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States' Animal Identification Statutes:

Kentucky



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Ky. Rev. Stat. Tit. 21, Ch. 253

Ky. Rev. Stat. § 257.495

Ky. Rev. Stat. § 257.497

Current through the 2024 Regular Session and the Nov. 7, 2023, election.

Ky. Rev. Stat. § 253.010. Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the State Board of Agriculture;
- (2) "Brand" means a permanent identification mark of which the letters, numbers and figures used are each three (3) inches or more in length or diameter and are humanly burned into the hide of a live animal with a hot iron or tattoo or caustic chemical substance and is to be considered in relation to its location on the animal and the term relates to both the mark and location;
- (3) "Commissioner" means the Commissioner of Agriculture;
- (4) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species; and
- (5) "Mark" means a permanent cut identification from the ear of a live animal.

Ky. Rev. Stat. § 253.020. Approval of brands – Conflicts – Report.

The board shall approve brands for registration and issue certificates of approval, and shall serve as an adjudicating committee in the matter of deciding and determining conflicts of brands and its decision shall be final. It shall publish a state report containing a facsimile of each and every brand and mark that is registered with the board, showing the owner's name and address, together with pertinent laws, rules and regulations pertaining to the registration and reregistration of brands.

Ky. Rev. Stat. § 253.030. Records of brands – Kept and furnished.

The board is the legal custodian of any county record that may have been maintained under prior programs and shall upon request furnish a certified



copy of the record of any brand appearing in the county brand record books and shall charge a fee of one dollar (\$1) for each such brand.

Ky. Rev. Stat. § 253.040. Registration of brand – Application – Fee.

Any application for the registration of a mark or brand with the board shall be on a form prescribed by the board and shall be accompanied by a fee of ten dollars (\$10) for each mark or brand to be registered. Any such application for a brand shall show the brand location to the following body regions of animals: neck, shoulder, rib and hip. When a requested brand has been filed previously, the Commissioner and the applicant shall agree on a second choice of brand and body location.

Ky. Rev. Stat. § 253.050. Report of registered brands – Registration – Fee – Records.

The board shall publish at such times as it deems necessary a report of the brands that have been registered. Every five (5) years thereafter all brands shall be reregistered. The Commissioner shall notify each brand owner and provide the necessary forms. A reregistration fee of five dollars (\$5) for each brand shall be charged for the ensuing five (5) year period or fraction thereof. The county clerk and the sheriff of each county, or authority approved by the board shall receive all brand reports without cost and the books shall remain as a part of the permanent records of their respective offices.

Ky. Rev. Stat. § 253.060. State report evidence of ownership.

Brands appearing in the current edition of the state report, or supplements thereto, shall be prima facie evidence of ownership and take precedence over brands of like and kind should the question of ownership arise. An owner whose brand does not appear in the state report, or a supplement thereto, shall produce evidence to establish his title to the property in the event of controversy.

Ky. Rev. Stat. § 253.070. Funds from livestock of doubtful ownership held – Forfeiture.

Any peace officer of the state may order funds derived from the sale of livestock of questionable ownership held until ownership is established. If ownership is not established within thirty (30) days, the person holding the funds shall remit them to the board, which shall hold the funds for one (1) year. If the title to the livestock in question is not ascertained, then the funds shall be deposited in and become a part of the State Department of Agriculture trust fund.

Ky. Rev. Stat. § 253.080. Brands reserved to state.

There is hereby reserved to the State of Kentucky the brands of "B" and "T" on the jaw of cattle, and "V" and "AV" on the body, and it shall be unlawful for any



person other than authorized agents of the State Board of Agriculture to use any of these brands. Cattle carrying the "B" on the jaw shall be recognized as reactors to brucellosis abortus (Bangs disease). Cattle carrying the brand "T" on the jaw shall be recognized as reactors to bovine tuberculosis. Cattle carrying the brand "V" or "AV" on the body are officially calfhood vaccinated.

Ky. Rev. Stat. § 253.090. Transfer or sale of registered brands – Fee.

Only brands appearing in the current edition of the state report, or a supplement thereto, shall be subject to sale, assignment, transfer, devise or bequest. The transfer of title must be recorded with the Commissioner. The fee for recording the transfer of title is one dollar (\$1).

Ky. Rev. Stat. § 253.100. Transfer of branded animals in writing.

All persons selling livestock branded with their brand, or brand and mark, recorded in a current state report or a supplement thereto, shall, upon request of a purchaser of such livestock, execute a written transfer of ownership to the purchaser.

Ky. Rev. Stat. § 253.110. Duties of Commissioner – Administrative regulations.

Except as otherwise provided in this chapter and except as may be directed by the board, the powers, duties, and functions vested by this chapter in the board shall be exercised and performed by the Commissioner. The board may promulgate administrative regulations and hold administrative hearings, in accordance with KRS Chapter 13B, as required to carry out the provisions and intent of this chapter.

Ky. Rev. Stat. § 253.120. Fees – How deposited.

All fees charged and collected under the provisions of this chapter shall be deposited in the State Department of Agriculture trust fund.

Ky. Rev. Stat. § 253.130. Unauthorized use of registered brand – Misdemeanor.

Any person who knowingly places upon any livestock a mark or brand which has not been registered with the board shall, if such mark or brand duplicates one that is registered with the board, be guilty of a misdemeanor. Such duplication shall be the use of a similar brand, used in any position on the livestock designated for the use of a registered brand, such as the neck, shoulder, rib or hip.

Ky. Rev. Stat. § 253.990. Penalty.

Any person who knowingly alters or defaces the marks or brands on any livestock not his own, without the consent of the owner, shall be fined not more



than two hundred dollars (\$200), or imprisoned for not more than six (6) months, or both.

Ky. Rev. Stat. § 257.495. Board not to release agricultural or food system information considered part of critical infrastructure – Exceptions.

(1) Except as provided in subsections (2) and (3) of this section, the board shall not release any agricultural or food system records, data, or information considered a part of the critical infrastructure. "Critical infrastructure" shall have the same meaning as in 42 U.S.C. sec. 5195c(e).

(2) Any records, data, or information excluded under application of subsection (1) of this section shall be subject to inspection only upon order of a court of competent jurisdiction.

(3) Nothing in this section shall limit the release of records, data, or information to another state or federal agency if the release of the information is necessary to prevent or control disease or to protect public health, safety, or welfare.

Ky. Rev. Stat. § 257.497. National animal identification system – Voluntary system – Mandatory system – Restrictions on board – Exceptions.

(1) The board may promulgate administrative regulations necessary to carry out the provisions of the national animal identification system if the system becomes mandatory through final federal action in accordance with the Administrative Procedure Act, 5 U.S.C. sec. 500 et seq., as amended. If the system becomes mandatory, the administrative regulations shall be no more stringent than the federal law or regulations.

(2) As long as the national animal identification system is voluntary, the board shall not:

(a) Mandate or force participation in the system or any other similar system that regulates livestock or poultry, as defined by KRS 246.010, including premise registration, animal identification, or the tracking or surveillance of livestock or poultry;

(b) Withhold indemnity as provided in KRS 257.120 and 257.130 based solely on nonparticipation in the national animal identification system;
or

(c) Deny, revoke, or limit services, licenses, permits, grants, or other benefits or incentives to a person if that person does not participate in the national animal identification system.



(3) Nothing in this section shall be construed as prohibiting:

(a) The board from establishing or participating in disease control programs specifically designed to address a known disease in a specific species of livestock;

(b) The board from operating livestock identification, brand registration, or inspection programs as authorized under the Kentucky Revised Statutes; or

(c) Private agricultural industry organizations from establishing voluntary source verification programs for their own members or others who elect to participate.

(4) No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation requiring participation in the national animal identification system or any other similar system that regulates livestock or poultry, as defined by KRS 246.010, including premise registration, animal identification, or the tracking or surveillance of livestock or poultry. Local legislation in violation of this subsection shall be void and unenforceable.

(5) Except as provided in subsections (6) and (7) of this section, the board shall not release any records, data, or information collected, recorded, or otherwise, deemed confidential for the purposes of the national animal identification system.

(6) Any records, data, or information deemed confidential under application of subsection (5) of this section shall be subject to inspection only upon order of a court of competent jurisdiction.

(7) Nothing in this section shall limit the release of records, data, or information to another state or federal agency if the release of the information is necessary to prevent or control disease or to protect public health, safety, or welfare.

