

## SENATE BILL No. 89

By Committee on Agriculture and Natural Resources

1-28

AN ACT concerning agriculture; relating to poultry disease control; authorizing the commissioner to adopt rules for establishing fees related to the poultry disease control act; prohibiting the shipment of poultry into Kansas unless such poultry meet plan requirements; establishing an annual participation fee for the national poultry improvement plan, a certification fee for persons performing testing and diagnostic services and a fee for providing testing or diagnostic services related to pullorum-typhoid; authorizing the commissioner to revoke plan participation for failure to pay the annual plan participation fee within a 60-day grace period; amending K.S.A. 2-909, 2-910, 2-911, 2-912, 2-913, 2-914 and 2-915 and repealing the existing sections.

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

Section 1. K.S.A. 2-909 is hereby amended to read as follows: 2-909. 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)(d) "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 that~~ are contained in sections 147.1 through 147.48 of title 9 of the code of federal regulations, and amendments thereto.

~~(f)(e)~~ "Poultry" means any domesticated birds ~~which that~~ are bred for the primary purpose of producing eggs or meat or of being exhibited ~~and which may include~~. "Poultry" includes, but is not limited to, chickens, turkeys, waterfowl and game birds; ~~but which shall~~ does not include doves or pigeons.

~~(g)(f)~~ "Pullorum" ~~"Pullorum-typhoid"~~ means a disease of poultry caused by salmonella pullorum.

1       Sec. 2. K.S.A. 2-910 is hereby amended to read as follows: 2-910. (a)  
2       The commissioner is hereby authorized to cooperate with the United States  
3       department of agriculture in the administration of the plan, may enter into  
4       a memorandum of understanding with that department therefor and may  
5       exercise and perform the powers, duties and functions prescribed for the  
6       commissioner under the memorandum of understanding and the plan.

7       (b) *The commissioner shall have the authority to adopt rules and*  
8       *regulations for the purpose of establishing annual fees for plan*  
9       *participation and annual fees for obtaining certification to perform and*  
10       *receive testing and diagnostic services related to pullorum-typhoid or fowl*  
11       *typhoid pursuant to the poultry disease control act in accordance with*  
12       *K.S.A. 2-912 and 2-914, and amendments thereto.*

13       Sec. 3. K.S.A. 2-911 is hereby amended to read as follows: 2-911. (a)  
14       ~~Each hatchery within Kansas shall be designated as a "national plan~~  
15       ~~hatchery" by the commissioner in accordance with the plan or shall meet~~  
16       ~~requirements which are equivalent to the requirements under the plan for~~  
17       ~~pullorum and fowl typhoid control as determined by the commissioner.~~

18       (b) ~~Each hatchery supply flock within Kansas shall be designated as~~  
19       ~~"U.S. pullorum-typhoid clean" by the commissioner in accordance with~~  
20       ~~the plan or shall meet requirements which are equivalent to the~~  
21       ~~requirements under the plan for pullorum and fowl typhoid control as~~  
22       ~~determined by the commissioner. Any other poultry, except waterfowl, on~~  
23       ~~the same premises as the hatchery supply flock shall be free from pullorum~~  
24       ~~and fowl typhoid infection as evidenced by an official blood test~~  
25       ~~conducted in accordance with the plan.~~

26       (c) ~~No poultry may be shipped into Kansas other than from a source~~  
27       ~~which is designated U.S. pullorum-typhoid clean under the plan that is:~~

28       (a) *A plan participant in compliance with all plan requirements at the*  
29       *time of the shipment; or which meets the equivalent*

30       (b) *meeting requirements equivalent to those contained in the plan.*

31       Sec. 4. K.S.A. 2-912 is hereby amended to read as follows: 2-912. (a)  
32       *Each person participating in the plan shall pay to the commissioner an*  
33       *annual plan participation fee of not to exceed \$50. Each annual plan*  
34       *participation fee shall allow participation in the plan, subject to all other*  
35       *applicable requirements, for one year following the date of remittance of*  
36       *the fee. The plan participation fee for the subsequent year shall become*  
37       *due and owing thereafter.*

38       (b) All hatcheries, supply flocks of poultry, exhibition flocks of  
39       poultry, poultry and poultry products shall comply with the provisions of  
40       the plan ~~which that~~ provide procedures required to qualify Kansas as a  
41       U.S. pullorum-typhoid clean state.

42       Sec. 5. K.S.A. 2-913 is hereby amended to read as follows: 2-913. All  
43       poultry, including exhibition, exotic and game birds but excluding

1 waterfowl, taken to a public exhibition in Kansas shall:

2 (a) Come from a flock of poultry ~~which is designated U.S. pullorum-~~  
3 ~~typhoid clean or which meets the equivalent requirements as determined~~  
4 ~~by the commissioner or shall that participates in the plan and is compliant~~  
5 ~~with all applicable provisions of the plan;~~

6 (b) have a negative result from a ~~pullorum~~ pullorum-typhoid and fowl  
7 typhoid test conducted within 90 days of the poultry being taken to the  
8 public exhibition; or

9 (c) be included in a surveillance program approved by the  
10 commissioner.

11 Sec. 6. K.S.A. 2-914 is hereby amended to read as follows: 2-914. (a)  
12 Each person performing *any testing or poultry disease diagnostic services*  
13 *related to pullorum-typhoid or fowl typhoid pursuant to the poultry*  
14 *disease control act shall annually obtain from the commissioner*  
15 *certification to perform such testing or poultry disease diagnostic services*  
16 *and pay a certification fee of not to exceed \$50. Each certification shall*  
17 *expire on September 30 following its issuance.*

18 (b) *Each person performing poultry disease diagnostic services*  
19 *related to pullorum-typhoid or fowl typhoid pursuant to the poultry*  
20 *disease control act shall report within 48 hours to the commissioner or the*  
21 *commissioner's authorized agent the source of each poultry specimen from*  
22 *which salmonella pullorum or salmonella gallinarum is a reactor or is*  
23 *isolated. Upon receiving such report, the commissioner or the*  
24 *commissioner's authorized agent shall investigate to determine the origin*  
25 *of the infection.*

26 ~~(b)(c)~~ (c) *Each person who requests that the commissioner or an*  
27 *authorized agent of the commissioner perform testing or diagnostic*  
28 *services related to pullorum-typhoid or fowl typhoid pursuant to the*  
29 *poultry disease control act shall, prior to any such requested testing being*  
30 *performed, pay to the commissioner a fee of not to exceed \$100 per visit to*  
31 *each location participating in the plan.*

32 (d) *Testing or poultry disease diagnostic services related to pullorum-*  
33 *typhoid or fowl typhoid pursuant to the poultry disease control act that is*  
34 *performed other than by the commissioner, an authorized agent of the*  
35 *commissioner or an individual certified pursuant to this section shall not*  
36 *be considered sufficient to support participation in the plan.*

37 (e) Each flock of poultry ~~which~~ that is found to be infected with  
38 pullorum-typhoid or fowl typhoid shall be quarantined by the  
39 commissioner or the commissioner's authorized agent until: (1) It is  
40 marketed or destroyed under the supervision of the commissioner or the  
41 commissioner's authorized agent; or (2) it subsequently receives an official  
42 blood test conducted in accordance with the procedure for reacting flocks  
43 under subsection (a)(5) of 9 C.F.R. § 145.14, as revised as of ~~January 1,~~

1 1983 October 5, 2020, and all members of the flock of poultry fail to  
2 demonstrate ~~pullorum~~ pullorum-typhoid or fowl typhoid infection.

3 (e)(f) All costs for testing and handling a quarantined flock of poultry  
4 shall be paid by the owner thereof.

5 Sec. 7. K.S.A. 2-915 is hereby amended to read as follows: 2-915.  
6 ~~After a thorough investigation,~~ The commissioner may revoke any ~~national~~  
7 ~~plan hatchery or U.S. pullorum-typhoid clean designation plan~~  
8 ~~participation~~ for failure of the person operating the hatchery or owning the  
9 ~~hatchery supply flocks~~ to comply with the requirements of the poultry  
10 disease control act *or any applicable plan requirements, including failure*  
11 *to pay the annual plan participation fee required by K.S.A. 2-912, and*  
12 *amendments thereto, within a 60-day grace period following the date that*  
13 *the annual plan participation fee becomes due and owing,* or for the  
14 occurrence of repeated outbreaks of ~~pullorum~~ pullorum-typhoid or fowl  
15 typhoid in the hatchery or hatchery supply flocks.

16 Sec. 8. K.S.A. 2-909, 2-910, 2-911, 2-912, 2-913, 2-914 and 2-915  
17 are hereby repealed.

18 Sec. 9. This act shall take effect and be in force from and after its  
19 publication in the statute book.