



Since 1894

To: House Committee on Judiciary
Rep. Fred Patton, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **HB 2364 AN ACT concerning crimes, punishment, and criminal procedure; relating to crimes against public morals; cruelty to animals; adding a definition of torturing.**

Date: January 20, 2022

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Patton and members of the Committee, for allowing the Kansas Livestock Association (KLA) to share its views on HB 2364. KLA opposes HB 2364

First, it is important to understand that KLA, and the livestock producers it represents, do not support those who would mistreat animals. Despite what some activists may think, well cared for livestock ensure the viability and sustainability of an operation, mistreated animals do not. Therefore, it is in every livestock producer's interest to responsibly care for livestock.

The vague language contained in HB 2364, however, is unnecessary to the underlying statute and could invite future harassment of legitimate agricultural practices. While K.S.A. 21-6412 contains an exception for "normal or accepted practices of animal husbandry" this exception is susceptible to attack from prosecutors and activists who are disconnected from the realities of farm life. One needs to look no further than recent California laws to ban gestation crates and an attempt at a ballot initiative in Colorado that would have prevented common practices like castration and the harvest of livestock until the animals reach an advanced age where the meat would be less desirable and feed costs would make production unprofitable.

The use of the vague phrase "likely to cause death," when viewed through the lens of someone who is not familiar with agricultural practice or who does not like modern production practices, coupled with the terms "confining or restricting" could result in unwarranted seizures or prosecutions. It is important to keep in mind that K.S.A. 21-6412(e) does not limit seizures to law enforcement, but allows public health officers, veterinarians, and animal shelters to seize animals, increasing the likelihood of misuse of the statute in agricultural settings.

KLA appreciates the opportunity to share its opposition to HB 2364 and asks the Committee to not take further action on the bill.