

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

A public hearing will be conducted at 10:00 a.m., Thursday, February 2, 2017, 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.

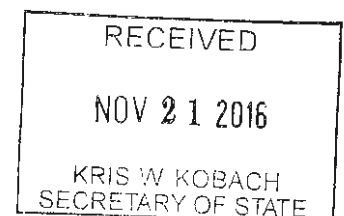
This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, 66502, or by e-mail at ronda.hutton@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. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 9-3-9 relates to the importation of cervids (generally, deer) into Kansas. The first proposed amendment to subsection (d) would require that certain domesticated cervids entering Kansas have tested negative for brucellosis up to a maximum of 45 days prior to entry, rather than 30 days prior to entry which is currently in effect. The second proposed amendment to subsection (d) would clarify and emphasize that the animal health commissioner has authority to order a quarantine of imported cervids for brucellosis testing or retesting, at the owner's expense.

K.A.R. 9-3-10 relates to brucellosis testing and remediation regarding certain cervids changing ownership within Kansas and regarding certain cervid herds in Kansas. The proposed removal of existing subsection (a) would eliminate the requirement that each sexually intact adult domesticated cervid originate from a certified brucellosis-free herd or test negative for brucellosis before changing ownership within Kansas. The new proposed subsection (a) would clarify and emphasize that the animal health commissioner has authority to order a quarantine of certain cervids for brucellosis testing or retesting.

Economic Impact Statement:

The first proposed amendment to K.A.R. 9-3-9(d) is intended to give certain domesticated cervid producers outside Kansas more time to draw blood from an animal, receive brucellosis test results, and then, if the results are negative, get the necessary certificate of veterinary inspection prior to moving the animal into Kansas. Producers have indicated that sometimes it is difficult to accomplish all of this within 30 days before movement into Kansas as currently required. The second proposed amendment to K.A.R. 9-3-9(d) is to make explicit the animal health commissioner's quarantine powers as to imported cervids and brucellosis.



The proposed removal of existing K.A.R. 9-3-10(a) is intended to make the change of ownership within Kansas of domesticated cervids easier by eliminating the requirement for brucellosis-free certification or brucellosis testing prior to such change of ownership. Brucellosis has yet to be found in domesticated cervids within Kansas and with no known reservoir for the disease in the state, continued brucellosis-free certification or testing appears to be an unnecessary burden on producers and others in the cervid industry. The proposed new subsection (a) is to make explicit the animal health commissioner's quarantine powers as to certain cervids.

The aforementioned proposed amendments are not mandated by federal law as requirements for participating in or implementing a federal subsidized or assisted program, and, therefore, the proposed regulatory amendments do not exceed the requirements of federal law.

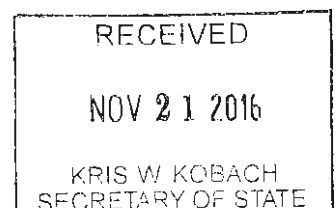
The Kansas Department of Agriculture anticipates little to no adverse economic impact on other governmental agencies or on private businesses or individuals. The aforementioned proposed regulatory amendments mostly should have a positive economic impact on producers and others in the cervid industry, by providing more time for brucellosis testing before interstate movement into Kansas and by eliminating routine brucellosis testing—along with its associated veterinary and laboratory costs—as a precondition to change of ownership within Kansas. Although the second proposed amendment to K.A.R. 9-3-10(d) would allow the state to pass certain testing and retesting costs on to the cervid owners, the KDA does not often test or retest for brucellosis because brucellosis has never been found in domesticated cervids in the state.

No alternative methods were considered because the aforementioned proposed regulatory amendments amount to less costly methods than the existing regulations.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and 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 at (785) 564-6715 or fax (785) 564-6777. Handicapped parking is located on the west side of the building located at 1320 Research Park Drive, Manhattan, and the west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's Web site at agriculture.ks.gov. Comments may also be made through our website under the proposed regulation.

Jackie McClaskey
Secretary
Kansas Department of Agriculture



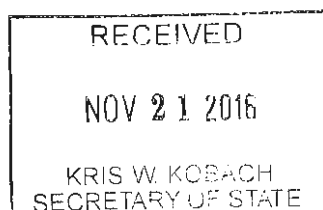
K.A.R. 9-3-9. Certificate of veterinary inspection; importation and intrastate movement requirements and permits. (a) Each cervid imported into Kansas shall be identified with official identification and shall be accompanied by a certificate of veterinary inspection.

(b) Each individual importing a cervid into Kansas shall obtain an import permit from the Kansas department of agriculture, division of animal health before the cervid enters Kansas. The cervid shall not be allowed entry into Kansas without this permit.

(c) Each animal of the genera *Odocoileus*, *Cervus*, and *Alces*, including whitetail deer, mule deer, black-tailed deer and associated subspecies, North American elk (wapiti), red deer, sika deer, moose, and any hybrids of these species, regardless of age, not moving directly to a licensed slaughter establishment within Kansas shall originate and move directly from a herd with at least five years of herd status in the APHIS herd certification program or an equivalent program administered by the office of the state veterinarian in the state of origin.


Muntjacs, Père David's deer, reindeer or caribou, fallow deer, and axis deer shall be exempt from the monitoring requirements for CWD in K.A.R. 9-3-15 and 9-3-16. Other cervid species may be exempted by the commissioner if the species are determined by APHIS to be nonsusceptible to CWD.

(d) Each adult domesticated cervid, except whitetail deer and mule deer, that is entering Kansas from another state, is not moving directly to a licensed slaughter establishment within Kansas, and has not originated and moved directly from an APHIS-certified brucellosis-free herd shall be required to test negative for brucellosis, using an approved test, within ~~30~~ 45 days before entry into Kansas. Any imported cervid required to have tested negative for brucellosis under



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this subsection may be quarantined for a test or retest for brucellosis by order of the commissioner. Each test or retest shall be at the owner's expense.

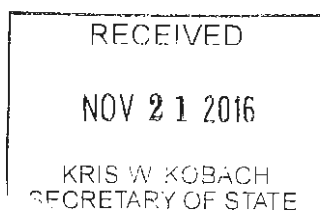
(e) All cervids originating from an area identified by APHIS as a designated surveillance area shall be prohibited entry into Kansas.

(f) Each domesticated cervid, except nursing young under four months of age and accompanied by their dam, that is entering Kansas, is not from a herd accredited by APHIS to be TB-free, and is not moving directly to a licensed slaughter establishment in Kansas shall be required to test negative for TB, using an approved test administered twice at least 90 days apart. The first test shall be administered no more than 180 days before entry into Kansas, and the second test administered no more than 90 days before entry.

(g) Any imported cervid may be quarantined for a retest for TB by order of the commissioner.

(h) Each domesticated cervid, alive or dead, transported within the state of Kansas shall be accompanied by a completed transportation notice signed by the shipper on a form provided by the Kansas department of agriculture, division of animal health. One copy of the notice shall be mailed to the commissioner, one copy shall accompany the shipment, and one copy shall be retained by the shipper. The shipper shall possess a current domesticated cervid permit.

(Authorized by K.S.A. ~~2013~~ 2016 Supp. 47-607, 47-607d, and 47-2101; implementing K.S.A. ~~2013~~ 2016 Supp. 47-607, 47-607a, and 47-2101; effective Sept. 19, 2014; amended P-
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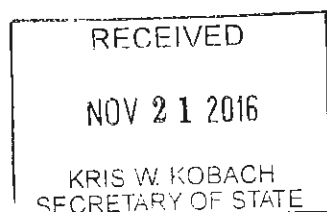
K.A.R. 9-3-10. Brucellosis. (a) ~~Each sexually intact adult domesticated cervid, except whitetail deer, mule deer, and any other species designated by the commissioner as nonsusceptible to brucellosis, that is changing ownership within Kansas and is not intended for immediate slaughter shall originate and move directly from a herd certified by APHIS to be brucellosis free or shall be required to test negative for brucellosis by an approved test conducted at an approved laboratory within 30 days before the change of ownership. The designation of nonsusceptibility shall be based on written confirmation from APHIS veterinary services that the species is not considered susceptible to brucellosis.~~ Any adult domesticated cervid known or suspected to have been exposed to brucellosis may be quarantined for a test or retest for brucellosis by order of the commissioner.

(b) The owner of any domesticated cervid herd infected with brucellosis shall take either of the following steps:

(1) Quarantine and depopulate the herd; or

(2) quarantine the herd until a herd plan to eradicate brucellosis from the infected herd has been completed. (Authorized by K.S.A. ~~2013~~ 2016 Supp. 47-610; implementing K.S.A. ~~2013~~ 2016 Supp. 47-610 and K.S.A. 47-614; effective Sept. 19, 2014; amended P-

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**KANSAS DEPARTMENT OF AGRICULTURE
IMPACT STATEMENT**

**Amended Regulations
K.A.R. 9-3-9 and K.A.R. 9-3-10**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 9-3-9 relates to the importation of cervids (generally, deer) into Kansas. The first proposed amendment to subsection (d) would require that certain domesticated cervids entering Kansas have tested negative for brucellosis up to a maximum of 45 days prior to entry, rather than 30 days prior to entry which is currently in effect. The second proposed amendment to subsection (d) would clarify and emphasize that the animal health commissioner has authority to order a quarantine of imported cervids for brucellosis testing or retesting, at the owner's expense.

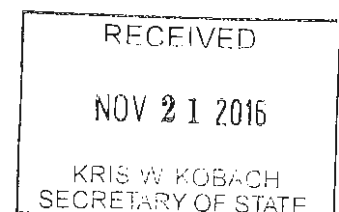
K.A.R. 9-3-10 relates to brucellosis testing and remediation regarding certain cervids changing ownership within Kansas and regarding certain cervid herds in Kansas. The proposed removal of existing subsection (a) would eliminate the requirement that each sexually intact adult domesticated cervid originate from a certified brucellosis-free herd or test negative for brucellosis before changing ownership within Kansas. The new proposed subsection (a) would clarify and emphasize that the animal health commissioner has authority to order a quarantine of certain cervids for brucellosis testing or retesting.

II. Reason Or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The first proposed amendment to K.A.R. 9-3-9(d) is intended to give certain domesticated cervid producers outside Kansas more time to draw blood from an animal, receive brucellosis test results, and then, if the results are negative, get the necessary certificate of veterinary inspection prior to moving the animal into Kansas. Producers have indicated that sometimes it is difficult to accomplish all of this within 30 days before movement into Kansas as currently required. The second proposed amendment to K.A.R. 9-3-9(d) is to make explicit the animal health commissioner's quarantine powers as to imported cervids and brucellosis.

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III. Anticipated Economic Impact upon the Kansas Department of Agriculture.

The proposed regulatory amendments should have no economic impact on KDA. The KDA does not often test or retest for brucellosis because brucellosis has never been found in domesticated cervids in the state.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Kansas Department of Agriculture anticipates little to no adverse economic impact on other governmental agencies or on private businesses or individuals. The aforementioned proposed regulatory amendments mostly should have a positive economic impact on producers and others in the cervid industry, by providing more time for brucellosis testing before interstate movement into Kansas and by eliminating routine brucellosis testing—along with its associated veterinary and laboratory costs—as a precondition to change of ownership within Kansas. Although the second proposed amendment to K.A.R. 9-3-10(d) would allow the state to pass certain testing and retesting costs on to the cervid owners, the KDA does not often test or retest for brucellosis because brucellosis has never been found in domesticated cervids in the state.

V. Less Costly or Intrusive Methods that Were Considered, but Rejected, and the Reason for Rejection.

No alternative methods were considered because the aforementioned proposed regulatory amendments amount to less costly methods than the existing regulations.

