

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:40 a.m. on March 3, 2010, in Room 144-S of the Capitol.

All members were present except:  
Senator Steve Morris- excused

Committee staff present:  
Kristen Kellems, Office of the Revisor of Statutes  
Corey Carnahan, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:  
Erik Wisner, Policy and Program Analyst, Kansas Department of Agriculture (KDA)

Others attending:  
See attached list.

Chairman Taddiken noted the Committee had received minutes for the February 10 and 16 meeting for review. Action on the minutes will be taken later.

The hearing was opened on **HB 2566 - Food and drug inspection duties under the department of agriculture.**

Kristen Kellems, Office of the Revisor of Statutes, stated that **HB 2566** transfers the administration of the Food, Drug, and Cosmetic Act from the Kansas Department of Health and Environment (KDHE) to the Kansas Department of Agriculture (KDA) and duties of the food inspectors to the Secretary of Agriculture.

Ms. Kellems offered to take questions.

Erik Wisner, Policy and Program Analyst, KDA, (Attachment 1) spoke in support of **HB 2566**. He said the KDA currently has authority for most of the provisions under the Kansas Food, Drug, and Cosmetic Act. This bill would clean up some areas related to over-the-counter drugs and cosmetics. Mr. Wisner stated that in 2008 the Legislature transferred all responsibility for food safety and lodging inspection and licensing to the KDA. Several amendments were needed to ensure that current law accurately reflected the operations of the program.

Mr. Wisner took questions from the Committee. He said the lodging inspection program has been suspended due to budget cuts and there are no inspections being performed at this time.

Julie Ehler, Staff Attorney, KDA, also took questions.

There were no opponents to **HB 2566**.

The hearing on **HB 2566** was closed.

Chairman Taddiken moved to introduce a Senate Concurrent Resolution supporting a review investigation and enforcement of the anti-trust laws in relation to the marketing opportunities available to independent livestock producers. There was discussion on the motion. There was no second on the motion.

Senator Bruce moved the approval of the minutes for February 10 and 16 as written. The motion was seconded by Senator Ostmeyer. Motion carried.

The meeting was adjourned at 9:06 a.m.





**Testimony on House Bill 2566  
to  
The Senate Agriculture Committee  
by Erik Wisner  
Policy and Program Analyst  
Kansas Department of Agriculture**

**March 3, 2010**

Good morning, Chairman Taddiken and members of the committee. I am Erik Wisner, policy and program analyst with the Kansas Department of Agriculture. I am here in support of House Bill 2566, which makes several technical changes to the Food, Drug and Cosmetic Act.

In 2008, the Legislature transferred all responsibility for the inspection and licensing of food service establishments and lodging facilities from the Department of Health and Environment to the Department of Agriculture. After a thorough review of all food safety statutes, several amendments were needed to ensure that current law accurately reflected the operations of the program.

The proposed amendments in HB 2566 would change all references to the Kansas Department of Health and Environment in the Kansas Food, Drug and Cosmetic Act to the Kansas Department of Agriculture as it relates to regulating over the counter drugs and cosmetics. Before the transfer, KDHE food safety staff inspected over the counter drugs and cosmetics as part of routine inspections of regulated establishments. Since the transfer, we have entered into a memorandum of understanding with KDHE to have KDA inspect these products. The MOU was designed as a short-term fix. Currently, KDA has no statutory authority to enforce the provisions of the act or to amend regulations without the proposed changes. The amendments would simply codify in law current practices and provide clarity to the regulated community.

I will stand for questions at the appropriate time.

*Senate Agriculture Committee  
March 3, 2010  
Attachment 1*