

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) **"Commission" means the Kentucky Livestock Care Standards Commission;**
- (4) "Commissioner" means the Commissioner of Agriculture;
- ~~(5)(4)~~ "Communicable disease" means a disease that can be directly or indirectly transmitted from one (1) animal to another;
- ~~(6)(5)~~ "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;
- ~~(7)(6)~~ "Composting" means the biological decomposition of organic matter;
- ~~(8)(7)~~ "Department" means the Department of Agriculture;
- ~~(9)(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;
- ~~(10)(9)~~ "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;
- ~~(11)(10)~~ "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 herdsmates from their premises of origin;

~~(12)~~~~(11)~~ "National Poultry Improvement Plan" shall have the same meaning as set out in the United States Code of Federal Regulations, 9 C.F.R. Part 145, and the auxiliary provisions in 9 C.F.R. Part 147;

~~(13)~~~~(12)~~ "Owner" means any person owning or leasing from another, or having in charge any domestic animal;

~~(14)~~~~(13)~~ "Poultry" means chickens, ducks, turkeys, or other domestic fowl being raised or kept on any premises in the Commonwealth;

~~(15)~~~~(14)~~ "Premises" means any portion of land, or any structure erected on land; and

~~(16)~~~~(15)~~ "Reportable disease" means an animal disease that shall be reported to state or federal animal health officials when suspected or diagnosed.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

The Kentucky Livestock Care Standards Commission is hereby created to establish standards governing the care and well-being of on-farm livestock and poultry that will result in a system of safe, effective, and scientifically sound livestock and poultry production in this state. The commission shall be attached to the Department of Agriculture for administrative purposes and shall consist of fourteen (14) members as follows:

(1) The State Veterinarian, who shall be a nonvoting member; and

(2) Thirteen (13) voting members as follows:

(a) The commissioner or the commissioner's designee, who shall serve as chair;

(b) The dean of the University of Kentucky College of Agriculture or the dean's designee;

(c) The chair of the Animal Control Advisory Board or the chair's designee;

(d) The Director of the University of Kentucky Livestock Disease Diagnostic Center or the Director of the Murray State University Breathitt Veterinary

Center. Each director shall serve one (1) year terms on a rotating basis;

(e) Four (4) members appointed by the Governor as follows:

1. One (1) person selected from a list of three (3) submitted by the Kentucky Farm Bureau, who shall be vice chair;
2. One (1) person selected from a list of three (3) submitted by the Kentucky County Judge/Executive Association;
3. One (1) person selected from a list of three (3) submitted by the Kentucky Veterinary Medical Association; and
4. One (1) citizen at large with an interest in food safety; and

(f) Five (5) members appointed by the Governor with assistance by the department. The department shall contact commodity organizations named in this paragraph, collect a list of potential representatives from the organizations, and deliver the list to the Governor. The Governor shall appoint:

1. One (1) person from the list submitted by Kentucky commodity organizations representing bovine species;
2. One (1) person from the list submitted by Kentucky commodity organizations representing ovine and caprine species;
3. One (1) person from the list submitted by Kentucky commodity organizations representing porcine species;
4. One (1) person from the list submitted by Kentucky commodity organizations representing equine species; and
5. One (1) person from the list submitted by Kentucky commodity organizations representing poultry species.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

(1) Initial terms of appointed members shall be staggered by the Governor.

Thereafter, terms shall be for four (4) years or until their successors are duly appointed and qualified. Vacancies on the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(2) The commission shall meet at the call of the chair or a majority of the voting members.

(3) The Governor shall name the appointed members of the commission by August 1, 2010.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

(1) The commission shall promulgate administrative regulations to carry out the provisions of Sections 2 to 4 of this Act.

(2) When establishing on-farm livestock care standards, the commission shall consider factors that include but are not limited to:

(a) Animal well-being and agricultural best management practices;

(b) Herd health; and

(c) Safe, affordable, healthy food supplies for consumers.

(3) Nothing in this section shall be construed to abrogate the regulatory authority of:

(a) The Kentucky Horse Racing Authority to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth; or

(b) The Kentucky Board of Veterinary Examiners to license and certify veterinarians as provided by KRS Chapter 321 and the administrative regulations promulgated under KRS Chapter 321, or any other law applicable to the regulation of veterinarians in the Commonwealth.

(4) (a) No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding on-farm livestock or poultry care that is more stringent than the standards established by the Kentucky Livestock Care Standards Commission. Local legislation in violation of this subsection is void and unenforceable.

(b) Nothing in this subsection shall be construed to preempt any local ordinance or regulation affecting planning and zoning adopted in accordance with KRS Chapter 100.