

Poultry Disease Control Act

K.S.A. 2-907 through 2-916

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 typhoid" means a disease of poultry caused by salmonella pullorum.

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

2-910. National poultry improvement plan; cooperation in administration; powers and duties of commissioner; rules and regulations. (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 for receiving 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 amendments thereto, and K.S.A. 2-914, and amendments thereto.*

History: L. 1984, ch. 195, § 3; January 1, 1985.

2-911. Same; ~~"national plan hatchery" and "U.S. pullorum typhoid clean" designations, requirements; prohibiting certain shipments into state.~~ (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.~~

(c) 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 plan participant in compliance with all plan requirements at the time of the shipment* or ~~which meets the equivalent~~ *requirements equivalent to those contained in the plan.*

History: L. 1984, ch. 195, § 4; January 1, 1985.

2-912. Same; ~~plan participation fee—compliance requirements for state designation.~~ (a) *Each person participating in the plan shall pay to the commissioner an annual plan participation fee, which shall not 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, and 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 *participating in the plan or required to participate in the plan or meet equivalent requirements or originating from a source participating in the plan or required to participate in the plan or meet equivalent requirements* shall comply with *all applicable provisions of the plan.* ~~the provisions of the plan which provide procedures required to qualify Kansas as a U.S. pullorum typhoid clean state.~~

History: L. 1984, ch. 195, § 5; January 1, 1985.

2-913. Exhibitions; ~~pullorum typhoid—clean—requirements.~~ All poultry, including exhibition, exotic and game birds but excluding waterfowl, taken to a public exhibition in Kansas shall 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~~ *that participates in the plan and is compliant with all applicable provisions of the plan, or* shall have a negative result from a pullorum typhoid and fowl typhoid test conducted within 90 days of the poultry being taken to the public exhibition *or shall be included in a surveillance program approved by the commissioner.*

History: L. 1984, ch. 195, § 6; January 1, 1985.

2-914. Certification and testing fees; reports of disease diagnosis and specimens; quarantine; disposition of infected flocks. (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 not to exceed \$50. Each certification shall expire on the 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.*

(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 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.

(be) Each flock of poultry which 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 typhoid or fowl typhoid infection.

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

History: L. 1984, ch. 195, § 7; January 1, 1985.

2-915. Revocation of ~~national plan designations; investigation~~ plan participation. ~~After a thorough investigation, the~~ 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 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 or fowl typhoid in the hatchery or hatchery supply flocks.~~

History: L. 1984, ch. 195, § 8; January 1, 1985.