

257.196 Commission to recommend on-farm livestock and poultry care standards to board -- Approval or rejection -- Administrative regulations -- Construction -- Preemption.

- (1) The commission shall make recommendations to the board **to establish, maintain, or revise standards governing the care and well-being of on-farm livestock and poultry.** The board shall approve or reject recommendations within ninety (90) days of receiving recommendations. If approved, the board shall promulgate administrative regulations establishing the standards within thirty (30) days of approval. If rejected, the board shall notify the commission in writing within thirty (30) days of the rejection, and shall list the reasons for the rejection. The board shall not establish, maintain, or revise on-farm livestock and poultry care standards without a recommendation by the commission.
- (2) Before recommending on-farm livestock and poultry care standards to the board, the commission may consult with agricultural representatives from Kentucky State University, Western Kentucky University, Eastern Kentucky University, Morehead State University, and Murray State University.
- (3) When developing recommendations for on-farm livestock and poultry care standards to the board, the commission shall consider factors that include but are not limited to:
 - (a) Animal well-being and agricultural best management practices;
 - (b) Herd health; and
 - (c) Safe, affordable, healthy food supplies for consumers.
- (4) Nothing in this section shall be construed to abrogate the regulatory authority of:
 - (a) The Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth;
 - (b) The Kentucky Board of Veterinary Examiners to license and certify veterinarians as provided by KRS Chapter 321 and the administrative regulations promulgated under KRS Chapter 321, or any other law applicable to the regulation of veterinarians in the Commonwealth; or
 - (c) The Board of Agriculture to prevent, control, or eradicate any communicable disease of on-farm livestock or poultry as provided by this chapter and the administrative regulations promulgated under this chapter, or any other law applicable to the prevention, control, or eradication of communicable diseases of on-farm livestock or poultry.
- (5) (a) A city, town, county, urban-county, charter county, consolidated local government, unified local government, or other political subdivision of the Commonwealth shall not adopt any ordinance, resolution, rule, or regulation regarding on-farm livestock or poultry care that is more stringent than the administrative regulations promulgated by the board under subsection (1) of

this section. Local legislation in violation of this subsection is void and unenforceable.

- (b) Nothing in this subsection shall be construed to preempt any local ordinance or regulation affecting planning and zoning adopted in accordance with KRS Chapter 100.
- (c) The provisions of paragraph (a) of this subsection shall not affect ordinances, resolutions, rules, or regulations adopted before July 15, 2010.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 106, sec. 9, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010). A reference to the "Kentucky Horse Racing Authority" in subsection (4) of this section, as created by 2010 Ky. Acts ch. 106, sec. 9, has been changed in codification to the "Kentucky Horse Racing Commission" to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.