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Kansas Meat and Poultry Inspection Act

Kansas Administrative Regulations

Article 16. – Meat and Meat Products Inspection

K.A.R. 4-16-1a Definitions. (a) Each of the following terms, as used in the act and in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c, shall have the meaning specified in this subsection:

- (1) "The act," "act," and "federal meat inspection act" shall mean K.S.A. 65-6a18 et seq. and amendments thereto.
- (2) "Administrator," except as used in 9 C.F.R. 303.1(d)(2)(iii)(b), shall mean the secretary of the department of agriculture or the secretary's designee.
- (3) "Beef" shall mean the skeletal muscle of any cattle. Beef shall not include any of the following:
 - (A) The muscles of the tongue, heart, or esophagus;
 - (B) the muscles found in the lips, muzzle, or ears;
 - (C) any portions of bone, including hard bone, bone marrow, and related components; or
 - (D) any amount of brain trigeminal ganglia, spinal cord, or dorsal root ganglia (DRG).
- (4) "Cheek meat" shall mean meat that is the trimmed cheeks of the carcass of cattle.
- (5) "Commerce" shall mean intrastate commerce.
- (6) "Egg products inspection act" shall mean the Kansas egg law, K.S.A. 2-2501 et seq. and amendments thereto.
- (7) "Federal food, drug and cosmetic act" shall mean the Kansas food, drug and cosmetic act, K.S.A. 65-655 et seq. and amendments thereto.
- (8) "Federal inspection" shall mean inspection by the Kansas department of agriculture.
- (9) "Food locker plant" shall mean a "slaughter facility" or "processing facility," as defined in K.S.A. 65-6a18 and amendments thereto.
- (10) "Form," either by number or by any other designation, shall mean a form supplied by the Kansas department of agriculture.
- (11) "Inspected for wholesomeness by U.S. department of agriculture" shall mean inspected and passed by the Kansas department of agriculture.
- (12) "Official establishment" and "establishment" shall mean any building or adjacent premises that are registered pursuant to this act, where livestock, as defined in K.S.A. 65-6a18 and amendments thereto, domestic rabbits, meat food products, poultry, or poultry products capable of use as human food are "prepared," as defined by K.S.A. 65-6a18 and amendments thereto.
- (13) "Program," "food safety and inspection service," "inspection service," "service," "department," and "FSIS" shall mean the meat and poultry inspection program of the Kansas department of agriculture.
- (14) "Secretary," "national supervisor," "area supervisor," "inspection service supervisor," "inspection program supervisor," "circuit supervisor," and "station supervisor" shall mean the secretary of the department of agriculture or the secretary's designee.
- (15) "U.S." and "the United States" shall mean Kansas or the state of Kansas, as appropriate.
- (16) "U.S. inspected" and "government inspected" shall mean inspected by the Kansas department of agriculture.
- (17) "U.S.D.A." and "USDA" shall mean Kansas department of agriculture or KDA, as appropriate.

(b) The phrase "official review and copying" in 9 C.F.R. 417.5(f), as adopted by reference in K.A.R. 4-16-1c, shall mean review and copying by the secretary of the department of agriculture or the secretary's designee. (Authorized by K.S.A. 2011 Supp. 65-6a20, as amended by L. 2012, ch. 145, sec. 29, K.S.A. 65-6a25, K.S.A. 2011 Supp. 65-6a30, and K.S.A. 2011 Supp. 65-6a44; implementing K.S.A. 2011 Supp. 65-6a20, as amended by L. 2012, ch. 145, sec. 29, K.S.A. 65-6a21, K.S.A. 65-6a22, K.S.A. 65-6a23, K.S.A. 65-6a25, and K.S.A. 2011 Supp. 65-6a30; effective May 1, 1982; amended May 1, 1986; amended Jan. 1, 1989; amended Jan. 21, 1991; amended Jan. 25, 1993; amended Dec. 12, 1994; amended Sept. 5, 1997;

amended Sept. 1, 2006; amended Dec. 5, 2008; amended May 10, 2013.)

K.A.R. 4-16-1c Adoption by reference. (a) The following portions of title 9 of the code of federal regulations, as revised on January 1, 2012, except as otherwise specified, are hereby adopted by reference:

- (1) Part 301, except the following terms and their definitions in section 301.2: "the act," "adulterated," "animal food manufacturer," "label," "labeling," "livestock," "meat broker," "meat food product," "misbranded," "official import inspection established," "person," "pesticide chemical, food additive, color additive, raw agricultural commodity," "prepared," and "territory";
- (2) part 302, except section 302.2;
- (3) part 303, except sections 303.1(d)(3) and 303.2;
- (4)(A) Sections 304.1 and 304.2; and
- (B) section 304.3, as amended by 77 fed. reg. 26936 (2012);
- (5) parts 305 and 306, except sections 306.1, 306.2, and 306.3;
- (6)(A) Sections 307.1 through 307.3;
- (B) section 307.4, as amended by 77 fed. reg. 59294 (2012); and
- (C) section 307.7;
- (7) part 309;
- (8) part 310;
- (9) part 311;
- (10) part 312, except section 312.8;
- (11) parts 313 through 316;
- (12) part 317, except sections 317.7 and 317.369;
- (13) part 318, except section 318.8;
- (14) part 319;
- (15) part 320, except section 320.5(a);
- (16) part 325, except section 325.3;
- (17) part 329;
- (18) part 352, except sections 352.1 (e), (f), (g), (j), (k), and (l), 352.4, 352.8, 352.10(a), 352.11(b), 352.17, and 352.18;
- (19)(A) Section 354.1, except subparagraphs (a), (n), and (w);
- (B) section 354.2;
- (C) sections 354.10 through 354.14;
- (D) sections 354.23 through 354.24;
- (E) sections 354.26 through 354.30;
- (F) sections 354.46 through 354.49;
- (G) sections 354.53 through 354.92;
- (H) sections 354.120 through 354.133; and
- (I) sections 354.160 through 354.247;
- (20)(A) Section 381.1, except the following terms and their definitions in subsection (b): "act," "adulterated," "animal food manufacturer," "label," "labeling," "misbranded," "pesticide chemical, food additive, color additive, raw agricultural commodity," "poultry products broker," "territory," and "U.S. refused entry";
- (B) sections 381.3 through 381.7, except 381.5;
- (C) sections 381.10 through 381.21;
- (D) section 381.22, as amended by 77 fed. reg. 26936 (2012);
- (E) sections 381.23 through 381.36;
- (F) section 381.37, as amended by 77 fed. reg. 59294 (2012);
- (G) sections 381.65 through 381.103, except 381.96;
- (H) sections 381.108 through 381.182;
- (I) sections 381.189 through 381.194;
- (J) sections 381.210 through 381.217, except section 381.216; and
- (K) sections 381.300 through 381.500, except section 381.469;
- (21) part 416;
- (22)(A) Sections 417.1 through 417.3;
- (B) section 417.4, as amended by 77 fed. reg. 26936 (2012); and
- (C) sections 417.5 through 417.8;
- (23) part 418, as added in 77 fed. reg. 26936 (2012); and
- (24) parts 424, 430, 439, 441, 442, and 500.

(b) The "food standards and labeling policy book," as published by the office of policy, program and employee development of the USDA food safety and inspection service and revised for web publication in August 2005, is hereby adopted by reference. This document shall apply to meat and poultry products.

(c) Copies of the adopted material or the pertinent portions shall be available from the meat and poultry inspection program of the department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2011 Supp. 65-6a20, as amended by L. 2012, ch. 145, sec. 29, K.S.A. 65-6a25, K.S.A. 2011 Supp. 65-6a30, and K.S.A. 2011 Supp. 65-6a44; implementing K.S.A. 2011 Supp. 65-6a20, as amended by L. 2012, ch. 145, sec. 29, K.S.A. 65-6a21, K.S.A. 65-6a22, K.S.A. 65-6a23, K.S.A. 65-6a25, and K.S.A. 2011 Supp. 65-6a30; effective May 1, 1986; amended May 1, 1988; amended Jan. 1, 1989; amended Jan. 21, 1991; amended Jan. 25, 1993; amended Dec. 12, 1994; amended Sept. 5, 1997; amended Sept. 1, 2006; amended Dec.

5, 2008; amended May 10, 2013.)

K.A.R. 4-16-3a Exemptions. (a) Notwithstanding the requirements for the exemption as a “custom slaughterer” as set forth in 9 C.F.R. 303.1(a) and (b) adopted by reference in K.A.R. 4-16-1c, both the custom slaughtering of dead or dying animals by any person and the custom processing of the carcasses of dead or dying animals by any person shall be prohibited.

(b)(1) The custom slaughtering of diseased or disabled animals by any person and the custom processing of the carcasses of diseased or disabled animals by any person may be allowed if both of the following requirements are met:

(A) The animal shall be examined by a licensed veterinarian on the day of slaughter.

(B) The animal shall be accompanied by a health certificate that meets the following requirements:

(i) Is issued on the day of slaughter by that veterinarian. This health certificate shall be valid only on the date of issuance;

(ii) includes a record of the animal's body temperature, taken at the time of the veterinary examination;

(iii) for cattle, states that the animal was ambulatory when examined;

(iv) includes a description of the condition of the animal; and

(v) states that the animal is free of any visible signs of infection or contagious disease.

(2) Notwithstanding the slaughter of an apparently healthy animal or an animal for which a health certificate has been issued, an establishment shall not custom process any carcass of an animal so infected that consumption of the resulting products of the animal could pose a health risk. This prohibition shall include all carcasses showing signs of any of the following:

(A) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges;

(B) septicemia or pyemia, whether puerperal, traumatic, or without any evident cause;

(C) gangrenous or severe hemorrhagic enteritis or gastritis;

(D) acute, diffuse metritis or mastitis;

(E) phlebitis of the umbilical veins;

(F) septic or purulent traumatic pericarditis;

(G) any of the following conditions or similar conditions, either singly or in combination:

(i) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis;

(ii) fatty and degenerated liver;

(iii) swollen, soft spleen;

(iv) marked pulmonary hyperemia;

(v) general swelling of lymph nodes;

(vi) diffuse redness of the skin;

(vii) cachexia; or

(viii) icteric discoloration of the carcass; or

(H) salmonellosis.

(3) The department shall not be responsible for the costs associated with obtaining a health certificate.

(4)(A) An establishment may lose the privilege of custom slaughtering and custom processing diseased or disabled animals if any of the following occurs at the establishment:

(i) Custom slaughter, custom processing, or both, without the required health certificate;

(ii) custom slaughtering, custom processing, or both, with an inaccurate, incomplete, or falsified health certificate.

Evidence of the falsification of any health certificate shall be forwarded to USDA-APHIS and to the Kansas board of veterinary medical examiners;

(iii) custom slaughtering, custom processing, or both, of an animal that is so infected that consumption of the resulting products from that animal could pose a health risk; or

(iv) any other violation of this act or any regulations adopted pursuant to this act.

(B) The slaughtering of diseased or disabled animals on a custom basis without the required health certificate may result in the revocation of the custom exemption.

(c) Except as specified in this subsection, the following animals with any of these conditions shall not be eligible for slaughter or processing for human food on a custom basis at any establishment and shall not be issued a health certificate:

(1) Livestock that are known to have reacted to the tuberculin test;

(2) any swine having a temperature of 106° F or higher and any cattle, sheep, or goats having a temperature of 105° F or higher;

(3) any animal found in a comatose or semicomatose condition;

(4) nonambulatory disabled cattle, which shall mean cattle that cannot rise from a recumbent position and that cannot walk, including those cattle with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions;

(5) all livestock showing symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, or extensive fistula;

(6) all swine found to be affected with hog cholera;

(7) all swine that are of lots in which one or more animals have been found to be affected with hog cholera;

(8) any animal found to be affected with epithelioma of the eye;

(9) any animal found to be affected with anthrax;

(10) any animal of a lot in which anthrax is found, until it has been determined by a veterinary inspection that no anthrax-infected livestock remain in the lot;

(11) all cattle found, upon veterinary inspection, to be affected with anasarca in an advanced stage and characterized by an extensive and generalized edema;

(12) any hog showing that it is affected with acute swine erysipelas;

(13) any animal showing signs of the onset of parturition, until after parturition and passage of the placenta;

(14) any goat that has reacted to a test for brucellosis; or

(15) any animal suspected of having been treated with or exposed to any substance that could impart a biological residue that would make the edible tissues unfit for human food or otherwise adulterated.

(d) Only those requirements of the act relating to sanitation and adulteration shall apply to the slaughtering or processing, or both, of healthy rabbits by any person if either of the following conditions is met:

(1) The rabbits are raised by that person and are for the exclusion use or consumption by that person, members of that person's household, former members of that person's household, or that person's nonpaying guests and employees.

(2)(A) That person slaughters not more than 250 rabbits in a calendar year;

(B) the rabbits are for distribution directly to household consumers from that person's own premises; and

(C) that person does not engage in the business of buying or selling any rabbits or rabbit products capable of use as human food in a calendar year. (Authorized by K.S.A. 2005 Supp. 65-6a44; implementing K.S.A. 2005 Supp. 65-6a31; effective Jan. 1, 1989; amended Sept. 1, 2006.)

K.A.R. 4-16-7a. Inspection fees. (a) Each establishment that requires inspection services at any time other than the establishment's regularly scheduled inspection periods or requests voluntary inspection services shall be subject to the charges specified in this regulation to defray the department's costs of providing these inspection services. Regularly scheduled inspection periods shall not include any legal holiday or any officially observed holiday as designated in K.A.R. 1-9-2.

Each establishment that requests inspection services on a legal holiday or an officially observed holiday as designated in K.A.R. 1-9-2 shall give the secretary at least two weeks' notice before the holiday. Except for Martin Luther King, Jr. Day, the Fourth of July, and Veterans' Day, if the legal holiday occurs or is observed on a Monday or Friday, the fees shall also apply to inspection services requested during the adjacent weekend.

(c)(1) The hourly fee shall be \$28. The hourly fee shall be calculated in quarter-hour units. Unless otherwise specified, a required minimum charge of two hours shall be assessed.

(2) For slaughter with the mark of inspection, the hourly fee shall be assessed for the amount of time needed to conduct the inspection. The inspection shall include the inspector's drive time to and from the establishment. If the establishment processes with the mark of inspection that day, then the amount of time to inspect the processing operations shall be included in the total inspection time.

(3) For processing with the mark of inspection, a fee of \$40 shall be assessed per day if the establishment is processing with the mark of inspection and not slaughtering with the mark of inspection.

(d) Each establishment that requests inspection services over eight hours in one day shall be assessed fees as follows, if the secretary can accommodate the extra time:

(1) If the request is made before the inspector's arrival at the establishment or while the inspector is at the establishment, the hourly fee shall be assessed for the actual time of the additional inspection. The two-hour minimum charge shall be waived, and the inspector's drive time shall not be charged.

(2) If the request is made after the inspector has left the establishment, the hourly fee shall be assessed, including the two-hour minimum charge. The inspector's drive time shall not be charged.

(3) If the establishment requests to slaughter with the mark of inspection when the regularly inspected operation is processing, the request may be granted by the secretary without assessing overtime charges if the operations will not exceed the establishment's regularly scheduled hours that day.

(4) Any requests specified in this subsection may be denied by the secretary if the requested additional time at the establishment causes inspections to be missed at other establishments.

(e) Payment of all applicable fees shall be due at or before the end of the month following the date of the requested inspection services. If the fees are not paid, requests for the following may be denied by the secretary:

(1) Inspection services on holidays;

(2) inspection services outside of the establishment's regularly scheduled inspection periods; and

(3) voluntary inspection services.

(f) Any applicable fees may be waived by the secretary under either of the following conditions:

(1) The establishment trades a regularly scheduled day of inspection in the week during which the additional inspection services are provided.

(2) Additional requested inspection services can be provided without causing undue hardship to the program.

(g) For fees associated with 4-H slaughter or processing, each establishment providing slaughter services associated with 4-H shall be assessed fees as follows for each seven-day calendar week, Sunday through Saturday:

(1) The facility shall be provided with not more than eight hours of inspection services without charge for 4-H slaughter operations in a 24-hour period.

(2) Inspection services for 4-H slaughter for more than eight hours in a calendar week shall be subject to the hourly fee specified in subsection (c) for slaughter.

(3) The fee may be waived if the facility cancels a day of inspection in the same seven-day calendar week in which 4-H slaughter is conducted.

(4) The fee shall be assessed for actual inspection time and shall not include the inspector's drive time to and from the facility. (Authorized by K.S.A. 2011 Supp. 65-6a26 and K.S.A. 2011 Supp. 65-6a44; implementing K.S.A. 2011 Supp. 65-6a26;

effective May 1, 1986; amended Jan. 1, 1989; amended July 1, 1993; amended Jan. 17, 2003; amended July 18, 2008; amended May 10, 2013.)

K.A.R. 4-16-129a. Special marking for custom products. Each custom prepared carcass, parts thereof, and each package of custom prepared or processed product shall be plainly marked "CUSTOM--NOT FOR SALE" in letters not less than three-eighths inch in height immediately after being received or prepared. (Authorized by K.S.A. 65-6a22, 65-6a-23, 65-6a24, 65-6a31, 65-6a44; effective May 1, 1975.)

K.A.R. 4-16-300. Civil penalty; order. Each order assessing a civil penalty shall include the following:

- (a) A statement citing K.S.A. 65-6a56, and amendments thereto, authorizing the assessment of a civil penalty;
- (b) a specific reference to each provision of the act or implementing regulation that the respondent is alleged to have violated;
- (c) a concise statement of the factual basis for each alleged violation;
- (d) the amount of the civil penalty that is assessed; and
- (e) the notice of the respondent's right to request a hearing. (Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994; amended July 18, 2008.)

K.A.R. 4-16-302. Amount of civil penalty. (a) A separate civil penalty shall be assessed for each violation of any provision of the Kansas meat and poultry inspection act or any implementing regulation that results from each independent act or failure to act by any person, or the person's agent or employee. In determining whether a given violation is independent of and substantially distinguishable from any other violation for the purpose of assessing separate civil penalties, consideration shall be given to whether each violation requires an element of proof not required by another violation. If several violations require the same elements of proof and are not distinguishable, assessment of separate civil penalties shall be within the discretion of the secretary or the secretary's authorized representative.

(b) For each violation, the amount of the civil penalty shall be within the following ranges:

- (1) For each violation of K.S.A. 65-6a34 or K.S.A. 65-6a41, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$1,000.
- (2) For each violation of K.S.A. 65-6a22, K.S.A. 65-6a24, K.S.A. 65-6a25, K.S.A. 65-6a27(a), K.S.A. 65-6a29, K.S.A. 65-6a31, or K.S.A. 65-6a32, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$2,500.
- (3) For each violation of K.S.A. 65-6a20, K.S.A. 65-6a21, K.S.A. 65-6a23, K.S.A. 65-6a27(b), 65-6a28, or K.S.A. 65-6a33, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$5,000.

(c) For the second or each subsequent occurrence of a violation within a three-year period for which a civil penalty has been assessed, the civil penalty assessed for the subsequent violation shall be not less than double the amount of the civil penalty assessed for the original violation but not more than the maximum amount for the category listed. (Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended July 18, 2008.)

K.A.R. 4-16-303. Criteria to determine dollar amount of the civil penalty. In determining the amount of civil penalty, the gravity of the violation shall be considered by the secretary or the secretary's designee. Factors to be considered shall include the following: (a) The potential of the act to injure or endanger the health of any consumer, or the general public;

- (b) the severity of actual or potential injuries;
- (c) the respondent's history of compliance with the Kansas meat and poultry inspection act and the implementing regulations;
- (d) any action taken by the respondent to remedy the specific violation or to mitigate any adverse effects that were the result of the violation; and
- (e) specification of whether or not the violation involved any adulterated article, misrepresentation, or fraud. (Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended July 18, 2008.)

K.A.R. 4-16-304. Informal settlement. (a) Any respondent may request a settlement conference if the respondent timely filed a written request for hearing. The request may be made before the prehearing conference.

(b) If a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary. The consent agreement shall state that, for the purpose of the proceeding, the following conditions are met:

- (1) The respondent admits the jurisdictional allegations and admits the facts stipulated in the consent agreement.
- (2) The respondent neither admits nor denies the specific violations contained in the order. The respondent consents to the assessment of a stated civil penalty, if any is assessed. The consent agreement shall include all terms of the agreement and shall be signed by all parties or their counsel. (Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994; amended July 18, 2008.)

K.A.R. 4-16-305. Adjusting the amount of the civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the civil penalty at the settlement conference. This evidence may include mitigating factors or new evidence not previously known to the secretary when the order was issued.

(b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary or to the secretary's duly authorized agent when the order was issued and that relate to the gravity of the violation,

an adjusted civil penalty may be assessed. If these additional facts establish that a respondent did not commit a violation, the order shall be amended or vacated.

(c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense.

(1) Whether or not a civil penalty is reduced shall be within the sole discretion of the secretary or the secretary's duly authorized representative.

(2) Reductions shall not occur unless evidence of mitigating factors has been presented by a respondent. (Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994; amended July 18, 2008.)

K.A.R. 4-16-306. Retail exemption; establishments selling food other than meat and poultry. (a) Any person operating an establishment that is registered or required to be registered under the Kansas meat and poultry inspection act may process meat and poultry products for retail sale without the mark of inspection as specified in 9 C.F.R. 303.1, as adopted in K.A.R. 4-16-1c, if both of the following conditions are met:

(1) The establishment is maintained and operated in a sanitary manner.

(2) The establishment meets the applicable requirements of the department's regulations to ensure that any carcasses or parts thereof, meat, meat food products, poultry, and poultry products handled on a retail basis, and any containers or packages containing these products, are separated at all times from both of the following:

(A) Carcasses or parts thereof, meat, meat food products, poultry, and poultry products that bear the mark of inspection; and

(B) carcasses or parts thereof, meat, meat food products, poultry, and poultry products custom-prepared according to K.S.A. 65-6a31(b), and amendments thereto, and 9 C.F.R. 303.1, as adopted in K.A.R. 4-16-1c.

(b) If an establishment at which inspection under the Kansas meat and poultry inspection act is maintained processes or sells food other than meat, meat food products, poultry, or poultry products, the owner or operator of that establishment may be required to obtain a separate license, permit, or registration for those operations at the establishment under the Kansas food, drug, and cosmetic act, K.S.A. 65-619 et seq. and amendments thereto. (Authorized by K.S.A. 2011 Supp. 65-6a30 and 65-6a44; implementing K.S.A. 2011 Supp. 65-6a30, K.S.A. 2011 Supp. 65-6a31, as amended by L. 2012, ch. 145, sec. 30, and K.S.A. 65-6a34, as amended by L. 2012, ch. 145, sec. 31; effective May 10, 2013.)