

CHAPTER 16**(SB 46)**

AN ACT relating to the reorganization of the Office of State Veterinarian.

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

➔Section 1. KRS 246.030 is amended to read as follows:

The department shall consist of:

- (1) The Office of the Commissioner;
- (2) The Office of Agricultural Marketing, which shall include the following:
 - (a) The Promotion and Development Division;
 - (b) The Shows and Fairs Division;
 - (c) The Livestock Division;
 - (d) The Plant Division;
 - (e) The Education and Outreach Division; and
 - (f) The Direct Farm Marketing Division;
- (3) The Office for Consumer and Environmental Protection, which shall include the following:
 - (a) The Division of Regulation and Inspection;
 - (b) The Division of Food Distribution; and
 - (c) The Division of Environmental Services;
- (4) The Office of State Veterinarian, which shall include the following:
 - (a) The Division of **Regulatory Field Services**~~[Animal Health; and]~~
 - (b) The Division of **Animal Health Programs**~~[Producer Services]; and~~
 - (c) **The Division of Emergency Preparedness and Response;**
- (5) The Office of Administrative Services, which shall include the following:
 - (a) The Division of Human Resources;
 - (b) The Division of Administrative Services; and
 - (c) The Division of Information Technology;
- (6) The Office of Communications;
- (7) The Office of Legal Services;
- (8) The State Board of Agriculture; and
- (9) The Kentucky Office of Agricultural Policy, which shall include the following:
 - (a) Agricultural Development Board; and
 - (b) Kentucky Agricultural Finance Corporation.

➔Section 2. KRS 257.330 is amended to read as follows:

- (1) Before any baby chicks or baby poults are offered for sale at any auction or auctions, sale barn, or community sale, except public sales conducted by farmers selling baby chicks or baby poults reared on their own premises, a permit shall be secured from the **Office of State Veterinarian**~~[Division of Animal Health of the Department of Agriculture]~~, or the state veterinarian.
- (2) Any person who desires to offer baby chicks or baby poults for sale at any auction or auctions, sale barn, or community sale, shall apply to the **Office of State Veterinarian**~~[division or the state veterinarian]~~ for a permit

to hold the sale. A form shall be prescribed and furnished by the ~~office~~~~division~~. This application shall be submitted at least three (3) days before the sale to allow time for inspection of the chicks or poults offered ~~by~~ by a representative of the ~~office~~~~division or the state veterinarian~~ before any chicks or poults are sold. This application shall be signed by the person who proposes to conduct the sale, together with the person who owns the property in or on which the sale is to be conducted, if the person who proposes to conduct the sale does not own the property. The application shall designate the date of the proposed sale, the number and breed of the chicks or poults to be offered for sale, and the person or firm by whom they were produced, and shall be accompanied by a fee in the sum of one dollar (\$1) per hundred (100) chicks or poults to be offered for sale. The ~~office~~~~division or the state veterinarian~~ shall be authorized in their discretion to grant or to deny the permit requested in the application, and if deemed necessary or advisable to require the applicant to submit a certificate in a form as the ~~office~~~~division or the state veterinarian~~ may prescribe, certifying that the baby chicks or baby poults which may be offered for sale are in healthy condition.

- (3) On inspection by the representative of the ~~office~~~~division or state veterinarian~~, if the chicks or poults offered for sale are found to be diseased, the representative may confiscate all chicks or poults found to be diseased and may destroy the chicks and poults.

→Section 3. KRS 257.350 is amended to read as follows:

Within three (3) days after the sale, the person who conducted the sale shall submit a statement to the *Office of State Veterinarian*~~Division of Animal Health of the Department of Agriculture or the state veterinarian,~~ giving a complete list of the number and kind of baby chicks or poults sold, name and address of each purchaser, together with a copy of representation and guarantee made in relation to the sale, if any were made by the person who conducted the sale, and the person conducting the sale shall be held to have had full knowledge of the representations and guarantees made at the time of the sale and shall be as fully responsible and liable for any representation and guarantee as is the person who set forth the representation and guarantee on the containers as provided in KRS 257.340.

→Section 4. KRS 257.370 is amended to read as follows:

In order to promote the poultry industry of this state, the *Office of State Veterinarian*~~Division of Animal Health of the Department of Agriculture~~ is hereby authorized to cooperate with the United States Department of Agriculture in the promulgation and enforcement of regulations for the control and eradication of pullorum disease.

→Section 5. KRS 257.380 is amended to read as follows:

The *Office of State Veterinarian*~~Division of Animal Health~~ is hereby authorized to promulgate administrative regulations as may be necessary, after public hearing following due public notice, to carry out the provisions of KRS 257.370 to 257.460.

→Section 6. KRS 257.390 is amended to read as follows:

Chickens, turkeys, or other poultry over five (5) months of age intended for breeding purposes shall not be imported into the state unless they have passed a negative agglutination test for pullorum disease under the supervision of ~~an~~~~a~~ ~~Division of Animal Health~~ authority of the Office of State Veterinarian within thirty (30) days preceding date of importation, or have originated from flocks authoritatively participating in a pullorum control and eradication phase of the National Poultry Improvement Plan or other USDA-administered plan.

→Section 7. KRS 257.400 is amended to read as follows:

Hatching eggs and all poultry under five (5) months of age including baby chicks, started chicks, turkey poults, and other newly hatched domestic poultry except those intended for immediate slaughter which may be imported into the state under permit issued by ~~the Division of Animal Health of~~ the Office of State Veterinarian, and sold or offered for sale in this state, shall have originated from flocks that meet the pullorum requirements of the National Poultry Improvement Plan or other USDA-administered plan, and the regulations promulgated by authority of KRS 257.370 to 257.460 for the control and eradication of pullorum disease. Nothing in KRS 257.370 to 257.460, however, shall require any hatchery, dealer, or flock owner to participate in the National Poultry Improvement Plan.

→Section 8. KRS 257.410 is amended to read as follows:

Hatching eggs and all poultry under five (5) months of age, including baby chicks, started chicks, turkey poults, other newly hatched domestic poultry, except those intended for immediate slaughter, that are imported into this state shall have originated in flocks that meet the pullorum requirements of the National Poultry Improvement Plan, or other USDA-administered plan, and the administrative regulations promulgated by authority of KRS 257.370 to 257.460. Every container of poultry under five (5) months of age, including baby chicks, started chicks, turkey poults, and any

other newly hatched domestic poultry, except those intended for immediate slaughter, and hatching eggs imported into this state shall bear an official label or certificate showing the name and address of the importer, the authority under which the testing for pullorum disease was done, and the pullorum control and eradication class of the product, the use of the certificate or label to be approved by the official state agency or the *Office of State Veterinarian*~~{Division of Animal Health}~~ official of the state of origin.

→Section 9. KRS 257.420 is amended to read as follows:

No person, firm, or corporation shall operate a public hatchery, and no person, dealer, jobber, peddler, or huckster in baby chicks, started chicks, turkey poults, other newly hatched domestic poultry, and hatching eggs shall operate as a public hatchery within this state without obtaining an annual permit from the *Office of State Veterinarian*~~{Division of Animal Health}~~ to so operate, and paying a permit fee of ten dollars (\$10) per annum. This is not intended to require a permit of hatcheries, chick dealers, chick salesmen, or corporations selling less than one thousand (1,000) chicks per year, or egg dealers selling less than thirty-five hundred (3,500) eggs per year.

→Section 10. KRS 257.440 is amended to read as follows:

Any permit may be suspended or canceled by the *Office of State Veterinarian*~~{Division of Animal Health}~~, after opportunity for a hearing to be conducted in accordance with KRS Chapter 13B, for any violation of KRS 257.370 to 257.460 or the regulations promulgated under KRS 257.370 to 257.460. Any person who is refused a permit or whose permit is revoked after a hearing may appeal the final order to the Circuit Court of Franklin County in accordance with KRS Chapter 13B.

→Section 11. KRS 257.450 is amended to read as follows:

All poultry of whatever age or species and all hatching eggs that are sold or offered for sale within this state or enter into this state not in compliance with the provisions of KRS 257.370 to 257.460 shall be quarantined by the *Office of State Veterinarian*~~{Division of Animal Health}~~. Where possible, the *office*~~{division}~~ shall make the tests necessary to determine whether or not pullorum disease is present in any of the quarantined poultry. With respect to all other poultry where tests are not possible, and to hatching eggs, sufficient proof must be presented that they have originated from approved flocks. The poultry or flocks found to be infected with pullorum disease, and the poultry and hatching eggs lacking the required proof of origin from approved flocks, shall be destroyed.

→Section 12. KRS 257.470 is amended to read as follows:

For the purpose of enforcing the provisions of KRS 257.330 to 257.440, the inspectors of the *Office of State Veterinarian*~~{Division of Animal Health}~~ shall have free access to any premises or vehicles for the purpose of inspection.

→Section 13. KRS 321.200 is amended to read as follows:

(1) No provision of this chapter shall be construed to prohibit any of the following:

- (a) Any persons from gratuitously treating animals in cases of emergency, provided they do not use the word "veterinarian," "veterinary," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to practice veterinary medicine as described in KRS 321.181(5);
- (b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees from caring for and treating, including administering drugs to, any animals belonging to the owner. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;
- (c) Any person from castrating food animals and dehorning cattle, as long as any drugs or medications are obtained and used in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
- (d) Any student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth;
- (e) Nonlicensed graduate veterinarians in the United States Armed Services or employees of the Animal and Plant Health Inspection Service of the United States Department of Agriculture~~{or the Kentucky Department of Agriculture, Division of Animal Health}~~ while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other states, from meeting licensed veterinarians of this Commonwealth in consultation;

- (f) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a veterinary-client-patient relationship, as defined in KRS 321.185;
 - (g) A university faculty member from teaching veterinary science or related courses, or a faculty member or staff member from engaging in veterinary research, including drug and drug testing research, provided that research is conducted in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
 - (h) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers;
 - (i) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366; or
 - (j) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label.
- (2) (a) A nonresident of the United States may be employed in this state to practice veterinary medicine for not more than thirty (30) days of each year, provided he or she:
- 1. Holds a valid, current license as a veterinarian in his or her home country;
 - 2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
 - 3. Registers with the board prior to commencing practice in the state; and
 - 4. Agrees to practice and follow all the rules and administrative regulations of this chapter and be subject to discipline for violations of those rules and administrative regulations by the Kentucky Board of Veterinary Examiners.
- (b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible for a Kentucky license under this chapter.
- (3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

Signed by Governor March 17, 2023.