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Kentucky Laws, Statutes, etc

Department of Agriculture

LAWS

Affecting the

State Live Stock
Sanitary Board

and

State and County Live Stock
Inspectors

ISSUED BY

STATE LIVE STOCK
SANITARY BOARD

OF

KENTUCKY

MAT. S. COHEN
CHAIRMAN

1918

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AN ACT to suppress, prevent, control and eradicate communicable diseases in live stock, to provide the necessary officers and define their duties and powers, and to appropriate funds necessary for its enforcement, and repealing Section 63a of Article 2, Chapter 5, Carroll's 1915 edition, Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. a. Whenever the word "Board" is used in this act, it shall be construed to mean the State Live Stock Sanitary Board of Kentucky.

b. Whenever the word "communicable disease" is used in this act it shall refer to any one of the following: Anthrax, black leg, catarrhal influenza of horses or cattle; contagious pleuro-pneumonia, foot and mouth disease or aptheous fever, glanders, hemorrhagic septicaemia, hog cholera, maladie du coit or dourine, mange of cattle or horses, necrobacillosis or foot rot in sheep, rabies or hydrophobia, rinderpest, scabies in cattle or sheep, Texas tick, or Southern cattle fever, tuberculosis, or any other disease now or hereafter proclaimed by the Board to be of a transmissible character.

c. Whenever the word "owner" appears in this act, it shall be construed to mean any person owning, or leasing from another, or having in charge any domestic animal or animals.

d. Whenever the word "premises" is used in this act it shall be construed to mean any part or portion of land, or any structure erected on land, and any vehicle or vessel used in the transportation of passengers, goods or animals whether by land or water.

e. Whenever the word "person" is used in this act, it shall be construed to mean any individual, co-partnership, association or corporation.

Section 2. That it shall be the duty of every practitioner of veterinary medicine, surgery or dentistry, owner or person having knowledge of the existence of any communicable disease of live stock within the State to immediately report same to the county live stock inspector of the county, in which the disease exists, or to the State Veterinarian. This report shall be in writing and shall include a description of the animal or animals, the name and exact postoffice address of the owner, location of animal or animals, the number of susceptible animals exposed to the disease and the number of animals having died of the disease. Failure on the part of the

owner, or person, or veterinarian treating such animal or animals, to report such disease or diseases shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

Section 3. That any person, who shall have in his possession any domestic animal or animals infected with a communicable disease, and who shall knowingly permit such animal or animals to run at large, or who shall knowingly keep such animal or animals where other domestic animals not affected with or previously exposed to such disease may become infected with or exposed thereto, or knowingly permit such animal or animals to go on, across or along any public highway, or in any field or lot adjacent to any public highway, or through which flows a stream, or who shall ship, drive, haul, sell, offer for sale, trade or give away any such animal or animals, except on special permit from the Board, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars for each offense.

Section 4. That any person, except common carriers, who shall ship, drive, haul, or in any other way bring into this State any animal or animals infected with a communicable disease, or that have within the previous thirty days been exposed thereto, or who shall ship, drive, haul, or in any other way bring into this State any animal or animals in violation of any order, rule, or regulation of the Board in establishing interstate quarantine to prevent the entrance of disease into this State, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars for the first offense; and not less than five hundred (\$500.00) dollars nor more than fifteen hundred (\$1,500.00) dollars, and imprisonment in the county jail for a period of not less than sixty (60) days nor more than one hundred and twenty (120) days upon conviction for a second offense.

Section 5. That any person who in any way interferes with the Board, or any of its members, representatives, agents or employes in the inspection of premises and animals, or who wilfully hinders, obstructs, evades or otherwise disregards any quarantine the Board may declare, or violates any rule or regulation it may make for the purpose of preventing the spread of communicable diseases in live stock, or who shall conceal or attempt to conceal the presence of an animal or animals infected with or exposed to a communicable disease, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty (\$50.00) dol-

lars, nor more than two hundred (\$200.00) dollars for the first offense; should the same person be convicted of a second offense he shall be fined not less than five hundred (\$500.00) dollars, nor more than one thousand (\$1,000.00) dollars and shall be imprisoned in the county jail for not less than sixty (60) days nor more than one hundred and twenty (120) days.

Section 6. That the movement of domestic animals from other states into Kentucky shall be made only in compliance with the rules and regulations of the Board, and any animal or animals brought into this State in violation of any rule or regulation of the Board shall be placed in quarantine and so held until the necessary inspection or test has been completed by a representative or agent of the Board, and all expenses incident to such quarantine, including the inspection and testing, shall be borne by the owner. The transportation of any domestic animal or animals into the State of Kentucky by any common carrier in violation of the law, rules and regulations of the Board shall constitute a misdemeanor and upon conviction thereof such common carrier shall be punished by a fine of not exceeding five hundred (\$500.00) dollars for each offense.

Section 7. That whenever the Board, or any of its authorized agents, shall determine that any domestic animal or animals are infected with or exposed to any communicable disease and that to prevent the spread of disease it is necessary to destroy or slaughter such animal or animals, such animal or animals shall be appraised and destroyed or slaughtered, and the owner indemnified therefor as hereinafter provided. The authorized agent of the Board shall act as one of the appraisers, the owner shall select any disinterested person, as an appraiser, who is a bona fide resident of the county in which the appraisal is made, and who must be a resident holder of real property in such county, and who is well informed as to the value of animals; and in case of disagreement, these two appraisers shall select a third person, who must have the same qualifications as the appraiser selected by the owner. In the appraisement of such animals under this act, the appraisers shall consider the value of the animal at the time of such appraisal, keeping in mind the fact that said animal is diseased. After such appraisal has been agreed upon, the Board, or its authorized agent, shall proceed in the best manner possible to destroy or slaughter such animal or animals, having in view at all times the disposition of the carcass in the best and safest manner. Such agent is hereby authorized and empowered to sell the entire carcass or carcasses, or any portion thereof, and the amount secured from such sale is to be paid to the owner, and this amount is to be deducted

from three-fourths ($\frac{3}{4}$) of the appraised value and the remainder is the amount to be paid by the State to the owner as indemnity. Where it is not practicable to sell the carcass or carcasses, or any portion thereof, then three-fourths ($\frac{3}{4}$) of the appraised value shall be paid by the State to the owner as indemnity.

Sub-section a. Provided, That no indemnity shall be paid for any animal or animals, except such animal or animals shall have been the property of the person claiming indemnity therefor and shall have been within the State for a period of at least six (6) months prior to the time of appraisal, except when animals are destroyed or slaughtered on account of aptheous fever or foot and mouth disease, dourine, glanders, or contagious pleuro-pneumonia.

Sub-section b. Provided, further, That no indemnity shall be paid for any animal or animals owned by the United States, the State of Kentucky, or any county, city, town, or village within this State, nor for any animal or animals that have been brought into this State in violation of the law, or any rule or regulation of the Board; nor when the owner at the time of coming into possession of such animal or animals had any reason to believe that it was so infected; nor when the Board, or its authorized agents, have satisfactory evidence that the owner had been guilty of negligence or carelessness in permitting such animal or animals to become exposed to such communicable disease.

Sub-section c. Provided, further, That in case of an epizootic of foot and mouth disease, or any other communicable disease, any animal or animals that are destroyed by order of the United States Government, or any department thereof, and an indemnity of fifty (50%) per cent. of the appraised value is being paid by the United States Government, or any department thereof, the State of Kentucky shall only pay a like amount, or fifty (50%) per cent. of the appraised value.

Sub-section d. Provided, further, That in case of an epizootic of a communicable disease of such character as to necessitate the destruction of property or materials to prevent the spread of disease, said property or materials may be appraised, destroyed and indemnities paid therefor in the same manner as provided for in this act for the appraisal, destruction or slaughter, and the payment of indemnities for animals, except that no indemnities shall be paid to exceed fifty (50%) per cent. of the appraised value of said property or materials.

Sub-section e. Provided, further, That whenever such appraisal has been agreed upon and before indemnities have been paid, the owner shall thoroughly clean and disinfect the premises and any animal or animals, that have been exposed to such infection,

as the Board, or its authorized agent, may determine; such disinfection shall be done at the expense of the owner and under the supervision of said Board, or its authorized agent. After such appraisal has been agreed upon and disinfection has been completed, carcass or carcasses disposed of, the Board shall execute a claim or voucher upon the State Auditor for any amount due the owner, the said claim or voucher to be approved by the State Veterinarian and the chairman of the Board; upon receipt of such claim or voucher, the Auditor shall issue his warrant on the State Treasurer for said amount, who in turn shall draw a check upon the General Expenditure fund of the State and forward same to the chairman of the Board, by whom it shall be paid to the owner. All indemnities paid for the destruction or slaughter of live stock infected with or exposed to any of the communicable diseases shall be paid out of the General Expenditure fund on the warrant of the Auditor upon receipt of vouchers approved by the State Veterinarian and the chairman of the Board.

Sub-section f. Provided, further, That in no case shall the amount paid as indemnity exceed for any equine animal the sum of one hundred (\$100.00) dollars; for a registered bovine animal, two hundred (\$200.00) dollars; for a grade bovine animal, one hundred (\$100.00) dollars, and that no indemnities shall be paid by the State for any animal or animals destroyed or slaughtered on account of any disease, except foot and mouth disease, glanders, contagious pleuro-pneumonia, bovine tuberculosis, or maladie du coit or dournie, and any disease for which the United States Government, or any department thereof, shall pay fifty (50%) per cent.

Section 8. That all carcasses of domestic animals, which have died or which have been destroyed on account of any disease, except those destroyed on account of tuberculosis and slaughtered under the supervision of the State Veterinarian or other representative of the Board, unless otherwise ordered by the Board, shall be disposed of as follows:

a. Complete cremation of the entire carcass and all of its parts and products.

b. Boiling carcass and all of its parts and products in water, or heating with steam at a temperature above boiling continuously for two (2) hours or more.

c. Burying carcass and all of its parts and products in the earth at a point which is never covered with the overflow of ponds or streams, and which is distant not less than one hundred (100) feet from any watercourse, well, spring, public highway, residence or stable. Carcass shall be placed in an opening in the earth at least four (4) feet deep, abdominal and thoracic cavities opened wide their en-

tire length with a knife, or other sharp instrument, and the entire carcass covered with two (2) inches of quicklime and at least three (3) feet of earth.

Neglect or refusal on the part of the owner to dispose of carcass or carcasses, as above set forth, within forty-eight (48) hours after said carcass or carcasses are found, shall constitute a misdemeanor, and upon conviction said owner shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense.

Section 9. That during the prevalence of any communicable disease in live stock and to prevent the spread of such communicable disease, it shall be deemed lawful and necessary for any person to kill, or otherwise destroy and to burn or bury the carcasses of buzzards, crows, pigeons, doves, or any other bird or fowl known to be carriers of infectious material, that he may find upon his premises.

Section 10. That the carcass or carcasses of any animal or animals shall not under any circumstances be loaded in cars, crates, boats, wagons or other vehicles containing live animals, except on special permit from the State Veterinarian. Such carcass or carcasses shall be disposed of in accordance with the provisions of Section 8.

Section 11. That any person manufacturing anti-hog cholera serum, hog cholera virus, or any other product used in the prevention or treatment of swine diseases, shall before any of said products are sold or offered for sale in this State, pay or cause to be paid to the chairman of the Board an annual license fee of fifty (\$50.00) dollars and shall execute bond in the sum of five thousand (\$5,000) dollars for their faithful compliance with the laws, rules and regulations of the Board, said bond to be acceptable to the chairman of the Board. All licenses or forfeitures under this act shall be paid to the chairman and shall be used in the same manner as the funds appropriated for the use of the Board. Any person violating the provisions of this section shall upon conviction be fined not less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars. Any veterinarian, or other person, who knowingly purchases or uses anti-hog cholera serum, hog cholera virus, or any other product used in the prevention or treatment of swine diseases, manufactured and sold by any person, who has not complied with the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense.

Section 12. That to carry out the provisions of this act, there is hereby constituted the State Live Stock Sanitary Board of Kentucky, which shall consist of the Commissioner of Agriculture, Labor and Statistics, ex-officio chairman, the Director of the

Kentucky Agricultural Experiment Station, ex-officio member and vice chairman, the Head of the Division of Animal Husbandry of the Kentucky Agricultural Experiment Station, ex-officio member, and four members of the State Board of Agriculture, two from each of the dominant political parties, to be selected annually by the said State Board of Agriculture. The members of the Board shall serve without salary, but shall receive ten (\$10.00) dollars per diem for each day the Board is actually in session, together with all the necessary traveling and other expenses incurred while engaged in the discharge of their official duties. The chairman of the Board shall receive for his services, as such, a salary of one thousand five hundred (\$1,500.00) dollars per annum and the necessary traveling and other expenses incurred while engaged in the discharge of his official duties. The chairman of the Board may, and at the request of four members shall, call the meetings of the Board at such times and places as may be deemed necessary for the best interests of the live stock industry.

Section 13. That, the Board is hereby charged with the enforcement of the provisions of this act, and it shall be the duty of said Board to adopt and enforce such measures, as it may deem necessary, to improve and protect the live stock industry of this State, and to prevent, suppress, control, and eradicate any communicable disease of live stock; to investigate the prevalence of communicable diseases in live stock upon receipt of reports of same; to issue such circulars, pamphlets, bulletins or other literature, as it may deem necessary, for public distribution; to give information and instruction to farmers, breeders and feeders of live stock in the nature, cause, prevention and control of communicable diseases; to regulate the importation, sale, use and distribution of biological, chemical, or other products, substances or materials used in the diagnosis, treatment or prevention of live stock diseases; to receive and receipt for all moneys receivable from licenses provided for in this act; and for the purpose of carrying out the provisions of this act the Board is hereby authorized and empowered to co-operate with the Kentucky Agricultural Experiment Station in conducting the necessary scientific investigations relating to the cause, nature, prevention and treatment of communicable diseases in live stock; to establish, maintain and enforce such quarantine and other measures, as it may deem necessary, in controlling the movement of live stock into, through or within the state; to order and enforce the cleaning and disinfection of premises and all articles and materials, by which communicable diseases may be transmitted, and the destruction of diseased and exposed animals and all such property and materials, as may be necessary in the eradication of disease; to adopt, issue and enforce such rules and regulations, as it

may deem necessary, in preventing the spread of communicable diseases; to print, or to have printed, such circulars, pamphlets, bulletins or other literature, as may be necessary, and to distribute same; to regulate the importation, sale, use and distribution of biological, chemical or other products, substances or materials used in the diagnosis, treatment or prevention of live stock diseases when the provisions of section 10 of this act have been complied with; to employ the necessary scientific, field, stenographic and clerical assistants and to fix their salaries.

Sub-section a. Whenever the Board may consider it necessary to employ the services of veterinarians in any part of the state for the purpose of carrying out the provisions of this act, they may be employed and shall be paid not to exceed seven (\$7.00) dollars per diem and their necessary traveling and other expenses incurred while engaged in the discharge of their official duties.

Sub-section b. The Board, or any of its members, representatives, agents or employees, are empowered to enter premises, public or private, for the purpose of making the necessary inspections, or in any way enforcing the provisions of this act, and when necessary to call upon the sheriff, his deputies, constables, police, or other officers for assistance in enforcing the law, rules and regulations; and it shall be the duty of such officers to render such assistance when ordered so to do by the Board, or any of its members, representatives, agents or employees.

Section 14. That, the Board is authorized and empowered to adopt, issue and enforce such rules and regulations, as in their judgment may be necessary, to provide for the proper disposal of cows suffering from a local or constitutional disease, that is transmissible to man. Any person violating said rules and regulations shall be fined not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars for the first offense; should the same person be found guilty of a second offense, he shall be fined not less than two hundred (\$200.00) dollars, nor more than one thousand (\$1,000.00) dollars, and imprisonment in the county jail not less than thirty (30) days, nor more than ninety (90) days, or both such fine and imprisonment.

Section 15. That, this Board may co-operate with the Bureau of Animal Industry of the United States Department of Agriculture, and with officials in charge of live stock sanitation in other states in maintaining interstate quarantine and in the prevention, control and eradication of any communicable disease in live stock; or with any other agency, that in their opinion, is for the best interests of the live stock industry. And the Board may appoint in writ-

ing any veterinary inspector of the Bureau of Animal Industry, or any other employee of said Bureau, as State Live Stock Inspector, who shall have the same power as the county live stock inspector, or other representative of the Board, and shall be at all times subject to the orders of the Board and shall report his actions to said Board, but no veterinary inspector or other employee of the Bureau of Animal Industry shall receive any compensation for his services from the state, or any sub-division thereof.

Section 16. That, the Board shall within ninety (90) days after this act becomes effective elect a State Veterinarian. Said State Veterinarian shall be a resident of this state, a licensed graduate veterinarian and shall have practiced his profession continuously in this state for a period of five (5) years prior to his election, and shall hold office for a term of four (4) years and until his successor shall have been elected and qualified. He shall devote his entire time to the duties of the office and shall receive no compensation from any source whatever for his official services, other than his salary, which shall be fixed by the Board, but shall not exceed the sum of three thousand (\$3,000.00) dollars per annum, together with the necessary traveling and other expenses incurred while in the discharge of his official duties, and he shall be subject to removal from office by the Board at any time for cause. The office of the State Veterinarian shall be in the Department of Agriculture, new State Capitol, Frankfort, Kentucky.

Sub-section a. Upon the recommendation of the State Veterinarian, the Board may within its discretion select and appoint a Deputy State Veterinarian, who shall be a resident of this state, a licensed graduate veterinarian and shall have practiced his profession continuously within this state for a period of three (3) years prior to his election and shall hold office for a term of four (4) years and until his successor shall have been elected and qualified. Said Deputy State Veterinarian shall receive an annual salary not to exceed two thousand (\$2,000.00) dollars and the necessary traveling and other expenses incurred while engaged in the discharge of his official duties, and shall be subject to removal from office by the Board at any time for cause.

Section 17. That, the State Veterinarian shall be the chief executive agent of the Board, shall execute and enforce the rules and regulations of said Board, and under the direction of said Board shall supervise and control the action of all deputies, inspectors, agents and specialists employed by said Board, and to recommend from time to time such changes in the rules and regulations of said Board as he may deem necessary, and do all other things

necessary and proper for the successful enforcement of this act.

Sub-section a. The Deputy State Veterinarian shall devote his entire time to the duties of the office, shall assist the State Veterinarian in the enforcement of the rules and regulations of the Board, and shall in the absence or incapacity of the State Veterinarian be executive agent of the Board with the same duties and powers of the State Veterinarian.

Section 18. That the Fiscal Court in each and every county shall, within sixty (60) days after this Act becomes effective, appoint or elect a county live stock inspector, who shall be a citizen of the county and a licensed veterinarian, if there be such in the county, regularly engaged in the practice of veterinary medicine. If there be neither a licensed graduate veterinarian nor a licensed non-graduate veterinarian in the county, the county live stock inspector shall be a reputable citizen of the county, who is familiar with the care and attention of live stock and the prevention and treatment of live stock diseases. But in no case shall the appointment or election of the county live stock inspector become effective until after such appointment or election has been approved by the Board. The fiscal court shall fix the salary of the county live stock inspector, which shall be an amount commensurate with his ability and his duties. Said salary and the necessary expenses incurred in the discharge of his official duties shall be paid by the county, as are other county salaries and expenses. Should the members of the fiscal court fail to carry out the provisions of this act, they shall be charged with misfeasance in office and shall be subject to punishment for such offense.

Section 19. That the county live stock inspector shall, after his appointment or election has been approved by the Board, be its local agent or representative under the direction of the State Veterinarian in enforcing its laws, rules and regulations, and shall report in writing to the State Veterinarian all outbreaks of communicable diseases giving the name and exact postoffice address of the owner, the number of animals that have died, number sick, number of susceptible animals exposed to the disease, and for this purpose he may be authorized and empowered by the State Veterinarian to make the necessary investigations, enter any premises, examine such live stock as may be deemed necessary, to order quarantine of any animal or animals and premises and see that such quarantine is enforced and maintained until such time as it may be released by order of the Board, and shall at all times cooperate with the Board in preventing, suppressing, controlling and eradicating communicable diseases

in live stock, reporting his official action to the State Veterinarian, who shall upon receipt of such report render assistance, if necessary. Failure upon the part of the county live stock inspector to comply with the directions of the State Veterinarian shall be cause for removal from office, and his removal shall be at the discretion of the Board.

Section 20. That, all railroads or other common carriers operating within this state shall furnish the members of the Board, the State Veterinarian, the Deputy State Veterinarian, and the agents and employees of said Board free transportation over their lines within the state while they are engaged in the discharge of their official duties.

Section 21. That, for the use of said Board in carrying out the provisions of this act, there is hereby annually appropriated the sum of twenty-eight thousand one hundred and ninety (\$28,190.00) dollars out of any funds in the Treasury not otherwise appropriated.

Sub-section a. Should the above sum prove insufficient for the employment of the necessary inspectors, during an epizootic of foot and mouth disease, or aptheous fever, the Governor may order the expenditure of an additional five thousand (\$5,000.00) dollars, and said sum may be expended on the order of the Governor in any one year.

Section 22. That, the Board shall make a biennial report to the General Assembly of all its actions and expenditures.

Section 23. That all laws, or parts of laws, inconsistent with or repugnant to this act, are hereby repealed.

Section 24. Whereas, it is most imperative that the live stock industry of this Commonwealth should be protected, increased and conserved, an emergency is hereby declared to exist and this act shall become effective upon its passage and approval.

Approved by the Speaker of the House, the President of the Senate, and the Governor, March 20, 1918.

Case, N. Y.
PAT. JAN. 21, 1908

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