

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Animal Health

Article 10.—Public Livestock Markets

9-10-53. Bovine.

(a) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for bovine failing to meet the requirements in K.A.R. 9-7-4a prior to arrival at the market:

(1) Each cow, except a virgin heifer, moving interstate to a public livestock market shall meet the requirements in K.A.R. 9-7-4a before being sold at a public livestock market, or the cow shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(2) Each non-virgin bull, bull older than 18 months of age, or bull of unknown virginity status that is not a certified negative *Tritrichomonas foetus* bull as specified in K.A.R. 9-7-4a before leaving the public livestock market or occasional livestock sale shall be sold directly to a slaughter facility or sold for feeding purposes and then moved directly to a slaughter facility.

(3) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall announce the status and restriction of sale for any bovine that does not meet the requirements in K.A.R. 9-7-4a at auction block before the sale of the bovine.

(b) Each public livestock market operator or occasional livestock sale operator shall meet the following requirements for any bovine known to be persistently infected with bovine viral diarrhea virus:

(1) Each public livestock market operator or occasional livestock sale operator shall require each consignor to disclose the status of each bovine known to be persistently infected with bovine viral diarrhea virus to the public livestock market's representative or the occasional livestock sale's representative at the time of unloading.

(2) Each public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale operator's representative shall disclose the bovine's status as persistently infected with bovine viral diarrhea virus at the auction block immediately before the sale of the bovine.

(3) Each bovine known to be persistently infected with bovine viral diarrhea virus, regardless of the age of the bovine, shall be tagged with official identification before arrival at the public livestock market or by the public livestock market operator's representative or occasional livestock sale operator's representative upon discovering the bovine is known to be persistently infected with bovine viral diarrhea virus.

(4) Each bovine known to be persistently infected with bovine viral diarrhea virus shall be handled and penned in an isolated manner to prevent direct contact with other livestock or exotic animals on the premises. Each pen shall be separate and apart from pens that are regularly used to pen livestock or exotic animals consigned for sale and shall not share a feeding or watering source.

(5) Movement of each bovine known to be persistently infected with bovine viral diarrhea virus from the public livestock market or occasional livestock sale shall be allowed intrastate and shall be accompanied by a certification that includes the following:

- (A) Purchaser name;
- (B) destination of the bovine;
- (C) all official identification of the bovine;
- (D) a statement identifying the bovine as known to be persistently infected with bovine viral diarrhea virus; and
- (E) the signature of the market veterinarian or occasional livestock sale veterinarian and the date the certification was signed.

(6) Each market veterinarian or occasional livestock sale veterinarian shall submit a copy of the certification as required in paragraph (b)(5) to the division of animal health within seven business days from the date the certification was issued.

(c) A public livestock market operator, public livestock market operator's representative, occasional livestock sale operator, or occasional livestock sale

operator's representative shall not allow any of the following bovine to leave the public livestock market facility or the occasional livestock sale unless the bovine is individually identified by a method of official identification approved by the animal health commissioner:

- (1) All sexually intact bovine 18 months of age or older;
- (2) all dairy bovine, regardless of sex and age;
- (3) all "M" branded bovine, including any commingled domestic bovine; and
- (4) all exhibition, event, roping, and rodeo bovine.

(d) In spite of the requirements of subsection (c), any bovine sold for slaughter not already identified may be allowed to leave the public livestock market or occasional livestock sale without being individually identified by a method of official identification approved by the animal health commissioner. Instead, any such bovine sold for slaughter shall be furnished with a backtag approved by United States department of agriculture.

(e) In spite of the requirements of subsection (c), any bovine that are weak as determined by the market veterinarian or pose a greater than normal risk of being injured or injuring a person may be allowed to leave the public livestock market or occasional livestock sale without being individually identified by a method of official identification approved by the animal health commissioner if the bovine moves directly to a slaughter facility.

(f) Each public livestock market operator shall meet the following backtagging requirements for all bovine offered for sale at the public livestock market:

(1) Each public livestock market operator shall acquire and utilize backtags and glue or other adhesives furnished at federal or state expense.

(2) Each public livestock market operator shall employ a backtag contractor that is designated through a written contract with the animal health commissioner. Each backtag contractor shall be reimbursed by the animal health commissioner for personnel services in applying the backtags on the basis of \$0.15 per head for each bovine backtagged pursuant to the backtag contractor agreement.

(3) Each backtag contractor shall apply backtags to each sexually intact heifer, cow, or bull that is 18 months of age and older, except that upon prior approval by the animal

health commissioner, the backtag contractor shall not be required to apply backtags to animals already individually identified by a method of official identification.

(4) Each backtag contractor shall maintain a backtag record on each bovine offered for sale at a public livestock market as specified in paragraph (f)(3) that includes the following:

- (A) The backtag number applied;
- (B) all official identification;
- (C) any backtag numbers on the bovine at arrival;
- (D) the sex;
- (E) the breed; and

(F) the name and address of the consignor of the bovine or the consignor's agent if the name and address of the consignor cannot be determined.

(5) Each backtag contractor shall send a copy of the backtag record to the division of animal health in an electronic format approved by the animal health commissioner within five business days from the conclusion of the sale.

(6) Each backtag shall be applied behind the shoulder and below the mid-line of the back on each bovine. The backtag shall not be applied on the hip of the bovine.

(7) If a bovine is sold for slaughter purposes, a backtag shall not be removed until time of slaughter.

(8) Each backtag shall remain on the bovine until the bovine is determined to be part of the purchaser's herd at the point of destination.

(9) Unauthorized removal of a backtag shall be prohibited and shall be reported to the animal health commissioner immediately.

(Authorized by K.S.A. 47-607d, K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; implementing K.S.A. 47-607, K.S.A. 47-610, and K.S.A. 47-1008; effective Jan. 3, 2025.)

***** Authenticated Kansas Administrative Regulation *****