

Proposed

**Department of Agriculture, Division of Animal Health
Notice of Hearing on Proposed
Administrative Regulations, Statewide**

A public hearing will be conducted at 2:00 p.m. on July 2, 2024, in the 1st floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at: <https://kansasag.zoom.us/meeting/register/tZEqd-irqDIpGNOczSyOAzNG4BhNHolxQIVO>.

This 60-day notice of the public hearing shall constitute a public comment period to receive written public comments regarding the proposed regulations. All interested parties may submit written comments before the hearing by mail or email to the Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, Kansas 66502, or ronda.hutton@ks.gov. Comments may also be made via the Kansas Department of Agriculture's website at: <https://www.agriculture.ks.gov/document-services/public-comment>.

All interested parties will also be given a reasonable opportunity to orally present their views regarding the adoption of the proposed regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impact follows:

The Kansas Department of Agriculture (KDA) is proposing revisions to K.A.R. 9-7-1 and K.A.R. 9-7-14 and revocation and replacement of regulations under Article 10 of KDA's Kansas Administrative Regulations relating to public livestock markets. These changes reflect current management practices and standards of the livestock industry, update and modernize various requirements for public livestock markets and occasional livestock sales in Kansas and organize the regulations to allow them to be more easily read and understood.

The proposed changes to the regulations are as follows:

Revoking K.A.R. 9-10-1 through K.A.R. 9-10-5, K.A.R. 9-10-7 through K.A.R. 9-10-10, K.A.R. 9-10-14 through K.A.R. 9-10-19, K.A.R. 9-10-21, K.A.R. 9-10-22a, K.A.R. 9-10-23, K.A.R. 9-10-24a, K.A.R. 9-10-25a, K.A.R. 9-10-26a, K.A.R. 9-10-27a, K.A.R. 9-10-30 through K.A.R. 9-10-33, K.A.R. 9-10-33a, K.A.R. 9-10-34 through K.A.R. 9-10-40.

Many of the requirements previously in the revoked regulations are incorporated in the following new regulations:

K.A.R. 9-10-41 provides definitions relevant to and used throughout the regulations.

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K.A.R. 9-10-42 governs requirements for the construction, sanitation, and maintenance of public livestock market facilities.

K.A.R. 9-10-43 governs limitations placed on the use of public livestock market facilities. The regulation states that public livestock market facilities may only be used for selling livestock or exotic animals, holding livestock moving directly to slaughter, housing livestock or exotic animals during emergency responses, or housing stray animals under the custody and control of law enforcement.

K.A.R. 9-10-44 governs requirements for cleaning and disinfecting a public livestock market facility and vehicles. The regulation states that the public livestock market operator is responsible for cleaning and disinfecting the facility or vehicle under the supervision of the market veterinarian with a disinfectant approved by the animal health commissioner. The regulation explains that the vehicle owner or operator shall pay for the cleaning and disinfecting of vehicles.

K.A.R. 9-10-45 governs the requirements for pens and other facilities used to quarantine livestock or exotic animals at a public livestock market. The regulation sets forth pen spacing, size, and animal feeding requirements. It requires that the market veterinarian supervise quarantine pens.

K.A.R. 9-10-46 governs quarantine requirements for diseased or exposed livestock or exotic animals at a public livestock market.

K.A.R. 9-10-47 combines several regulations governing diseases, injuries, or conditions rendering livestock or exotic animals unfit for sale, limitations on sale, euthanasia, removal, or disposal. The regulation lists the diseases, injuries, or conditions that render livestock or exotic animals unfit for sale and sets forth requirements for euthanasia, removal, or disposal of such animals.

K.A.R. 9-10-48 governs the issuance of certificates of veterinary inspection at a public livestock market or an electronic auction.

K.A.R. 9-10-49 governs requirements for consignment for public livestock markets. The regulation prescribes veterinary inspection and record-keeping requirements for public livestock markets and consent requirements for consignors.

K.A.R. 9-10-50 governs requirements for special sales at irregular intervals. The regulation requires that all sales conducted at a public livestock market follow state and federal regulations.

K.A.R. 9-10-51 governs public notices required to be posted at the public livestock market. The regulation requires that public livestock markets post disclosures about Trichomoniasis and animals that are injured, disabled, or deemed unfit for sale in a visible location at the check-in dock and in the public livestock market office area accessible to the public.

K.A.R. 9-10-52 governs occasional livestock sales, sets the fees associated with registering as an occasional livestock sale, and sets the record-keeping requirements for occasional livestock sales. The regulation also provides exemptions for the occasional livestock sale requirements.

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K.A.R. 9-10-53 governs requirements for bovine sold through a public livestock market or occasional livestock sale. The regulation sets forth sale restrictions related to Trichomoniasis and bovine persistently infected with the Bovine Viral Diarrhea Virus. It also identifies specific bovines required to be officially identified at a public livestock market and sets forth backtagging procedures.

K.A.R. 9-10-54 governs requirements for poultry sold at a public livestock market or an occasional livestock sale. The regulation sets forth record keeping, labeling requirements, and pullorum testing in birds sold through a public livestock market or an occasional livestock sale.

K.A.R. 9-10-55 governs requirements for Equidae (horses, donkeys, zebras, and hybrids of any of the same) being sold at a public livestock market or occasional livestock sale. The regulation requires that all Equidae sold through a public livestock market or occasional livestock sale be accompanied by an official negative Equine Infectious Anemia Test at the time of sale and sets forth record-keeping requirements.

K.A.R. 9-10-56 governs requirements for swine sold at a public livestock market or an occasional livestock sale. The regulation requires that swine offered for sale be identified with a form of official identification and sets forth record-keeping requirements. It also prohibits the sale of feral swine and the commingling of breeding and feeding swine at the sale facility.

K.A.R. 9-10-57 governs requirements for sheep and goats sold at a public livestock market or an occasional livestock sale. The regulation requires that sheep and goats offered for sale be identified with official identification and sets forth record-keeping requirements.

K.A.R. 9-10-58 sets forth the regulatory fees, inspection fees, and brand inspection fees charged by a public livestock market operator to each consignor.

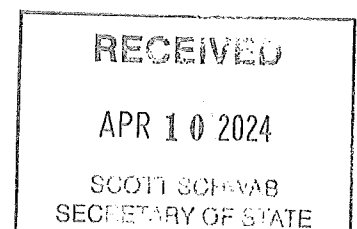
K.A.R. 9-10-59 sets forth fees associated with licensing for public livestock markets and electronic auctions.

Amending the following regulations:

K.A.R. 9-7-1 governs general movement requirements for livestock and exotic animals moving into Kansas. The proposed changes clarify situations when livestock or exotic animals may move into Kansas without a certificate of veterinary inspection and change the record-keeping requirements.

K.A.R. 9-7-14 governs requirements for movement of equidae (horses, donkeys, zebras, and hybrids of any of the same) in Kansas. The proposed changes set forth identification and testing requirements for equidae entering Kansas, being offered for sale, changing ownership, or used for exhibition purposes.

The proposed regulations are not mandated by the federal government but are necessary to ensure the traceability of animal diseases. All contiguous states have adopted rules and



regulations related to public livestock markets, and KDA's approach is similar to that of other state agencies.

These proposed regulations would exceed federal requirements related to Bovine Viral Diarrhea Virus (BVD). These proposed regulations in Kansas will require an animal persistently infected with BVD to be officially identified before being sold at a public livestock market. Movement of that animal across state lines is expressly prohibited, and intrastate movements require a certification to accompany the animal. (K.A.R. 9-10-53(b)).

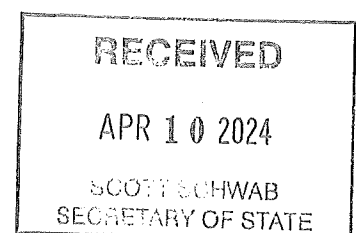
These proposed regulations would also exceed the federal requirements as they relate to the equine by requiring any equine offered for sale in that state, changing ownership, or being used for exhibition purposes to be accompanied by an official form affirming a negative result for equine infectious anemia (EIA) testing completed within the previous 12 months. (K.A.R. 9-7-14).

Federal regulations and contiguous states don't prescribe record-keeping requirements for occasional livestock sales. The proposed regulations provide for the licensing of occasional sales and impose requirements for maintaining records relating to the ownership and identification of animals to maintain traceability for disease management. Certain sales will be exempted from the licensure requirements: sales held in conjunction with a county, district, regional, or state livestock exhibition for youth exhibitors, sales intended for selling livestock to youth exhibitors, and livestock production sales with three or fewer consignors. (K.A.R. 9-7-1).

The proposed regulations will not significantly change the requirements imposed on the Kansas public livestock market and livestock industry. In most instances, the proposed regulations will simply implement current industry practice and provide more precise guidance on existing requirements.

The proposed regulations will directly affect public livestock markets, veterinarians employed by public livestock markets, and livestock producers. Kansas's economic effect from the proposed regulations is anticipated to be minimal. Any economic impact would arise from the identification and testing requirements on the individuals in the industry.

The benefits of the proposed regulation significantly outweigh the costs because the proposed regulations will modernize the requirements of Kansas's public livestock market to reflect current management practices and standards in the livestock industry. The proposed regulations will aid in KDA's ability to complete an accurate and timely animal disease trace, if necessary, and will enable consistency in dealing with potential quarantines and animals unfit for sale.



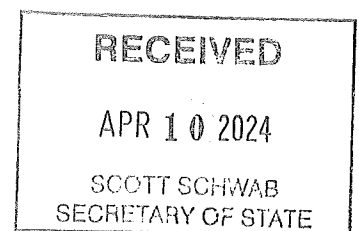
KDA does not anticipate that the proposed regulation will significantly increase or decrease revenues of cities, counties, or school districts or impose functions or responsibilities on cities, counties, or school districts that will increase their expenditures or fiscal liability. Letters of request were sent to the League of Kansas Municipalities, the Kansas Association of School Boards, and the Kansas Association of Counties. No responses were received from those entities.

KDA consulted with and solicited information from the Kansas Animal Health Board, KDA's Public Livestock Market Working Group, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Deer & Elk Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, Kansas Sheep Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton, via telephone at (785) 564-6715 or via fax at (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan, and is accessible to individuals with disabilities.

Copies of the proposed regulations and the economic impact statement may be obtained by contacting the KDA via mail at Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Drive, Manhattan, KS 66502, via telephone at (785) 564-6715, or via the Department's website at: <https://www.agriculture.ks.gov/document-services/public-comment>.

Michael M. Beam
Secretary
Kansas Department of Agriculture



K.A.R. 9-7-1. General. (a) Livestock and exotic animals shall not be imported into Kansas except in accordance with the laws and ~~rules and regulations of the state of Kansas, and of the animal and plant health inspection service, veterinary services, United States department of agriculture.~~

(b) Except as specified in subsection (c), Livestock and exotic animals shall not be imported into Kansas without ~~an official health certificate issued by a licensed, accredited veterinarian~~ a certificate of veterinary inspection issued by a licensed, accredited veterinarian in the state of origin. ~~When If a permit is required, the permit number shall be shown on the health certificate~~ each permit number shall be shown on the certificate of veterinary inspection.

(c) Livestock and exotic animals may be imported without a ~~health certificate of veterinary inspection~~ directly to any of the following:

(1) ~~A state or federally approved~~ Kansas-approved or United States department of agriculture-approved slaughter establishment for immediate slaughter;

(2) ~~a A state or federally approved~~ United States department of agriculture-approved public livestock market for sale; ~~or~~

(3) ~~A a Kansas farm, premises without change of ownership, from a farm owned or leased by the owner of the livestock within the trade territory. based on a special permit pursuant to K.S.A. 47-607a, and amendments thereto, or movement agreement approved by the animal health commissioner before movement of any livestock or exotic animal; or~~

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(4) a Kansas premises when moving livestock or exotic animals between Kansas and an adjacent county in an adjacent state without a change in ownership or commingling of livestock or exotic animals when accompanied by a statement documenting ownership, date of movement, point of origin, and point of destination. Each owner shall retain a copy of the statement for five years from the date of movement.

(e) (d) A copy of the health certificate, showing the permit number when required, authorizing movement into Kansas, shall accompany the livestock. If movement of livestock be by railroad, a copy of the health certificate, showing the required permit number, shall be attached to the bill of lading. of veterinary inspection as required in subsection (b) shall accompany the livestock or exotic animals to the final destination.

(d) (e) Livestock entering Kansas on a public highway or road shall clear through a Kansas motor carrier inspection station. The following records shall be considered records obtained by the animal health commissioner to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas:

(1) Movement records;

(2) diagnostic laboratory results;

(3) vaccination records;

(4) tag distribution records;

(5) livestock market official identification information;

(6) enhanced biosecurity plan information; and

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(7) any other records deemed necessary by the animal health commissioner.

(Authorized by K.S.A. 47-607d, 47-610, ~~47-620~~, 47-674, and 47-1832; implementing K.S.A. 47-607, 47-620, and 47-674; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1980; amended May 1, 1982; amended P-_____.)

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K.A.R. 9-7-14. Equidae. (a) Each equidae entering the state of Kansas, offered for sale in Kansas, changing ownership, or used for exhibition purposes, except a nursing foal six months of age or younger that is accompanied by its dam that has a current negative equine infectious anemia test, shall be identified individually on and accompanied by a complete USDA United States department of agriculture (USDA) veterinary services form 10-11, or an equivalent form approved by the animal health commissioner, that declares that the equid has had an official negative test for equine infectious anemia within the previous 12 months. If an equid has been tested for equine infectious anemia more than one time during the previous 12 months, only the most recent test shall be considered a valid test, and an official health certificate or certificate of veterinary inspection by one of the following methods:

- (1) brand;
- (2) lip tattoo;
- (3) microchip;
- (4) registration number;
- (5) description; or
- (6) any other method approved by the livestock commissioner.

(b) In addition to the equine infectious anemia test required in subsection (a), Each equidae entering the state of Kansas, except a nursing foal that is six months of age or under and that is accompanied by its dam, shall test negative for equine infectious anemia within 12 months prior to entry, using an industry-approved test conducted in a laboratory approved by the livestock commissioner. If the equidae has been tested more than one time during the 12 months immediately preceding entry into the state of Kansas, only the last test shall be considered valid.

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~~The following information shall appear on the official health certificate or certificate of veterinary inspection~~ shall be accompanied by a certificate of veterinary inspection that includes the following information from the equine infectious anemia test required in subsection (a):

- (1) ~~the~~ The date of the test;
- (2) the type of test utilized;
- (3) the test results; and
- (4) the name of the testing laboratory;
- (5) the accession number which is the laboratory test number; and
- (6) the description of the equidae.

(c) ~~For the purposes of this regulation, the term "equidae" shall include the following~~ The following definitions shall be included for the purpose of this regulation:

(1) "Equidae" shall include the following:

- (1) ~~(A)~~ (A) ~~h~~Horses;
- (2) ~~(B)~~ (B) asses;
- (3) ~~(C)~~ (C) zebras; and
- (4) ~~(D)~~ (D) equidae hybrids.

(2) "Exhibition" shall mean the commingling of animals for the purpose of showing or judging contest or any other type of public display, equidae used for team roping, penning, barrel racing, rodeo, or other performance events. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976; amended Jan. 23, 1998; amended P-_____.)

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K.A.R. 9-10-1. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; implementing K.S.A. 47-607, 47-658b and 47-1008; effective Jan. 1, 1966; amended May 1, 1982; revoked P-

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K.A.R. 9-10-2. (Authorized by K.S.A. 47-610, 47-1010; implementing K.S.A. 47-607 and 47-1008; effective Jan. 1, 1966; amended May 1, 1982; revoked P-_____.)

K.A.R. 9-10-3. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966; revoked P-

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K.A.R. 9-10-4. (Authorized by K.S.A. 47-607a, 47-610, K.S.A. 1965 Supp. 47-607; effective Jan. 1, 1966; revoked P-_____.)

K.A.R. 9-10-5. (Authorized by K.S.A. 47-610, 47-1009, K.S.A. 1970 Supp. 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971; revoked P-

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K.A.R. 9-10-7. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966; revoked P-_____.)

K.A.R. 9-10-8. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1980; revoked P-_____.)

K.A.R. 9-10-9. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971; amended Jan. 1, 1974; revoked P-_____.)

K.A.R. 9-10-10. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972; revoked P-_____.)

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K.A.R. 9-10-14, K.A.R. 9-10-15, K.A.R. 9-10-16, K.A.R. 9-10-17, K.A.R. 9-10-18, and K.A.R.
9-10-19. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966;
revoked P-_____.)

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K.A.R. 9-10-21. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1,

1966; revoked P-_____.)

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K.A.R. 9-10-22a. (Authorized by K.S.A. 47-610, 47-1008, 47-1009, 47-1010; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1980; revoked P-_____.)

K.A.R. 9-10-23. (Authorized by K.S.A. 47-610, 47-1011, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966; revoked P-_____.)

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K.A.R. 9-10-24a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing
K.S.A. 47-658a and 47-1008; effective, E70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended
Jan. 1, 1974; amended May 1, 1982; revoked P-_____.)

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K.A.R. 9-10-25a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004, 47-1008; effective,
E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked P-

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K.A.R. 9-10-26a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing
K.S.A. 47-658a and 47-1007; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended
Jan. 1, 1974; amended May 1, 1982; revoked P-_____.)

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K.A.R. 9-10-27a. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; effective, E-70-40,
Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked P-_____.)

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K.A.R. 9-10-30. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective, E-71-19, July 1, 1971; effective Jan. 1, 1972; revoked P-_____.)

K.A.R. 9-10-31 (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-_____.)

K.A.R. 9-10-32. (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-_____.)

K.A.R. 9-10-33. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 19, Sec. 2; effective April 3, 1998; revoked P-_____.)

K.A.R. 9-10-33a. (Authorized by and implementing K.S.A. 2016 Supp. 47-1008; effective, T-9-8-29-00, Aug. 29, 2000; effective Dec. 29, 2000; amended Sept. 22, 2017; revoked P-_____.)

K.A.R. 9-10-34, K.A.R. 9-10-35, K.A.R. 9-10-36, K.A.R. 9-10-37, K.A.R. 9-10-38, and K.A.R. 9-10-39. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998; revoked P-_____.)

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K.A.R. 9-10-40. (Authorized by and implementing K.S.A. 47-1001a and K.S.A. 2016 Supp. 47-1001e; effective Sept. 22, 2017; revoked P-_____.)

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K.A.R. 9-10-41. Definitions. Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Accredited veterinarian" means a veterinarian approved by the administrator of the United States department of agriculture, animal plant health inspections service, to perform functions required by the cooperative state-federal disease control and eradication programs.

(b) "Backtag" means a tag issued by USDA that provides a temporary unique identification number for each animal.

(c) "Backtag contractor" means a person receiving payment for the application, recording, and reporting of official United States department of agriculture backtags applied to all sexually intact bovine 18 months of age and older at a public livestock market.

(d) "Bovine sold for slaughter" means any sexually intact bovine intended to move from a public livestock market or occasional livestock sale directly to a slaughter facility within 72 hours.

(e) "Certificate of veterinary inspection" means an official document issued by a federal, state, tribal, or accredited veterinarian certifying that the livestock or exotic animal identified on the document has been inspected and found to meet the requirements of the regulations pertaining to the intended movement location, within the same state, between states, or internationally.

(f) "Consignor" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(g) "Electronic auction" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

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(h) "Exotic animal" has the meaning specified for this term in K.S.A. 47-1832, and amendments thereto.

(i) "Livestock" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(j) "Market veterinarian" means a licensed, accredited veterinarian approved by the animal health commissioner to perform functions at a public livestock market.

(k) "Occasional livestock sale" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(l) "Occasional livestock sale operator" means any person who is licensed to conduct an occasional livestock sale.

(m) "Official identification" means a permanent, tamperproof means approved by the United States department of agriculture, animal plant health inspections service, and the animal health commissioner that assigns a permanent, unique numeric or alphanumeric identification to a livestock or exotic animal or a group of livestock or exotic animals.

(n) "Owner" means the individual or entity with legal possession or the financial control of livestock or exotic animals.

(o) "Person" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

(p) "Public livestock market" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto.

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(q) "Public livestock market facilities" means all pens, yards, alleyways, sale rings, loading docks, scales, and vehicles and any other equipment necessary for the handling of livestock.

(r) "Public livestock market operator" has the meaning specified for this term in K.S.A. 47-1001, and amendments thereto, and also includes any designee of a person who meets that definition.

(s) "Purchaser" means the person responsible for payment of livestock or exotic animals that person purchased or were purchased by an agent in the person's name.

(t) "Sale" means livestock auctions or events, that receive on consignment, or solicit from the producer or consignor thereof, or hold in trust or custody for another, any livestock that is offered for exchange in return for monetary payment, payment in kind, or other consideration, on behalf of such producer or consignor at such auction or event, or sells, or offers for exchange in return for monetary payment, payment in kind, or other consideration, at such auction or event, for the account of the producer or consignor thereof, any livestock or directly or indirectly owns, conducts or operates such auction or event.

(u) "USDA" means United States department of agriculture. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-42. Public livestock market facilities. (a) Each public livestock market operator shall construct and maintain all public livestock market facilities used for handling, loading, and penning livestock or exotic animals in a manner that minimizes the risk of physical injury to people and to livestock or exotic animals.

(b) Each public livestock market operator shall maintain all public livestock market facilities used for handling, loading, and penning livestock or exotic animals in a manner that permits adequate drainage and in a clean and sanitary condition. Each public livestock market operator shall clean all public livestock market facilities used for handling, loading, and penning livestock or exotic animals before the next sale at the public livestock market. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-43. Limitation on use of public livestock market facilities. (a) Each public livestock market operator shall use the public livestock market facilities only for feeding, holding, trading, or assembling livestock or exotic animals if the livestock or exotic animals are consigned to the public livestock market for sale or the public livestock market is being used as a collection point for livestock moving directly to a slaughter facility.

(b) Any public livestock market operator may use the public livestock market facilities for feeding, holding, trading, or assembling livestock or exotic animals that are not consigned to the market for sale if one of the following conditions is met:

(1) housing livestock or exotic animals during an emergency response approved by the animal health commissioner; or

(2) housing "stray" as defined in K.S.A. 47-229 and amendments thereto, under the custody and control of local law authorities. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-_____.)

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K.A.R. 9-10-44. Disinfection of public livestock market facilities and vehicles. (a) If any livestock or exotic animal at a public livestock market facility are found to be infected with or exposed to a contagious or infectious disease, the public livestock market operator shall clean and disinfect all public livestock market facilities under the supervision of the market veterinarian with a disinfectant approved by the animal health commissioner.

(b) If a vehicle is used to transport or confine infected or exposed livestock or exotic animals, each owner or operator of the vehicle shall pay all expenses incurred in cleaning and disinfecting the vehicle. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-634; effective P-_____.)

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K.A.R. 9-10-45. Quarantine pens and facilities. (a) If the market veterinarian determines that a livestock or an exotic animal shall be placed under quarantine, the public livestock market operator shall provide and maintain quarantine pens for the livestock or exotic animal.

(b) The market veterinarian shall ensure that each quarantine pen meets the following requirements:

(1) Be separate and apart from any pen used to pen livestock or exotic animals consigned for sale when the exposed or infected livestock or exotic animals are placed in the quarantine pen;

(2) be of ample size with sufficient shed coverage or other sheltering for exposed or infected livestock or exotic animals; and

(3) have adequate feeding and watering facilities.

(c) Each market veterinarian shall provide supervision over any quarantine pen located at the public livestock market and shall ensure that each quarantine pen is locked, unless the animal health commissioner or the market veterinarian authorizes the movement of livestock or exotic animals into or out of the quarantine pen. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610; effective P-_____.)

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K.A.R. 9-10-46. Quarantine of diseased and exposed livestock or exotic animals. (a)

If a market veterinarian finds evidence of any contagious or infectious disease or finds evidence of livestock or exotic animals being exposed to any contagious or infectious disease, the market veterinarian shall place the entire consignment of the livestock or exotic animals under quarantine and shall immediately notify the public livestock market operator and the animal health commissioner of this action. Each public livestock market operator shall immediately notify the owner of the infected or exposed livestock or exotic animals that have been placed under quarantine.

(b) If the market veterinarian observes clinical signs consistent with a contagious or infectious disease leading to the quarantine or any other adverse health or welfare issue, the market veterinarian may prescribe and administer any necessary treatment. If treatment is administered, the market veterinarian shall submit a statement of cost that includes the cost of necessary treatment, feed, water, and care to the public livestock market that shall be paid by the owner.

(c) If the animal health commissioner believes that the owner is prepared to hold the infected or exposed livestock or exotic animals at the owner's premises and the owner agrees to comply with all provisions of the quarantine, the animal health commissioner may permit the infected or exposed livestock or exotic animals to move from the public livestock market to the owner's premises.

(d) When infected or exposed livestock or exotic animals are removed from a public livestock market, the market veterinarian shall document each livestock or exotic animal on a "permit for movement of restricted animals," USDA VS form 1-27, or an equivalent form

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approved by the animal health commissioner, to accompany the livestock or exotic animals to the place of destination.

(e) If the animal health commissioner believes that the owner is not prepared to hold the infected or exposed livestock or exotic animals at the owner's premises or the owner does not agree to comply with all provisions of the quarantine, the animal health commissioner shall require each infected or exposed livestock or exotic animal to be placed in quarantine pens provided by the public livestock market operator and supervised by the market veterinarian. The market veterinarian shall submit a statement of cost of the necessary treatment and administrative fees to the public livestock market operator. The public livestock market operator shall feed, water, and care for livestock or exotic animals placed under quarantine on the public livestock market premises. Each owner shall pay the cost of necessary treatment, administrative fees, feed, water, and care incurred during the quarantine.

(f) If the market veterinarian finds that livestock or exotic animals consigned to the public livestock market originated outside the state of Kansas and did not enter the state as required by article 7 of the department's regulations, the market veterinarian shall hold the livestock or exotic animals under quarantine in quarantine pens provided by the public livestock market operator until released from quarantine by the animal health commissioner. If the livestock or exotic animals are bovine, each market veterinarian shall restrict the movement as required by K.A.R. 9-7-4a. The market veterinarian shall submit a statement of cost of the necessary treatment and administrative fees to the public livestock market operator. Each public livestock market operator shall feed, water, and care for all livestock or exotic animals placed under quarantine on the public livestock market premises. Each owner shall pay the cost of the

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necessary treatment, administrative fees, feed, water, and care incurred during the quarantine.

(Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1832; effective P-

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K.A.R. 9-10-47. Diseases, injuries, and conditions rendering livestock or exotic animals unfit for sale; limitation on sale; euthanasia, removal, or disposal. (a) Each market veterinarian shall have sole discretion to render any livestock or exotic animal unfit for sale based on the following diseases, injuries, and conditions:

(1) Ocular neoplasia, commonly known as "cancer eye," unless the neoplastic lesions show no sign of metastasis and have not destroyed the eye or the eyelid. Each livestock or exotic animal with cancer eye shall be deemed unfit for sale if one of the following conditions is met:

(A) The neoplastic lesions affect the eye, eyelids, or both and have destroyed the affected organ to the point that the affected area cannot be surgically removed;

(B) the neoplastic lesions show signs of local metastatic invasion from the primary site to the bone of the orbit; or

(C) there are marked signs of swelling, discoloration, draining necrotic lesions, deformation of tissue, or odor;

(2) any other forms of neoplasia, regardless of tissue origin, that exhibit significant symptoms, including swelling, discoloration, draining necrotic lesions, tissue deformation, or odor;

(3) any disease process, including actinomycosis, pneumonia, and urinary calculi, or injury that the market veterinarian determines is unlikely to respond to treatment and has resulted in emaciation of the livestock or exotic animal;

(4) any disease process or injury resulting in a nonambulatory condition in the livestock or exotic animal;

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(5) a fracture of the long bone, open fracture, or other fracture or dislocation of a joint that renders the animal unable to bear weight on the affected limb without that limb collapsing; and

(6) any injury that results in a condition that caused an objectionable wound.

(b) If a disease, injury, or condition occurs that is not listed in subsection (a), the market veterinarian may render any livestock or exotic animal unfit for sale upon receiving approval from the animal health commissioner or the animal health commissioner's designee.

(c) After examination of the livestock or exotic animal, the market veterinarian shall determine whether each livestock or exotic animal shall be sold, removed from the public livestock market, or euthanized pursuant to K.S.A. 47-1008 and amendments thereto.

(d) If the market veterinarian permits the livestock or exotic animal to be sold, the market veterinarian shall provide a written notification to the public livestock market operator that states the livestock or exotic animal's disease, injury, or condition, and the public livestock market operator or the public livestock market operator's representative shall announce the livestock or exotic animal's disease, injury, or condition as stated in the written notification from the auction block at the time of the sale.

(e) If the market veterinarian determines the livestock or exotic animal is unfit for sale as specified in subsections (a) and (b), the market veterinarian shall identify the livestock or exotic animal with a backtag and shall make a reasonable effort to contact the owner by phone or in person to discuss euthanasia, removal, or disposal of the livestock or exotic animal.

(1) If the market veterinarian is successful in contacting the owner, the owner shall remove the livestock or exotic animal rendered unfit for sale as described in subsections (a) and

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(b) from the public livestock market within 12 hours of the notification or direct the market veterinarian to euthanize the livestock or exotic animal.

(2) If the market veterinarian is unsuccessful in contacting the owner, the market veterinarian shall determine whether the livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanized to prevent further pain or suffering.

(3) If a livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) is not removed from the public livestock market facilities within 12 hours after notification, the market veterinarian shall have discretion to euthanize the livestock or exotic animal.

(f) Each market veterinarian shall document each livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) and removed alive from the public livestock market facility on a "permit for movement of restricted animals," USDA VS form 1-27, or an equivalent form approved by the animal health commissioner, which shall accompany the livestock or exotic animals at the time of movement.

(g) If the market veterinarian determines that a livestock or an exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanatized, the market veterinarian shall perform or direct all euthanasia procedures at the public livestock market and shall provide written notice to the owner of the livestock or exotic animal that indicates the reason for euthanasia and the cost of euthanasia.

(h) If a livestock or exotic animal dies or is euthanized at a public livestock market, an owner may request the return of the carcass and may retrieve the carcass within six hours after the livestock or exotic animal's death or euthanasia. If the owner does not retrieve the carcass

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within six hours after death or euthanasia, the carcass shall be disposed of pursuant to K.S.A. 47-1219, and amendments thereto.

(i) Each consignor of livestock or exotic animals rendered unfit for sale as specified in subsections (a) and (b) shall pay all costs associated with euthanasia, removal, and disposal.

(Authorized by and implementing K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832;

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K.A.R. 9-10-48. Certificate of veterinary inspection. (a) Each market veterinarian shall provide a certificate of veterinary inspection that covers all livestock and exotic animals consigned to or sold through a public livestock market to the purchaser before the livestock or exotic animals leave the public livestock market.

(1) If the livestock or exotic animals are moving intrastate from a public livestock market, a public livestock market operator may incorporate a statement certifying veterinary inspection in the invoice of the sale unless prohibited by provisions in article 7 and 10 of the department's regulations.

(2) If the livestock or exotic animals are moving interstate from a public livestock market, each livestock or exotic animal shall be accompanied by a certificate of veterinary inspection, unless the livestock or exotic animal is moving directly to a slaughter facility. The market veterinarian shall issue a certificate of veterinary inspection before the livestock or exotic animal leaves the public livestock market if the market veterinarian knows that the livestock or exotic animal is moving interstate.

(b) If the livestock or exotic animal requires a certificate of veterinarian inspection, the market veterinarian shall provide the purchaser with documentation showing any relevant inspection, treatment, or quarantine. A public livestock market operator shall not release livestock or exotic animals until the livestock or exotic animals meet all the requirements of the state of destination. Each market veterinarian shall submit a copy of the certificate of veterinarian inspection and all applicable attachments to the division of animal health within seven business days from the date the certificate of veterinary inspection was issued to the owner.

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(c) If livestock or exotic animals are sold by an electronic auction, each consignor shall pay the cost associated with issuance of the certificate of veterinary inspection required under K.S.A. 47-1008, and amendments thereto. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607 and K.S.A. 47-1008; effective P- _____.)

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K.A.R. 9-10-49. Requirement for consignment for public livestock markets. (a) Each public livestock market operator or the public livestock market operator's representative shall complete an unloading ticket for each load of livestock or exotic animals delivered to the public livestock market at the time the livestock or exotic animals are unloaded at the public livestock market.

(1) Each unloading ticket shall contain the name, address, and contact information of the consignor.

(2) Each public livestock market operator shall be responsible for the accuracy of all information collected on the unloading ticket.

(3) A public livestock market shall not offer for sale livestock or exotic animals that are offered for sale by a consignor using a name that the public livestock market operator knows or reasonably should know is an alias name.

(b) Each public livestock market operator or the public livestock market operator's representative shall require each consignor to disclose to the public livestock market operator or the public livestock market operator's representative all known disease conditions, injuries, or physical defects of each livestock or exotic animal listed on the unloading ticket while unloading livestock or exotic animals at the public livestock market.

(c) Each market veterinarian shall inspect each livestock or exotic animal before the livestock or exotic animal is sold or exchanged to determine if the livestock or exotic animal possesses any of the diseases or injuries specified in K.A.R. 9-10-47 regardless of the livestock or exotic animal's physical location on the public livestock market premises.

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(d) A public livestock market operator shall not allow a livestock or an exotic animal to be offered for sale, sold, or exchanged anywhere on the public livestock market's facilities without the livestock or exotic animal being inspected and released by the market veterinarian.

(e) By consigning livestock or exotic animals to a public livestock market, the consignor shall consent to the following:

(1) To have the livestock or exotic animal inspected by the market veterinarian;

(2) to abide by the market veterinarian's determination of the disposition of the livestock or exotic animal;

(3) to pay any costs incurred for the removal of the livestock or exotic animal from the public livestock market if the livestock or exotic animal is deemed unfit for sale by the market veterinarian as specified in K.A.R. 9-10-47; and

(4) to pay any costs incurred for euthanasia and disposal of the livestock or exotic animal if a livestock or exotic animal is deemed unfit for sale as specified in K.A.R. 9-10-47.

(f) A person shall not remove or tamper with any official identification except at the time of slaughter.

(g) A public livestock market operator or public livestock market operator's representative shall not accept livestock or exotic animals unless the livestock or exotic animals meet the requirements in article 2, article 3, and article 7 of the department's regulations.

(h) A public livestock market shall not sell livestock or exotic animals that have been classified as a brucellosis reactor, tuberculosis-positive, pseudorabies-positive, scrapie-positive, positive for equine infectious anemia, positive for chronic wasting disease, or positive for any other disease as specified by the animal health commissioner.

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(i) When livestock or exotic animals are sold for slaughter purposes, each public livestock market operator or the public livestock market operator's representative shall disclose the status of the livestock or exotic animal from the auction block before the livestock or exotic animal is sold. Each public livestock market operator shall require that all livestock and exotic animals sold for slaughter purposes move directly from the original public livestock market to an approved slaughter facility. (Authorized by K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607, K.S.A. 47-658b, K.S.A. 47-1008, and K.S.A. 47-1009; effective P-_____.)

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K.A.R. 9-10-50. Special sales at irregular intervals. (a) Each public livestock market operator shall be responsible for the sale, purchase, or exchange of any livestock or exotic animal at regular or irregular intervals at the public livestock market, including private sales, livestock production sales, consignment sales, breed association sales, and occasional livestock sales regardless of whether the public livestock market is used by a third party or the sale is hosted by the public livestock market operator.

(b) Each public livestock market operator shall ensure that all livestock and exotic animals are released from the public livestock market as required by article 7 and article 10 of the department's regulations.

(c) Each public livestock market operator shall ensure that an accredited veterinarian is present at any sale hosted at the public livestock market. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607 and 47-1008; effective P-_____.)

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K.A.R. 9-10-51. Notice. (a) Each public livestock market operator shall post and maintain signs at the public livestock market that state the notices specified in subsection (b). A sign shall be readable and placed in a clearly visible location at the check-in dock and in the public livestock market office area accessible to the public. Signs with notices in subsection (b) shall be submitted to the animal health commissioner for review and approval before posting.

(b) The signs required in subsection (a) shall contain adaptations of the following notices:

(1) "Each non-virgin bull, bull older than 18 months of age, and bull of unknown virginity status sold at a public livestock market shall be certified negative for *Tritrichomonas foetus*, go directly to slaughter, or be purchased for feeding purposes only and then to slaughter as required by K.A.R. 9-7-4a."

(2) "All cows, except virgin heifers, moving interstate to a public livestock market shall meet requirements in K.A.R. 9-7-4a before sale or be sold directly to slaughter or be sold for feeding purposes only and then to slaughter."

(3) "To: All livestock owners, consignors, or agents. Any livestock or exotic animal that is injured, disabled, or deemed unfit for sale shall be examined by the market veterinarian. After examination of the livestock or exotic animal, the market veterinarian has sole discretion to determine whether the livestock or exotic animal will be sold, removed from the livestock market, or euthanized in accordance with K.S.A. 47-1008, and amendments thereto."

(Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-1008; effective P-

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K.A.R. 9-10-52. Occasional livestock sales. (a) The annual license fees for occasional livestock sales shall be the following:

- (1) 1-5 sales per year \$50.00
- (2) 6-9 sales per year \$75.00
- (3) 10-12 sales per year \$100.00

(b) In addition to record requirements in K.A.R. 9-10-53 through K.A.R. 9-10-57, each occasional livestock sale operator shall collect and maintain records for each sale that includes the following:

- (1) Any official identification associated with the livestock or exotic animal;
- (2) the name and address of both the consignor and the purchaser of the livestock or exotic animal;

- (3) the species, breed, age and sex of each livestock or exotic animal; and
- (4) the name and contact information for the attending accredited, licensed veterinarian.

(c) Each occasional livestock sale operator shall submit an electronic copy of a record containing the following information to the division of animal health within five business days from the conclusion of the sale:

- (1) The date of the sale;
- (2) the sale veterinarian's name and contact information;
- (3) a list of all species sold and the number of each animal of those species sold; and
- (4) all official identification information collected and the consignors associated with those officially identified animals.

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(d) An occasional livestock sale license shall not be required for any of the following sales:

(1) A sale held in conjunction with a county, district, regional, or state livestock exhibition for youth exhibitors;

(2) a sale intended for the purpose of selling livestock to youth exhibitors; or

(3) a livestock production sale with three or fewer consignors. (Authorized by K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-1001d; effective P-
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K.A.R. 9-10-53. Bovine. (a) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for bovine failing to meet the requirements in K.A.R. 9-7-4a prior to arrival at the market:

(1) Each cow, except a virgin heifer, moving interstate to a public livestock market shall meet the requirements in K.A.R. 9-7-4a before being sold at a public livestock market, or the cow shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(2) Each non-virgin bull, bull older than 18 months of age, or bull of unknown virginity status that is not a certified negative *Tritrichomonas foetus* bull as specified in K.A.R. 9-7-4a before leaving the public livestock market or occasional livestock sale shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(3) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall announce the status and restriction of sale for any bovine that does not meet the requirements in K.A.R. 9-7-4a at auction block before the sale of the bovine.

(b) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for any bovine known to be persistently infected with bovine viral diarrhea virus:

(1) Each public livestock market operator or occasional livestock sale operator shall require each consignor to disclose the status of each bovine known to be persistently infected with bovine viral diarrhea virus to the public livestock market's representative or the occasional livestock sale's representative at the time of unloading.

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(2) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall disclose the bovine's status as persistently infected with bovine viral diarrhea virus at the auction block immediately before the sale of the bovine.

(3) Each bovine known to be persistently infected with bovine viral diarrhea virus, regardless of the age of the bovine, shall be tagged with official identification before arrival at the public livestock market or by the public livestock market operator's representative or occasional livestock sale operator's representative upon discovering the bovine is known to be persistently infected with bovine viral diarrhea virus.

(4) Each bovine known to be persistently infected with bovine viral diarrhea virus shall be handled and penned in an isolated manner to prevent direct contact with other livestock or exotic animals on the premises. Each pen shall be separate and apart from pens that are regularly used to pen livestock or exotic animals consigned for sale and shall not share a feeding or watering source.

(5) Movement of each bovine known to be persistently infected with bovine viral diarrhea virus from the public livestock market or occasional livestock sale shall be allowed intrastate and shall be accompanied by a certification that includes the following:

(A) Purchaser name;

(B) destination of the bovine;

(C) all official identification of the bovine;

(D) a statement identifying the bovine as known to be persistently infected with bovine viral diarrhea virus; and

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(E) the signature of the market veterinarian or occasional livestock sale veterinarian and the date the certification was signed.

(6) Each market veterinarian or occasional livestock sale veterinarian shall submit a copy of the certification as required in paragraph (b)(5) to the division of animal health within seven business days from the date the certification was issued.

(c) A public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall not allow any of the following bovine to leave the public livestock market facility or the occasional livestock sale unless the bovine is individually identified by a method of official identification approved by the animal health commissioner:

- (1) All sexually intact bovine 18 months of age or older;
- (2) all dairy bovine, regardless of sex and age;
- (3) all "M" branded bovine, including any commingled domestic bovine; and
- (4) all exhibition, event, roping, and rodeo bovine.

(d) In spite of the requirements of subsection (c), any bovine sold for slaughter not already identified may be allowed to leave the public livestock market or occasional livestock sale without being individually identified by a method of official identification approved by the animal health commissioner. Instead, any such bovine sold for slaughter shall be furnished with a backtag approved by United States department of agriculture.

(e) In spite of the requirements of subsection (c), any bovine that are weak as determined by the market veterinarian or pose a greater than normal risk of being injured or injuring a person may be allowed to leave the public livestock market or occasional livestock sale without being

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individually identified by a method of official identification approved by the animal health commissioner if the bovine moves directly to a slaughter facility.

(f) Each public livestock market operator shall meet the following backtagging requirements for all bovine offered for sale at the public livestock market:

(1) Each public livestock market operator shall acquire and utilize backtags and glue or other adhesives furnished at federal or state expense.

(2) Each public livestock market operator shall employ a backtag contractor that is designated through a written contract with the animal health commissioner. Each backtag contractor shall be reimbursed by the animal health commissioner for personnel services in applying the backtags on the basis of \$0.15 per head for each bovine backtagged pursuant to the backtag contractor agreement.

(3) Each backtag contractor shall apply backtags to each sexually intact heifer, cow, or bull that is 18 months of age and older, except that upon prior approval by the animal health commissioner, the backtag contractor shall not be required to apply backtags to animals already individually identified by a method of official identification.

(4) Each backtag contractor shall maintain a backtag record on each bovine offered for sale at a public livestock market as specified in paragraph (f)(3) that includes the following:

- (A) The backtag number applied;
- (B) all official identification;
- (C) any backtag numbers on the bovine at arrival;
- (D) the sex;
- (E) the breed; and

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(F) the name and address of the consignor of the bovine or the consignor's agent if the name and address of the consignor cannot be determined.

(5) Each backtag contractor shall send a copy of the backtag record to the division of animal health in an electronic format approved by the animal health commissioner within five business days from the conclusion of the sale.

(6) Each backtag shall be applied behind the shoulder and below the mid-line of the back on each bovine. The backtag shall not be applied on the hip of the bovine.

(7) If a bovine is sold for slaughter purposes, a backtag shall not be removed until time of slaughter.

(8) Each backtag shall remain on the bovine until the bovine is determined to be part of the purchaser's herd at the point of destination.

(9) Unauthorized removal of a backtag shall be prohibited and shall be reported to the animal health commissioner immediately. (Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607, K.S.A. 47-610, and K.S.A. 47-1008; effective P-_____.)

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K.A.R. 9-10-54. Poultry. (a) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each box, crate, coop, or other container containing poultry is plainly labeled with the following:

- (1) The name of consignor;
- (2) the number and species of the birds;
- (3) a guarantee of sex on sexed turkeys under 12 weeks of age or any other domestic fowl under 16 weeks of age;
- (4) the date the birds were hatched; and
- (5) the pullorum classification of the birds.

(b) If any turkeys 12 weeks of age and older and all other poultry 16 weeks of age and older originate outside of Kansas, each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each bird tests negative for pullorum within 90 days before sale at the public livestock market or occasional livestock sale or that each bird originated and moved directly from a pullorum-free flock to the public livestock market or the occasional livestock sale. A bird's negative pullorum test shall be documented on a VS 9-2 form, VS 9-3 form, certificate of veterinary inspection, or an equivalent form approved by the animal health commissioner.

(c) Each public livestock market operator or occasional livestock sale operator shall keep a record that includes the following for two years from the date of the sale:

- (1) Number and species of birds sold;

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(2) name, address, and phone number of the consignor; and

(3) the pullorum classification if the birds originate outside of Kansas. (Authorized by
K.S.A. 47-610 and K.S.A. 47-1832; implementing K.S.A. 47-610 and K.S.A. 47-1009; effective
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K.A.R. 9-10-55. Equidae. (a) Each equidae offered for sale at a public livestock market or at an occasional livestock sale, except a nursing foal six months of age or younger that is accompanied by the foal's dam that has a current negative equine infectious anemia test, shall have a valid USDA VS form 10-11, or an equivalent form approved by the animal health commissioner, that declares that the equidae had an official negative test for equine infectious anemia within the previous 12 months.

(b) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each consignor offering an equidae for sale at the public livestock market or occasional livestock sale provides a copy of a valid official equine infectious anemia test for each equidae offered for sale. If an equidae has been tested for equine infectious anemia more than once during the previous 12 months, only the most recent test shall be considered a valid test.

(c) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall maintain a copy of the equine infectious anemia test for each equidae sold at the public livestock market or the occasional livestock sale for at least five years from the date of sale. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-607, K.S.A. 47-610, and K.S.A. 47-1008; effective P-_____.)

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K.A.R. 9-10-56. Swine. (a) Each public livestock market operator or occasional livestock sale operator shall offer for sale swine that originate from a healthy herd and from a state designated as free of swine pseudorabies and swine brucellosis.

(b) A public livestock market or an occasional livestock sale shall not offer for sale swine unless the swine is officially identified with one of the following means:

- (1) Official ear tag;
- (2) official backtag on sexually mature sows or boars that will be moved directly to slaughter;
- (3) official premises tag;
- (4) official swine tattoo; or
- (5) any other means approved in advance by the USDA or the animal health commissioner.

(c) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall apply official identification as required by subsection (b) at the consignor's expense before the swine may be offered for sale, unless the swine is officially identified with a means of official identification outlined in subsection (b) before arrival at the public livestock market or occasional livestock sale.

(d) When a swine is officially identified as required by subsection (c), the public livestock market operator or occasional livestock sale operator shall keep a record for two years from the date of the sale. The record shall include the following:

- (1) The swine's official identification;

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(2) the date the official identification number was applied; and

(3) name, address and phone number of the consignor.

(e) Pursuant to K.S.A. 47-1809 and amendments thereto, a public livestock market operator or occasional livestock sale operator shall not offer feral swine for sale.

(f) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall report any feral swine to the animal health commissioner upon the feral swine's arrival at the public livestock market or occasional livestock sale.

(g) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each swine intended for breeding purposes is not commingled with swine intended for feeding or slaughter purposes. (Authorized by K.S.A. 47-610; implementing K.S.A. 47-610, K.S.A. 47-1009, and K.S.A. 47-1809; effective P-
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K.A.R. 9-10-57. Sheep and goats. (a) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that each sheep or goat offered for sale at the public livestock market or occasional livestock sale regardless of age, breed, or sex, is identified with one of the following means of official identification:

(1) USDA approved scrapie tags;

(2) USDA animal identification number 840 tags which is an cartag that consists of 15 digits, with the first three digits being the United States country code of 840; or

(3) any other means approved in advance by the USDA or the animal health commissioner.

(b) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall identify each sheep or goat not identified before arrival at the public livestock market or occasional livestock sale as required by subsection (a) at the consignor's expense.

(c) When an animal is officially identified as required by subsection (b), the public livestock market operator or occasional livestock sale operator shall maintain a record that includes the following for a period of five years:

(1) The sheep's or goat's official identification number;

(2) the date the official identification was applied; and

(3) the name, address, and phone number of the consignor.

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(d) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall ensure that any sheep or goat sold through a public livestock market or an occasional livestock sale complies with requirements in article 32 of the department's regulations. (Authorized by K.S.A. 47-610; implementing K.S.A. 47-610 and K.S.A. 47-1009; effective P-_____.)

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K.A.R. 9-10-58. Regulatory, inspection, and brand inspection fees. (a) Each public livestock market operator shall charge each consignor a separate regulatory fee of \$0.20 for each horse, mule, bovine, swine, sheep, or goat offered for sale at the public livestock market except that each consignor shall be charged one regulatory fee for each sow and suckling pigs, cow and suckling calf, mare and suckling colt, doe and suckling kid, or ewe and suckling lamb offered for sale as a unit.

(b) Each electronic auction operator shall charge each consignor a separate regulatory fee of \$.20 for each horse, mule, bovine, swine, sheep, or goat offered for sale if the livestock animal originates in the state of Kansas, except that each consignor shall be charged only one regulatory fee for each sow and suckling pigs, cow and suckling calf, mare and suckling colt, doe and suckling kid, or ewe and suckling lamb offered for sale as a unit.

(c) In addition to the fees required by subsections (a) and (b), each public livestock market operator shall charge each consignor a separate inspection fee for each livestock offered for sale at the public livestock market, except that each consignor shall only be charged one inspection fee for each mother and suckling offspring offered for sale as a unit.

(d) In addition to the fees required by subsections (a), (b), and (c), each public livestock market operator shall charge each consignor a separate brand inspection fee of \$.40 per head on all bovine when a brand inspection occurs.

(e) Each regulatory fee, inspection fee, and brand inspection fee shall be shown on the consignor's invoice as a separate item. These fees shall not be included with any charges made by the operator for yardage, insurance, or other items. (Authorized by K.S.A. 47-610 and K.S.A.

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Proposed

K.A.R. 9-10-58

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47-1008; implementing K.S.A. 47-1008, K.S.A. 47-1011, and K.S.A. 47-1011a; effective P-

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K.A.R. 9-10-59. License fees and renewals. (a) As part of the application for a public livestock market license or an electronic auction license, each public livestock market operator and each electronic auction operator shall pay a license application fee of \$375 to the animal health commissioner.

(b) Each license shall expire annually on September 30.

(c) Each electronic auction operator and each public livestock market operator shall pay one of the following annual license renewal fees on or before September 30:

(1) For each electronic auction operator, an annual license renewal fee of \$250;

(2) for each public livestock market operator, an annual license renewal fee of \$250; or

(3) For each person who simultaneously operates an electronic auction and a public livestock market, an annual license renewal fee of \$375.

(d) Pursuant to K.S.A. 47-1001e and amendments thereto, it shall be illegal to operate a public livestock market or an electronic auction without a valid license. (Authorized by and implementing K.S.A. 47-1001a and K.S.A. 47-1001e; effective P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

785-564-6715
Contact Phone Number

K.A.R. 9-10-1 through K.A.R. 9-10-5 (Revoked), K.A.R. 9-10-7 through K.A.R. 9-10-10 (Revoked),
K.A.R. 9-10-14 through K.A.R. 9-10-19 (Revoked), K.A.R. 9-10-21 (Revoked), K.A.R. 9-10-22a
(Revoked), K.A.R. 9-10-23 (Revoked), K.A.R. 9-10-24a (Revoked), K.A.R. 9-10-25a (Revoked), K.A.R.
9-10-26a (Revoked), K.A.R. 9-10-27a (Revoked), K.A.R. 9-10-30 through K.A.R. 9-10-33 (Revoked),
K.A.R. 9-10-33a (Revoked), K.A.R. 9-10-34 through K.A.R. 9-10-40 (Revoked), K.A.R. 9-10-41 through
K.A.R. 9-10-59 (New), K.A.R. 9-7-1 (Amended), and K.A.R. 9-7-14 (Amended). ☒ Permanent ☐
Temporary
K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The Kansas Department of Agriculture (“KDA”) is proposing new regulations and revisions to existing regulations to ensure that KDA’s regulatory requirements reflect current management practices and standards in the livestock industry. The new regulations update and modernize various requirements for public livestock markets and occasional livestock sales in Kansas. The proposed updates are also aimed at organizing this set of regulations in a way that will allow them to be more easily read and understood. KDA is also proposing revisions to two regulations related to the movement of livestock and exotic animals and the movement of Equidae (horses, donkeys, zebras, and hybrids of any of the same) into Kansas.

K.A.R. 9-10-1 through K.A.R. 9-10-5, K.A.R. 9-10-7 through K.A.R. 9-10-10, K.A.R. 9-10-14 through K.A.R. 9-10-19, K.A.R. 9-10-21, K.A.R. 9-10-22a, K.A.R. 9-10-23, K.A.R. 9-10-24a, K.A.R. 9-10-25a, K.A.R. 9-10-26a, K.A.R. 9-10-27a, K.A.R. 9-10-30 through K.A.R. 9-10-33, K.A.R. 9-10-33a, K.A.R. 9-10-34 through K.A.R. 9-10-40 are revoked.

K.A.R. 9-10-41 – This new regulation provides definitions relevant to and used throughout the regulations.

K.A.R. 9-10-42 – This new regulation governs requirements for construction, sanitation, and maintenance of public livestock market facilities.

K.A.R. 9-10-43 – This new regulation governs limitations placed on the use of public livestock market facilities. The regulation states that public livestock market facilities may only be used for selling livestock or exotic animals, holding livestock moving directly to slaughter, housing livestock or exotic animals during emergency responses, or housing stray animals under the custody and control of law enforcement.

K.A.R. 9-10-44 – This new regulation governs requirements for cleaning and disinfecting a public livestock market facility and vehicles. The regulation states that the public livestock market operator is responsible for cleaning and disinfecting the facility or vehicle under the supervision of the market veterinarian with a disinfectant approved by the animal health commissioner. The regulation further explains that the cleaning and disinfecting of vehicles shall be paid for by the owner or operator of the vehicle.

K.A.R. 9-10-45 – This new regulation governs the requirements of pens and other facilities used to quarantine livestock or exotic animals at a public livestock market. The regulation sets forth requirements for pen spacing, size, and animal feeding requirements. The regulation further requires that quarantine pens be under the supervision of the market veterinarian.

K.A.R. 9-10-46 – This new regulation governs requirements for the quarantine of diseased or exposed livestock or exotic animals at a public livestock market.

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K.A.R. 9-10-47 -- This new regulation combines several regulations governing diseases, injuries, or conditions rendering livestock or exotic animals unfit for sale, limitations on sale, euthanasia, removal, or disposal. The regulation lists the diseases, injuries, or conditions that render livestock or exotic animals unfit for sale. The regulation further sets forth requirements for euthanasia, removal, or disposal of a livestock or exotic animal rendered unfit for sale.

K.A.R. 9-10-48 – This new regulation governs the issuance of certificates of veterinary inspection at a public livestock market or an electronic auction.

K.A.R. 9-10-49 – This new regulation governs requirements for consignment for public livestock markets. The regulation prescribes veterinary inspection and record-keeping requirements for public livestock markets and consent requirements for consignors.

K.A.R. 9-10-50 – This new regulation governs requirements for special sales at irregular intervals. The regulation requires that all sales conducted at a public livestock market follow state and federal regulations.

K.A.R. 9-10-51 – This new regulation governs public notices required to be posted at the public livestock market. The regulation requires that public livestock markets post disclosures about Trichomoniasis and animals that are injured, disabled, or deemed unfit for sale in a visible location at the check-in dock and in the public livestock market office area accessible to the public.

K.A.R. 9-10-52 – This new regulation governs occasional livestock sales. The regulation sets forth the fees associated with registering as an occasional livestock sale and the record keeping requirements for occasional livestock sales. The regulation also sets forth exemptions for the occasional livestock sale requirements.

K.A.R. 9-10-53 – This new regulation governs requirements for bovine sold through a public livestock market or occasional livestock sale. The regulation sets forth sale restrictions related to Trichomoniasis and bovine persistently infected with Bovine Viral Diarrhea Virus. The regulation further identifies specific bovine required to be officially identified at a public livestock market and sets forth backtagging procedures.

K.A.R. 9-10-54 – This new regulation governs requirements for poultry sold at a public livestock market or an occasional livestock sale. The regulation sets forth record keeping and labeling requirements. The regulation further states requirements for pullorum testing in birds sold through a public livestock market or an occasional livestock sale.

K.A.R. 9-10-55 – This new regulation governs requirements for Equidae (horses, donkeys, zebras, and hybrids of any of the same) being sold at a public livestock market or occasional livestock sale. The regulation requires that all Equidae sold through a public livestock market or occasional livestock sale shall be accompanied with an official negative Equine Infectious Anemia Test at the time of sale and sets forth record keeping requirements.

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K.A.R. 9-10-56 – This new regulation governs requirements for swine being sold at a public livestock market or an occasional livestock sale. The regulation requires that swine offered for sale be identified with a form of official identification and sets forth record keeping requirements. The regulation prohibits the sale of feral swine and commingling of breeding and feeding swine at the sale facility.

K.A.R. 9-10-57 – This new regulation governs requirements for sheep and goats sold at a public livestock market or an occasional livestock sale. The regulation requires that sheep and goats offered for sale be identified with a form of official identification and sets forth record keeping requirements.

K.A.R. 9-10-58 – This new regulation offsets forth the regulatory fees, inspection fees, and brand inspection fees charged by a public livestock market operator to each consignor.

K.A.R. 9-10-59 – This new regulation sets forth fees associated with licensing for public livestock markets and electronic auctions.

K.A.R. 9-7-1 – This regulation governs general movement requirements for livestock and exotic animals moving into Kansas. The proposed amendment clarifies situations when livestock or exotic animals may move into Kansas without a certificate of veterinary inspection. The regulation further states records related to animal movement and identification shall be confidential for the purposes of animal disease traceability.

K.A.R. 9-7-14 – This regulation governs requirements for movement of equidae (horses, donkeys, zebras, and hybrids of any of the same) in Kansas. The proposed amendment sets forth identification and testing requirements for equidae entering Kansas, being offered for sale, changing ownership, or used for exhibition purposes.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The proposed regulations are necessary to ensure traceability of animal diseases. All contiguous states have adopted rules and regulations related to public livestock markets, and KDA's approach is like those utilized by those agencies. The proposed regulations do exceed the requirements of applicable federal law on a few necessary fronts.

The proposed regulations exceed federal requirements as they relate to Bovine Viral Diarrhea Virus (BVD). Under the proposed regulations, Kansas will require an animal that is persistently infected with BVD to be officially identified prior to being sold at a public livestock market. Movement of that animal across state lines is expressly prohibited, and intrastate movements require a certification

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to accompany the animal. (9-10-53(b)) Kansas' approach exceeds federal law due to the significant impact that a BVD infected animal spreading the virus to surrounding states would cause.

Regarding equine under the proposed updates, Kansas will exceed federal requirements by also requiring any equine offered for sale in the state, changing ownership, or being used for exhibition purposes to be accompanied by an official form affirming a negative result for equine infectious anemia testing completed within the previous 12 months. Missouri currently has this same requirement. Federal regulations and other surrounding states' regulations only require EIA testing for interstate movements. The increased traceability of animals moving within the state will allow for a timely disease mitigation response in the event of a positive case and protect stakeholders by reducing the risk of a widespread outbreak. (9-7-14)

Federal regulations and most contiguous states don't prescribe record-keeping requirements for occasional livestock sales. The proposed regulations provide for licensing of occasional sales and impose requirements for maintaining records relating to ownership and identification of animals to maintain traceability for disease management. Kansas' approach strikes a balance between prioritizing traceability and overregulation of industry by exempting certain sales from the licensure requirements: sales held in conjunction with a county, district, regional, or state livestock exhibition for youth exhibitors; sales intended for the purpose of selling livestock to youth exhibitors; and livestock production sales with three or fewer consignors.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

KDA does not anticipate that the proposed regulations will significantly enhance or restrict business activity or growth in Kansas. The proposed regulations will simply implement current industry practice or provide clearer guidance as to existing statutory requirements. In developing the proposed regulations, KDA consulted the Kansas Animal Health Board, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Deer & Elk Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, Kansas Sheep Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services. None of the groups expressed concern that the proposed regulation would restrict their business activities or growth.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

KDA anticipates that the proposed regulations will have minimal economic effect for Kansans. Though the precise impact is difficult to quantify, the conclusion that implementation and compliance costs will be low is based on inferences from the quantitative information currently available and the qualitative information received from stakeholders.

The main economic impacts of the proposed regulations will arise from the updated official identification requirements and the additional requirement of Equine Infectious Anemia testing for intrastate changes of ownership and exhibitions of horses. Regarding the official identification requirements, there are currently free USDA compliant tags available, so the primary economic impact would come from fees associated with running the animal through a chute at the market. These fees are set individually by each market and passed on to the producer. Notably, a market survey indicated that only 10% of animals are not currently meeting this requirement, so any resulting impact would be necessarily minimal. KDA also considered that the requirement for all official identification information to be read and reported may result in additional time spent running animals through the chute, though again, that would likely be recouped through chute fees determined by the market. Those stakeholders that participated in the development of these regulations provided no quantifiable impact of this additional time, and because of the individual nature of these fee amounts and the unavailability of data on how many animals would be affected, it is difficult to establish an exact dollar amount of impact.

The impact of the additional EIA testing requirement will be borne by the individual owners of those animals and would be the cost of the testing. Pricing of those tests will depend on the veterinarian who administers them, but the cost would foreseeably be less than \$75 per animal. It is difficult to estimate how many individuals will be impacted by this update because information about intrastate changes of ownership and exhibitions of horses is not currently readily available. Here again, stakeholders that participated in outreach and development of these regulations offered no substantive objections.

Aside from the aforementioned impacts, KDA expects that the proposed regulations will have no foreseeable economic effect on any other entities.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

The proposed regulations will directly affect public livestock markets, veterinarians employed by public livestock markets, and livestock producers.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the proposed regulations significantly outweigh the costs. The proposed regulations will modernize the requirements of Kansas's public livestock market to reflect current management practices and standards in the livestock industry. The proposed regulations also aid in KDA's ability

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to complete an accurate and timely animal disease trace because the regulations require many livestock and exotic animals moving through the public livestock market to be officially identified. Public livestock markets operators will also be able to submit records electronically to KDA through a software program provided by animal health commissioner. Additionally, the proposed regulations provide market veterinarians, livestock producers, and public livestock market operators with standardized procedures for quarantines and conditions rendering an animal unfit for sale. These requirements allow all parties to know and understand the procedures for each event.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

KDA engaged a working group comprised of industry groups and individuals to make sure that the agency's need for information and traceability of animals was implemented with consideration for how the industry functions. Common sense exceptions were made to accommodate the practical operation of livestock markets and producers, while still maintaining traceability needed for a timely response to an animal disease event. For instance, by defining "bovine sold for slaughter" and excepting those animals from the official ID requirements, the regulations avoid the unnecessary cost of permanently identifying animals that will be harvested within three days and instead allow them to be identified with a backtag applied with adhesive.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$75 or less per affected equine;
chute fees for official identification

Total Annual Costs – \$Unknown for the reasons stated below
(sum of above amounts)

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Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Implementation and compliance costs should only result from the changes in official ID requirements and the expansion of the Equine Infectious Anemia (EIA) testing requirement. Regarding the official identification requirements, there are currently free USDA compliant tags available, so any economic impact would come from fees associated with running the animal through a chute at the market. These fees are set individually by each market and passed on to the producer. Notably, a market survey indicated that only 10% of animals are not currently meeting this requirement, so any resulting impact would be necessarily minimal. KDA also considered that the requirement for all official identification information to be read and reported may result in additional time spent running animals through the chute, though again, that would likely be recouped through chute fees determined by the market. Those stakeholders that participated in the development of these regulations provided no quantifiable impact of this additional time, and because of the individual nature of these fee amounts and the unavailability of data on how many animals would be affected, it is difficult to establish an exact dollar amount of impact. The impact of the additional EIA testing requirement will be borne by the individual owners of those animals and would be the cost of the testing. Pricing of those tests will depend on the veterinarian who administers them, but the cost would foreseeably be less than \$75 per animal. It is difficult to estimate how many individuals will be impacted by this update because information about intrastate changes of ownership and exhibitions of horses is not currently readily available.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click [here](#) to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

KDA does not foresee any changes in aggregate state revenues or expenditures for implementation of the proposed regulations, as the proposed regulations do not add any additional duties for the state, nor do they increase any fees paid to the state.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate

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can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

It is difficult to estimate the immediate or long-range economic impacts to individuals, small employers, and the general public for reasons already communicated. First, markets and veterinarians are entitled to set their own fees for services, and in doing so, they make decisions on how to absorb additional costs and compensate employees. This makes it tough to forecast the impact of changes to official identification requirements and EIA testing on individuals, as regulatory requirements are certainly not the only factor in that decision. Second, data on how many individuals will be impacted by the EIA testing requirement is not readily available because intrastate changes of ownership and exhibitions of horses are not currently tracked in any meaningful manner. Even so, using the information available, KDA estimates that any immediate or long-range economic impact of the proposed regulations will be minimal.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

KDA does not anticipate that the proposed regulation will significantly increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability. Letters were sent to the League of Kansas Municipalities, the Kansas Association of School Boards, and the Kansas Association of Counties inquiring as to whether those entities believed the proposed regulation would impose increased costs or responsibilities on their members. No responses were received from those entities.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

In developing the proposed regulations, KDA consulted with and solicited input from the Kansas Animal Health Board, KDA's Public Livestock Market Working Group, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Deer & Elk Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, Kansas Sheep Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

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- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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