

HOUSE BILL No. 2742

By Committee on Agriculture

2-9

1 AN ACT concerning agriculture; relating to labeling requirements for
2 muscle cuts of beef, muscle cuts of pork, ground beef and ground pork;
3 repealing K.S.A. 65-6a47, 65-6a48, 65-6a49, 65-6a50, 65-6a51, 65-
4 6a52, 65-6a53, 65-6a54 and 65-6a55 and K.S.A. 2017 Supp. 65-6a56.

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

7 Section 1. (a) As used in this section:

8 (1) "Covered commodity" means:

9 (A) Muscle cuts of beef and pork; and

10 (B) ground beef and ground pork;

11 (2) "retailer" means any location subject to be licensed in accordance
12 with K.S.A. 65-688 et seq., and amendments thereto, as a food
13 establishment that is not a fixed or mobile restaurant, coffee shop,
14 cafeteria, school, short-order cafe, luncheonette, tea room, grill, sandwich
15 shop, soda fountain, tavern, private club, roadside stand, industrial-feeding
16 establishment, catering kitchen, commissary or any other private, public or
17 nonprofit organizations routinely serving food;

18 (3) "retail sale" means a transfer for value to a customer; and

19 (4) "secretary" means the secretary of the Kansas department of
20 agriculture or the secretary's designee.

21 (b) (1) A retailer of a covered commodity shall inform consumers in
22 this state of the country of origin of the covered commodity at the final
23 point of sale of the covered commodity to consumers.

24 (2) A retailer of a covered commodity may designate the covered
25 commodity as exclusively having a United States country of origin only if
26 the covered commodity is derived from an animal that was exclusively
27 born, raised and slaughtered in the United States.

28 (3) (A) A retailer may designate a covered commodity's country of
29 origin for each country in which the animal the covered commodity was
30 derived from may have been born, raised or slaughtered if such animal
31 was:

32 (i) Not exclusively born, raised and slaughtered in the United States;

33 (ii) born, raised or slaughtered in the United States; and

34 (iii) not imported into the United States for immediate slaughter.

35 (B) Nothing in this paragraph shall be construed to alter the
36 mandatory requirement to inform consumers in this state of the country of

1 origin of covered commodities under subsection (b).

2 (4) A retailer of a covered commodity that is derived from an animal
3 that is imported into the United States for immediate slaughter shall
4 designate the origin of such covered commodity as:

5 (A) The country from where the animal was imported; and

6 (B) the United States.

7 (5) A retailer of a covered commodity that is derived from an animal
8 that is not born, raised or slaughtered in the United States shall designate a
9 country other than the United States as the country of origin of such
10 commodity.

11 (6) The notice of country of origin for ground beef or ground pork
12 shall include:

13 (A) A list of all countries of origin of such ground beef or ground
14 pork; or

15 (B) a list of all reasonably possible countries of origin of such ground
16 beef or ground pork.

17 (c) (1) The information required by this section may be provided to
18 consumers in this state by means of a label, stamp, mark, placard or other
19 clear and visible sign on the covered commodity or on the package,
20 display, holding unit or bin containing the commodity at the final point of
21 sale to consumers.

22 (2) If the covered commodity is already individually labeled for retail
23 sale regarding the country of origin, the retailer shall not be required to
24 provide any additional information to comply with this section.

25 (d) (1) The secretary may conduct an audit of any person in this state
26 that prepares, stores, handles or distributes a covered commodity for retail
27 sale to verify compliance with this section and any rules and regulations
28 promulgated pursuant to this section. The secretary may adopt rules and
29 regulations to implement or effectuate the purposes of this section.

30 (2) A person subject to an audit pursuant to this section shall provide
31 the secretary with verification of the country of origin of covered
32 commodities. Records maintained in the course of the normal conduct of
33 the business of such person may serve as the verification. Such records
34 may include, but are not limited to, animal health papers, import or
35 customs documents, or producer affidavits.

36 (3) The secretary shall not require a person in this state who prepares,
37 stores, handles or distributes a covered commodity to maintain a record of
38 the country of origin of a covered commodity other than those maintained
39 in the course of the normal conduct of the business of such person.

40 (e) Any person in this state engaged in the business of supplying a
41 covered commodity to a retailer shall provide information to the retailer
42 indicating the country of origin of the covered commodity.

43 (f) If the secretary determines that:

1 (1) Any person subject to an audit pursuant to this section refuses to
2 provide the secretary with the required records; or

3 (2) any retailer or person in this state engaged in the business of
4 supplying a covered commodity to a retailer has not made a good faith
5 effort to comply with any of the requirements of this section and continues
6 to willfully violate the section after receiving written notice of the
7 violation, the secretary, after providing notice and an opportunity for a
8 hearing in accordance with the provisions of the Kansas administrative
9 procedure act, K.S.A. 77-501 et seq., and amendments thereto, may fine
10 the retailer or person in an amount of not more than \$1,000 for each
11 violation.

12 Sec. 2. K.S.A. 65-6a47, 65-6a48, 65-6a49, 65-6a50, 65-6a51, 65-
13 6a52, 65-6a53, 65-6a54 and 65-6a55 and K.S.A. 2017 Supp. 65-6a56 are
14 hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.