AN ACT concerning agriculture; relating to the Kansas meat and poultry inspection act; amending K.S.A. 65-6a34 and 65-6a41 and K.S.A. 2011 Supp. 65-6a18, 65-6a20 and 65-6a31 and repealing the existing sections.

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

New Section. 1. (a) In accordance with the provisions of K.S.A. 77-536, and amendments thereto, the secretary may temporarily suspend the registration of or close an establishment registered or required to be registered pursuant to K.S.A. 65-6a34, and amendments thereto, without notice or hearing if the secretary finds that the public health or safety is endangered by the continued operation of the establishment and that the establishment:

(1) Produced and shipped adulterated or misbranded product as defined in the meat and poultry inspection act;
(2) violated the terms of a regulatory control action;
(3) did not slaughter or handle livestock, domestic rabbits or poultry humanely; or
(4) interfered with the ability of the secretary to conduct inspections.

(b) In no case shall a temporary suspension of a registration or closure under this section be in effect for a period of time in excess of 90 days. At the end of such period of time, the registrant shall be reinstated to full registration or the establishment allowed to reopen unless the secretary has suspended or revoked the registration after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the registration has expired as otherwise provided under the meat and poultry inspection act or an injunction or order has issued preventing the establishment from reopening.

(c) This section shall be a part of and supplemental to the meat and poultry inspection act.

New Sec. 2 Section 1. (a) The secretary may make provision for voluntary inspection for nonamenable species animals other than livestock, poultry or rabbits which can or may be used in and for the preparation of meat or meat products, poultry or poultry products and
establish such fees to cover the cost of providing such voluntary inspection services. The secretary shall consider adequate and efficient staffing and expertise prior to providing voluntary inspection services.

(b) A person requesting voluntary inspection services shall submit a request for inspection services on a form provided by the secretary.

(c) The secretary may refuse to provide voluntary inspection services due to staffing, inspector expertise or any other good cause shown. Priority in scheduling inspection services shall be given for inspection services mandated by the meat and poultry inspection act.

(d) The secretary may prescribe rules and regulations for the implementation of this section.

(e) This section shall be a part of and supplemental to the meat and poultry inspection act.

New Sec. 3. 2. (a) No operation requiring inspection under article 6a of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may be conducted unless it is conducted under the supervision of a representative of the secretary. All slaughtering of animals shall be done:

1. Under the direct supervision of a representative of the secretary; and
2. with reasonable speed, considering the official establishment's facilities.

The secretary may implement inspection procedures for processing operations that are different from the inspection procedures for slaughter operations. Processing procedures may include procedures that allow for varied frequency of inspection depending on the processing operations conducted.

(b) Each official establishment applying the mark of inspection shall submit a work schedule to the secretary for approval upon the occurrence of any of the following:

1. Prior to the inauguration of the inspection.
2. When a change in work schedule is requested, except for minor deviations from a daily operating schedule approved by the area supervisor.
3. Upon request by a representative of the secretary.

Work schedules shall specify for all departments the daily clock hours of inspected and custom exempt operations and shall specify lunch periods.

(c) The secretary shall take into account the efficient and effective use of inspection personnel when approving work schedules. The secretary shall consult with the establishments involved when designating work schedules.

(d) Establishments shall maintain consistent work schedules. The secretary may prescribe by rules and regulations the process by which an
establishment may request a change in its work schedule.

(e) This section shall be a part of and supplemental to the meat and poultry inspection act.

Sec. 4. K.S.A. 2011 Supp. 65-6a18 is hereby amended to read as follows: 65-6a18. As used in this act:

(a) "Secretary" means the secretary of agriculture or the secretary's authorized representative.

(b) "Person" means any individual, partnership, firm, corporation, association or other business unit or governmental entity.

(c) "Meat broker" or "Broker" means any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

(d) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

(e) "Public warehouseman" means any person engaged in the business of storing for commerce any meat, meat products, poultry or poultry products without assuming ownership of the product in storage.

(f) "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of livestock, domestic rabbits or poultry.

(g) "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcasses of any livestock or domestic rabbits, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry and which are exempted from definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products.

(h) "Poultry" means any domesticated bird, whether live or dead.

(i) "Poultry product" means any poultry carcass, or part thereof or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry and which are
exempted by the secretary from definition as a poultry product under such
conditions as the secretary may prescribe to assure that the poultry
ingredients in such products are not adulterated and that such products are
not represented as poultry products.

(j) "Capable of use as human food" means any carcass, or part or
product of a carcass, of any animal unless it is denatured or otherwise
identified as required by regulations adopted by the state board of
agriculture secretary to deter its use as human food or it is naturally
inedible by humans.

(k) "Prepared" means slaughtered, canned, salted, rendered, boned,
cut up or otherwise manufactured or processed.

(l) "Adulterated" means any carcass, or part thereof, any meat or meat
food product, or any poultry or poultry product under one or more of the
following circumstances:

(1) If the product bears or contains any poisonous or deleterious
substance which may render it injurious to health, except that if the
substance is not an added substance, the product shall not be considered
adulterated if the quantity of such substance on or in the product does not
render it injurious to health;

(2) (A) if the product bears or contains, by reason of administration
by feeding or by injection of any substance to the live animal or otherwise,
any added poisonous or added deleterious substance, other than one which
is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a
food additive; or (iii) a color additive, which, in the judgment of the
secretary, may make the product unfit for human food;

(B) if the product is, in whole or in part, a raw agricultural
commodity and bears or contains a pesticide chemical which is unsafe
within the meaning of rules and regulations adopted by the secretary of
agriculture;

(C) if the product bears or contains any food additive which is
deemed unsafe in accordance with rules and regulations adopted by the
secretary of agriculture;

(D) if the product bears or contains any color additive which is
deemed unsafe in accordance with rules and regulations adopted by the
secretary of agriculture;

(E) any such product which is not adulterated under provisions (B),
(C) or (D) subsection (l)(2)(B), (l)(2)(C) or (l)(2)(D) shall nevertheless be
deemed adulterated if the use of the pesticide chemical, the food additive
or the color additive on or in such product is prohibited by rules and
regulations of the secretary of agriculture in establishments at which
inspection is maintained under this act;

(3) if the product consists, in whole or in part, of any filthy, putrid or
decomposed substance or is for any other reason unsound, unhealthful,
unwholesome or otherwise unfit for human food;
(4) if the product has been prepared, packed or held under insanitary
conditions whereby it may have become contaminated with filth or
whereby it may have been rendered injurious to health;
(5) if the product is, in whole or in part, the product of an animal
which has died otherwise than by slaughter;
(6) if the container for the product is composed, in whole or in part,
of any poisonous or deleterious substance which may render the contents
injurious to health;
(7) if the product has been intentionally subjected to radiation, unless
the use of the radiation was in conformity with a regulation or exemption
in effect pursuant to rules and regulations adopted by the secretary of
agriculture;
(8) (A) if any valuable constituent on or in the product has been, in
whole or in part, omitted or abstracted therefrom;
(B) if any substance has been extracted and substitution made
therefor, in whole or in part, or if any damage to, or inferiority of, the
product has been concealed in any manner; or
(C) if any substance has been added to such product, or if any
substance has been mixed or packed therewith, so as (i) to increase the
bulk or weight of the product (ii) to reduce the quality or strength of the
product or (iii) to make the product appear better or of greater value than it
is, except that this provision does not apply to any cured or smoked pork
product by reason of its containing added water; or
(9) if the product is a margarine containing animal fat and if any of
the raw material used therein consisted, in whole or in part, of any filthy,
putrid or decomposed substance.
(m) "Misbranded" means any carcass, part thereof, meat or meat food
product, or poultry or poultry product, under any one or more of the
following circumstances:
(1) If the labeling on the product or product container is false or
misleading in any particular;
(2) if the product is offered for sale under the name of another food;
(3) if the product is an imitation of another food, unless its label
bears, in type of uniform size and prominence, the word "imitation" and
immediately thereafter, the name of the food imitated;
(4) if the container on the product is so made, formed or filled as to
be misleading;
(5) if the product is in a package or other container, unless it bears a
label showing (A) the name and place of business of the manufacturer,
packer or distributor and (B) an accurate statement of the quantity of the
contents in terms of weight, measure or numerical count; under clause (A)
of this provision subsection (m)(5)(A), reasonable variations may be
permitted and exemptions as to small packages may be established by
rules and regulations adopted by the secretary of agriculture;

(6) if any word, statement or other information, which is required by
or under authority of this act to appear on the label or other labeling for the
product, is not prominently placed thereon with such conspicuousness (as
compared with other words, statements, designs or devices in the labeling)
and in such terms as to render it likely to be read and understood by the
ordinary individual under customary conditions of purchase and use;

(7) if the product purports to be, or is represented to be, a food for
which a definition and standard of identity or composition has been
prescribed by rules and regulations of the secretary of agriculture, unless
(A) it conforms to such definition and standard and (B) the label thereon
bears the name of the food specified in the definition and standard, and
insofar as may be required by such rules and regulations, the common
names of optional ingredients (other than spices, flavoring and coloring)
present in such food;

(8) if the product purports to be, or is represented to be, a food for
which a standard of fill of container has been prescribed by rules and
regulations of the secretary of agriculture and if such product falls below
the standard of fill of container applicable thereto, unless its label bears, in
such manner and form as such rules and regulations specify, a statement
that it falls below such standard;

(9) if the product is not subject to provision (7) subsection (m)(7),
unless its label bears (A) the common or usual name of the food, if there is
any, and (B) in case it is fabricated from two or more ingredients, the
common or usual name of each such ingredient, except that spices,
flavorings and colorings, when authorized by the secretary, may be
designated as spices, flavorings and colorings without naming each; to the
extent that compliance with the requirements of clause (B) of this
provision is impracticable or results in deception or unfair competition,
exemptions shall be established by rules and regulations adopted by the
secretary of agriculture;

(10) if the product purports to be, or is represented to be, for special
dietary uses, unless its label bears such information concerning its vitamin,
mineral and other dietary properties as the secretary, after consultation
with the secretary of agriculture of the United States, determines to be, and
by rules and regulations adopted by the secretary of agriculture are
prescribed to be, necessary in order to fully inform a purchaser as to its
value for such uses;

(11) if the product bears or contains any artificial flavoring, artificial
coloring or chemical preservative, unless it bears labeling stating that fact;
to the extent that compliance with the requirements of this provision is
impracticable, exemptions shall be established by rules and regulations
adopted by the secretary of agriculture; or
(12) if the product fails to bear directly thereon, or on the product container, as the secretary of agriculture may prescribe by rules and regulations, the inspection legend unrestricted by any of the foregoing and such other information as the secretary of agriculture may require in such rules and regulations to assure that the product will not have any false or misleading labeling and that the public will be informed of the manner of handling required to maintain the product in a wholesome condition.

(n) "Label" means a display of written, printed or graphic matter upon the immediate container (not including package liners) of any article.
(o) "Labeling" means all labels and other written, printed or graphic matter (1) upon any article or any of its containers or wrappers or (2) accompanying the article.
(q) "Federal food, drug and cosmetic act" means the act so entitled, approved June 25, 1938, (21 U.S.C.A. 301 et seq., 52 Stat. 1040) and acts amendatory thereof or supplementary thereto.
(s) "Pesticide chemical," "food additive," "color additive" and "raw agricultural commodity" have the meanings for purposes of this act as ascribed thereto under K.S.A. 65-656, and amendments thereto.
(t) "Official mark" means the official inspection legend or any other symbol prescribed by rules and regulations of the state board of agriculture secretary to identify the status of any article or animal under this act.
(u) "Official inspection legend" means any symbol prescribed by rules and regulations of the secretary of agriculture showing that an article was inspected and passed in accordance with this act.
(v) "Official certificate" means any certificate prescribed by rules and regulations of the secretary of agriculture for issuance by an inspector or other person performing official functions under this act.
(w) "Official device" means any device prescribed or authorized by the secretary of agriculture for use in applying any official mark.
(x) "Slaughterhouse" "Slaughter facility" means any plant facility or section thereof which carries on the slaughter and dressing of animals but which does not engage in the further processing of meat into meat food products.
(y) "Packing plant" or "packing house" "Processing facility" means any installation processing facility or section thereof that packs, cans, salts, renders, bones, cuts up or otherwise manufactures meat or poultry
into meat food products or poultry products.

(z) "Buffalo" means the American buffalo or bison (Bos, Bison bison or Bison americanus).

(aa) "Livestock" means cattle, buffaloes, sheep, swine, goats, domesticated deer, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas or horses, mules or other equines. Livestock shall not include buffalo or domesticated deer slaughtered for sport or recreational purpose.

(bb) "Slaughter facility" means a slaughterhouse or poultry dressing plant.

(cc) "Processing facility" means a packing house, sausage plant or poultry packing plant.

(bb) "Wholesaler" means any person engaged in the distribution of inspected and passed meat, meat products, poultry or poultry products. Wholesalers may not further process or repackage product.

(cc) "Humane slaughter act" means K.S.A. 47-1401 et seq., and amendments thereto, and rules and regulations adopted thereunder.

(dd) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

(ee) "Federal humane methods of livestock slaughter act" means the act so entitled, (7 U.S.C. §§ 1901 through 1906) and acts amendatory thereof or supplemental thereto.

Sec. 5. K.S.A. 2011 Supp. 65-6a20 is hereby amended to read as follows: 65-6a20. (a) For the purpose of preventing the use in intrastate commerce of meat and meat food products and poultry and poultry products which are adulterated, the secretary shall make an examination and inspection, by inspectors appointed for such purpose, of all livestock, domestic rabbits and poultry before such livestock, domestic rabbits and poultry are allowed to enter into any slaughtering, packing, canning, or similar establishment in this state in which slaughtering and preparation of meat or meat food products or poultry and poultry products of such animals are conducted for intrastate commerce. All livestock, domestic rabbits and poultry found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other livestock, domestic rabbits and poultry. When slaughtered as provided in this section, the carcasses of such livestock, domestic rabbits or poultry shall be subject to a careful examination and inspection as provided by the rules and regulations adopted by the secretary of agriculture.

(b) For the purpose of preventing the inhumane slaughtering or inhumane handling in connection with slaughter of livestock, domestic rabbits or poultry, the secretary shall cause to be made, by inspectors...
appointed for that purpose, an examination and inspection of the method
by which livestock, domestic rabbits or poultry are slaughtered and
handled in connection with slaughter in establishments registered or
required to be registered under this act.

(c) The secretary may prescribe rules and regulations for the
implementation of this section.

Sec. 6. K.S.A. 2011 Supp. 65-6a31 is hereby amended to read as
follows: 65-6a31. (a) The provisions of this act shall not apply:

(1) To the slaughtering by any person of animals of such person's
own raising or to the preparing by the slaughterer or to the transporting in
intrastate commerce of the carcasses, parts thereof, meat food products or
poultry products of such animals exclusively for use or consumption by
such person, members of such person's household, former members of
such household or such person's nonpaying guests and employees;

(2) to any person operating a retail store or similar retail type business
who prepares only inspected and passed carcasses, parts thereof, meat food
products or poultry products for sale to consumers at retail in normal retail
quantities; or prepares inspected carcasses, parts thereof, meat food
products or poultry products, owned by the consumer and prepared for
such consumer's consumption or the consumption of such consumer's
household members, nonpaying guests and employees; or

(3) to any person operating a restaurant who prepares only inspected
and passed carcasses, parts thereof, meat food products or poultry products
for human consumption.

(b) (1) Only those provisions of this act relating to registration,
humane slaughter and humane handling in connection with slaughter,
sanitation and adulteration shall apply:

(A) To a person custom slaughtering livestock, domestic rabbits or
poultry delivered by the owner thereof for such slaughter, including the
custom preparation by such slaughterer and the transportation in intrastate
commerce of the carcasses, parts thereof, meat food products or poultry
products of such animals exclusively for use or consumption by the owner,
the members of the owner's household or the owner's nonpaying guests
and employees; or

(B) to the custom preparation by any person, firm or corporation of
carcasses, parts thereof, meat or meat food products, derived from the
slaughter by any person of livestock of such person's own raising, or from
game animals which are delivered by the owner thereof for such custom
preparation and transportation in intrastate commerce of such custom
prepared articles, exclusively for use in the household of the owner by the
owner and the members of the owner's household and the owner's
nonpaying guests and employees.

(2) In cases where such person, firm or corporation engages in such
custom operations at an establishment at which inspection under the Kansas meat and poultry inspection act is maintained, the secretary may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis, except that custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with rules and regulations adopted by the secretary of agriculture to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked "not for sale" immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner.

(c) Only those provisions of this act relating to sanitation and adulteration shall apply to a person operating a food locker plant who: (1) Prepares meat, meat food products, poultry or poultry products which have been inspected and passed and which are being prepared and sold in normal retail quantities; or (2) prepares such meat, meat products, poultry or poultry products for the owner thereof.

(d) Notwithstanding any other provision of this section, any carcasses, parts thereof, meat, or meat products prepared on a custom basis, or any containers or packages containing such articles, shall be plainly marked "Not for Sale" immediately after being prepared and kept so identified until delivered to the owner.

Sec. 7. K.S.A. 65-6a34 is hereby amended to read as follows: 65-6a34. (a) No person shall: (1) Engage in business, in or for intrastate commerce, as a meat broker or animal food manufacturer; (2) engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any livestock, domestic rabbits or poultry, whether intended for human food or other purposes; or (3) engage in business as a public warehouseman storing any such articles in or for such commerce, without first having registered with the secretary such person's name and the address of each place of business at which, and all trade names under which, such person conducts such business and having paid the $25 registration fee established by this section, if applicable.

(b) No person shall engage in business or operate a packing house, sausage plant, poultry packing plant, slaughterhouse or poultry dressing plant as a slaughter or processing facility solely on a custom basis as described by subsection (b)(1) of K.S.A. 65-6a31, and amendments thereto; a slaughter facility, processing facility, state-owned slaughter or
processing facility operated in conjunction with education and research and located at institutions under the jurisdiction of the state board of regents, or slaughter or processing facility operated in conjunction with education and research and located at a public secondary school without registering such person's name and place of business with the secretary, and paying the $25 registration fee established by this section.

(e) Except as provided in subsection (c)(6):

(1) An annual registration fee of $50 shall be charged for the registration of each meat broker, poultry product broker, animal food manufacturer, seasonal poultry packing or dressing plant, state-owned slaughter or processing facility operated in conjunction with education and research and located at institutions under the jurisdiction of the state board of regents, or slaughter or processing facility operated in conjunction with education and research and located at a public secondary school, and each such registration shall expire on December 31 of each year.

(2) Except for persons who register under paragraph (1) of this subsection (c), an annual registration fee of $150 shall be charged for the registration of each slaughter facility which slaughters 300 animal units or less annually, and such registration shall expire on December 31 of each year.

(3) An annual registration fee of $200 shall be charged for the registration of each slaughter or processing facility which operates solely on a custom basis as defined by subsection (b)(1) of K.S.A. 65-6a31 and amendments thereto, and such registration shall expire on December 31 of each year.

(4) Except for those persons who have registered under paragraphs (1), (2) or (3) of this subsection (c), an annual registration fee of $250 shall be charged for each processing facility and each slaughter facility which slaughters more than 300 animal units annually, and such registration shall expire on December 31 of each year.

(5) As used in this subsection (c), animal units shall be computed by using one unit for each bovine, bison, horse, mule or other equine, .6 unit for each swine, .4 unit for each sheep or goat and as specified by rule and regulation for other animal units.

(6) Persons who become subject to registration under this section after January 1 shall pay an amount equal to 1/12 of the annual registration fee which would have been due for a full year, multiplied by the number of full calendar months remaining in the registration year and adjusted to the nearest dollar amount.

(d) (c) Any person whose completed application for renewal of a registration required by this section is not received by January 15 of the year of renewal shall be subject to a reinstatement fee which shall be paid in addition to the required registration fee. If the completed application for
renewal of a registration required by this section is received by the
secretary after January 15 and on or before January 31 of the year of
renewal, the reinstatement fee shall be $10. If the completed application
for renewal of a registration required by this section is received after
January 31 of the year of renewal, the amount of the reinstatement fee
shall be increased at the rate of $25 per month for each additional month
or fraction thereof. No registration required by this section shall be
reinstated if it has been delinquent for one year. No registration required
by this section shall be issued until all applicable reinstatement fees, if any,
have been paid.

Sec. 8. K.S.A. 65-6a41 is hereby amended to read as follows: 65-6a41. (a) Any person registered or required to be registered under the provisions of K.S.A. 65-6a34, and amendments thereto, shall keep such records as will that fully and correctly accurately disclose all transactions involved in their businesses transactions related to animals prepared for and capable of use as human food. Nothing in this section shall affect the exemptions established in K.S.A. 65-6a31, and amendments thereto. All persons, firms and corporations subject to such requirements, at all reasonable times upon request by the secretary, shall provide access to their places of business and provide an opportunity to examine the facilities, inventory and records thereof and to copy all such records.

(b) Any record required to be maintained by this section shall be maintained for a period of time as the secretary may shall prescribe by rules and regulations.

(c) It shall be unlawful for any person to refuse to furnish, on request of a representative of the secretary, the name and address of the person from whom he such person received any article or animal which does not meet the requirements of this act, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him such person.

Sec. 9. K.S.A. 65-6a34 and 65-6a41 and K.S.A. 2011 Supp. 65-6a18, 65-6a20 and 65-6a31 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.