

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 **when**  
8 **testing or diagnostic services related to pullorum typhoid are**  
9 **provided**; allowing the commissioner to revoke any national plan  
10 hatchery or U.S. pullorum-typhoid clean designation for failure to pay  
11 the annual plan participation fee within a 60-day grace period;  
12 amending K.S.A. 2-910, 2-912, 2-914 and 2-915 and repealing the  
13 existing sections.

14

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

16 Section 1. K.S.A. 2-910 is hereby amended to read as follows: 2-910.

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

23 (b) ~~The commissioner shall have the authority to adopt rules and~~  
24 ~~regulations for the administration and enforcement of~~ **{administer and**  
25 **enforce}** ~~the poultry disease control act.~~

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

33 (b) All hatcheries, supply flocks of poultry, exhibition flocks of

1 poultry, poultry and poultry products shall comply with the provisions of  
2 the plan which provide procedures required to qualify Kansas as a U.S.  
3 pullorum-typhoid clean state.

4 Sec. 3. K.S.A. 2-914 is hereby amended to read as follows: 2-914. (a)  
5 Each person performing *any testing or* poultry disease diagnostic services  
6 *pursuant to the poultry disease control act* shall *annually obtain from the*  
7 *commissioner certification to perform such testing or poultry disease*  
8 *diagnostic services and pay a certification fee not to exceed \$50. Each*  
9 *certification shall expire on September 30 following its issuance.*

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

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

23 (d) *Testing or ~~poultry disease~~ diagnostic services **related to***  
24 ***pullorum typhoid** performed other than by the commissioner, an*  
25 *authorized agent of the commissioner or an individual certified pursuant*  
26 *to this section shall not be considered sufficient to support a national plan*  
27 *hatchery or U.S. pullorum-typhoid clean designation pursuant to the plan.*

28 (e) Each flock of poultry ~~which~~ that is found to be infected shall be  
29 quarantined by the commissioner or the commissioner's authorized agent  
30 until: (1) It is marketed or destroyed under the supervision of the  
31 commissioner or the commissioner's authorized agent; or (2) it  
32 subsequently receives an official blood test conducted in accordance with  
33 the procedure for reacting flocks under subsection (a)(5) of 9 C.F.R. §  
34 145.14, as revised as of ~~January 1, 1983~~ *October 5, 2020*, and all members  
35 of the flock of poultry fail to demonstrate pullorum or fowl typhoid  
36 infection.

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

39 Sec. 4. K.S.A. 2-915 is hereby amended to read as follows: 2-915.  
40 After a thorough investigation, the commissioner may revoke any national  
41 plan hatchery or U.S. pullorum-typhoid clean designation for failure of the  
42 person operating the hatchery or owning the hatchery supply flocks to  
43 comply with the requirements of the poultry disease control act, *including*

1 *failure to pay the annual plan participation fee required by K.S.A. 2-912,*  
2 *and amendments thereto, within a 60-day grace period following the date*  
3 *that the annual plan participation fee becomes due and owing, or for the*  
4 occurrence of repeated outbreaks of pullorum or fowl typhoid in the  
5 hatchery or hatchery supply flocks.

6       Sec. 5. K.S.A. 2-910, 2-912, 2-914 and 2-915 are hereby repealed.

7       Sec. 6. This act shall take effect and be in force from and after its  
8 publication in the statute book.