

1 AN ACT relating to livestock, poultry, or fish disease control.

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

3 ➔SECTION 1. KRS 246.010 IS REPEALED AND REENACTED TO READ AS
4 FOLLOWS:

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

6 *(1) "Agriculture" means the business of raising or producing:*

7 *(a) Bees and bee products;*

8 *(b) Crops, the products of which are used for food, feed, fiber, energy, or*
9 *pharmaceuticals;*

10 *(c) Eggs and egg products;*

11 *(d) Fish and other aquaculture products;*

12 *(e) Horticulture products;*

13 *(f) Livestock and poultry;*

14 *(g) Milk and milk products;*

15 *(h) Timber; and*

16 *(i) Tobacco;*

17 *(2) "Aquaculture" means the science, art, and business of producing and raising*
18 *aquatic organisms under controlled or semicontrolled conditions;*

19 *(3) "Board" means the state Board of Agriculture;*

20 *(4) "Commissioner" means the Commissioner of Agriculture;*

21 *(5) "Department" means the Department of Agriculture;*

22 *(6) "Fish" means the bodies or parts of bodies of all animal aquatic life being raised,*
23 *kept for sale to a wholesaler or retailer, or for direct sale to the public;*

24 *(7) "Horticulture" means the business of raising fruits, nuts, vegetables, flowers,*
25 *ornamental plants, shrubs, trees, herbs, and the starts or transplants needed to*
26 *produce these items;*

27 *(8) "Livestock" means cattle, sheep, swine, goats, horses, llamas, buffaloes, or any*

1 *other animals of the bovine, ovine, porcine, caprine, or equine species, and*
 2 *farmed cervids as defined in Section 2 of this Act; and*
 3 *(9) "Poultry" means chickens, ducks, turkeys, ratites or other domestic fowl being*
 4 *raised or kept on any premises in the Commonwealth.*

5 ➔Section 2. KRS 257.010 is amended to read as follows:

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

- 7 (1) "Abandon" means to forsake entirely, or to neglect or refuse to provide or perform
 8 the legal obligations for care and support of an animal by its owner or his *or her*
 9 agent;
- 10 (2) "Board" means the *state* Board of Agriculture;
- 11 (3) "Commission" means the Kentucky Livestock Care Standards Commission;
- 12 (4) "Commissioner" means the Commissioner of Agriculture;
- 13 (5) "Communicable disease" means a disease that can be directly or indirectly
 14 transmitted *among livestock, poultry, or fish*~~[from one (1) animal to another];~~
- 15 (6) "Compost" means the humus-like product of the process of composting domestic
 16 livestock, poultry, or fish, which may be used as a soil conditioner or enhancer;
- 17 (7) "Composting" means the biological decomposition of organic matter;
- 18 (8) "Council" means the Kentucky Equine Health and Welfare Council;
- 19 (9) "Department" means the Department of Agriculture;
- 20 (10) *(a) "Farmed cervids" mean cervids that are:*
 21 *1. Maintained for propagation, selling, trade, or barter or for taking by*
 22 *any harvest or slaughter method; and*
 23 *2. Enrolled in a chronic wasting disease surveillance program that meets*
 24 *the United States Department of Agriculture program standards.*
 25 *(b) "Farmed cervids" does not include any cervid that was not originated*
 26 *within, or not continuously maintained within, a herd that is enrolled in*
 27 *and complies with a chronic wasting disease surveillance program that*

1 *meets United States Department of Agriculture program standards;*

2 *(11) "Federal animal identification program" means a national program intended to*
 3 *identify animals and track them as they come into contact with or commingle*
 4 *with animals other than herdmates from their premises of origin;*

5 *(12)* "Fish" means the bodies and parts of bodies of all animal aquatic life being raised,
 6 or kept for sale to a wholesaler or retailer, or for direct sale to the public;

7 *(13)*~~*(11)*~~ "Livestock" means:

8 (a) Cattle, sheep, swine, goats, horses, llamas, buffaloes, or any other animals of
 9 the bovine, ovine, porcine, caprine, equine, or camelid species; and

10 (b) *Farmed cervids*~~*[Deer, elk, and any other animal of the cervid species whose*~~
 11 ~~*regulatory requirements are under KRS Chapters 150 and 246, and are*~~
 12 ~~*privately owned and raised in a confined area for breeding stock, food, fiber,*~~
 13 ~~*and other products];*~~

14 ~~*[(12) "National animal identification system" means a national program intended to*~~
 15 ~~*identify animals and track them as they come into contact with or commingle with*~~
 16 ~~*animals other than herdmates from their premises of origin;]*~~

17 *(14)*~~*(13)*~~ "National Poultry Improvement Plan" shall have the same meaning as set out
 18 in the United States Code of Federal Regulations, 9 C.F.R. Part 145, and the
 19 auxiliary provisions in 9 C.F.R. Part 147;

20 *(15)*~~*(14)*~~ "Owner" means any person owning, ~~*[or]*~~ leasing from another, *having*
 21 *possession of, or otherwise being responsible for livestock, poultry or fish*~~*[or*~~
 22 ~~*having in charge any domestic animal];*~~

23 *(16)*~~*(15)*~~ "Poultry" means chickens, ducks, turkeys, *ratites*, or other domestic fowl
 24 being raised or kept on any premises in the Commonwealth;

25 *(17)*~~*(16)*~~ "Premises" means any portion of land, or any structure erected on land; and

26 *(18)*~~*(17)*~~ "Reportable disease" means an animal disease that shall be reported to state or
 27 federal animal health officials when suspected or diagnosed.

1 ➔Section 3. KRS 257.020 is amended to read as follows:

2 The board shall:

- 3 (1) Enforce the provisions of this chapter;
- 4 (2) Adopt and enforce measures~~[as]~~ it deems necessary to protect~~[and promote the]~~
5 livestock, poultry, or fish, and to promote agricultural~~[animal]~~ industries~~[-~~
6 ~~Measures falling within the scope of KRS 257.196 shall be adopted and enforced in~~
7 ~~conformity with that section];~~
- 8 (3) Prevent, control, or~~[and]~~ eradicate~~[any]~~ communicable diseases~~[disease]~~ of
9 livestock, poultry, and fish;
- 10 (4) Investigate the prevalence of communicable diseases in livestock, poultry, and fish
11 upon receipt of reports of those diseases;
- 12 (5) Issue information as it deems necessary for public distribution;
- 13 (6) Give information and instruction to farmers and breeders and feeders of livestock,
14 poultry, and fish in the nature, cause, prevention, and control of communicable
15 diseases; and
- 16 (7) Regulate the importation, sale, use, and distribution of products or material used in
17 the diagnosis, treatment, or prevention of animal diseases.

18 ➔Section 4. KRS 257.030 is amended to read as follows:

19 The board may:

- 20 (1) Cooperate with universities and other entities in conducting the necessary scientific
21 investigations relating to the cause, nature, prevention, and treatment of
22 communicable diseases of livestock, poultry, and fish;
- 23 (2) Establish, maintain, and enforce any quarantine and other measures as it deems
24 necessary in controlling the movement of livestock, poultry, and fish into, through,
25 or within the state;
- 26 (3) Order and enforce the cleaning and disinfection of premises and all articles and
27 materials by which communicable diseases may be transmitted, and the destruction

1 of diseased ~~or~~~~and~~ exposed livestock, poultry, or fish~~[animals]~~ and all property and
 2 materials, as may be necessary ~~for~~~~in~~ the prevention, control, or eradication of
 3 diseases~~[disease];~~

4 (4) Adopt, issue, and enforce administrative regulations necessary for the proper
 5 administration and enforcement of the provisions of this chapter, and for the
 6 accomplishment of the purposes intended to be accomplished by this chapter,
 7 including administrative regulations setting forth program fees;~~Administrative~~
 8 ~~regulations falling within the scope of KRS 257.196 shall be adopted, issued, and~~
 9 ~~enforced in conformity with that section; and]~~

10 (5) Employ or contract with necessary personnel; and~~[scientific, field, stenographic,~~
 11 ~~and clerical assistants and fix their salaries.]~~

12 (6) Impose or maintain quarantines or other measures necessary to protect the
 13 health of livestock, poultry, and fish, prevent, control, or eradicate communicable
 14 diseases, and to cooperate with the United States Department of Agriculture and
 15 agencies in other states for these purposes.

16 ➔Section 5. KRS 257.040 is amended to read as follows:

17 No person who has in his or her possession any livestock, poultry, or fish~~[domestic~~
 18 ~~animal]~~ infected with a communicable disease or a reportable disease shall:

19 (1) Permit such livestock, poultry, or fish~~[an animal]~~ to run at large;

20 (2) Keep such livestock, poultry, or fish in a place~~[an animal]~~ where other domestic
 21 livestock, poultry, or fish~~[animals]~~, not infected~~[affected]~~ with or previously
 22 exposed to the disease, may become infected with or exposed to it;

23 (3) Permit such livestock, poultry, or fish~~[an animal]~~ to go on, across, or along any
 24 public highway, or in any field or lot adjacent to any public highway, or in any field
 25 through which flows a stream; or

26 (4) Transport, sell, offer for sale, trade or give away such livestock, poultry, or fish~~[an~~
 27 ~~animal]~~, except upon permission or approval from the state veterinarian.

1 ➔Section 6. KRS 257.050 is amended to read as follows:

2 No person shall willfully obstruct, evade or disregard any quarantine **or other restriction**
 3 which the board **or the state veterinarian** declares, or violate any **administrative**
 4 regulation **promulgated under the authority of this chapter,** for the prevention of the
 5 spread of communicable diseases among livestock, poultry, and fish, or conceal or
 6 attempt to conceal **any livestock, poultry, or fish**~~[an animal]~~ infected with or exposed to a
 7 communicable disease.

8 ➔Section 7. KRS 257.060 is amended to read as follows:

- 9 (1) Except upon permission or approval from the state veterinarian, no person shall:
- 10 (a) Transport or in any other way bring into this state **livestock, poultry, or**
 11 **fish**~~[an animal]~~ that is infected with a communicable disease or that has
 12 within the previous thirty (30) days been exposed to a communicable disease;
 13 or
- 14 (b) **Transport or in any other way** bring into this state **livestock, poultry, or**
 15 **fish**~~[any animal]~~ in violation of any order **of the board or the state**
 16 **veterinarian,** or **in violation of any administrative** regulation **promulgated**
 17 **under the authority of this chapter,**~~[of the board]~~ that establishes an interstate
 18 quarantine to prevent the entrance of disease into this state.

- 19 (2) No common carrier shall transport **livestock, poultry, or fish**~~[any animal]~~ into this
 20 state in violation of **this chapter,**~~[law]~~ or **in violation of any order issued or any**
 21 **administrative** regulations **promulgated under the authority of this chapter**~~[of the~~
 22 ~~board]~~.

23 ➔Section 8. KRS 257.070 is amended to read as follows:

- 24 (1) The movement of **livestock, poultry, or fish**~~[domestic animals]~~ from other states
 25 into this state shall be made only in compliance with **any administrative** regulations
 26 **promulgated under the authority of this chapter and any orders issued by the**
 27 **board or the state veterinarian**~~[of the board]~~.

1 (2) **Livestock, poultry, or fish**~~[Any animal]~~ brought into this state in violation of
2 any regulation~~[of the board]~~ shall~~[-~~

3 (a)~~]~~ be placed in quarantine until the necessary inspection or test has been
4 completed~~[by a representative or agent of the board]~~. All expenses incident to
5 the quarantine, including the inspection and testing, shall be borne by the
6 owner.~~[-; or]~~

7 (3)~~(b)~~ **Livestock, poultry, or fish brought into this state in violation of this**
8 **chapter, or in violation of any administrative regulation promulgated under**
9 **the authority of this chapter, may** be removed from the state at the direction
10 of the state veterinarian.

11 ➔Section 9. KRS 257.080 is amended to read as follows:

12 Every veterinarian, laboratory, owner, or person having knowledge of the existence of any
13 reportable disease of livestock, poultry, or fish within the state shall immediately report
14 the disease to the state veterinarian. The department shall promulgate administrative
15 regulations listing all reportable diseases of livestock, poultry, and fish and setting out the
16 **specific** conditions under which the diseases shall be reported.

17 ➔Section 10. KRS 257.100 is amended to read as follows:

18 (1) Any peace officer, animal control officer, or any person authorized by the board
19 may **euthanize**~~[destroy or kill or cause to be destroyed or killed,]~~ any animal **that is**
20 **found to be** abandoned and suffering and not properly cared for, or **any animal that**
21 **is found**~~[appearing]~~ to be injured, diseased, or suffering past recovery~~[for any~~
22 ~~useful purpose]~~.

23 (2) Before **euthanizing**~~[destroying]~~ the animal the officer shall obtain the judgment to
24 that effect of a veterinarian, or of two (2) reputable citizens called by him **or her** to
25 view the animal in his **or her** presence, or shall obtain consent to the
26 **euthanization**~~[destruction]~~ from the owner of the animal.

27 (3) (a) Any animal placed in the custody of a licensed veterinarian for treatment,

1 boarding, or other care, which shall be unclaimed by its owner or his agent for
 2 a period of more than ten (10) days after written notice by certified mail,
 3 return receipt requested, is given the owner or his agent at his last known
 4 address, shall be deemed to be abandoned and may be turned over to the
 5 nearest humane society or animal shelter or disposed of as the custodian may
 6 deem proper.

7 (b) The giving of notice to the owner, or the agent of the owner of the animal by
 8 the licensed veterinarian shall relieve the licensed veterinarian and any
 9 custodian to whom the animal may be given of any further liability for
 10 disposal.

11 (4) **Any person who has abandoned an animal shall be deemed to have relinquished**
 12 **all rights and claims to the animal**~~[Abandonment shall constitute the~~
 13 ~~relinquishment of all rights and claims by the owner to the animal].~~

14 ➔Section 11. KRS 257.105 is amended to read as follows:

15 (1) In addition to KRS 257.100 or any other provision authorized by law, any
 16 unclaimed **livestock**~~[animal]~~ held by a licensed veterinarian for more than ten (10)
 17 days of veterinary care and treatment requested by the owner or lawful possessor of
 18 the **livestock**~~[animal]~~ may be summarily sold by the veterinarian for the reasonable
 19 value of the **livestock**~~[animal]~~ upon compliance with the procedures set forth in this
 20 section.

21 (2) The veterinarian under subsection (1) of this section shall give written notice of the
 22 required payment for services performed and notice of the proposed sale of the
 23 **livestock**~~[animal]~~ to the owner or lawful possessor of the **livestock**~~[animal]~~ and to
 24 any lienholders of record by certified mail. If the whereabouts of the owner or
 25 lawful possessor of the **livestock**~~[animal]~~ cannot be ascertained with reasonable
 26 diligence, a notice of the proposed sale shall be published in a newspaper, qualified
 27 under KRS 424.120, circulated in the county where the **livestock**~~[animal]~~ is located

1 at least ten (10) days preceding the sale. The notice shall state the amount due and
2 the date, place and time of sale.

3 (3) The proceeds of a sale under this section shall first be used to reimburse the
4 veterinarian for an amount equal to the reasonable value of the veterinary care and
5 treatment, plus any other care and board given the livestock~~[animal]~~; the excess
6 amount, if any, from a sale shall be paid to the owner or lawful possessor of the
7 livestock~~[animal]~~ or to other persons legally entitled~~[thereto]~~. If the proceeds from
8 the sale fail to cover the amount owed the veterinarian, the owner or lawful
9 possessor of the livestock~~[animal]~~ shall remain liable for the unpaid portion.

10 (4) A sale under this section shall not relieve the owner or lawful possessor of the
11 livestock~~[animal]~~ from any other obligation to the veterinarian.

12 (5) Any veterinarian making a sale provided for in this section shall make a sworn
13 statement setting forth the following:

14 (a) The kind and number of livestock~~[animals]~~ sold;

15 (b) The amount realized from any such sale;

16 (c) The amount claimed due by the veterinarian;

17 (d) The name of the former owner or lawful possessor requesting the care and
18 treatment performed by the veterinarian on the livestock~~[animal or animals]~~
19 sold;

20 (e) The dates when the treatment was commenced and was completed;

21 (f) The date or dates when notice of the proposed sale was given the owner or
22 lawful possessor of the livestock~~[animal or animals]~~ sold;

23 (g) The description or the identification number of the livestock~~[animal or~~
24 ~~animals]~~ sold, and if branded, the brand~~[thereon]~~;

25 (h) The name and address of the veterinarian making the sale; and

26 (i) The name and address of the purchaser of the livestock~~[animal or animals]~~
27 sold.

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

3 →Section 12. KRS 257.110 is amended to read as follows:

4 When the board or any of its authorized agents determines that livestock, poultry, or
5 fish~~[any domestic animal]~~ is infected with or exposed to any~~[communicable]~~ disease and
6 that to prevent the spread of disease it is necessary to euthanize~~[destroy]~~ or slaughter that
7 livestock, poultry or fish, it~~[animal, the animal]~~ shall be euthanized~~[destroyed]~~ or
8 slaughtered, and the owner indemnified as provided in KRS 257.120.

9 →Section 13. KRS 257.120 is amended to read as follows:

- 10 (1) Indemnities shall be paid by the state or federal government for livestock, poultry or
11 fish~~[animals]~~ mandated to be euthanized~~[destroyed]~~ or slaughtered on account of a
12 communicable disease, reportable disease, or United States Department of
13 Agriculture (USDA) program disease. The indemnities shall be based on fair market
14 value as determined by the USDA or independent appraisal.
- 15 (2) No state-funded indemnity shall be paid for livestock, poultry, or fish~~[any animal]~~
16 unless it was the property of the person claiming indemnity, and was within the
17 state, for a period of at least six (6) months prior to the time of the first test, except
18 when livestock, poultry, or fish~~[animals]~~ are euthanized~~[destroyed]~~ or slaughtered
19 on account of a foreign animal or zoonotic disease.
- 20 (3) No indemnity shall be paid for any livestock, poultry, or fish~~[animal]~~:
- 21 (a) Owned by the United States, the state or any county or city;
- 22 (b) Brought into this state in violation of the law or any regulation of the board;
- 23 (c) When the owner at the time of coming into possession of the livestock,
24 poultry, or fish~~[animal]~~ had any reason to believe that it was infected; or
- 25 (d) When the board or its authorized agents have satisfactory evidence that the
26 owner has been guilty of negligence in permitting the livestock, poultry, or
27 fish~~[animal]~~ to become exposed to the communicable disease.

1 ➔Section 14. KRS 257.140 is amended to read as follows:

2 The owner shall, before indemnities are paid, thoroughly clean and disinfect the premises
3 ~~and any animal~~ that were~~has been~~ exposed to infection, as the board, or its authorized
4 agent, may determine. The disinfection shall be done at the expense of the owner and
5 under the supervision of the board or its authorized agent.

6 ➔Section 15. KRS 257.160 is amended to read as follows:

7 (1) All carcasses of ~~domestic~~ livestock, poultry, and fish which have died or which
8 have been ethanized~~destroyed~~ on account of any disease, except as determined
9 and permitted by the state veterinarian or other representative of the board, shall be
10 disposed of by:

- 11 (a) Complete incineration of the entire carcass and all of its parts and products;
- 12 (b) Boiling the carcass and all of its parts and products in water or heating it with
13 steam at a temperature above boiling, continuously for two (2) hours or more;
- 14 (c) Burying the carcass and all of its parts and products in the earth at a point
15 which is never covered with the overflow of ponds or streams and which is
16 not less than one hundred (100) feet distant from any watercourse, sinkhole,
17 well, spring, public highway, residence, or stable. The carcass shall be placed
18 in an opening in the earth at least four (4) feet deep, the abdominal and
19 thoracic cavities opened wide their entire length with a sharp instrument, and
20 the entire carcass covered with ~~two (2) inches of quicklime and~~ at least three
21 (3) feet of earth.
- 22 (d) Removal of the carcass by a duly-licensed rendering establishment;
- 23 (e) Deposition of the carcass in a contained landfill approved pursuant to KRS
24 Chapter 224;
- 25 (f) Composting of the carcass in a facility according to the board's administrative
26 regulations and approved in accordance with KRS Chapter 224;
- 27 (g) Any combination of the methods set forth in paragraphs (a) to (f) of this

1 subsection; or

2 (h) Any other scientifically-proven method of disposal approved by the board.

3 (2) The owner or owner's agent shall dispose of the carcass of domestic livestock,
4 poultry, ~~or~~ fish as provided in subsection (1) of this section, within forty-eight
5 (48) hours after the carcass is found unless the carcass is otherwise preserved in
6 cold storage.

7 (3) The board is authorized to promulgate administrative regulations to implement this
8 section.

9 ➔Section 16. KRS 257.170 is amended to read as follows:

10 A livestock, poultry, or fish~~[An animal]~~ carcass shall not be loaded in cars, crates, boats,
11 wagons or other vehicles containing living livestock, poultry, or fish~~[live animals]~~,
12 except on special permit from the state veterinarian.

13 ➔Section 17. KRS 257.180 is amended to read as follows:

14 (1) The board shall promulgate administrative regulations setting forth rules,
15 restrictions, and conditions for sale, use, importation, or possession of livestock
16 disease producing agents or diagnostic equipment~~[No corporation, company,~~
17 ~~partnership, organization, or individual shall ship, transport, or cause to be imported~~
18 ~~into the Commonwealth of Kentucky any live unattenuated pure culture of a~~
19 ~~pathogenic bacteria, virus, or disease producing agent of animal origin unless a~~
20 ~~permit is secured from the United States Department of Agriculture and the board.~~
21 ~~All biologics for immunization or treatment offered for sale, use, or distribution in~~
22 ~~the Commonwealth shall be approved by the United States Department of~~
23 ~~Agriculture or the board].~~

24 (2) No person shall sell, use, import, or possess livestock disease producing agents or
25 diagnostic equipment without complying with the rules, restrictions, and
26 conditions set forth in the administrative regulations promulgated under the
27 authority of this section~~[No live or modified live viruses, vaccines, antigens, or~~

1 disease-producing organisms shall be sold to any person, firm, or corporation in the
 2 Commonwealth of Kentucky unless such person, firm, or corporation shall be a
 3 licensed veterinarian, druggist, firm, or corporation authorized under the Kentucky
 4 statutes to receive, hold, and sell biologics].

5 ➔Section 18. KRS 257.210 is amended to read as follows:

- 6 (1) The board shall appoint the state veterinarian.
- 7 (2) The state veterinarian shall be a resident of this state and a licensed~~[-graduate]~~
 8 veterinarian who has practiced veterinary medicine continuously in this state for
 9 five (5) years prior to his *or her* appointment.
- 10 (3) The state veterinarian shall serve for a term of four (4) years and until his *or her*
 11 successor has been appointed~~[-and has qualified]~~. *The state veterinarian may be*
 12 *appointed to serve consecutive terms.*
- 13 (4) *The state veterinarian*~~[He]~~ shall be subject to removal from office by the board at
 14 any time for cause.
- 15 (5) The office of the state veterinarian shall be in the department~~[-of Agriculture at the~~
 16 ~~state capital]~~.

17 ➔Section 19. KRS 257.230 is amended to read as follows:

18 The state veterinarian shall be the chief executive agent of the board,~~[-shall execute and]~~
 19 enforce the *administrative* regulations *promulgated under the authority of this*
 20 *chapter*~~[of the board]~~ and, under the direction of the board,~~[-shall]~~ supervise and control
 21 the action of all deputies, inspectors, agents and specialists employed by the board.~~[-He~~
 22 ~~shall devote his entire time to the duties of his office.]~~ He *or she* shall recommend from
 23 time to time such changes in the *administrative* regulations *promulgated under the*
 24 *authority of this chapter*~~[of the board]~~, as he *or she* deems necessary, and do all other
 25 things necessary and proper for the successful enforcement of this chapter.

26 ➔Section 20. KRS 257.240 is amended to read as follows:

- 27 (1) Upon the recommendation of the state veterinarian, the board may within its

1 discretion appoint a deputy state veterinarian.

2 (2) **The deputy state veterinarian**~~[He]~~ shall hold office for a term of four (4) years and
3 until his **or her** successor has been **appointed**~~[elected and qualified]~~. He **or she** shall
4 be subject to removal from office by the board at any time for cause.

5 (3) **The deputy state veterinarian**~~[He]~~ shall be a resident of this state, and a licensed~~[~~
6 ~~graduate]~~ veterinarian who has practiced veterinary medicine continuously within
7 this state for a period of three (3) years prior to his appointment.

8 ➔Section 21. KRS 257.250 is amended to read as follows:

9 The deputy state veterinarian shall assist the state veterinarian in the enforcement of the
10 **administrative** regulations **promulgated under the authority of this chapter**~~[of the~~
11 ~~board]~~, and shall in the absence or incapacity of the state veterinarian be **the** executive
12 agent of the board with the same duties and powers as the state veterinarian.~~[He shall~~
13 ~~devote his entire time to the duties of his office.]~~

14 ➔Section 22. KRS 257.460 is amended to read as follows:

15 All money collected **by the board or the department pursuant to this chapter or the**
16 **administrative regulations promulgated under the authority of this chapter**~~[under the~~
17 ~~provisions of KRS 257.370 to 257.450]~~ shall be paid to the State Treasurer and by him **or**
18 **her** placed in a revolving fund to be used~~[by the Kentucky Department of Agriculture]~~
19 for the purpose of enforcing the provisions of **this chapter or the administrative**
20 **regulations promulgated under the authority of this chapter**~~[KRS 257.370 to 257.450].~~

21 ➔Section 23. KRS 257.470 is amended to read as follows:

22 For the purpose of enforcing the provisions of **this chapter and the administrative**
23 **regulations promulgated under the authority of this chapter**~~[KRS 257.330 to 257.440],~~
24 the **board, the state veterinarian, or an agent of the board of the state**
25 **veterinarian**~~[inspectors of the Division of Animal Health]~~ shall have free access to any
26 premises or vehicles for the purpose of inspection.

27 ➔Section 24. KRS 257.497 is amended to read as follows:

- 1 (1) The board may promulgate administrative regulations necessary to carry out the
2 provisions of a federal~~[the national]~~ animal identification program~~[system]~~ if the
3 program~~[system]~~ becomes mandatory through final federal action in accordance
4 with the Administrative Procedure Act, 5 U.S.C. sec. 500 et seq., as amended. If the
5 program~~[system]~~ becomes mandatory, the administrative regulations shall be no
6 more stringent than the federal law or regulations.
- 7 (2) So~~[As]~~ long as the United States Department of Agriculture maintains a
8 federal~~[national]~~ animal identification program~~[system]~~ that is voluntary, the board
9 shall not:
- 10 (a) Mandate or force participation in the program~~[system]~~ or any other similar
11 program~~[system]~~ that regulates livestock or poultry, as defined by KRS
12 246.010, including premise registration, animal identification, or the tracking
13 or surveillance of livestock or poultry;
- 14 (b) Withhold indemnity as provided in KRS 257.120 and 257.130 based solely on
15 nonparticipation in the federal~~[national]~~ animal identification
16 program~~[system]~~; or
- 17 (c) Deny, revoke, or limit services, licenses, permits, grants, or other benefits or
18 incentives to a person if that person does not participate in the
19 federal~~[national]~~ animal identification program~~[system]~~.
- 20 (3) Nothing in this section shall be construed as prohibiting:
- 21 (a) The board from establishing or participating in disease control programs
22 specifically designed to address a known disease in a specific species of
23 livestock;
- 24 (b) The board from operating livestock identification, brand registration, or
25 inspection programs as authorized under the Kentucky Revised Statutes; or
- 26 (c) Private agricultural industry organizations from establishing voluntary source
27 verification programs for their own members or others who elect to

1 participate.

2 (4) No city, town, county, or other political subdivision of the Commonwealth shall
3 adopt or continue in effect any ordinance, resolution, rule, or regulation requiring
4 participation in the ~~*federal*~~~~[national]~~ animal identification ~~*program*~~~~[system]~~ or any
5 other similar ~~*program*~~~~[system]~~ that regulates livestock or poultry, as defined by
6 KRS 246.010, including premise registration, animal identification, or the tracking
7 or surveillance of livestock or poultry. Local legislation in violation of this
8 subsection shall be void and unenforceable.

9 (5) Except as provided in subsections (6) and (7) of this section, the board shall not
10 release any records, data, or information collected, recorded, or otherwise, deemed
11 confidential for the purposes of the ~~*federal*~~~~[national]~~ animal identification
12 ~~*program*~~~~[system]~~.

13 (6) Any records, data, or information deemed confidential under application of
14 subsection (5) of this section shall be subject to inspection only upon order of a
15 court of competent jurisdiction.

16 (7) Nothing in this section shall limit the release of records, data, or information to
17 another state or federal agency if the release of the information is necessary to
18 prevent or control disease or to protect public health, safety, or welfare.

19 ➔Section 25. KRS 257.552 is amended to read as follows:

20 ~~[(f)]~~ Any person ~~*who violates a statute or administrative regulation*~~~~[holding captive~~
21 ~~cervids regulated under KRS 150.725 to 150.735 is determined in violation of a Kentucky~~
22 ~~statute or administrative regulation]~~ pertaining to the health requirements, eradication of
23 diseases, importation, and identification of ~~*farmed*~~~~[those]~~ cervids,~~[then that person]~~ shall
24 have sixty (60) days from when the violation was identified to come into compliance.
25 During the sixty (60) day period, the ~~*farmed*~~ cervids shall be subject to quarantine by the
26 ~~*department*~~~~[Kentucky Department of Agriculture]~~. The permit holder may request an
27 administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the notice

1 of violation and may appeal the final decision to Franklin Circuit Court in accordance
2 with KRS Chapter 13B. If a final determination upholds the department ~~Kentucky~~
3 ~~Department of Agriculture~~, the permit holder's farmed cervids may be disposed of by the
4 department without compensation to the owner.

5 ➔ Section 26. KRS 257.990 is amended to read as follows:

6 (1) (a) Except as provided by paragraph (b) of this subsection, any person who
7 violates any administrative regulation promulgated by the board under the
8 provisions of this chapter, for the violation of which no other penalty is
9 provided in this section, shall be fined not less than one hundred dollars
10 (\$100) nor more than five hundred dollars (\$500) for the first offense; for each
11 subsequent offense he shall be fined not less than five hundred dollars (\$500)
12 nor more than one thousand dollars (\$1,000), or be imprisoned not more than
13 thirty (30) days, or both.

14 (b) This subsection shall not apply to administrative regulations promulgated
15 under KRS 257.196.

16 (2) Any person who violates KRS 257.040 shall be fined not less than five hundred
17 dollars (\$500) nor more than one thousand dollars (\$1,000).

18 (3) Any person who violates KRS 257.050 shall be fined not less than two hundred
19 dollars (\$200) nor more than five hundred dollars (\$500) for the first offense; for
20 each subsequent offense he shall be fined not less than five hundred dollars (\$500)
21 nor more than one thousand dollars (\$1,000), and shall be imprisoned for not less
22 than sixty (60) days nor more than one hundred and twenty (120) days.

23 (4) Any person who violates subsection (1) of KRS 257.060 shall be fined not less than
24 five hundred dollars (\$500) nor more than one thousand five hundred dollars
25 (\$1,500) for the first offense; for each subsequent offense he shall be fined not less
26 than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000),
27 and shall be imprisoned for not less than sixty (60) days nor more than one hundred

1 and twenty (120) days.

2 (5) Any person who violates subsection (2) of KRS 257.060 shall be fined not more
3 than one thousand dollars (\$1,000).

4 (6) Any person who violates any of the provisions of KRS 257.080 or 257.180 shall be
5 fined not less than one hundred dollars (\$100) nor more than five hundred dollars
6 (\$500).

7 (7) Any person who violates any of the provisions of KRS 257.160 shall be fined not
8 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for
9 the first offense. For each subsequent offense, he shall be fined not less than five
10 hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or be
11 imprisoned not more than thirty (30) days, or both.

12 (8) Any person who violates any ruling of the board or who hinders any agent of the
13 board in carrying out the duties assigned to him, or any officer who refuses to
14 enforce the provisions of this chapter when called upon by the board to do so, or
15 any other person who in any way attempts to hinder or obstruct the board in
16 carrying out the provisions of this chapter shall be fined not less than two hundred
17 dollars (\$200) nor more than five hundred dollars (\$500) for each offense.

18 ~~{(9) Any person who violates any provision of KRS 257.330 to 257.350 or the~~
19 ~~regulations made thereunder for carrying out their provisions, or who fails or~~
20 ~~refuses to comply with or intends to deceive, or who answers or represents falsely in~~
21 ~~response to any requirement of KRS 257.330 to 257.350, or who willfully interferes~~
22 ~~with the Office of State Veterinarian or their employees or agents, in the carrying~~
23 ~~out of their duties provided in KRS 257.330 to 257.350, shall be guilty of a~~
24 ~~misdemeanor. Any person who shall violate any of the provisions of KRS 257.330~~
25 ~~to 257.350 shall be deemed guilty of a misdemeanor and, upon conviction thereof,~~
26 ~~shall be fined in any sum not to exceed five hundred dollars (\$500).~~

27 ~~(10) Any person, firm, or corporation who shall violate any provision of KRS 257.370 to~~

1 ~~257.460 or any rule or regulation made under authority thereof shall be guilty of a~~
 2 ~~misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed~~
 3 ~~five hundred dollars (\$500) for each offense.]~~

4 (9)[(11)] Any person who resists, obstructs, interferes with, threatens, attempts to
 5 intimidate, or in any other manner interferes with an officer under KRS 257.490 or
 6 who willfully refuses to obey his lawful orders shall be fined not more than one
 7 thousand dollars (\$1,000), or imprisoned in the county jail not more than thirty (30)
 8 days, or both.

9 ➔Section 27. The following KRS sections are repealed:

10 247.870 Definition of "ratite" -- Status of ratites as farm products and livestock.

11 257.270 Board may employ veterinarians.

12 257.300 Board may cooperate with other agencies.

13 257.315 Administrative regulations relating to ratites.

14 257.320 Definitions for KRS 257.330 to 257.350.

15 257.330 Permit required for auction or community sale of baby chicks or poults --
 16 Application -- Fee -- Inspection -- Destruction of diseased chicks or poults.

17 257.340 Labeling of containers for chicks or poults.

18 257.350 Reports of sales -- Liability of seller on guarantees.

19 257.360 Revolving fund for Department of Agriculture.

20 257.370 Pullorum disease -- State and federal cooperation in regulations to control.

21 257.380 Regulations by Division of Animal Health to enforce KRS 257.370 to 257.460.

22 257.390 Importation of poultry over five months of age.

23 257.400 Newly hatched poultry and hatching eggs must originate from approved flocks.

24 257.410 Importation of newly hatched poultry and hatching eggs -- Labels.

25 257.420 Permits for hatcheries and dealers in chicks or eggs.

26 257.430 Permit year.

27 257.440 Refusal, suspension, or revocation of permit -- Appeal.

- 1 257.450 Quarantine of illegally produced or imported eggs or poultry -- Destruction.