

SENATE BILL No. 89

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.

Sec. 2. K.S.A. 2-910 is hereby amended to read as follows: 2-910.

(a) The commissioner is hereby authorized to cooperate with the United States department of agriculture in the administration of the plan, may enter into a memorandum of understanding with that department therefor and may exercise and perform the powers, duties and functions prescribed for the commissioner under the memorandum of understanding and the plan.

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

Sec. 3. K.S.A. 2-911 is hereby amended to read as follows: 2-911.

~~(a) Each hatchery within Kansas shall be designated as a "national plan hatchery" by the commissioner in accordance with the plan or shall meet requirements which are equivalent to the requirements under the plan for pullorum and fowl typhoid control as determined by the commissioner.~~

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

~~test conducted in accordance with the plan.~~

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

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

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

Sec. 4. K.S.A. 2-912 is hereby amended to read as follows: 2-912.

(a) Each person participating in the plan shall pay to the commissioner an annual plan participation fee of not to exceed \$50. Each annual plan participation fee shall allow participation in the plan, subject to all other applicable requirements, for one year following the date of remittance of the fee. The plan participation fee for the subsequent year shall become due and owing thereafter.

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

Sec. 5. K.S.A. 2-913 is hereby amended to read as follows: 2-913. All poultry, including exhibition, exotic and game birds but excluding waterfowl, taken to a public exhibition in Kansas shall:

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

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

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

Sec. 6. K.S.A. 2-914 is hereby amended to read as follows: 2-914.

(a) Each person performing any testing or poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act shall annually obtain from the commissioner certification to perform such testing or poultry disease diagnostic services and pay a certification fee of not to exceed \$50. Each certification shall expire on September 30 following its issuance.

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

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

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

~~(e) Each flock of poultry which that is found to be infected with~~

pullorum-typhoid or *fowl typhoid* shall be quarantined by the commissioner or the commissioner's authorized agent until: (1) It is marketed or destroyed under the supervision of the commissioner or the commissioner's authorized agent; or (2) it subsequently receives an official blood test conducted in accordance with the procedure for reacting flocks under subsection (a)(5) of 9 C.F.R. § 145.14, as revised as of ~~January 1, 1983~~ *October 5, 2020*, and all members of the flock of poultry fail to demonstrate ~~pullorum~~ *pullorum-typhoid* or *fowl typhoid* infection.

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

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

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

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

I hereby certify that the above BILL originated in the
SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.