

CHAPTER 22

(HB 302)

AN ACT relating to agriculture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 257.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) **"Abandon" means to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his agent;**
- (2) "Board" means the Board of Agriculture;
- (3)~~(2)~~ "Commissioner" means the Commissioner of Agriculture;
- (4)~~(3)~~ "Communicable disease" **means a disease that can be directly or indirectly transmitted from one (1) animal to another**~~[includes hog cholera, brucellosis, leptospirosis, anthrax, black leg, catarrhal influenza of cattle, contagious pleuro pneumonia, foot and mouth disease or aphthous fever, glanders, hemorrhagic septicemia, maladie du coit or dourine, mange of cattle, necrobacillosis and foot rot in sheep, hydrophobia, rinderpest, scabies in cattle, Texas tick or southern cattle fever, tuberculosis, equine viral arteritis, or any other disease proclaimed by the board to be of a transmissible character];~~
- (5)~~(4)~~ "Compost" means the humus-like product of the process of composting domestic livestock, poultry, or fish, which may be used as a soil conditioner or enhancer;
- (6)~~(5)~~ "Composting" means the biological decomposition of organic matter~~[which inhibits pathogens];~~
- ~~(6) "Experiment station" means the agricultural experiment station;~~
- (7) **"Department" means the Department of Agriculture;**
- (8) "Fish" means the bodies and parts of bodies of all animal aquatic life being raised, or kept for sale to a wholesaler or retailer, or for direct sale to the public;
- (9)~~(8)~~ "Livestock" means:
 - (a) Cattle, sheep, swine, *goats, horses, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species; and*
 - (b) *Deer, elk, and any other animal of the cervid species;*
whose regulatory requirements are under KRS Chapters 150 and 246, and are privately owned and raised in a confined area for breeding stock, food, fiber, and other products~~[deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products, goats, horses, or any other animals of the bovine, ovine, porcine, caprine, or equine species];~~
- (10)~~(9)~~ "National animal identification system" means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herdmates from their premises of origin;
- (11)~~(10)~~ "National Poultry Improvement Plan" shall have the same meaning as set out in the *United States*~~[U.S.]~~ Code of Federal Regulations, 9 C.F.R. Part 145, and the auxiliary provisions in 9 C.F.R. Part 147;
- (12)~~(11)~~ "Owner" means any person owning or leasing from another, or having in charge any domestic animal;
- (13)~~(12)~~ "Poultry" means~~[all]~~ chickens, ducks, turkeys, or other domestic fowl being raised or kept on any premises in the Commonwealth~~[for profit]; [and]~~
- (14)~~(13)~~ "Premises" means any portion of land, or any structure erected on land;~~[;]~~ and
- (15) **"Reportable disease" means an animal disease that shall be reported to state or federal animal health officials when suspected or diagnosed**~~[any vehicle or vessel used in the transportation of passengers, goods, or animals].~~

➔Section 2. KRS 257.020 is amended to read as follows:

The board shall:

- (1) Enforce the provisions of this chapter;
- (2) Adopt and enforce such measures as it deems necessary to **protect and promote the livestock, poultry, fish, and animal industries**~~[improve and protect the livestock industry];~~
- (3) Prevent, control and eradicate any communicable disease of livestock, **poultry, and fish**;
- (4) Investigate the prevalence of communicable diseases in livestock, **poultry, and fish** upon receipt of reports of such diseases;
- (5) Issue such **information**~~[literature]~~ as it deems necessary for public distribution;
- (6) Give information and instruction to farmers and breeders and feeders of livestock, **poultry, and fish** in the nature, cause, prevention and control of communicable diseases; and
- (7) Regulate the importation, sale, use and distribution of products or material used in the diagnosis, treatment or prevention of **animal**~~[livestock]~~ diseases.

➔Section 3. KRS 257.030 is amended to read as follows:

The board may:

- (1) Cooperate with **universities and other entities**~~[the experiment station]~~ in conducting the necessary scientific investigations relating to the cause, nature, prevention and treatment of communicable diseases ~~of~~~~in~~ livestock, **poultry, and fish**;
- (2) Establish, maintain and enforce such quarantine and other measures as it deems necessary in controlling the movement of livestock, **poultry, and fish** into, through or within the state;
- (3) Order and enforce the cleaning and disinfection of premises and all articles and materials by which communicable diseases may be transmitted, and the destruction of diseased and exposed animals and all such property and materials, as may be necessary in the eradication of disease;
- (4) Adopt, issue and enforce~~[such]~~ regulations~~[as in its judgment may be]~~ necessary for the proper administration and enforcement of the provisions of this chapter, and for the accomplishment of the purposes intended to be accomplished by this chapter; **and**~~[however, nothing in this section is intended to authorize the prohibition of, or sale or distribution, by a licensed pharmacist, of any serum, virus or other product used in the prevention or treatment of swine diseases that has been approved by the State Board of Agriculture.]~~
- (5) Employ necessary scientific, field, stenographic and clerical assistants and fix their salaries.

➔Section 4. KRS 257.040 is amended to read as follows:

No person who has in his possession any domestic animal infected with a **reportable**~~[communicable]~~ disease shall:

- (1) ~~[Knowingly]~~ Permit such an animal to run at large;
- (2) ~~[Knowingly]~~ Keep such an animal where other domestic animals, not affected with or previously exposed to the disease, may become infected with or exposed to it;
- (3) ~~[Knowingly]~~ Permit such an animal to go on, across or along any public highway, or in any field or lot adjacent to any public highway, or in any field through which flows a stream; or
- (4) **Transport**~~[Except upon a special permit from the board, ship, drive, haul]~~, sell, offer for sale, trade or give away such an animal, **except upon permission or approval from the state veterinarian.**

➔Section 5. KRS 257.050 is amended to read as follows:

No person shall willfully obstruct, evade or disregard any quarantine which the board declares, or violate any regulation for the prevention of the spread of communicable diseases among livestock, **poultry, and fish**, or conceal or attempt to conceal an animal infected with or exposed to a communicable disease.

➔Section 6. KRS 257.060 is amended to read as follows:

- (1) **Except upon permission or approval from the state veterinarian**, no person~~[except a common carrier]~~ shall:

- (a) **Transport** ~~ship, drive, haul~~ or in any other way bring into this state **an** ~~any~~ animal that is infected with a communicable disease or that has within the previous thirty (30) days been exposed to a communicable disease,~~;~~ or ~~shall in any way~~
- (b) Bring into this state any animal in violation of any order or regulation of the board that establishes an interstate quarantine to prevent the entrance of disease into this state.

- (2) No common carrier shall transport any ~~domestic~~ animal into this state in violation of law or regulations of the board.

➔Section 7. KRS 257.070 is amended to read as follows:

- (1) The movement of domestic animals from other states into this state shall be made only in compliance with regulations of the board.
- (2) Any animal brought into this state in violation of any regulation of the board shall:
 - (a) Be placed in quarantine ~~and so held~~ until the necessary inspection or test has been completed by a representative or agent of the board. All expenses incident to the quarantine, including the inspection and testing, shall be borne by the owner; **or**
 - (b) ***Be removed from the state at the direction of the state veterinarian.***

➔Section 8. KRS 257.080 is amended to read as follows:

~~{(1)—}~~Every veterinarian, **laboratory**, owner, or person having knowledge of the existence of any **reportable**~~communicable~~ disease of livestock, **poultry, or fish** within the state shall immediately report the disease to the ~~county livestock inspector of the county in which the disease exists, or to the~~ state veterinarian. ***The department shall promulgate administrative regulations listing all reportable diseases of livestock, poultry, and fish and setting out the conditions under which the diseases shall be reported***

~~{(2)—}~~This report shall be in writing and shall include a description of the animal, the name and exact post office address of the owner, the location of the animal, the number of susceptible animals exposed to the disease and the number of animals that have died of the disease}.

➔Section 9. KRS 257.100 is amended to read as follows:

- (1) Any peace officer, animal control officer, or any **person authorized by the board**~~officer of the accredited Humane Society or Society for the Prevention of Cruelty to Animals~~ may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.
- (2) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two (2) reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.
- (3)
 - (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten (10) days after written notice by certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.
 - (b) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
- (4) ~~{For the purpose of this section, the term "abandon" means to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent.}~~Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal.

➔Section 10. KRS 257.105 is amended to read as follows:

- (1) In addition to KRS 257.100 or any other provision authorized by law, any unclaimed animal held by a licensed veterinarian for more than ten (10) days of veterinary care and treatment requested by the owner or lawful

possessor of the animal may be summarily sold by the veterinarian for the reasonable value of the animal upon compliance with the procedures set forth in this section.

- (2) The veterinarian under subsection (1) of this section shall give written notice of the required payment for services performed and notice of the proposed sale of the animal to the owner or lawful possessor of the animal and to any lienholders of record by certified mail. If the whereabouts of the owner or lawful possessor of the animal cannot be ascertained with reasonable diligence, a notice of the proposed sale shall be published in a newspaper, qualified under KRS 424.120, circulated in the county where the animal is located at least ten (10) days preceding the sale. The notice shall state the amount due and the date, place and time of sale.
- (3) The proceeds of a sale under this section shall first be used to reimburse the veterinarian for an amount equal to the reasonable value of the veterinary care and treatment, plus any other care and board given the animal; the excess amount, if any, from a sale shall be paid to the owner or lawful possessor of the animal or to other persons legally entitled thereto. If the proceeds from the sale fail to cover the amount owed the veterinarian, the owner or lawful possessor of the animal shall remain liable for the unpaid portion.
- (4) A sale under this section shall not relieve the owner or lawful possessor of the animal from any other obligation to the veterinarian.
- (5) Any veterinarian making a sale provided for in this section shall make a sworn statement setting forth the following:
 - (a) The kind and number of animals sold;
 - (b) The amount realized from any such sale;
 - (c) The amount claimed due by the veterinarian;
 - (d) The name of the former owner or lawful possessor requesting the care and treatment performed by the veterinarian on the animal or animals sold;
 - (e) The dates when the treatment was commenced and was completed;
 - (f) The date or dates when notice of the proposed sale was given the owner or lawful possessor of the animal or animals sold;
 - (g) The description *or the identification number* of the animal or animals sold, and if branded, the brand thereon;
 - (h) The name and address of the veterinarian making the sale; and
 - (i) The name and address of the purchaser of the animal or animals sold.

The record shall be filed within five (5) days of the sale in the office of the county clerk of the county in which the sale is made.

➔Section 11. KRS 257.120 is amended to read as follows:

- (1) Indemnities shall be paid by the state or federal government for animals *mandated to be* destroyed or slaughtered on account of a *reportable or United States Department of Agriculture (USDA) program*~~communicable~~ disease. *The indemnities shall be based on fair market value as determined by the USDA or independent appraisal*~~, foot and mouth disease, glanders, contagious pleuro pneumonia, bovine tuberculosis, Bang's disease, or maladie du coit or dourine, or a disease for which the United States government pays the amounts specified by the state and federal cooperative agreement.~~
- ~~(2) Indemnity for Bang's reactors or exposed animals, if indemnity is available, shall be paid by the state or federal government in accordance with amounts specified by the state and federal cooperative agreement.~~
- ~~(2)~~~~(3)~~ No *state-funded* indemnity shall be paid for any animal unless it was the property of the person claiming indemnity, and was within the state, for a period of at least six (6) months prior to the time of the first test, except when animals are destroyed or slaughtered on account of *a foreign animal or zoonotic disease*~~[aphthous fever or foot and mouth disease, dourine, glanders or contagious pleuro pneumonia]~~.
- ~~(3)~~~~(4)~~ No indemnity shall be paid for any animal:
 - (a) Owned by the United States, the state or any county or city;

- (b) Brought into this state in violation of the law or any regulation of the board;
- (c) When the owner at the time of coming into possession of the animal had any reason to believe that it was infected; or
- (d) When the board or its authorized agents have satisfactory evidence that the owner has been guilty of negligence in permitting the animal to become exposed to the communicable disease.

➔Section 12. KRS 257.130 is amended to read as follows:

In case of an epizootic of such character as to necessitate the destruction of property or materials to prevent the spread of disease, the property or materials shall be destroyed and indemnities paid as provided for in KRS 257.110, 257.120, 257.140, and 257.150 ~~for the destruction or slaughter and the payment of indemnities for animals~~.

➔Section 13. KRS 257.150 is amended to read as follows:

After **carcass disposal, cleaning, and** disinfection has been completed ~~and the carcass has been disposed of~~, the board shall execute a voucher upon the Finance and Administration Cabinet for the amount of the indemnity due the owner, for payment from funds appropriated for this purpose. The voucher shall be approved by the state veterinarian and the chairman of the board. When the check for payment is issued by the State Treasurer, he shall forward it to the chairman of the board who shall pay it to the owner.

➔Section 14. KRS 257.160 is amended to read as follows:

- (1) All carcasses of domestic livestock, poultry, and fish which have died or which have been destroyed on account of any disease, except **as determined and permitted by** ~~those destroyed on account of tuberculosis and slaughtered under the supervision of~~ the state veterinarian or other representative of the board, shall be disposed of by:
 - (a) Complete incineration of the entire carcass and all of its parts and products;
 - (b) Boiling the carcass and all of its parts and products in water or heating it with steam at a temperature above boiling, continuously for two (2) hours or more;
 - (c) Burying the carcass and all of its parts and products in the earth at a point which is never covered with the overflow of ponds or streams and which is not less than one hundred (100) feet distant from any watercourse, sinkhole, well, spring, public highway, residence, or stable. The carcass shall be placed in an opening in the earth at least four (4) feet deep, the abdominal and thoracic cavities opened wide their entire length with a sharp instrument, and the entire carcass covered with two (2) inches of quicklime and at least three (3) feet of earth.
 - (d) Removal of the carcass by a duly-licensed rendering establishment;
 - (e) Deposition of the carcass in a contained landfill approved pursuant to KRS Chapter 224;
 - (f) Composting of the carcass in a facility according to the board's administrative regulations and approved in accordance with KRS Chapter 224;
 - (g) Any combination of the methods set forth in **paragraphs** ~~subsection~~ (a) to (f) of this **subsection** ~~section~~; or
 - (h) Any other scientifically-proven method of disposal approved by the board.
- (2) The owner shall dispose of the carcass of domestic livestock, poultry, and fish as provided in subsection (1) **of this section**, within forty-eight (48) hours after the carcass is found unless the carcass is otherwise preserved in cold storage.
- (3) The board is authorized to promulgate administrative regulations to implement this section.

➔Section 15. KRS 257.170 is amended to read as follows:

An animal carcass ~~Carcasses of animals~~ shall not ~~under any circumstances~~ be loaded in cars, crates, boats, wagons or other vehicles containing live animals, except on special permit from the state veterinarian.

➔Section 16. KRS 257.300 is amended to read as follows:

The board may cooperate with ~~the Bureau of Animal Industry of~~ the United States Department of Agriculture and with officials in charge of livestock, **poultry, and fish** sanitation in other states, or with any other agency that, in the opinion of the board, is for the best interests of the livestock, **poultry, and fish industries** ~~industry~~, in maintaining interstate quarantine and in the prevention, control and eradication of any communicable disease in livestock, **poultry, and fish**.

➔ Section 17. KRS 257.480 is amended to read as follows:

It is the legislative policy that every Kentucky citizen exert the maximum local effort to enforce the livestock, ~~and~~ poultry, **and fish** disease control programs in KRS 257.010 to KRS 257.470 and provide protection to the citizens and livestock, **poultry, and fish** of the Commonwealth.

➔ Section 18. KRS 257.490 is amended to read as follows:

- (1) The **Commissioner** ~~state veterinarian~~ shall have the power to **employ persons to serve** ~~designate certain employees of the Division of Animal Health~~ as peace officers ~~for the purpose of enforcing the provisions of this chapter~~. **All persons employed as peace officers by the department shall meet the qualifications set forth in KRS 15.380 to 15.404 concerning officer certification and training.**
- (2) **Officers employed by the department shall have full powers as peace officers and shall be limited to the enforcement of Department of Agriculture statutes and administrative regulations, except when it is necessary to enforce provisions of KRS Chapter 514 related to theft cases involving animals, provisions of KRS Chapter 516 related to forgery of animal health certificates, or provisions of KRS Chapter 525 related to animal cruelty, mistreatment, or torture.**
- (3) **The department shall establish and maintain an operational procedures manual outlining specific actions to be taken by officers pursuant to this section.**

➔ Section 19. KRS 257.600 is amended to read as follows:

The Department of Agriculture shall promulgate regulations governing the feeding of ~~untreated~~ garbage to swine ~~in order to prevent the transmission of viral, bacterial or parasitical diseases to man or animals. A permit may be required of any individual feeding garbage to swine. The department may charge a maximum fee of ten dollars (\$10) for the issuance of a permit~~. The department may conduct such inspections as are required to enforce this section.

➔ Section 20. The following KRS sections are repealed:

- 257.115 Retest for brucellosis -- Application, effect of negative finding.
- 257.260 State livestock inspector.
- 257.310 Birds that carry disease to be destroyed.

Signed by the Governor March 20, 2009.