

Proposed

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

A public hearing will be conducted at 10:00 a.m. Tuesday, April 5, 2011, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, 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, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at 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. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-3-47 currently adopts by reference certain portions of the "2007 official publication" of the American Feed Control Officials, Incorporated. The proposed permanent regulation updates and adopts portions of the "2010 official publication." In addition, it adopts by reference Good Manufacturing Practices (GMP's) for non-medicated feed manufacturers contained in the same publication.

K.A.R. 4-3-48 is no longer needed and is being revoked.

K.A.R. 4-3-49 currently adopts by reference certain sections of 21 CFR Parts 225 and 226, revised on April 1, 2006. The proposed permanent regulation updates and adopts those provisions from the April 1, 2010 revision.

K.A.R. 4-3-50 currently defines certain terms used in K.A.R. 4-3-49. The proposed permanent regulation further clarifies those terms.

K.A.R. 4-3-51 currently adopts by reference certain sections of 21 CFR Part 589, revised on April 1, 2006. Those sections pertain to commercial feed and prohibited materials. The proposed regulation clarifies, updates, and adopts those sections as revised on April 1, 2010.

Economic Impact Statement:

There is no direct or indirect costs anticipated.

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 regulations and their economic impact statements may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9th St., 4th 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
Acting Secretary of Agriculture



PROPOSED

**KANSAS DEPARTMENT OF AGRICULTURE
ECONOMIC IMPACT STATEMENT**

**Proposed permanent regulations:
K.A.R. 4-3-47; 4-3-48; 4-3-49; 4-3-50; 4-3-51**

I. Summary of Proposed Regulations, Including Its Purpose.

K.A.R. 4-3-47 currently adopts by reference certain portions of the "2007 official publication" of the American Feed Control Officials, Incorporated. The proposed permanent regulation updates and adopts portions of the "2010 official publication." In addition, it adopts by reference Good Manufacturing Practices (GMP's) for non-medicated feed manufacturers contained in the same publication.

K.A.R. 4-3-48 is no longer needed and is being revoked.

K.A.R. 4-3-49 currently adopts by reference certain sections of 21 CFR Parts 225 and 226, revised on April 1, 2006. The proposed permanent regulation updates and adopts those provisions from the April 1, 2010 revision.

K.A.R. 4-3-50 currently defines certain terms used in K.A.R. 4-3-49. The proposed permanent regulation further clarifies those terms.

K.A.R. 4-3-51 currently adopts by reference certain sections of 21 CFR Part 589, revised on April 1, 2006. Those sections pertain to commercial feed and prohibited materials. The proposed regulation clarifies, updates and adopts those sections as revised on April 1, 2010.

II. Reason the Proposed Regulations Are Required, Including Whether or not the Regulations Are Mandated by Federal law.

The regulations are not mandated by federal law. The regulations adopt the current versions of the federal regulations previously adopted by reference. In addition, the adoption of the GMP's in K.A.R. 4-3-47 has been requested by industry.

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

No direct or indirect costs to the agency.

IV. Anticipated Financial Impact upon Other Governmental Agencies or Units.

No direct or indirect costs to other governmental agencies or units are anticipated.

V. Anticipated Financial Impact upon Regulated Entities.

No direct or indirect costs to regulated entities are anticipated.

VI. Anticipated Financial Impact for Private Businesses or Individuals.



Proposed

No direct or indirect costs to private citizens are anticipated.

VII. Less costly or less intrusive methods considered by the Kansas Department of Agriculture.

No other methods were considered by the Kansas Department of Agriculture for achieving the purpose of this change.

ENVIRONMENTAL BENEFITS STATEMENT

An environmental benefits statement is not required since the proposed regulations, while proposed for adoption by the Secretary of Agriculture, deal with commodities and do not have as their primary purpose the protection of the environment.

RECEIVED
JAN 26 2011
SECRETARY OF STATE

K.A.R. 4-3-47. Adoption by reference. ~~The text titled "official feed terms" on pages 237 through 250 and "official names and definitions of feed ingredients as established by the association of American feed control officials" on pages 254 through 359 in the "2007 official publication," copyrighted in 2007 by the association of American feed control officials incorporated, is adopted by reference and shall apply to commercial feeding stuffs in this state.~~

(a) The following portions of the "2010 official publication" copyrighted in 2010 by the association of American feed control officials incorporated are hereby adopted by reference and shall apply to commercial feeding stuffs in this state:

(1) Regulations 1 through 13 of the "AAFCO model good manufacturing practice regulations for feed and feed ingredients" on pages 128 through 132, with the following changes:

(A)(i) In the first sentence of regulation 1, "section 3 of the model bill" shall be replaced with "K.S.A. 2-1001, and amendments thereto"; and

(ii) in the definition of "adulteration" in regulation 1, "section 7(a) of the model bill" shall be replaced with "K.S.A. 65-664, and amendments thereto"; and

(B) in the second sentence of regulation 11(b), the blank line following "agents of the" shall be replaced with "Kansas department of agriculture";

(2) the text titled "official feed terms" on pages 314 through 323; and

(3) the text titled "official names and definitions of feed ingredients as established by the association of American feed control officials" on pages 324 through 415.

(b) Copies of ~~these definitions and terms~~ the material adopted by reference in this regulation may be obtained from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1011 and K.S.A.

RECEIVED
JAN 26 2011
SECRETARY OF STATE

ATTORNEY GENERAL

DEC 21 2010

APPROVED BY



DEPT. OF ADMINISTRATION

DEC 21 2010

APPROVED

2009 Supp. 2-1013; implementing K.S.A. 2009 Supp. 2-1002 and K.S.A. ~~2006~~ 2009 Supp. 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended June 15, 2001; amended Jan. 18, 2008; amended, T-_____, _____; amended P-_____.)

Proposed

RECEIVED
JAN 26 2011
SECRETARY OF STATE

ATTORNEY GENERAL

DEC 21 2010

APPROVED BY *ew*

DEPT. OF ADMINISTRATION

DEC 21 2010

APPROVED

Proposed

K.A.R. 4-3-48. (Authorized by K.S.A. 2-1013 as amended by L. 1987, Ch. 7, Sec. 1;
implementing K.S.A. 2-1002 and 2-1013 as amended by L. 1987, Ch. 7, Sec. 1; effective May 1,
1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; revoked P-
_____.)

RECEIVED
JAN 26 2011
SECRETARY OF STATE

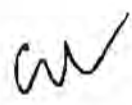
ATTORNEY GENERAL

DEPT. OF ADMINISTRATION

JAN 7 2011

NOV 22 2010

APPROVED BY



APPROVED

Proposed

K.A.R. 4-3-49. Good manufacturing practices; adoption by reference. (a) The following portions of 21 CFR Parts 225 and 226 of title 21 of the code of federal regulations, revised on April 1, ~~2006~~ 2010, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas:

(1) Sections 225.10 through 225.202, except that in section 225.115(b)(2), “, under §510.301 of this chapter” shall be deleted; and

(2) sections 226.10 through 226.115.

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. ~~2006~~ 2009 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended, T-4-2-13-01, Feb. 13, 2001; amended June 15, 2001; amended Jan. 18, 2008; amended P-_____.)

ATTORNEY GENERAL

JAN 7 2011

APPROVED BY



RECEIVED
JAN 26 2011
SECRETARY OF STATE
DEPT. OF ADMINISTRATION

JAN 05 2011

APPROVED

Proposed

K.A.R. 4-3-50. Good manufacturing practices—~~additional~~; definitions. The following terms as used in 21 C.F.R. Parts 225 and 226, which are adopted by reference in K.A.R. 4-3-49, shall have the following meanings: (a) ~~All references to any “form”;~~ The term “form,” referred to either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean a form supplied by the division of inspections of the state board agricultural commodity assurance program, Kansas department of agriculture.

(b) ~~All references to~~ The term “state feed control officials” in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the secretary of the state board Kansas department of agriculture or the secretary’s authorized representative.

(c) ~~All references to~~ The term “the center for veterinary medicine” contained in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the division of inspections agricultural commodity assurance program, Kansas state board department of agriculture unless the context requires otherwise.

(d) The term “~~Type A medicated feed~~” or “type A medicated article” ~~means shall mean~~ a feeding stuff or ingredient for a feeding stuff ~~which~~ that is intended solely for use in the manufacture of either another type A medicated article or a type B or type C medicated feed.

(e) The term “type B medicated feed” ~~means shall mean~~ a feeding stuff or an ingredient for a feeding stuff ~~which~~ that contains a substantial quantity of nutrients including vitamins or minerals or other nutritional ingredients in an amount not less than 25% of the weight of the type A medicated article and ~~which~~ that is intended solely for the manufacture of other medicated feeds, either type B or type C.



ATTORNEY GENERAL

JAN 7 2011

APPROVED BY *W*

DEPT. OF ADMINISTRATION

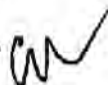
DEC 01 2010

APPROVED

(f) The term "type C medicated feed" ~~means~~ shall mean a feeding stuff or an ingredient for a feeding stuff ~~which~~ that contains a substantial quantity of nutrients including vitamins, minerals, or other nutritional ingredients and ~~which~~ that is intended as the complete feed for the animal. (Authorized by and implementing K.S.A. 2009 Supp. 2-1013 ~~as amended by L. 1987, Ch. 7, Sec. 1; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended P-~~
_____.)

ATTORNEY GENERAL

JAN 7 2011

APPROVED BY 

RECEIVED
JAN 26 2011
SECRETARY OF ADMINISTRATION
DEPT. OF ADMINISTRATION

DEC 01 2010

APPROVED

K.A.R. 4-3-51. Prohibited feeding stuffs; adoption by reference. (a) The following portions of 21 CFR Part 589 of title 21 of the code of federal regulations, revised on April 1, 2006 2010, is with the changes specified in this subsection, are hereby adopted by reference and shall apply to the production of all commercial feeding stuffs and custom-mixed feed in Kansas:

(1) The second sentence of section 589.1000 shall be replaced with the following sentence: "Use of gentian violet in animal feed causes the feed to be adulterated under K.S.A. 65-664 unless the food and drug administration approves its safe use."

(2) The second sentence of section 589.1001 shall be replaced with the following sentence: "Use of propylene glycol in or on cat food causes the feed to be adulterated and in violation of K.S.A. 65-664 unless the food and drug administration approves its safe use."

(3) In section 589.2000(d)(5), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(4) In section 589.2000(f), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(5) In section 589.2000(g)(1), "section 402(a)(2)(C) or 402(a)(4) of the act" shall be replaced with "K.S.A. 65-664."

(6) In section 589.2000(g)(2), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665."

(7) In section 589.2000(h)(2), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(8) In section 589.2001(c)(2)(vi), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

RECEIVED
JAN 26 2011
SECRETARY OF STATE

ATTORNEY GENERAL

JAN 7 2011

APPROVED

DEPT. OF ADMINISTRATION

JAN 05 2011

APPROVED

(9) In section 589.2001(c)(3)(i), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(10) In section 589.2001(d)(1), "section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the act)" shall be replaced with "K.S.A. 65-664."

(11) In section 589.2001(d)(2), "section 402(a)(2), 402(a)(3), or 402(a)(5) of the act" shall be replaced with "K.S.A. 65-664."

(12) In section 589.2001(d)(3), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665."

(13) In section 589.2001(d)(4), "section 402(a)(4) of the act" shall be replaced with "K.S.A. 65-665."

(14) In section 589.2001(e), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. ~~2006~~ 2009 Supp. 2-1013; effective, T-4-2-13-01, Feb. 13, 2001; effective June 15, 2001; amended Jan. 18, 2008; amended P-_____.)

RECEIVED
JAN 26 2011
SECRETARY OF STATE

ATTORNEY GENERAL

DEPT. OF ADMINISTRATION

JAN 7 2011

JAN 05 2011

APPROVED BY



APPROVED