclosed in a barn or building, or outside runs or pens connecting with the inside pens in a totally enclosed building.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating a sheltered housing facility for dogs and cats shall ensure that the sheltered portion of the facility is sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian , the licensee shall not permit the ambient temperature in the sheltered portion of the facility to fall below 50 F. or 10 C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress and discomfort , including short-haired breeds; or

(C) any dog or cat which is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the sheltered portion of the facility is below 50 F. or 10 C.

(3) The licensee shall ensure that, when dogs or cats are present, the ambient temperature in the sheltered portion of the facility does not fall below 45 F. or 7.2 C. for more than four consecutive hours, and does not rise above 85 F. or 29.5 C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that the enclosed or sheltered portion of the housing facility is sufficiently ventilated at all times dogs or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85 F. or 29.5 C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units.

(d) Lighting. Each licensee shall provide enough lighting for each sheltered housing facility for dogs and cats which is sufficient to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Shelter from the elements. Each licensee shall provide one or more shelter structures which adequately shelter the dogs or cats from the elements at all times to protect their health and wellbeing. The shelter structure or structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(f) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) Indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material, including wire, wood, metal, or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may be compacted earth, absorbent bedding, sand, gravel, or grass. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-4. Outdoor housing facilities. (a) Definition. ''Outdoor housing facility'' means any structure, building, land, or premises:

(1) which houses or is intended to house animals;

(2) which does not meet the definition of any other type of housing facility provided in the regulations; and

(3) in which temperatures cannot be controlled with limits established by these regulations.

(b) Restrictions.

(1) A retail breeder licensee shall not keep any of the following categories of dogs or cats in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(A) any dog or cat that is not acclimated to the temperatures prevalent in the area or region in which the animal is maintained;

(B) any dog or cat of a breed that cannot tolerate the prevalent temperatures of the area without stress or discomfort, including short-haired breeds in cold climates; and

(C) any dog or cat which is sick, infirm, aged, or young.

(2) If a licensee operating an outdoor housing facility does not know whether a dog or cat is acclimated, the licensee shall not keep such a dog or cat in the outdoor facility when the ambient temperature is less than 50 F. or 10 C.

(c) Shelter from the elements. Each outdoor facility for dogs or cats shall include one or more shelter structures that are accessible to each animal in the outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, each licensee shall provide one or more separate, outside areas of which are large enough to contain all the animals at one time and protect them from the direct rays of the sun. Each shelter structure in an outdoor facility for dogs or cats shall contain a roof, four sides, and a floor, and shall:

(1) provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) provide the dogs and cats with protection from the direct rays of the sun and the direct effects of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry bedding material if the ambient temperature is below 50 F. or 10 C. The licensee shall provide additional clean, dry bedding material when the temperature is 35 F. or 1.7 C. or lower.

(d) Construction. All building surfaces in outdoor housing facilities which come into contact with animals shall be impervious to moisture. A licensee shall not use metal barrels, cars, refrigerators, freezers, or similar items as shelter structures. The floor of each outdoor housing facility may be compacted earth, absorbent bedding sand, gravel, or grass.

(e) Maintenance. Each licensee shall replace floor materials if there are any prevalent odors, diseases, insects, pests, or vermin. The licensee shall maintain all surfaces on a regular basis. The licensee shall replace the surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, including houses, dens, and similar structures, when the surfaces are worn or soiled. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-5. Primary enclosures. Each primary enclosure for dogs and cats shall meet the following minimum requirements. (a) Definition. ''Primary enclosure'' means any structure or device used to restrict an animal or animals to a limited amount of space, including a room, pen, run, cage, compartment, hutch, and tether. In the case of animals restrained by a tether, primary enclosure shall include the shelter structure and the area within reach of the tether.

(b) General requirements.

(1) Each primary enclosure shall be designed and constructed of suitable materials so that it is structurally sound. Each retail breeder licensee shall keep the primary enclosure in good repair.

(2) Each primary enclosure shall be constructed and maintained so that the enclosure meets the following conditions:

(A) Has no sharp points or edges that could injure the dogs and cats;

(B) protects the dogs and cats from injury;

(C) contains the dogs and cats securely;

(D) keeps other animals from entering the enclosure;

(E) enables the dogs and cats to remain dry and clean;

(F) provides shelter and protection to all the dogs and cats from extreme temperatures and weather conditions that may be uncomfortable or hazardous;

(G) provides sufficient shade to shelter simultaneously all the dogs and cats housed in the primary enclosure;

(H) provides all the dogs and cats with easy and convenient access to clean food and water;

(I) enables all surfaces in contact with dogs and cats to be readily cleaned and sanitized in accordance with K.A.R. 9-25-6(b), or to be replaced when worn or soiled;

(J) has floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury. If the floor is constructed of mesh or with slats, the floor shall not allow the dogs' and cats' feet to pass through any openings in the floor. Any metal strands used to construct a suspended floor for the primary enclosure shall be nine-gauge wire or wire that is greater than 1⁄8 of an inch in diameter or shall be coated with plastic, fiberglass, or a comparable material. Any suspended floor used in a primary enclosure shall be strong enough that the floor does not sag or bend between structural supports; and

(K) provides sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

(c) Additional requirements for cats.

(1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat that is housed in the primary enclosure, including any weaned kitten.

(A) Each primary enclosure housing cats shall be at least 24 inches or 60.96 cm. high.

(B) Each cat with a weight up to and including 8.8 lbs. or 4 kg. shall be provided with at least 3.0 sq. ft. or 0.28 m2 of floor space.

(C) Each cat with a weight over 8.8 lbs. or 4 kg. shall be provided with at least 4.0 sq. ft. or 0.37 m2 of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space available for each nursing kitten is less than five percent of the minimum requirement for the queen, the housing shall first be approved by the livestock commissioner, in writing, if the commissioner determines that, under the circumstances, the space is adequate to provide for the health and well-being of the queen and her kittens.

(E) The minimum floor space required by this regulation shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if the pan is properly cleaned and sanitized.

(2) Litter. The licensee shall provide a receptacle in each primary enclosure that contains sufficient clean litter to contain excreta and other body wastes.

(3) Resting surfaces. Each primary enclosure housing cats shall contain one or more resting surfaces that, in the aggregate, are large enough to hold simultaneously all the occupants of the primary enclosure comfortably. Each resting surface shall be elevated, impervious to moisture, and easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(d) Additional requirements for dogs.

(1) Space.

(A) The licensee shall provide a minimum amount of floor space for each dog housed in the primary enclosure, including each weaned puppy, which shall be calculated as follows:

(i) Find the result of the following formula: (the length of the dog in inches + 6 inches) 2 required

floor space in square inches; and

(ii) convert the result of the formula to square feet as follows: Required floor space in square inches/144 required floor space in square feet. The length of the dog shall be measured from the tip of the dog's nose to the base of the dog's tail.

(B) The licensee shall provide each bitch that has nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian. The additional amount of floor space for each nursing puppy shall not be less than five percent of the minimum requirement for the bitch, unless the livestock commissioner first approves the housing based on a written determination that, under the circumstances, the space is adequate to provide for the health and well-being of the bitch and her puppies.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Prohibited types of primary enclosures for dogs. The tethering of dogs shall be prohibited for use as a permanent primary enclosure. The tethering of dogs on a temporary basis shall be prohibited for use as a primary enclosure, unless the livestock commissioner determines that tethering for a limited, specified period of time will not adversely affect the health and well-being of the dog.

(e) Innovative primary enclosures. Any licensee may use an innovative primary enclosure not precisely meeting the floor area and height requirements provided in this regulation, if the livestock commissioner determines that the primary enclosure will provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003.)

K.A.R. 9-25-6. Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures.

(1) Each retail breeder licensee shall remove excreta and food waste from the inside of each primary enclosure daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.

(2) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall remove the dogs and cats, unless the enclosure is large enough to ensure that the animals would not be harmed, wetted, or distressed in the process. The licensee shall remove all standing water from the primary enclosure and shall protect animals in other primary enclosures from contamination with water and other wastes during the cleaning.

(3) The licensee shall clean the pans under each primary enclosure with a grill-type floor and the ground area under each raised run with a wire, mesh, or slatted floor as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) Each licensee shall clean and sanitize each used primary enclosure and each used food and water receptacle using one of the methods prescribed in paragraph (b)(3) before the primary enclosure or food and water receptacle is used to house, feed, or water another dog, cat, or social grouping of dogs or cats.

(2) The licensee shall sanitize all used primary enclosures and food and water receptacles for dogs and cats at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Each licensee shall sanitize hard surfaces of primary enclosures and food and water receptacles using one of the following methods:

(A) Spraying all surfaces with live steam under pressure;

(B) washing all surfaces with hot water that is at least 180 F or 82.2 C and with soap or detergent, using a mechanical cage washer or similar device; or

(C)(i) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or with a product that is a combination of a detergent and a disinfectant that accomplishes the same purpose;

(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and (iii) rinsing with clean water.

(4) Each licensee shall sanitize all pens, runs, and outdoor housing areas containing material that cannot be sanitized using the methods provided in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Housekeeping for premises. Each licensee shall keep the premises where the housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this article, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) Pest control. Each licensee shall establish and maintain an effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003.)

K.A.R. 9-25-7. Compatible grouping. With the following additional restrictions, each retail breeder licensee shall ensure that dogs and cats that are housed in the same primary enclosure are compatible, as determined from observation. (a) The licensee shall not house females in heat or estrus in the same primary enclosure with sexually mature males, except for breeding purposes.

(b) The licensee shall house any dog or cat exhibiting a vicious or overly aggressive disposition separately.

(c) The licensee shall not house puppies or kittens four months of age or less in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies. Except when maintained in breeding colonies, queens or bitches with litters shall not be housed in the same primary enclosure with other adult cats or dogs.

(d) Dogs or cats shall not be housed in the same primary enclosure with any other species of animals, unless they are compatible.

(e) The licensee shall isolate dogs and cats that have or are suspected of having a contagious disease from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(f)(1) The licensee shall not house more than 12 adult non-conditioned cats in the same primary enclosure. The licensee shall not house more than 12 adult non-conditioned dogs in the same primary enclosure.

(2) "Non-conditioned" means that an animal has not been subjected to special care and treatment for a sufficient time for the animal to stabilize, and where necessary, to improve its health. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-8. Exercise for dogs. Each retail breeder licensee shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The attending veterinarian shall approve the plan. The licensee shall make the plan available to the livestock commissioner upon request. The plan shall include written standard procedures to be followed in providing the opportunity for exercise. At a minimum, the plan shall comply with each of the following requirements. (a) Dogs housed individually. The licensee shall provide the opportunity for exercise regularly to each dog over 12 weeks of age, except bitches with litters, which are housed, held, or maintained by the licensee individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-25-5(d)(1).

(b) Dogs housed in groups. Any licensee housing, holding, or maintaining dogs over 12 weeks of age in groups shall not be required to provide additional opportunities for regular exercise if the dogs are maintained in cages, pens, or runs that provide, in total, at least 100 percent of the space required in K.A.R. 9-25-5(d)(1) for dogs which are maintained separately. Such animals may be maintained in compatible groups, unless:

(1) in the opinion of the attending veterinarian, such a housing arrangement would adversely affect the health or well-being of one or more dogs; or

(2) any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise.

(2) In developing the plan, each licensee shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, the licensee shall provide the dog with positive physical contact with humans at least daily.

(3) The opportunity for exercise may include the following:

(A) providing group housing in cages, pens, or runs that provide at least 100 percent of the space that is required under the minimum floor space requirements of K.A.R. 9-25-5(d)(1) for dogs maintained separately;

(B) maintaining individually-housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-25-5(d)(1);

(C) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(D) other similar activities.

(4) Forced exercise methods or devices, including swimming, treadmills, or carousel-type devices, shall not meet the exercise requirements of this regulation.

(d) Exemptions.

(1) If in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this regulation for those dogs. The attending veterinarian shall document such an exemption, and unless the basis for exemption is a permanent condition, shall review the exemption at least every 30 days.

(2) The licensee shall maintain records of any exemptions. These records shall be made available to the livestock commissioner upon request. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-9. Feeding. (a) Each retail breeder licensee shall feed all dogs and cats at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b)(1) Each licensee shall provide food receptacles for dogs and cats, which shall:

(A) be readily accessible to all dogs and cats;

(B) be located so as to minimize contamination by excreta and pests;

(C) be protected from rain and snow; and

(D) be disposable or made of a durable material that can be easily cleaned and sanitized. If the food receptacles are not disposable, the licensee shall keep the receptacles clean and sanitized using one of the methods described in K.A.R. 9-25-6(b). If the food receptacles are disposable, the licensee shall discard the receptacles after one use.

(2) Any licensee may use self-feeders for feeding dry food. If self-feeders are used, the licensee shall keep the self-feeders clean and sanitized in accordance with K.A.R. 9-25-6(b). Each licensee shall take measures to ensure that there is no molding, deterioration, or caking of feed. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-10. Watering. If potable water is not continually available to the dogs and cats, the retail breeder licensee shall offer potable water to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Each licensee shall make potable water continuously available if the ambient temperature is more than 85 F. In accordance with K.A.R. 9-25-6(b), each licensee shall keep the water receptacles clean and sanitized while in use and shall clean and sanitize water receptacles before they are used to water a different dog, cat, or social grouping of dogs or cats. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-11. Employees. Each retail breeder licensee shall employ enough individuals to carry out the level of husbandry practices and care required in article 25 of these regulations. Each employee who provides husbandry and care, or who handles animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall ensure that the supervisor and

other employees can perform to these standards. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-12. Age of animal. A retail breeder licensee shall not sell or exchange any dog or cat unless the dog or cat is at least eight weeks of age and has been weaned. ''Weaned'' means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five days. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Nov. 7, 2003.)

K.A.R. 9-25-13. Access to and inspection of records and property. Each retail breeder licensee shall, during business hours, allow the livestock commissioner or the commissioner's representatives to take any of the following actions: (a) enter its place of business;

(b) examine records required to be kept under K.A.R. 9-25-14;

(c) make copies of the records;

(d) inspect and photograph the facilities, property, and animals to the extent the livestock commissioner or the commissioner's representatives consider necessary to enforce the Kansas pet animal act, and article 25 of these regulations;

(e) document, by the taking of photographs and other means, conditions and areas of noncompliance; and

(f) use a room, table, or other facility necessary for the proper examination of the records and inspection of the property or animals. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-14. Records. (a) Each retail breeder licensee shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or disposed of in some other manner. The records shall include the following:

(1) the name and address of the person from whom each animal was acquired;

(2) the date each animal was acquired;

(3) a description of each animal, including the following:

(A) the animal's age, size, color markings, sex, and breed;

(B) any available information regarding vaccinations; and

(C) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and

(4) the name and address of the person to whom any animal is sold, given, bartered, or otherwise delivered and the date the transaction took place. The record shall show the method of disposition.

(b) Each licensee shall store records on the premises where the animals are located and shall make the records available for inspection.

(c) Each licensee shall keep records for the current fiscal year and the previous fiscal year. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

K.A.R. 9-25-15. Adequate medical veterinary care. Each retail breeder licensee shall have an attending veterinarian who shall provide, to the licensee's animals, adequate veterinary care, as defined in K.S.A. 47-1701(dd).

(Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

Article 26.—EUTHANASIA

K.A.R. 9-26-1. . (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1718; effective Nov. 15, 1996; amended, T-9-7- 1-03, July 1, 2003; amended Oct. 31, 2003; revoked April 29, 2016.)

Article 27.—REPORTABLE DISEASES

K.A.R. 9-27-1. Designation of infectious or contagious diseases. The following diseases shall be designated as reportable infectious or contagious animal diseases and shall be reported in accordance with K.S.A. 47-622, and amendments thereto:

(a) Anthrax;

(b) all species of brucellosis;

(c) equine infectious anemia;

(d) classical swine fever, which is also known as hog cholera;

(e) pseudorabies;

(f) psoroptic mange;

(g) rabies;

(h) tuberculosis;

(i) vesicular stomatitis;

(j) avian influenza;

(k) pullorum;

(l) fowl typhoid;

(m) psittacosis;

(n) viscerotropic velogenic Newcastle disease, which is also known as exotic Newcastle disease;

(o) foot-and-mouth disease;

(p) rinderpest;

(q) African swine fever;

(r) piroplasmosis;

(s) vesicular exanthema;

(t) Johne's disease;

(u) scabies;

(v) scrapie;

(w) trichomoniasis;

(x) equine herpesvirus myeloencephalopathy;

(y) western equine encephalomyelitis;

(z) eastern equine encephalomyelitis;

(aa) Venezuelan equine encephalomyelitis;

(bb) West Nile virus;

(cc) bovine spongiform encephalopathy;

(dd) chronic wasting disease; and

(ee) any other diseases that the animal health commissioner determines to be immediately reportable due to an animal health emergency situation. (Authorized by K.S.A. 2015 Supp. 47-610 and 47-1832; implementing K.S.A. 2015 Supp. 47-610 and 47-622; effective Jan. 23, 1998; amended Sept. 24, 2010; amended Aug. 19, 2016.)

Article 28.—BRUCELLA OVIS

K.A.R. 9-28-1. Definitions. As used in these regulations, the terms below shall have the following definitions. (a) ''Brucella ovis'' means an infectious, contagious disease of sheep characterized by ram epididymitis.

(b) ''Brucella ovis-free flock'' means a flock of sheep in which all test-eligible rams annually have two negative serology tests 45 to 120 days apart.

(c) ''Individual identification'' means any of the following:

(1) an official United States department of agriculture metal ear tag; or

(2)(A) a microchip;

(B) a tattoo;

(C) a physical description; or

(D) any other means that clearly identifies the animal.

(d) ''Official serology test'' means the following:

(1) the collection of samples by a licensed, federally accredited veterinarian; and

(2) the submission of the samples to a laboratory registered with the animal health department and approved by the livestock commissioner to conduct tests to identify brucella ovis.

(e) ''Test-eligible ram'' means any ram six months of age or older that was not born in the year of the test. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-28-2. Brucella ovis tests. (a) Any owner of a flock of sheep may apply for a certificate certifying that flock as a brucella ovis-free flock when the flock meets the following requirements.

(1) Each ram in the flock shall have an individual identification.

(2) Each test-eligible ram shall test negative on two official serology tests 45 to 120 days apart. Each ram shall be exempt from testing in the year of its birth.

(b) Each owner of a flock of sheep satisfactorily completing the test requirements under subsection

(a) for a brucella ovis-free flock shall be issued a certificate certifying the flock of sheep as a brucella ovis-free flock by the Kansas animal health department. The certificate shall be valid for one year from the date of certification.

(c) To continue the brucella ovis-free flock certification, each test-eligible ram shall test negative annually. Each owner of one or more brucella ovis-free flocks shall be notified by mail of recertification requirements no fewer than 30 days before the expiration of the brucella ovis-free flock status. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

Article 30.—EQUINE INFECTIOUS ANEMIA

K.A.R. 9-30-1. Notification. Each testing laboratory approved by the United States department of agriculture (USDA) shall notify the livestock commissioner of the test results for each equidae of Kansas origin that is tested for equine infectious anemia and that is bled within the state of Kansas. The testing laboratory shall report positive test results within 48 hours. (Authorized by K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; implementing K.S.A. 47-622; effective Jan. 23, 1998.)

K.A.R. 9-30-2. Testing positive for equine infectious anemia. (a) Each equidae testing positive for equine infectious anemia shall be quarantined. Each owner of a quarantined equidae shall take one of the following actions:

(1) confine the equidae no fewer than 200 yards from any other equidae;

(2) confine the equidae in a screened stall;

(3) slaughter the equidae in a slaughter plant that has been inspected and approved by the animal and plant health inspection service of the United States department of agriculture (USDA); or

(4) euthanize the equidae and bury or incinerate the carcass.

(b) Within 48 hours after the quarantine begins, the owner of the quarantined equidae shall provide written notification to the Kansas animal health department of the location of each quarantined equidae.

(c) Any owner may re-test positive equidae one time within 60 days after the date the quarantine begins, for confirmation of the results.

(d) Following a second positive test, the testpositive equidae shall be branded by the livestock commissioner or the commissioner's designee on the left side of the neck by hot iron or by freeze branding with the code ''48,'' followed by the letter ''A.'' The number ''48'' and the letter ''A'' shall be at least two inches in height and shall not be obscured by the equidae's mane. (Authorized by and implementing K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; effective Jan. 23, 1998.)

K.A.R. 9-30-3. Infected equidae moving to another state. (a) If an equidae located in Kansas is known to be infected with equine infectious anemia and is to be moved to another state, the livestock commissioner or the commissioner's designee shall brand the equidae on the left side of the neck by hot iron or by freeze branding with the Kansas code ''48,'' followed by the letter ''A.'' The number ''48'' and the letter ''A'' shall be at least two inches in height and shall not be obscured by the equidae's mane.

(b) Each equidae branded in this manner shall be individually identified on and be accompanied by a USDA veterinary services form 1-27 for interstate movement of restricted equidae. (Authorized by K.S.A. 1996 Supp. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-608; effective Jan. 23, 1998.)

Article 32.—SCRAPIE IN SHEEP AND GOATS

K.A.R. 9-32-1. Definitions. (a) Only the following terms and their definitions from part I of ''scrapie eradication: uniform methods and rules,'' publication APHIS 91-55-079 of the United States department of agriculture's animal and

plant health inspection service (USDA/APHIS), dated June 1, 2005, are hereby adopted by reference, except as modified in this regulation:

(1) ''Accredited veterinarian'';

(2) ''administrator'';

(3) ''animal'';

(4) ''APHIS'';

(5) ''APHIS representative'';

(6) ''approved test'';

(7) ''breed associations and registries'';

(8) ''breeding sheep and goats'';

(9) ''certificate'';

(10) ''commingled, commingling'';

(11) ''direct movement to slaughter'';

(12) ''electronic implant'';

(13) ''exposed animal'';

(14) ''exposed flock'';

(15) ''female animal'';

(16) ''flock or herd'';

(17) ''flock of origin'';

(18) ''flock plan'';

(19) ''high-risk animal'';

(20) ''infected flock'';

(21) ''interstate commerce'';

(22) ''male animal'';

(23) ''noncompliant flock'';

(24) ''official eartag'';

(25) ''official identification'';

(26) ''owner'';

(27) ''owner statement'';

(28) ''permit'';

(29) ''postexposure management and monitoring plan (PEMMP)'';

(30) ''premises'';

(31) ''premises identification'';

(32) ''premises identification number'';

(33) ''premises number'';

(34) ''scrapie'';

(35) ''scrapie-positive animal'';

(36) ''slaughter channels'';

(37) ''source flock'';

(38) ''state'';

(39) ''state representative'';

(40) ''state veterinarian'';

(41) ''suspect animal'';

(42) ''terminal feedlot''; and

(43) ''trace.''

(b) The definitions of the following terms adopted in subsection (a) shall be modified as specified in this subsection:

(1) The following sentence shall be added at the end of the definition of ''certificate'': ''The terms 'health certificate' and 'certificate of veterinary inspection' are synonyms for 'certificate.' ''

(2) In the last sentence of the definition of ''flock or herd,'' the following phrase shall be deleted: ''in accordance with the guidelines published in 9 CFR 54.7.''

(3) In the definition of ''flock plan,'' the last sentence shall be deleted.

(4) The following sentence shall be added at the end of the definition of ''permit'': ''The term 'shipping permit' is a synonym for 'permit.' ''

(5) In the definition of ''postexposure management and monitoring plan (PEMMP),'' the following modifications shall be made:

(A) The following text shall be added after ''A written agreement'': ''approved by the livestock commissioner and the administrator that is.''

(B) The last sentence of this definition shall be deleted.

(6) In the definition of ''state veterinarian,'' the word ''veterinary'' shall be deleted.

(7) In the first sentence of the definition of ''suspect animal,'' the following phrase shall be deleted: ''in accordance with 9 CFR 79.4.''

(c) The following terms and definitions shall be added:

(1) ''Exhibition. The commingling of animals for the purpose of showing or judging contests or for any other type of public display.''

(2) ''In commerce. The term describing any animal that is to be traded, sold, bartered, slaughtered, or otherwise exchanged or any animal being moved for any of these purposes.'' (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-2. Identification requirements. (a) Before any change of ownership, the following categories of sheep and goats shall be individually identified with official identification sufficient to trace the sheep and goats to the premises of origin:

(1) All sexually intact animals, except any lamb or kid under eight weeks of age accompanied by its dam;

(2) all animals for exhibition purposes, except any lamb or kid under eight weeks of age accompanied by its dam; and

(3) all sheep and goats over 18 months of age, as evidenced by the presence of the second set of permanent incisors.

(b) All animals in the following categories shall be permanently and individually identified with official identification before movement of any kind from the premises on which the animals currently reside:

(1) All exposed animals and high-risk animals regardless of age, reproductive status, or genetic susceptibility as determined by an official genotype test; and

(2) all suspect animals and scrapie-positive animals.

(c) The seller shall be required to ensure that all sheep and goats requiring official identification have been identified accordingly and that records are maintained showing either the name of the purchaser of these animals or the name of the market and the date on which the animals were consigned.

(d) Any sheep or goat required to have official identification that is sold at a licensed Kansas livestock market may be identified accordingly at the market if the market maintains records sufficient to trace the animal back to the consignor and the buyer of that animal.

(e) For purposes including genetic testing, exhibition, and interstate movement, any designated agent approved to apply official identification under agreement with the livestock commissioner and the USDA/APHIS may apply the identification to sheep and goats, if the agent maintains records sufficient to trace the animals back to the individual or premises for which the identification was applied.

(f) All sheep and goats in commerce requiring official identification that have not yet been identified and are to be commingled with animals from a different flock shall be identified by the person delivering, hauling, or handling these animals.

(g) If a sheep or goat requiring official identification is received without this identification on a premises where the animal is to be commingled with animals from different flocks, the receiver of the animal shall be required to apply official identification to that animal.

(h) The following categories of sheep and goats shall not be required to be identified:

(1) Wethers under 18 months of age in slaughter channels;

(2) sheep or goats, or both, from a single premises maintained in a separate trailer or section of a transport and accompanied by an owner statement sufficient to allow the slaughter plant or slaughter market to identify the animals; and

(3) sheep or goats, or both, moved for grazing or similar management purposes whenever the animals are moved without a change of ownership from a premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-3. Movement of scrapie-infected or scrapie-exposed sheep and goats. (a) No sheep or goat known to be or suspected of being infected with scrapie and no exposed animal from any flock that is not in compliance with a flock plan shall be imported into Kansas.

(b) No sheep or goat from a Kansas premises that is known to be or suspected of being infected with scrapie and no sheep or goat from a flock that is not in compliance with a flock plan shall be allowed to be moved from the premises without being individually identified with official identification recorded on a shipping permit issued by the Kansas livestock commissioner or the commissioner's deputy. All movement of these sheep and goats shall be only for the purpose of direct movement to slaughter or to a designated facility for euthanasia or research purposes.

(c) Scrapie-exposed sheep and goats from out-of-state flocks that are in compliance with a flock plan in the state of origin shall be allowed to be imported into Kansas, moved to a Kansas livestock market, or slaughtered at a licensed Kansas slaughter facility if the animals are individually identified with official identification and a special permit number issued by the Kansas animal health department is obtained before movement. The official identification numbers of all sheep and goats in each consignment shall be listed on the certificate of veterinary inspection or the owner statement, along with a statement that the animals listed are known to have been exposed to scrapie.

(d) Any scrapie-exposed sheep or goats from Kansas flocks that are in compliance with a flock plan may be sold privately, moved within the state to a licensed livestock market, or moved to a licensed Kansas slaughter facility if the sheep or goats are individually identified with official identification and are accompanied by an owner statement or certificate of veterinary inspection identifying them as exposed animals and listing the official identification numbers of the sheep or goats in the consignment. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-4. Movement into Kansas of sheep and goats intended for breeding. (a)(1) All sheep and goats imported into Kansas for breeding purposes, except those moving directly to a licensed Kansas livestock market, shall be accompanied by a certificate of veterinary inspection issued by a veterinarian licensed and accredited in the state of origin stating that the consigned animals show no clinical signs of, and are not known to be infected with or exposed to, any infectious or contagious disease. The certificate of veterinary inspection shall state the full name and complete physical address of the premises from which the consignment originated, as well as the full name and complete physical address of the premises of destination in Kansas.

(2) If a special permit number from the Kansas animal health department is required before movement of any sheep or goats, the special permit number shall be included on the certificate of veterinary inspection.

(b) All sheep and goats listed on the certificate of veterinary inspection shall meet one of the following requirements:

(1) Be individually identified with official identification; or

(2) be permanently identified to the premises of origin including the type of official identification used, which may include registered brands or tattoos, electronic implants, official eartags, radio frequency identification, and premises identification tags or tattoos. The number of sheep or goats, or both, included in the consignment shall be listed on the certificate of veterinary inspection.

(c)(1) In addition to the certificate of veterinary inspection, all sheep and goats shall be accompanied by an owner statement declaring one of the following:

(A) No sheep or goats in the consignment are known to be high-risk animals or known to be infected with or exposed to scrapie or to have originated from a source flock.

(B) The sheep or goats in the consignment are scrapie-exposed animals that originate from a flock in compliance with an approved flock plan in the state of origin. These sheep and goats shall have a special permit number obtained from the Kansas animal health department before movement of any shipment containing these animals. This special permit number shall appear on the certificate of veterinary inspection or the owner statement.

(2) The owner statement required by paragraph (c)(1) may be signed by a veterinarian, rather than the owner, at an approved livestock market if both of the following conditions are met:

(A) All consignors of sheep or goats are notified in writing or by signs posted at the livestock market that any sheep or goat known to be an exposed animal, suspect animal, or high-risk animal is required to be identified as such to the market upon consignment.

(B) The identification of these animals is maintained throughout the sale. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-607a, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-5. Movement into Kansas of sheep and goats intended for slaughter. (a) All sheep and goats moving interstate into Kansas directly to a licensed slaughter facility shall be accompanied by a certificate of veterinary inspection or by an owner statement as defined in K.A.R. 9-32-1. In addition, all sheep and goats in the consignment, except wethers under 18 months of age as evidenced by the absence of the second set of permanent incisors, shall be identified in one of the following ways to enable the animals to be traced to the flock of origin:

(1) Have official identification, with the type of identification listed on the owner statement or certificate of veterinary inspection; or

(2) be maintained as a separate and distinct group, without commingling, from the time the sheep and goats leave the premises of origin until they arrive at the licensed slaughter facility within Kansas if the slaughter facility performs the following:

(A) Keeps these sheep or goats, or both, separate and apart from all other animals;

(B) slaughters the sheep or goats, or both, consecutively as a group to maintain their identity; and

(C) maintains records sufficient to trace the sheep or goats, or both, from the consignment to the premises of origin.

(b) All sheep and goats moving into Kansas directly to a terminal feedlot, except wethers under 18 months of age as determined by the absence of the second set of permanent incisors, shall be accompanied by a certificate of veterinary inspection and have official identification. The type of official identification used and the number of sheep or goats, or both, consigned shall be recorded on the certificate of veterinary inspection.

(c) Wethers under 18 months of age, as determined by the absence of the second set of permanent incisors, shall not be required to be identified but shall be accompanied by a certificate of veterinary inspection or an owner statement. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-6. Exhibition sheep and goats. All exhibition sheep and goats in Kansas, except any lamb or kid under two months of age accompanying its dam, shall be individually identified by a means of official identification, regardless of their sex or premises of origin. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-7. Sheep and goats consigned to Kansas livestock markets. (a) Any sheep or goat originating outside Kansas may be consigned to a Kansas livestock market if the sheep or goat is accompanied by an owner statement.

(b) All sexually intact sheep and goats and all wethers over 18 months of age, as evidenced by the presence of the second set of permanent incisors, shall be individually identified with official identification before being sold. All sheep and goats requiring official identification that have not been identified before movement to the market shall be identified at the market, which shall maintain records sufficient to trace these animals back to the flock of origin.

(c) Wethers less than 18 months of age, as evidenced by the absence of the second set of permanent incisors, shall not be required to be identified. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

K.A.R. 9-32-8. Recordkeeping requirements. (a) Each individual who applies official identification to an animal shall maintain the associated records for a minimum of five years from the date of application. These records shall be made available upon request during normal business hours to any authorized employee of the USDA or the Kansas animal

health department upon presentation of the employee's official agency credentials. Each record shall show the following:

(1) The official identification number applied;

(2) the number of animals identified, by species;

(3) the type of official identification; and

(4) the date on which the official identification was applied.

(b) In addition to maintaining the records specified in subsection (a), each individual who applies official identification shall provide the following, upon request:

(1) The name, premises, mailing address, and, if available, phone number of the individual for which the official identification was applied;

(2) the name and address of the owner of the flock of birth, if the flock of birth is known; and

(3) the name, premises, mailing address, and, if available, phone number of the individual or premises that purchased or otherwise received these animals.

(c) Each individual or entity who receives, purchases, acquires, sells, or disposes of any sheep or goats shall keep records of each transaction for a minimum of five years from the date of the transaction. Each record shall include the following:

(1) The number of animals included in the transaction;

(2) the date of the transaction;

(3) the name, address, and, if available, the phone number of the second party involved in the transaction;

(4) the species and breed of the animals involved;

(5) a copy of the brand inspection certificate or certificate of veterinary inspection for all animals that have official identification consisting of brands or ear notches; and

(6) all business records, including yardage receipts, sale tickets, invoices, and waybills. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)