

**Department of Agriculture  
Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10:00 a.m. Tuesday, November 27, 2012, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of a proposed regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and economic impact follows:

K.A.R. 9-7-4 clarifies current testing requirements for cattle, eliminates some outdated language in the existing regulation and sets out new testing requirements regarding Trichomoniasis.

**Economic Impact Statement:**

The Kansas Department of Agriculture will not have any costs associated with modifying the language. The seller of a non-virgin bull will bear testing costs of the animal to validate that it is free of the tritrichomonas organism. Testing costs are currently the responsibility of owners to meet import requirements of other states.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulation and the economic impact statement may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9<sup>th</sup> St., 4<sup>th</sup> Floor, Topeka, KS 66612 or (785) 296-4623 or by accessing the department's Web site at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.

Dale A. Rodman  
Secretary of Agriculture

**KANSAS DEPARTMENT OF AGRICULTURE  
IMPACT STATEMENT  
Amended Regulations  
K.A.R. 9-7-4**

**I. Summary of Proposed Regulation, Including Its Purpose.**

K.A.R 9-7-4 clarifies current testing requirements for cattle, eliminates some outdated language in the existing regulation and sets out new testing requirements regarding Trichomoniasis.

**II. Reason Or Reasons The Proposed Regulation Is Required, Including Whether Or Not The Regulation Is Mandated By Federal Law.**

These proposed changes are amended to address industry needs and to clarify language.

This regulation is not mandated by federal law.

**III. Anticipated Economic Impact Upon The Kansas Department Of Agriculture.**

There will be no costs associated with modifying and changing language of K.A.R. 9-7-4 upon the Kansas Department of Agriculture.

**IV. Anticipated Financial Impact Upon Other Governmental Agencies And Upon Private Business Or Individuals.**

The seller of a non-virgin bull will bear testing costs of the animal to validate that it is free of the tritrichomonas organism.

**V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And The Reason For Rejection.**

Testing costs are currently the responsibility of owners to meet import requirements of other states.

**VI. Environmental Impact**

No significant impacts (neither beneficial nor degrading) could be identified as resulting should the proposed changes be adopted.

**K.A.R. 9-7-4. Cattle.** (a) Tuberculosis.

(1) Breeding cattle six months of age and over shall not be imported into Kansas unless accompanied by an official health certificate showing that they meet the following requirements:

(A) Originated in a herd accredited to be tuberculosis-free;

(B) originated in a tuberculosis-free state; or

(C) have been tested and were found negative for tuberculosis within 60 days before date of entry.

(2) Dairy cattle that are used for breeding and are six months of age or older shall originate from a herd accredited to be tuberculosis-free or shall be tested negative for tuberculosis within 60 days before entry.

(b) Brucellosis.

(1) Brucellosis tests, regardless of method, shall be confirmed at a state-federal cooperative laboratory.

(2) Breeding cattle six months of age or over imported into Kansas shall meet interstate requirements according to state certification, as outlined in the United States department of agriculture's uniform methods and rules, animal and plant health inspection service (APHIS) publication 91-45-013, effective October 1, 2003.

(c) Trichomoniasis.

(1) Bulls shall not be imported into Kansas from another state unless they go directly to a licensed slaughter plant or are accompanied by a completed certificate of veterinary inspection signed by an accredited veterinarian. The certificate of veterinary inspection shall meet the following requirements:

(A) Have been issued within the past 30 days;

(B) individually list each animal entering Kansas, using an “official identification device or method” as specified in the definition of that term in 9 C.F.R. 71.1. The following definitions in 9 C.F.R. 71.1, dated January 1, ~~2009~~ 2011, are hereby adopted by reference and modified as specified in paragraph (c)(1)(B)~~(iii)~~ (iv):

(i) “Accredited veterinarian”;

(ii) “administrator”;

~~(ii)~~ (iii) “official brand inspection agency”; and

~~(iii)~~ (iv) “official identification device or method.” At the end of this definition, the phrase “a recognized brand inspection authority” shall be deleted and replaced by “an official brand inspection agency as defined in 9 C.F.R. 71.1, dated January 1, ~~2009~~ 2011”; and

(C) state whether, to the veterinarian’s knowledge, trichomoniasis has occurred in the herd of origin within the past two years.

(2) Virgin bulls 18 months of age or younger shall not be imported into Kansas from another state unless they are accompanied by a statement attached to the certificate of veterinary inspection. The statement shall be signed by the owner or owner’s representative and shall indicate that the bulls have not been sexually exposed to breeding-aged females.

(3)(A) Non-virgin bulls, bulls 19 months of age or older, and bulls of unknown status shall not be imported into Kansas from another state unless they are certified negative for *Tritrichomonas foetus*. A copy of the test results shall be attached to the certificate of veterinary inspection.

(B) “Certified negative” shall mean that the ~~samples have~~ sample has been submitted for testing to a laboratory accredited by the American association of veterinary laboratory diagnosticians (AAVLD). ~~The samples~~ Each sample shall be collected into and transported to the lab using the “InPouch <sup>TM</sup> TF” bovine test kit system, which is a trademarked test kit manufactured by BioMed diagnostics, inc. ~~The samples~~ Each sample shall ~~meet either of the following requirements:~~

(i) be found negative on ~~three successive test samples collected at least one week apart if the “InPouch TF” microscopic examination testing is conducted; or~~

(ii) ~~be found negative on~~ one real-time polymerase chain reaction (PCR) test. The owner shall certify that the bull has had at least two weeks of sexual rest before the time the sample is collected. This statement shall be recorded on or attached to the certificate of veterinary inspection.

~~The tests specified in paragraphs (c)(3)(B)(i) and (ii) test~~ shall be conducted within ~~30~~ 60 days before the tested animal’s entry into Kansas, ~~and~~. Following the test, the producer shall ensure that no female contact occurs ~~following the first qualifying test~~ before the tested animal’s entry into Kansas.

The sample shall be collected by an accredited veterinarian who has participated in trichomoniasis training approved by the division of animal health, Kansas department of agriculture. This training shall include preputial sampling, sample handling and shipping, appropriate recordkeeping, and official animal identification. The entire training shall be renewed every five years.

(4)(A) Each non-virgin bull changing ownership in Kansas by private sale, public sale, lease, trade, or barter but not going directly to slaughter shall be required to be certified negative within 60 days before the change of ownership. Following the test, the owner shall ensure that no female contact occurs before the change of ownership. Each bull that has had contact with any female cattle after the testing shall be retested before movement.

(B) Each positive-tested bull shall be sold directly for slaughter.

(C) Each non-virgin bull sold at a livestock market that is not going directly to slaughter and is not certified negative shall be tested at the livestock market.

The livestock market shall have adequate facilities to house the bull and keep the bull separate from any females of breeding age during the testing quarantine period. This facility shall be approved by the division of animal health for the facility's capacity to hold the bull for the quarantine period. The pens shall be on the livestock market premises and shall be isolated so that no contact between the bull and any other cattle in the livestock market facilities occurs.

The bull shall be retained at the livestock market at the owner's expense until certified negative, at which time the bull will be released by the animal health commissioner.

~~(4)~~(5) Each bull going to a sanctioned rodeo event or to a livestock show where the bull will be shown and then returned to the state of origin without being sexually exposed to any breeding-aged females shall be exempt from the requirements of this subsection. (Authorized by K.S.A. 47-607d, as amended by L. 2012, ch. 140, sec. 34, K.S.A. 47-610, as amended by L. 2012, ch. 140, sec. 36, and K.S.A. 47-657, as amended by L. 2012, ch. 140, sec. 71; implementing K.S.A. 47-607, as amended by L. 2012, ch. 140, sec. 32, K.S.A. 47-610, as amended by L. 2012, ch. 140, sec. 36, and K.S.A. 47-657, as amended by L. 2012, ch. 140, sec.

71; 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, 1982; amended, T-9-5-12-10, May 12, 2010; amended Sept. 24, 2010; amended P-\_\_\_\_\_.)