

STATE OF KANSAS
Kansas Animal Health Department

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**Kansas Animal Health Department
Legal Authority – Open Records Act**

In late 2003 the Kansas Animal Health Department drafted a bill for introduction into the 2004 legislative session that would have made the National Animal Identification System mandatory in Kansas. The original bill was met with strong opposition in the House Agriculture Committee. A subcommittee was formed to study the issue and make recommendations to the full committee. The subcommittee came back with a voluntary program that was to be implemented as the USDA implemented the NAIS.

Kansas Statute 47-674 gives the Kansas Animal Health Department (KAHD) the authority to implement a **voluntary** premises registration, animal identification and animal tracking system that adheres to the guidelines, rules and regulations or uniform methods and rules for the National Animal Identification System.

Kansas law clearly states that the program will be voluntary and that the KAHD authorized program will be consistent with the federal program and the United States animal identification plan.

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

K.S.A. 47-674 was first passed by the 2004 legislature and amended in 2005. The provision that closes our records that deal with animal identification was added into the original bill by amendment to the introduced bill. Generally speaking, any effort to close records in Kansas is an uphill battle, but the amendment was questioned by only one legislator and no special interest group raised any questions publicly.

Because of our “voluntary” law, the Kansas Animal Health Department cannot roll existing databases into the premises registration system.