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States' Animal Identification Statutes:

Kansas



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Kan. Stat. Ch. 47, Art. 4
Kan. Stat. § 47-674

Statutes are current through laws enacted during the 2024 Regular Session of the Kansas Legislature effective on May 30, 2024.

Kan. Stat. § 47-414. Definitions.

As used in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto:

- (a) "Person" means every natural person, firm, copartnership, association or corporation;
- (b) "livestock" means cattle, horses, mules or asses;
- (c) "brand" means any permanent identifying mark upon the surface of any livestock, except upon horns and hoofs, made by a hot iron or cryogenic branding;
- (d) "commissioner" means the animal health commissioner of the Kansas department of agriculture;
- (e) "cryogenic branding" means a brand produced by application of extreme cold temperature.

Kan. Stat. § 47-414a. "Brand commissioner" and "livestock brand commissioner" mean animal health commissioner.

Whenever in any statutes of this state the terms "livestock commissioner," "livestock brand commissioner" or "brand commissioner" are used, or the term "commissioner" is used to refer to the livestock brand commissioner, such terms shall be construed to mean the animal health commissioner appointed by the secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments thereto.

Kan. Stat. § 47-416. Animal health commissioner, duties; brand recording; inspectors, investigators, examiners and employees; contractual agreements with attorney general.



It shall be the duty of the animal health commissioner to keep all books and records and to record all brands used for the branding or marking of livestock in Kansas. The commissioner shall receive applications for the recording of any and all brands and the commissioner shall decide on the availability and desirability of any brand or brands sent in for recording.

The commissioner, with the approval of the secretary of the Kansas department of agriculture, may appoint such brand inspectors, special investigators, examiners, deputy assistants and employees necessary, and the secretary may enter into contractual agreements with the attorney general, to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

Kan. Stat. § 47-416a. Livestock special investigators; law enforcement powers; training requirements.

Each special investigator, appointed by the animal health commissioner, pursuant to K.S.A. 47-416, and amendments thereto, shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and while investigating livestock theft. The director as defined in K.S.A. 74-5602, and amendments thereto, is authorized to offer and carry out a special course of instruction for special investigators performing law enforcement duties under authority of this section. Such special investigators shall not carry firearms without having first successfully completed such special law enforcement training course.

Kan. Stat. § 47-417. Adoption of brands; registration of brands; registration and renewal fees; forfeited brands; abandonment; rules and regulations.

(a) Any person may adopt a brand for the purpose of branding livestock in accordance with authorized rules and regulations of the animal health commissioner of the Kansas department of agriculture division of animal health. Such person shall have the exclusive right to use such brand in this state, after receiving approval of the application for such brand from the animal health commissioner.

(b) Any person desiring to register a livestock brand shall forward to the commissioner a facsimile of such brand and shall accompany the same with the application fee in the amount provided under this section. Upon a determination by the animal health commissioner that such brand is available for use and may be registered, the registrant shall, within 60 days of notice of such determination being sent by the animal health commissioner, remit to the animal health commissioner a brand registration fee in the amount provided under this section. If such brand registration fee is not paid as



required under this section, the animal health commissioner may deny the application. Each person whose brand application is approved shall be issued a certificate of brand title upon remittance of the brand registration fee as provided under this section. Each brand title shall be valid for a recording period ending four years subsequent to the next April 1 following date of issuance. Separate application and registration fees shall be required for each brand for which registration is sought and each brand for which an application for registration is approved. The use of a brand for which a certificate of brand title has not been issued shall be unlawful and subject to penalties as provided in K.S.A. 47-421, and amendments thereto.

(c) Each person wanting to renew a certificate of brand title held by such person shall, upon the expiration of the recording period for such certificate of brand title, remit to the animal health commissioner a renewal fee in the amount provided under this section . Any person submitting such renewal fee shall be entitled to a renewal of registration of such person's livestock brand for a five-year period from the date of expiration of registration of such person's livestock brand as shown by such person's last certificate of brand title.

(d) The livestock brand of any person whose registration expires and who fails to pay such renewal fee within a grace period of 60 days after expiration of the registration period shall be forfeited. The use of a forfeited brand shall be unlawful and subject to penalties as provided in K.S.A. 47-421, and amendments thereto.

(e) Upon the forfeiture of a livestock brand, the animal health commissioner is authorized to receive and accept an application for such brand to the same extent as if such brand had never been issued to anyone as a registered brand.

(f)

(1) The animal health commissioner shall determine annually the amount of funds that will be required for the purposes for which the brand application, registration and renewal fees are charged and collected and shall fix and adjust from time to time each such fee in such reasonable amount as may be necessary for such purposes, except that in no case shall the following exceed \$100:

(A) The brand renewal fee; or

(B) the total of the brand application fee and registration fee .

(2) The amounts of the brand application fee, registration fee and renewal fee in effect on June 30, 2024, shall continue in effect until



the animal health commissioner fixes different amounts for such fees under this section.

Kan. Stat. § 47-417a. Brand inspection; fees; disposition; livestock brand fee fund; rules and regulations.

(a) The animal health commissioner, when brand inspectors or examiners are available, may provide brand inspection. When brand inspection is requested and provided, the animal health commissioner shall charge and collect from the person making the request, a brand inspection fee of not to exceed \$.75 per head for all livestock. No inspection charge shall be made or collected at any licensed livestock market where brand inspection is otherwise available.

(b) The animal health commissioner shall remit all moneys received under the statutes contained in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the livestock brand fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture.

(c) The commissioner is authorized to adopt and enforce such rules and regulations governing brand inspections as the commissioner shall deem necessary for the proper enforcement of the livestock laws in Kansas. The commissioner, brand inspectors and special investigators shall aid in investigations and prosecutions of violations of the livestock laws of Kansas and other laws of this state and of the rules and regulations of the commissioner.

Kan. Stat. § 47-418. Branding; rules and regulations; identification brands for disease control purposes.

Livestock may be branded in any way, or on any part of the animal, according to rules and regulations adopted by the commissioner, but livestock shall be branded so that they may be readily distinguished should they become intermixed with other herds. Livestock brands for identification of cattle to control diseases may be placed on the tailhead of the cattle. No applications for livestock brands for owner identification shall be issued for head, neck or tailhead locations, and the tailhead location for livestock brands shall be reserved for brands for disease control purposes, except that head, neck and tailhead brands presently effective may have registration renewal upon term expirations. No evidence of ownership of brands shall be recorded except as provided in this act.



Kan. Stat. § 47-418a. [Repealed].

Kan. Stat. § 47-419. Certified copies of record; fee.

When any brand is recorded, as provided herein, the owner thereof shall be entitled to one certified copy of the record of such brand from the commissioner. Additional certified copies of such record may be obtained by anyone upon the payment of a fee in an amount fixed by the commissioner.

Kan. Stat. § 47-420. Unlawful use of brands; additional marking systems; feedlot brands.

(a) It shall be unlawful for any person to use any brand for branding any livestock unless such brand has been duly registered in the office of the animal health commissioner, except:

(1) The use of a single numeral digit, zero to nine, in conjunction with the registered brand of the owner may be used for the purpose of determining the age of the branded animal, such number to be applied at least six inches from such registered brand;

(2) the use of serial numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying individual animals, such numbers to be applied at least six inches from the registered brand;

(3) the use of numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying herds of the same owner for feeding or experimental purposes, such numbers to be applied at least six inches from the registered brand; and

(4) the use of a digital system of branding livestock may be used for the purpose of identifying animals in a licensed feedlot. Such feedlot brand may be used in conjunction with the registered brand of the owner, such brand to be applied at least six inches from such registered brand or may be used on animals which are not branded with a registered brand of the owner, subject to conditions, limitations and requirements applicable to the use of a feedlot brand as prescribed in K.S.A. 47-446, and amendments thereto.

(b) The age, serial, herd or feedlot brand shall not be construed as a part of the registered brand and the use of such numeral or numerals, whether or not such use is in conjunction with a registered brand, shall not be unlawful.

(c) The animal health commissioner may allow applicants to denote on an application for a registered brand whether the applicant shall use age, serial or herd brands, and may allow the owner of a registered brand to



amend the registered brand to denote whether the applicant will use such age, serial or herd brands.

Kan. Stat. § 47-421. Unlawful branding or defacing of brands; penalty; venue of prosecutions.

(a) Except as provided in subsection (b), any person who willfully brands or causes to be branded any livestock in any manner other than as required or authorized by the laws of this state and the rules and regulations of the animal health commissioner shall be deemed guilty of a class A misdemeanor.

(b) Any person who shall willfully and knowingly brand or cause to be branded with such person's brand, or any brand not the recorded brand of the owner, any livestock being the property of another, or who shall willfully or knowingly efface, deface or obliterate any brand upon any livestock, shall be deemed guilty of a nondrug severity level 6, nonperson felony.

(c) Prosecution for violation of the provisions of this section may be had either in the county where such violation occurred or in any county in which the livestock may be located or found in the possession of the accused.

Kan. Stat. § 47-422. Effect of brand registering; recordation, fee; evidence; use by another prohibited.

Any brand registered with the animal health commissioner of the Kansas department of agriculture in compliance with the requirements of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall be the property of the person causing such record to be made. Such brand shall be subject to sale, assignment, transfer, devise and descent as other personal property. Instruments of writing evidencing the sale, assignment or transfer of such brand shall be recorded by the animal health commissioner. The fee for recording such instruments of writing shall be an amount not to exceed \$30. Such instruments shall have the same force and effect as recorded instruments affecting real estate. A certified copy of the record of any such instrument may be introduced in evidence the same as certified copies of instruments affecting real estate. Any brand recorded with the Kansas department of agriculture division of animal health shall not be used by any person other than the recorded owner.

Kan. Stat. § 47-423. Livestock from another state.

Any person who causes to be brought into the state from any other state for the purpose of grazing or feeding for a period of not to exceed 12 months, livestock which carry a brand or brands recorded in a recognized brand organization of any other state, shall be exempt from the provisions of K.S.A. 47-420, and amendments



thereto, for a period of 12 months. After such time such brand or a new brand must be recorded in this state.

Kan. Stat. § 47-424. Publication of handbook and supplements; exchanges, sale and distribution.

The commissioner shall from time to time cause to be published in book form or produce in electronic format, a list of all brands and marks on record at the time of such publication. Such lists may be supplemented from time to time. Such publication or production shall contain a facsimile of all brands recorded, together with the owner's name and post-office address. Such records shall be arranged in convenient form for reference. The commissioner shall send, to the sheriff of each county, one copy of such brand book and supplement thereto or electronically formatted copy thereof, which shall be kept as a matter of public record. The commissioner may exchange brand books and supplements thereto or electronically formatted copies thereof with livestock brand commissioners and directors of other states, and with the executive officer of a statewide organization of any other state which is charged with administration of brand laws of such state. The commissioner may make other distribution of brand books and supplements or electronically formatted copies thereof without charge, to Kansas licensed veterinarians and licensed public livestock market operators, when the commissioner deems such distribution desirable and an aid to the effective administration of the brand laws of this state. Such books or electronically formatted copies of the production may be sold to the general public at a price to be determined by the commissioner which shall be based on the cost of printing or storing, preparation and postage.

Kan. Stat. § 47-425. Duty of attorney general.

It shall be the duty of the attorney general to enforce the provisions of this act, and all acts amendatory thereto, together with the rules and regulations of the commissioner; and for such purposes the attorney general shall have original jurisdiction in investigations and prosecutions coextensive with that of local officers.

Kan. Stat. § 47-426. Rules and regulations.

The commissioner may make all the necessary rules and regulations to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and may by such rules and regulations make and provide for exceptions, in addition to those listed in K.S.A. 47-420, and amendments thereto, for the use of particular brands in conjunction with the recorded brand.

Kan. Stat. § 47-427. Invalidity of part.



The provisions of this act are severable, and if any part therein shall be held unconstitutional, or invalid, the same shall not affect the validity of any remaining portion of this act.

Kan. Stat. § 47-428. Entry upon private lands; inspections; proof of ownership of livestock.

The animal health commissioner and the commissioner's deputies, assistants, special investigators, inspectors or examiners are hereby authorized to enter upon any private lands to make any inspections necessary for the purpose of carrying out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto. The commissioner and the commissioner's deputies or assistants may accept proof of ownership of livestock from any person in possession of animals bearing the recorded brands of another party or any other identification as sufficient to exclude and exempt such animals from being classified as stray animals under the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

Kan. Stat. § 47-429. Moneys received from sale of branded stray livestock.

All moneys received from the sale of branded stray livestock shall be paid to the state animal health commissioner, notwithstanding article 2 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any other provision of law relating to the disposition of the moneys received from the sale of branded stray animals. The commissioner or the commissioner's deputies are hereby authorized and directed to receive and receipt for all moneys received from the sale of branded stray livestock and shall pay the same to the state treasurer. The state treasurer shall credit such amount to the livestock brand fee fund.

Kan. Stat. § 47-432 through 445. [Repealed].

Kan. Stat. § 47-446. Feedlot brands; application; not evidence of ownership.

Feedlot brands may be lawfully applied to livestock which are not branded with a registered brand of the owner and which are in the custody of, and upon the premises of, a feedlot operator licensed under the provisions of article 15 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto. Such feedlot brand shall not be construed as evidence of ownership identification.

Kan. Stat. § 47-447. [Repealed].

Kan. Stat. § 47-448. Reciprocity agreements with livestock commissioners or brand inspection agencies of other states; brand inspection fees, not limited by other laws.



The animal health commissioner is authorized to enter into reciprocity agreements with any livestock commissioner or brand inspection agency of any other state or the United States, for cooperation in the administration of brand inspection laws and laws for the control, suppression and eradication of contagious diseases among domestic animals.

The animal health commissioner may set and charge fees for brand inspection of animals subject to any reciprocity agreement. Such fees shall not be limited by or subject to the provisions of K.S.A. 47-417a or 47-437, and amendments thereto, or any other law prescribing fees for brand inspection.

Kan. Stat. § 47-449. Abolishment of livestock brand emergency revolving fund and county option brand fee fund.

On July 1, 2016, the director of accounts and reports shall transfer all moneys in the livestock brand emergency revolving fund and the county option brand fee fund to the livestock brand fee fund established in K.S.A. 47-417a, and amendments thereto. On July 1, 2016, all liabilities of the livestock brand emergency revolving fund and the county option brand fee fund are hereby transferred to and imposed on the livestock brand fee fund, and the livestock brand emergency revolving fund and the county option brand fee fund are hereby abolished.

Kan. Stat. § 47-674. Program for registering premises where animals located; voluntary premises registration and animal identification tracking system; development and implementation by livestock commissioner.

(a) The animal health commissioner is authorized to cooperate with the United States department of agriculture, other state governmental officials, tribal officials and representatives of private industry, and subject to the provisions of subsection (d), to promulgate rules and regulations, to define premises where animals are located and to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas.

(b) In the development of such system, the animal health commissioner shall ensure that:

- (1) The requirements are consistent with the federal program and with the United States animal identification plan;
- (2) the costs and paperwork requirements are minimized for the registrant and the state; and
- (3) the program is not duplicative of or in conflict with proposed federal requirements.



(c) The animal health commissioner is authorized to prepare for the implementation of a premises registration program for Kansas prior to implementation of a national animal identification or premises registration system. Such acts in preparation shall include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the department of agriculture of a proposal regarding infrastructure necessary for such implementation.

(d) If the United States department of agriculture issues proposed or final uniform methods and rules or regulations for the implementation of a voluntary national animal identification and tracking system or premises registration system, or the congress of the United States enacts requirements for a voluntary national animal identification and tracking system or premises registration system, the animal health commissioner is authorized to promulgate such rules and regulations as may be reasonably necessary to implement voluntary premises registration and the national animal identification and tracking system to the extent authorized by federal requirements.

(e) Subject to appropriations therefor, the animal health commissioner is authorized to hire, in accordance with the civil service act, not more than two employees for the purpose of carrying out the provisions of this section.

(f) The animal health commissioner is authorized to enter into agreements with federal agencies or officials, other state agencies or officials, tribal officials or the owner of animals or such owner's authorized agent to coordinate efforts and share records and data systems pursuant to law to maximize the efficiency and effectiveness of this section.

(g) Any data or records provided or obtained pursuant to this section to an official of the Kansas department of agriculture division of animal health shall be considered confidential by the Kansas department of agriculture division of animal health and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(h) Any federal financial aid or assistance, grants, gifts, bequests, money or aid of any kind for premises registration or animal identification and tracking in Kansas, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the premises registration and animal identification fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the



director of accounts and reports issued pursuant to vouchers approved by the animal health commissioner or by a person designated by the animal health commissioner and shall be used solely for the administration of the voluntary premises registration or animal identification and tracking system.

(i) The animal health commissioner shall form study groups representing the various animal species to be affected by the provisions of this section. Each such study group shall include representatives for each such specie selected by the animal health commissioner and shall include assistance from the secretary of agriculture or the secretary's designees. Each such study group shall make recommendations to the animal health commissioner regarding the development of premises registration, animal identification and tracking for purposes of such systems, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and other issues related to the administration of the program.

