

## HOUSE BILL No. 2608

By Committee on Agriculture and Natural Resources

Requested by Kelsey Olson on behalf of the Kansas Department of Agriculture

1-25

1 AN ACT concerning agriculture; relating to animal health; poultry disease  
2 control; authorizing the animal health commissioner to adopt rules and  
3 regulations to administer the poultry disease control act; establishing an  
4 annual participation fee not to exceed \$50 for participation in the  
5 national poultry improvement plan; a certification fee not to exceed \$50  
6 for persons performing testing and diagnostic services; a testing fee not  
7 to exceed \$100 per visit to each location participating in the plan;  
8 allowing the commissioner to revoke any national plan hatchery or U.S.  
9 pullorum-typhoid clean designation for failure to pay the annual plan  
10 participation fee within a 60-day grace period; amending K.S.A. 2-910,  
11 2-912, 2-914 and 2-915 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 2-910 is hereby amended to read as follows: 2-910.  
15 (a) The commissioner is hereby authorized to cooperate with the United  
16 States department of agriculture in the administration of the plan, may  
17 enter into a memorandum of understanding with that department therefor  
18 and may exercise and perform the powers, duties and functions prescribed  
19 for the commissioner under the memorandum of understanding and the  
20 plan.

21 (b) *The commissioner shall have the authority to adopt rules and*  
22 *regulations for the administration and enforcement of the poultry disease*  
23 *control act.*

24 Sec. 2. K.S.A. 2-912 is hereby amended to read as follows: 2-912. (a)  
25 *Each person participating in the plan shall pay to the commissioner an*  
26 *annual plan participation fee not to exceed \$50. Each annual plan*  
27 *participation fee shall allow participation in the plan, subject to all other*  
28 *applicable requirements, for one year following the date of remittance of*  
29 *the fee. The plan participation fee for the subsequent year shall become*  
30 *due and owing thereafter.*

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

35 Sec. 3. K.S.A. 2-914 is hereby amended to read as follows: 2-914. (a)

1 Each person performing *any testing or poultry disease diagnostic services*  
2 *pursuant to the poultry disease control act* shall annually obtain from the  
3 *commissioner certification to perform such testing or poultry disease*  
4 *diagnostic services and pay a certification fee not to exceed \$50. Each*  
5 *certification shall expire on September 30 following its issuance.*

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

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

18 (d) *Testing or poultry disease diagnostic services performed other*  
19 *than by the commissioner, an authorized agent of the commissioner or an*  
20 *individual certified pursuant to this section shall not be considered*  
21 *sufficient to support a national plan hatchery or U.S. pullorum-typhoid*  
22 *clean designation pursuant to the plan.*

23 (e) Each flock of poultry ~~which~~ that is found to be infected shall be  
24 quarantined by the commissioner or the commissioner's authorized agent  
25 until: (1) It is marketed or destroyed under the supervision of the  
26 commissioner or the commissioner's authorized agent; or (2) it  
27 subsequently receives an official blood test conducted in accordance with  
28 the procedure for reacting flocks under subsection (a)(5) of 9 C.F.R. §  
29 145.14, as revised as of ~~January 1, 1983~~ October 5, 2020, and all members  
30 of the flock of poultry fail to demonstrate pullorum or fowl typhoid  
31 infection.

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

34 Sec. 4. K.S.A. 2-915 is hereby amended to read as follows: 2-915.  
35 After a thorough investigation, the commissioner may revoke any national  
36 plan hatchery or U.S. pullorum-typhoid clean designation for failure of the  
37 person operating the hatchery or owning the hatchery supply flocks to  
38 comply with the requirements of the poultry disease control act, *including*  
39 *failure to pay the annual plan participation fee required by K.S.A. 2-912,*  
40 *and amendments thereto, within a 60-day grace period following the date*  
41 *that the annual plan participation fee becomes due and owing, or for the*  
42 *occurrence of repeated outbreaks of pullorum or fowl typhoid in the*  
43 *hatchery or hatchery supply flocks.*

- 1       Sec. 5.   K.S.A. 2-910, 2-912, 2-914 and 2-915 are hereby repealed.
- 2       Sec. 6.   This act shall take effect and be in force from and after its
- 3   publication in the statute book.