

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

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Pages 217-260

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State of Kansas**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT #4****OPEN MEETING NOTICE**

The April meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for April 1, 1982 at the district office, 1175 South Range, Colby, Kansas. The meeting begins at 10:00 a.m. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT
Manager

Doc. No. 000123

State of Kansas**DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES****OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on April 6, 1982, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Preliminary discussion of staff proposals regarding temporary administrative regulations.
- Continued discussion of issue papers for FY 1984 budget.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER
Secretary

Social and Rehabilitation Services

Doc. No. 000122

State of Kansas**KANSAS STATE BOARD OF
EXAMINERS IN OPTOMETRY****NOTICE OF EXAMINATION**

Pursuant to K.S.A. 74-1504, notice is hereby given that the Kansas State Board of Examiners in Optometry will be available for the purpose of examining applicants for certificates of Optometric Registration at the Howard Johnson Motel, 3637 S. Topeka Boulevard, Topeka, Kansas, on June 5, 6, 7, and 8, 1982.

HAROLD A. FRIEDEN, O.D.
Secretary-Treasurer
Atchison, Kansas 66002

Doc. No. 000108

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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

OFFICE OF THE ATTORNEY GENERAL

OPINION NO. 82-63

State Departments—State Library—Distribution of Grants-In-Aid; Eligibility of Local Public Libraries. Martha J. Tucker, Acting State Librarian, Topeka, March 12, 1982.

K.S.A. 75-2553 *et seq.*, provide a procedure by which the Kansas State Library may make grants-in-aid to local public libraries. Eligibility for such grants is determined by comparing the local financial support of a library in the current year with such local support in the previous year. If the amount has decreased for any reason the district is ineligible for grants-in-aid, except where a decline in the assessed valuation of the district occurs and the ad valorem tax mill rate for the support of the library has not been reduced below the mill rate imposed in the previous year. This restriction on eligibility for state grants applies both to libraries which are under mill rate limits set by statute and those which have had such limits removed through the exercise of home rule authority by a city or county. Cited herein: K.S.A. 1981 Supp. 75-2553, 75-2556, 75-2557, 75-2559, K.S.A. 1981 Supp. 79-1947, K.S.A. 79-1951, 79-1952, 79-1953, Kan. Const., Art. 12, § 5. JLY.

OPINION NO. 82-64

Waters and Watercourses—Groundwater Management Districts—Eligible Voters. Van Smith, Groundwater Management District No. 1, Garden City, March 12, 1982.

Pursuant to K.S.A. 82a-1021(e), an eligible voter in groundwater management district elections must either own a specified quantity of land or be a user of a specified amount of groundwater annually. In the case of property which is leased to a tenant, the statute provides that the landowner, and not the tenant, possesses the right to vote for such property, unless provided otherwise by the parties in interest. However, should the tenant meet the standard for a water user, he too would be an eligible voter. Cited herein: K.S.A. 82a-1021(e), 82a-1030 JSS.

OPINION NO. 82-65

Criminal Procedure—Code; Arrest—Jurisdiction of Municipal Law Enforcement Officers, Curtis E. Campbell, City Attorney of Montezuma, Kansas, March 12, 1982.

Law enforcement officers employed by a city may, pursuant to the implied authority contained in K.S.A. 1981 Supp. 8-1001 and K.S.A. 22-2401a, transport an arrested person beyond the territorial limits of the city employing such officers for the respective purposes of administering a chemical test of the person's blood or breath and incarceration in the county jail. Cited herein: K.S.A. 1981 Supp. 8-1001, K.S.A. 19-1930, 22-2401, 22-2401a. JEF.

OPINION NO. 82-66

Waters and Watercourses—State Water Plan—Agreements with Federal Government for Water Storage; Permissible Uses. Patrick J. Regan, Kansas Water Authority, Topeka, March 12, 1982.

The Kansas Water Authority is empowered to consider and approve contracts for the purchase of water held in storage by the state in various reservoirs. One factor to be considered is whether the contract advances the purposes of the State Water Plan, K.S.A. 82a-927 *et seq.* Included in the Plan are policy determinations as to the purposes of major reservoirs in Kansas (at K.S.A. 82a-938), with industrial and municipal uses considered distinct from irrigation. A sale of water for irrigation purposes from a reservoir which has only the former purposes identified would be inconsistent with the Plan, as well as being in potential conflict with federal statutes authorizing the initial sale of water to the state. Cited herein: K.S.A. 82a-927, 82a-928, 82a-932, 82a-933, K.S.A. 1981 Supp. 82a-934, K.S.A. 82a-938, L. 1981, ch. 398, 1961 House Concurrent Resolution No. 5, K.A.R. 1981 Supp. 98-5-1, 98-5-3, Kansas Constitution, Article 11, Section 9, 43 U.S.C.A. 390b. JSS.

OPINION NO. 82-67

Probate Code—Care and Treatment for Mentally Ill Persons—Authority of Peace Officers Regarding Transportation of Mentally Ill Persons, Nick A. Tomasic, Wyandotte County District Attorney, Kansas City; Loren L. Taylor, Police Legal Advisor, Kansas City, March 16, 1982.

If the physician on duty at a treatment facility believes a person who is detained pursuant to K.S.A. 1981 Supp. 59-2908(b) to be a mentally ill person, but the treatment facility will not admit such person, the peace officer who has taken the person into custody is responsible for transporting the suspected mentally ill person to a "suitable place" of detention, even if the only suitable place available is outside the officer's normal territorial jurisdiction. Cited herein: K.S.A. 22-2401a, 59-2902, K.S.A. 1981 Supp. 59-2908. JEF.

OPINION NO. 82-68

Banks and Banking—Code; Powers—Investments. Roy P. Britton, State Banking Commissioner, Topeka, March 16, 1982.

Interest rate futures contracts and forward placement contracts are not securities for purposes of the state banking code. Hence, state banks may not participate in such contracts pursuant to the authority granted banks under the state banking code to acquire investment securities. Cited herein: K.S.A. 9-1101, K.S.A. 1981 Supp. 9-1715, K.S.A. 17-1252, K.A.R. 17-11-1, 17-11-2, 17-11-6, 12 C.F.R., § 1.3. WRA

ROBERT T. STEPHAN
Attorney General

Doc. No. 000128

(Published in the KANSAS REGISTER on March 25, 1982.)

NOTICE OF BOND SALE
\$428,000.00 SCHOOL IMPROVEMENT BONDS
OF
UNIFIED SCHOOL DISTRICT NO. 337
JACKSON COUNTY
STATE OF KANSAS
(GENERAL OBLIGATION BONDS)

Written sealed bids will be received by Unified School District No. 337, Jackson County, State of Kansas (the "District"), at 7:30 p.m. local time on April 12, 1982 at the School District Office, Mayetta, Kansas, for the sale of \$428,000 in principal amount of School Improvement Bonds, Series 1982 of the District, at which time and place said bids will be publicly opened.

No bid will be considered at a price less than par and interest accrued on the bonds to the date of the payment therefor by the purchaser.

The bonds will be dated April 1, 1982. The total par value of the issue is \$428,000. The bonds will be coupon bonds in denominations of \$5,000 each except bond No. 1 which will be in the amount of \$3,000, and will mature as follows:

<i>Bond Nos.</i>	<i>Amount</i>	<i>Maturity October 1:</i>
1-2	\$ 8,000	1983
3-8	30,000	1984
9-15	35,000	1985
16-23	40,000	1986
24-31	40,000	1987
32-40	45,000	1988
41-50	50,000	1989
51-61	55,000	1990
62-73	60,000	1991
74-86	65,000	1992

Interest will become due and payable on the first day of April, 1983, and thereafter on the first day of October and April in each year until paid. Both principal and interest on the bonds will be payable at the office of the State Treasurer in Topeka, Kansas.

The interest rates will be supplied by the bidder at the lowest rate or rates at which he will pay not less than par and accrued interest. Not more than five (5) different rates shall be specified in any bid, and one rate shall apply to all bonds of the same maturity. The difference between the highest and lowest interest rate on the bonds shall not exceed 2%. Each interest rate specified shall be a multiple of one-eighth or one-tenth of one percent.

Each bid shall specify the total interest cost of the District during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the total net interest cost and the average annual net interest cost to the District on the basis of such bid.

The District will rely upon the representation as to the total net interest cost in awarding the bonds to the successful bidder. The bonds will be sold to the highest and best bidder provided that the District reserves the right to reject any or all of the bids.

The bonds, printed, executed and registered will be furnished by the District and the bonds will be sold subject to the legal opinion of Cosgrove, Webb & Oman of Topeka, Kansas whose unqualified approving opinion will be furnished, and all services respecting the issue will be paid for by the District except as herein stated. The bonds will be delivered to the purchaser in the cities of Topeka or Wichita, Kansas or Kansas City, Missouri, at the District's expense, on or before May 24, 1982 and the successful bidder will be given notice of the delivery date.

The proceeds of the bonds will be used for the purpose of constructing, equipping and furnishing a new junior high school facility in Mayetta, Kansas. The bonds will constitute the general obligations of the District payable from taxes levied upon all of the taxable tangible real and personal property in said District.

The assessed valuation of the District for the year 1981 is \$8,126,407. The present bonded indebtedness of the District is \$345,000.

At the request of the successful bidder, CUSIP identification numbers will be printed on said bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on said bonds will be paid for by the District. The CUSIP Service Bureau charge for the assignment of said numbers will be the responsibility of and must be paid for by the purchaser.

A good faith deposit by cashier's or certified check in the amount of 2% of the total par value of the bonds shall accompany such bid; and in case a purchaser whose bid is accepted shall fail to carry out his contract of purchase, the deposit will be forfeited to the District.

Proposals should be made c/o Myron D. Stithem, President, Board of Education, Unified School District No. 337, Mayetta, Kansas 66509.

Further information may be obtained from the District's financial advisor, Mr. John C. McArthur, Bee-croft, Cole & Company, First National Bank Building, 6th and Kansas Avenue, Topeka, Kansas 66603.

ELDON L. SHAFER, Clerk
 Board of Education
 Unified School District No. 337
 Jackson County, State of Kansas

Doc. No. 000118

(Published in the KANSAS REGISTER on March 25, 1982.)

NOTICE OF BOND SALE
\$160,233.99
GENERAL OBLIGATION BONDS,
SERIES 1982A
OF THE
CITY OF ATCHISON, KANSAS
DATED: APRIL 1, 1982

Sealed bids will be received by the City Clerk of the City of Atchison, Kansas, at the City Hall in said City on

MONDAY, APRIL 5, 1982

until 4:30 o'clock P.M., C.S.T., at which time said bids will be publicly opened, read and considered by the Board of Commissioners for the purchase at not less than par and accrued interest of a series of negotiable coupon general obligation bonds of the City of Atchison, Kansas, being \$160,233.99 principal amount of General Obligation Bonds, Series 1982A (hereinafter referred to as the "Bonds"). The Bonds will be numbered from 1 consecutively upward and will be in the denomination of \$1,000 each, except for bond numbered 1 in the denomination of \$1,233.99. The Bonds will be dated April 1, 1982, and will become due serially on September 1 in each of the years and in the amounts set forth below. Interest on the Bonds will be payable on March 1, 1983, and thereafter semiannually on September 1 and March 1 in each year. Both principal and interest will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

Maturity September 1	Principal Amount	Maturity September 1	Principal Amount
1983	\$1,233.99	1993	\$7,000.00
1984	3,000.00	1994	8,000.00
1985	3,000.00	1995	9,000.00
1986	3,000.00	1996	10,000.00
1987	4,000.00	1997	11,000.00
1988	4,000.00	1998	12,000.00
1989	5,000.00	1999	13,000.00
1990	5,000.00	2000	15,000.00
1991	6,000.00	2001	16,000.00
1992	6,000.00	2002	19,000.00

Interest Rates and Terms of Bid

Bidders are invited to name the rate or rates of interest which the Bonds are to bear expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). All Bonds maturing in the same year shall bear the same rate of interest. No interest rate shall exceed twelve percent (12%). Not more than six (6) different interest rates shall be specified; provided, however, that the repetition of an interest rate shall not be considered a "different" rate. The difference between the highest interest rate bid and the lowest interest rate bid shall not exceed two and one-half percent (2½%) per annum. No bid providing for supplemental coupons or for cancellation of coupons will be considered. A bid for the purchase of less than all of the Bonds or a bid at a price less than par will not be considered. All bids must state the total interest cost of the bid, the premium bid, if any, and the net interest

cost of the bid, as well as the average annual net interest rate.

Bid Form and Award of Bonds

Each bid submitted must be on the "Official Bid Form" furnished by the City and should be addressed to Mark Thelen, City Clerk, City Hall, Atchison, Kansas 66002. No bid will be considered if made on other than the "Official Bid Form" and no bid will be considered if such form is amended or modified, except that the City reserves the right to waive any irregularity or informality. Each bid must be presented in an envelope clearly marked "BID FOR BONDS", and must be accompanied by a certified or cashier's check in the amount of \$3,204.68 payable to the City Treasurer, City of Atchison, on which no interest will be allowed.

The Bonds will be sold to the lowest and best bidder or bidders. Determination of the lowest and best bid will be made by deducting the premium bid (if any) from the total interest cost and the Bonds will be awarded to the bidder bidding the lowest net interest cost to the City. The City shall be entitled to rely on the stated net interest cost in awarding the Bonds. If there is any discrepancy between said lowest net interest cost and the coupon rates specified in said bid or the average annual net interest rate specified in said bid, the net interest cost figure shall govern and the coupon rates specified in the bid shall be adjusted accordingly.

The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of his contract to purchase the Bonds; but in the event that the successful bidder shall fail to comply with the terms of his bid, said check or the proceeds thereof shall then be forfeited and retained by the City as and for full liquidated damages.

The City reserves the right to determine who is the successful bidder for the Bonds and to reject any or all of the bids for the Bonds. Unless all bids are rejected, the Bonds will be awarded by the City on the day the bids are received.

Delivery

Said Bonds shall be delivered to the purchaser within 45 days from the date of sale at such bank located in Atchison, Kansas, or in Kansas City, Missouri, as may be specified by the purchaser, or elsewhere at the expense of the purchaser. The purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the Bonds, as well as the usual closing certificates including one certifying that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

Legal Opinion

The Bonds will be sold subject to the unqualified final approving opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, Bond Counsel. Manually signed originals will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds will be paid by the City of Atchison, Kansas.

(continued)

Said legal opinion will state that the principal of and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of said City; and that, under existing law, the interest on said Bonds is exempt from federal income taxation and the Bonds are exempt from Kansas intangible personal property taxes.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Atchison for the year 1981 is \$21,162,062. The total general obligation bonded indebtedness of the City of Atchison, Kansas, excluding all revenue bonds but including the Bonds described in this Notice of Bond Sale, is \$1,219,495.19. The City has no temporary notes outstanding other than the notes that will be retired from the proceeds of the Bonds.

Dated this 17th of March, 1982.

MARK THELEN, City Clerk
City Hall
Atchison, Kansas 66002

Doc. No. 000129

State of Kansas

LEGISLATURE

The following list gives the numbers and titles of bills and concurrent resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

Bills Introduced March 11-17:

SB 871, by Committee on Ways and Means: An act concerning the Kansas bureau of investigation; relating to a state-directed crime watch program; prescribing powers, duties and functions therefor.

SB 872, by Committee on Ways and Means: An act relating to taxation; exempting money, notes and other evidence of debt from all ad valorem and other property taxes; and repealing K.S.A. 79-3108, 79-3108a, 79-3109a, 79-3110a, 79-3110b, 79-3110c, 79-3111, 79-3112, 79-3113a, 79-3113b, 79-3114, 79-3115, 79-3116, 79-3117, 79-3118a, 79-3118b, 79-3119, 79-3120, 79-3120b, 79-3120c, 79-3120d and 79-3120e and K.S.A. 1981 Supp. 79-3109, 79-3112a, 79-3120a, 79-3120f and 79-3120g.

SB 873, by Committee on Ways and Means: An act concerning the taxation of money, notes and other evidences of debt; relating to exemptions; amending K.S.A. 1981 Supp. 79-3120a and repealing the existing section.

SB 874, by Committee on Ways and Means: An act relating to taxes upon the gross earnings derived from money, notes and other evidence of debt; authorizing the levying of such taxes by counties, cities and townships; providing for the administration and enforcement of the provisions of the act and the use and distribution of such revenues derived therefrom; amending K.S.A. 12-140 and 19-101a and repealing the existing sections.

SB 875, by Committee on Federal and State Affairs: An act concerning bingo; relating to the regulation, licensing and taxation of the management, operation and conduct of games of bingo; amending K.S.A. 79-4701, 79-4703 and 79-4707 and K.S.A. 1981 Supp. 79-4706 and repealing the existing sections.

HB 3132, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; relating to normal and early retirement for certain correctional employees; providing a lump-sum service-connected death benefit; amending K.S.A. 74-4914a, 74-4914b, 74-4914c, 74-4914d and 74-4916 and repealing the existing sections.

HB 3133, by Committee on Ways and Means: An act concerning the tax on sales of alcoholic liquor by private clubs; relating to disposition of revenues therefrom; amending K.S.A. 1981 Supp. 79-41a04 and repealing the existing section.

HB 3134, by Committee on Ways and Means: An act concerning the state fire marshal; providing for a firefighter training coordinator in the unclassified service; amending K.S.A. 75-3137 and repealing the existing section.

HB 3135, by Committee on Ways and Means: An act concerning special education services; relating to entitlements of school districts for the provision of such services; amending K.S.A. 72-978 and repealing the existing section.

HB 3136, by Committee on Ways and Means: An act amending the Kansas veterinary practice act; concerning fees for licenses and renewals; amending K.S.A. 47-822 and repealing the existing section.

HB 3137, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; relating to retirement annuity and benefit options when the joint annuitant predeceases the retirant; amending K.S.A. 20-2610a, 74-4918 and 74-4964 and repealing the existing sections.

HB 3138, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; relating to purchase of participating service credit; amending K.S.A. 74-4919a and repealing the existing section.

HB 3139, by Committee on Ways and Means: An act concerning the behavioral sciences regulatory board; increasing to maximum amounts for certain fees fixed thereby; amending K.S.A. 74-5310 and 74-5319 and K.S.A. 1981 Supp. 75-5359 and repealing the existing sections.

HB 3140, by Committee on Ways and Means: An act abolishing the existing corrections ombudsman board and establishing a new board; prescribing the composition thereof; amending K.S.A. 1981 Supp. 74-7401 and repealing the existing section.

SCR 1659, by Committee on Public Health and Welfare: A concurrent resolution concerning the department of social and rehabilitation services; relating to the establishment of need; modifying Kansas administrative regulations 30-5-70, 30-5-81 and 30-5-81b, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981.

SCR 1660, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution relating to the public assistance program; modifying K.A.R. 1981 Supp. 30-4-58 and Kansas administrative regulations 30-6-57 and 30-6-58, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981.

HR 6127, by Representatives Charlton, Barkis, Brady, Branson, Bussman, Cloud, Cooper, Cribbs, Crumbaker, Dean, Dillon, Duncan, Dyck, Elliott, Francisco, L. Fry, B. Fuller, Garrett, Goering, Green, Griffiths, Guffey, Guldner, Hagerman, Hassler, Hensley, Jarchow, Justice, Leach, Love, Luzzati, Mainey, Maloney, Matlack, D. Miller, V. Miller, Modrcin, Myers, Nichols, A. Niles, Belva Ott, Bob Ott, Peterson, Reardon, Schmidt, Solbach, Sughrue, Sutter, Teagarden, Thomson, Turquist, Weaver, Darrel Webb, Wilbert, Wilkin and Wisdom: A resolution memorializing the President and the Congress of the United States to initiate a mutual nuclear weapons moratorium with the Soviet Union and to transfer funds appropriated for the testing, production and deployment of nuclear weapons to uses in our civilian economy.

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., on the date indicated and then will be publicly opened.

MONDAY, APRIL 5, 1982

#49507

Winfield State Hospital and Training Center, Winfield—FEEDING FORMULA

#49509

Kansas State University, Manhattan—GRAIN DRILL, for Topeka, Kansas

#49510

Department of Transportation, Hutchinson—TOOTH, ROCK CUTTER

#49512

Kansas State University, Manhattan—FEED

#49513

Department of Transportation, Norton—REPAIR PARTS FOR HOT MIX PLANT

#49514

Kansas State University, Manhattan—TRACTOR, for Hays, Kansas

#49515

Kansas State Industrial Reformatory, Hutchinson—PIPE INSULATION

#49525

Department of Transportation, Hutchinson—CONCRETE, READY MIX, 8 SACK, for Wichita, Kansas

#49530

Kansas State University, Manhattan—POOL EQUIPMENT

#49546

Kansas State University, Manhattan—MASS STORAGE

TUESDAY, APRIL 6, 1982

#25070

University of Kansas Medical Center, Kansas City—PLASTIC LAMINATE, WALLCOVERING, AND WALL PROTECTOR

#25074

University of Kansas, Lawrence—MAY (1982) MEAT PRODUCTS

#49518

University of Kansas, Lawrence—RELOAD AMMUNITION, for Hutchinson, Kansas

#49521

Department of Transportation, Salina—PAVEMENT MARKING TAPE

#49523

Kansas Technical Institute, Salina—LABOR—MATERIAL, INSTALL AIR DISTRIBUTION SYSTEM

#49524

Kansas State University, Manhattan—HERBICIDE AND INSECTICIDES, for Garden City

#49529

Kansas State University, Manhattan—HERBICIDE, for Hays, Kansas

#49531

Kansas State University, Manhattan—LABORATORY APPARATUS

#49547

Kansas State Penitentiary, Lansing—OFFICER'S UNIFORM HATS

#49550

University of Kansas Medical Center, Kansas City—VARIOUS DATA PROCESSING PERIPHERALS

WEDNESDAY, APRIL 7, 1982

#25075

Statewide—MAY (1982) MEAT PRODUCTS

#49540

Department of Transportation, Salina—REPAIR PORTABLE ASPHALT TANK

#49544

Department of Administration, Topeka—GASOLINE, for Central Motor Pool

#49545

University of Kansas, Lawrence—REFRIGERATED CENTRIFUGE

#49553

Kansas State University, Manhattan—LINE PRINTER AND CONTROLLER

#49566

Emporia State University, Emporia—WEIGHT MACHINES

#A-2749 (g)

University of Kansas, Lawrence—FURNISH AND INSTALL METAL LETTERS ON EXTERIOR OF MALOTT HALL

THURSDAY, APRIL 8, 1982

#25071

Statewide—AUTOMOTIVE SUPPLIES

#49382

Department of Transportation, Topeka—STEEL POSTS AND STEEL BLOCKS

#49520

University of Kansas, Lawrence—16MM PROJECTORS

#49554

Department of Social and Rehabilitation Services, Topeka—MICROWAVE OVENS

#49555

Department of Transportation, Topeka—CLEAR REFLECTORS

#49559

Kansas State University, Manhattan—SWEEPER

#49561

Kansas State University, Manhattan—FLOOR MACHINES

#49568

Kansas State University, Manhattan—RESURFACE STREETS ON THE CAMPUS OF KANSAS STATE UNIVERSITY

#49573

Kansas State University, Manhattan—RECESSED TROFFERS

(continued)

#A-4329

Kansas Correctional Institution For Women, Lansing—PHILLIPS HALL IMPROVEMENTS

#A-4459

Kansas State Park and Resources Authority—EXTENSION TO THE EXISTING MULTIPURPOSE GROUP SHELTER, at Wilson State Park, Russell County, Kansas

FRIDAY, APRIL 9, 1982

#25072

Statewide—RAZOR BLADES

#49583

Department of Health and Environment, Topeka—WATER QUALITY APPARATUS

WEDNESDAY, APRIL 14, 1982

#A-4301

Youth Center at Atchison, Atchison—UTILITY TUNNEL REPAIR

#A-4436

Department of Social and Rehabilitation Services, Topeka—REROOF WAREHOUSE BUILDING AND DORMITORY, at Rehabilitation Center For The Blind, 425 MacVicar Avenue, Topeka, Kansas

TUESDAY, APRIL 20, 1982

#A-4340

University of Kansas, Lawrence—UTILITY TUNNEL CONSTRUCTION, MURPHY HALL AND ALLEN FIELD HOUSE AREAS

TUESDAY, MAY 25, 1982

#49541

Kansas State Penitentiary, Lansing—TELECOMMUNICATIONS SYSTEM

MONDAY, MAY 31, 1982

#49567

Osawatomie State Hospital, Osawatomie—TELECOMMUNICATIONS SYSTEM

JAMES I. TOLBERT
Director of Purchases

Doc. No. 000130

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION
SUPREME COURT DOCKETNOTE: Dates and times of arguments are subject to change.
Monday, March 29, 1982

Case Caption	Attorneys	Originating County
	9:30 a.m.	
53,516 State of Kansas, Appellee, v. Kevin J. Triplett, Appellant.	Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,535 State of Kansas, Appellee, v. Willie Hubbard, Appellant.	John I. O'Connor. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,520 State of Kansas, Appellee, v. John Bruner, Appellant.	Harold T. Pickler. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,373 Robert H. Becker, Bernard J. Alberts, Gerald J. Kathol and Robert L. Williams, Appellants, v. City of Wichita and the Board of City Commissioners of Wichita, Kansas, Appellees.	Charles A. O'Hara. William E. Dakan. Thomas R. Powell.	Sedgwick
	1:30 p.m.	
53,352 State of Kansas, Appellee, v. Bruce Duty, Appellant.	Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
52,508 State of Kansas, Appellee, v. Chester Irving, Appellant.	Stuart W. Gribble. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,430 State of Kansas, Appellee, v. Arthur Machacek, Appellant.	Kiehl Rathbun. Robert T. Stephan, Atty. Gen.; John K. Bork, Co. Atty. Gary L. Nafziger.	Jefferson
53,357 William C. Woods, Appellee, v. Mid-West Conveyor Company, Appellant.	Charles M. Tuley. Brandon L. Myers. John J. Bukaty, Jr.; Michael F. Delaney.	Wyandotte

Tuesday, March 30, 1982

	9:30 a.m.	
53,479 State of Kansas, Appellee, v. James Costello, Appellant.	Robert T. Stephan, Atty. Gen.; John McNally, Asst. Dist. Atty.	Wyandotte
53,527 State of Kansas, Appellee, v. William Langsford, Appellant, Robert L. Johnson, Appellant, v. Crown Controls Corporation, Appellee.	Carl E. Cornwell. Robert T. Stephan, Atty. Gen.; Nick A. Tomasic, Dist. Atty. David W. Boal. Richard T. Merker. Roger D. Stanton; David K. Fromme.	Wyandotte Johnson

(continued)

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|-----------|---|---|--------|
| 53,612 | State of Kansas, et al.,
Appellees.

v.
Harold R. Palmgren, et al.,
Appellants. | Dan Biles, Asst. Atty. Gen.;
Perry Murray, Co. Atty.
Steven Carr.

Allen Shelton. | Thomas |
| 1:30 p.m. | | | |
| 53,228 | In the Matter of the Estate of
OWEN R. ROBINSON, Deceased. | Karl W. Friedel.
Robert M. Bond;
Robert L. Howard. | Butler |
| 53,230 | In the Matter of the Estate of
OWEN R. ROBINSON, Deceased. | Karl W. Friedel.
Robert M. Bond;
Robert L. Howard. | Butler |
| 53,032 | Richard L. Mai, DBA
Mai Operations, Appellee.

v.
Ray Youtsey and Kaiser-Francis
Oil Company, Appellants. | John Woelk.

Don C. Staab. | Ellis |
| 52,481 | Interlake, Inc., Appellee,

v.
The Kansas Power and Light Company,
and Abraham Davis, Trustee in
Bankruptcy of Continental Pipe and
Tube Corporation, Appellants. | Irwin E. Blond;
Robert J. O'Connor;
Larry Winn, III.

James D. Waugh. | Meade |

ON PETITION FOR REVIEW

Wednesday, March 31, 1982

- | | | | |
|-----------|---|---|---------|
| 9:30 a.m. | | | |
| 53,003 | State of Kansas, Appellee,

v.
Ronald D. Churchill,
Appellant. | Robert T. Stephan, Atty. Gen.;
Larry McClain, Asst. Dist. Atty.

Scott Harrison Kreamer. | Johnson |
| 53,134 | Panhandle Agri Service, Inc., Appellee,

v.
Norman Becker, Appellant. | Lelyn J. Braun. | Finney |
| 53,387 | Sam Portner, dba Centennial Farms,
Appellee,

v.
McCormick Grain-The Heiman Co., Inc.,
A Kansas Corporation, Appellants,

v.
Ross Portner, dba Portner Enterprises &
Portner Trucking, Appellee. | John M. Lindner.
Arthur B. McKinley.

Van Smith. | Finney |
| 53,291 | B. W. Klippel, Jr., Appellant,

v.
James W. Heintz and Helen J. Heintz,
husband and wife, also dba Inverness
Oil Company, Appellees. | Thomas L. Wilson.

John Rubow. | Woodson |
| 1:30 p.m. | | | |
| 53,490 | State of Kansas, Appellee,

v.
Craig Robinson, Curtis Lee Bentley,
Nolan Mark Mackey, and John Lunsford,
Appellants. | Robert T. Stephan, Atty. Gen.;
Joseph L. McCarville III, Co. Atty.

Brad Dillon;
Thomas Arnhold;
Charles K. Hyter. | Reno |

(continued)

53,307	K. S. Martin, et al., Appellees, v. Gary Kostner, et al., Appellants.	Robert M. Collins; Clifford L. Malone.	Kingman
53,178	State of Kansas, Appellee, v. Sharron Wallace, Appellant.	Theodore C. Geisert; William C. Farmer. Robert T. Stephan, Atty. Gen.; Robert E. Davis, Co. Atty. Michael J. Waite.	Leavenworth

Thursday, April 1, 1982

9:30 a.m.

53,466	State of Kansas, Appellee, v. Gary Lynn Murphy, Appellant.	Robert T. Stephan, Atty. Gen.; Douglas G. Baker, Co. Atty. Frederick R. Smith.	Crawford
52,531	April D. Schmidt, Appellee, v. Unified School District #497, Douglas County Courthouse, Kansas, Appellant.	Michael F. McCurdy. Patricia E. Riley. Peter K. Curran.	Douglas
52,267	Margalee Sells, Appellant, v. USD #429, Appellee.	Patricia E. Riley; Wesley Weathers.	Doniphan
53,587	NEA Valley Center, a Voluntary Association, Appellee, v. Unified School District No. 262, et al., and Sedgwick County Area Educational Services Cooperative, et al., Appellants.	Fred Rausch. Wesley Weathers; Patricia E. Riley; Dennis Shay. Fred Rausch.	Sedgwick

ON PETITION FOR REVIEW

1:30 p.m.

53,528	State of Kansas, Appellee, v. Danny Lee Kirkpatrick, Appellant.	Robert T. Stephan, Atty. Gen.; Paul Handy, Co. Atty. John M. Lindner.	Finney
53,464	Carol Hazzard, dba Plaza II Downtown, et al., Appellees, v. R. M. Gaither, dba The Gaither Agency and dba Palace Plaza, Appellants.	Robert Hecht.	Shawnee
53,483	Thomas Halpin, Appellant, v. Phillip Frankenberger and Topeka Bank and Trust, A Corporation, Appellees.	Dale Berning. Frank M. Rice. L. M. Cornish, Jr.; Gary Savaiano.	Shawnee

Friday, April 2, 1982

9:30 a.m.

53,813	State of Kansas, Appellant, v. Tommy L. Jones, Appellee.	Robert T. Stephan, Atty. Gen.; Kenneth R. Smith, Asst. Dist. Atty. Robert M. Brown.	Shawnee
53,631	State of Kansas, Appellee, v. Richard L. McLain, Appellant.	Robert T. Stephan, Atty. Gen.; Robert E. Davis, Co. Atty. Myron L. McRoy.	Leavenworth

(continued)

SUMMARY DOCKET

53,613 William R. Robertson, Appellant, Fred W. Phelps, Jr. Shawnee
 v. Leonard M. Robinson.
 City of Topeka; Randy Mills; James Weckwerth; and Craig Fox Appellees.

COURT OF APPEALS DOCKET

(NOTE: Dates and times of arguments are subject to change.)

KANSAS COURT OF APPEALS

WYANDOTTE COUNTY COURTHOUSE, DIV. NO. 5
 KANSAS CITY, KANSAS

Before SPENCER, P. J.; PARKS, J.; and
 RONALD D. INNES, District Judge Assigned

Monday, April 5, 1982

Case No.	Case Name	Attorneys	County
		9:30 a.m.	
53,620 S.C.	State of Kansas, Appellee, v. Ronald A. Buggs, Appellant.	Frank Martin, Asst. D.A.; Nick Tomasic, D.A.; Atty. Gen.	Wyandotte
53,285	Andrew Joseph Frick, <i>et al.</i> , Appellants, v. Bobby J. Leo, <i>et al.</i> , Appellees.	Timothy J. Carmody. Michael E. Whitsitt.	Wyandotte
53,321	Anthony L. Nigro and Lucy M. Nigro, Appellee, v. Simmons Petroleum Corporation, Appellant.	Laurence M. Jarvis. John C. Whitaker.	Wyandotte
53,122	State of Kansas ex rel. Robert T. Stephan, Atty. Gen., Appellant, v. Brotherhood Bank & Trust Co., Appellee.	Frank D. Menghini.	Wyandotte
		1:00 p.m.	
53,241	Marla Sue Gronquist, Appellant, v. Bradford Gronquist, Appellee.	James W. Dahl. Jeffrey S. Southard, Asst. Atty. Gen. Atty. Gen.	Wyandotte
53,261	Kenneth L. Evans and Donna L. Evans, Appellees, v. Western Fire Ins. Co., Appellant.	Thomas E. Osborn.	Wyandotte
53,172	Bertha O. Duff Schmale, Appellee, v. Claude R. Gordon and Georgia Lee Gordon, Appellants.	Murvyl M. Sullinger.	Crawford
53,304	Nicolet E. Thomas, Appellee, v. Harry N. Thomas and Catherine F. Thomas, Appellants.	Gail Christy. Garry W. Lassman.	Crawford
53,481	Robert V. Dailey and Amy K. Dailey, Appellees, v. William H. Walden, Jr., Appellant.	R. L. White. Douglas C. Hudson.	Crawford
		Charles F. Forsyth.	
		Patrick J. Reardon.	Leavenworth
		Pro se.	
		Mark Singer. Micheline Burger.	Wyandotte
		Carl S. Black.	

(continued)

Tuesday, April 6, 1982

9:00 a.m.

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| 53,201
S.C. | Isabelle Rasdall, Appellee,
v.
William Rasdall, Appellant. | James P. Lugar.
J. R. Russell. | Wyandotte |
| 53,062 | Gary D. Tumbleson and Cheryl E. Tumbleson, Appellees,
v.
Marvin M. Pottratz dba Marv Pottratz Realty and Ins. and Marv Pottratz, Inc., Appellants. | Laurence M. Jarvis.
Dennis E. Mitchell. | Wyandotte |
| 53,073 | Frank Patrzykont, Appellant,
v.
Juanita Fay Patrzykont, Appellee. | F. Lawrence McCauley, Jr. | Wyandotte |
| 53,056 | Steve Chuning, Appellee,
v.
Emerson I. Abendroth, George I. Abendroth, George J. Trombold and H. J. Yount, Members of Employment Sec. Bd. of Review, and Colgate-Palmolive Company, Appellants. | Dennis E. Mitchell.
J. R. Russell.
Thomas E. Nutter; Joseph H. McDowell. | Wyandotte
Wyandotte |
| 53,243 | Robert H. Margrave and Southwest Asphalt Paving Co., Inc., Appellee,
v.
George Kostas, dba Kostas Asphalt Paving Co., Inc., Appellant. | Marlin A. White.
Kenneth J. Reilly. | Wyandotte |

1:00 p.m.

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|--------|---|--|--------------------------|
| 53,167 | State of Kansas, Appellee,
v.
Lonnie Bennett, Appellant. | Gunnar Sundby, Co.
Atty.; Atty. Gen. | Atchison |
| 53,190 | Ollie I. Krebs, Appellee,
v.
Ransom Memorial Hospital and Home Ins. Co., Appellant. | J. David Farris.
Gary L. Jordan. | Franklin |
| 53,857 | Addie Payne, Appellant,
v.
Kansas City Area Transportation Authority—The Metro, and Farmers Ins. Co., Appellee. | Frederick J. Greenbaum. | Wyandotte |
| 53,552 | Casualty Reciprocal Exch.
v.
Donald N. Thomas, Appellee,
and
James Warden, Appellant. | James Yates.
Terry Fitzgerald.
J. Eugene Balloun.
Thomas R. Buchanan. | Wyandotte
Leavenworth |
| | | James W. Dahl. | |

Wednesday, April 7, 1982

9:00 a.m.

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| 53,417
S.C. | Stolte Corporation dba Central Investigation dba Central Security Co., Appellee,
v.
Prier Brass Mfg. Co., Appellant. | Steven D. Alexander. | Wyandotte |
| | | Kevin E. Koch. John E. Craig. | |

(continued)

53,363 S.C.	City of Kansas City, Appellee, v. Crestmoore Downs, Inc., Appellant.		Robert C. Miller. Edward H. Powers, Jr. Frank Saunders.	Wyandotte
53,115	Thadeus G. Fornal, Appellant, v. Urban Renewal Agency of Kansas City, and the City of Kansas City, Appellees.		Rod Richardson. L. D. McDonald, Jr. Kathleen M. Rhoades. Michael Preston.	Wyandotte
53,332	Yvonne Joanne Simpson and Florence Alberta Merritt, Appellants, v. Farmers Ins. Co., Appellee.		N. Cason Boudreau.	
53,570	James H. Hodge, Jr., Appellant, v. General Motors Corp., Appellee.		Michael E. Hodges.	Wyandotte
52,959	Schatz Dist. Co. Inc., Appellee, v. Olivetti Corp. of America, Appellant, and Executive Financial Services, Inc., Appellees.		Kenneth H. Beck. Bill E. Fa- bian. H. Reed Walker.	Wyandotte
52,970	Everett Cameron, Appellant, v. Robert Atkins, <i>et al.</i> , Appellee.	1:00 p.m.	Terry Brady. Thomas M. Van Cleave. Charles W. Thompson.	Wyandotte
53,098	Eddie Givhan, Appellant, v. Robert Atkins, Appellee.		Eileen Hiney. Douglas C. McKenna.	
			Ed Schneeberger.	Leaven- worth
			Charles E. Simmons; Chris- topher Meek. Michael F. Willcott. Atty. Gen.	Leaven- worth
			Charles Simmons. Joseph M. Fast.	

KANSAS COURT OF APPEALS

JOHNSON COUNTY COURTHOUSE, DIV. 6, COURTROOM 300

OLATHE, KANSAS

Before SWINEHART, P. J.; ABBOTT, J.; and
HARRY B. MILLER, District Judge Retired, Assigned.

Monday, April 5, 1982

9:00 a.m.

53,120	Nedra L. Heston, Appellee, v. Robert H. Heston, Appellant.		Joseph N. Vader.	Johnson
53,722	City of Lenexa; Bernice Harvey, Appellants, v. State Corporation Commission, Appellee.		Ervin E. Grant. Stuart D. Mitchelson. Frank H. Jenkins.	Original
			Warren B. Wood. Phillip L. Harris. LuAnn C. Dixon.	

(continued)

- 53,211 United Development Co., Inc., Appellee, v. Robert P. Anderson; Johnson
Clay L. Wirt, et al., Appellant. C. Maxwell Logan.
Lyndus Henry.
 - 53,158 Credit Union of America, Appellant, v. Frank H. Jenkins, Jr.; Johnson
James T. Wigglesworth.
 - 52,748 Cecil B. Myers, et al.; ABKO Properties, Inc., Appellees. Ron Bodinson.
Charles W. Thompson.
Mark A. Corder.
 - 52,748 Credit Union of America, Appellee, v. James T. Wigglesworth; Johnson
Ron Bodinson.
 - 53,143 Glenn H. Kirk and Bertha L. Kirk, Appellees, v. Dorothy Kirk; Crawford
Anthony J. Miller.
 - 52,882 Anthony J. Miller, Jr., Hallie Brown and Geraldine Brown, Appellants. Gregory B. Durr.
 - 52,882 Douglas Stoebeck, a minor, by and through Lorraine Stoebeck, his mother and next friend, and Lorraine Stoebeck, Appellants. v. B. David Roselli; Miami
 - 52,846 William Donnelly, Appellee. v. Karl Shawver, Jr.
State of Kansas, Appellee, Larry McClain, Asst. Johnson
D.A.; Dennis Moore
D.A.; Atty. Gen.
 - 52,871 Judy P. Bishop, Appellant. v. Douglas L. Walker, Jr.
State of Kansas, Appellee, Larry McClain, Asst. Johnson
D.A.; Dennis Moore
D.A.; Atty. Gen.
 - 53,236 Alvin L. Gowler, Appellant. v. Lawrence T. Loftus; Mary L. Stuckey.
Regina B. Hartman, Appellee, Louis A. Silks, Jr. Johnson
William B. Hartman, Appellant. v. Jerry J. Hess.
- Tuesday, April 6, 1982**
- 53,215 Billy C. Keele, and Mary Jane Keele, Adm. of Estate of Billy C. Keele, Decd., Appellees, v. Hugh Kreamer; Johnson
Kenneth Hustead dba Hustead Truck Lines, Stephen Allen Cody and Dept. of Transportation, Appellant. Charles S. Scott, Jr.
 - 53,421 Hardee's Food Systems, Inc., Appellee, v. James F. Davis; Johnson
R.J. Campbell.
Ray L. Borth.
 - 53,447 City of Lenexa, Appellant. v. Frank H. Jenkins;
Susan Salkover Bergman, Appellee, George A. Lowe; Johnson
Max Harry Bergman, Appellant. v. John J. Gardner.

(continued)

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| 53,758 | Hugh L. Sandige, Appellant,
v.
Macy's Missouri-Kansas, Appellee. | David R. Gilman. | Johnson |
| 53,078 | Alice B. Winter, Appellant,
v.
Calvert J. Winter, Appellee. | Barry E. Warren.
David P. Woodbury. | Johnson |
| 53,471
S.C. | Candace Kay Knight, Appellant,
v.
Harold H. Knight & Janice Knight,
State Farm Insurance, Leo Myers,
Union Ind. Ins. Co., Appellees. | John J. Johntz, Jr.
1:00 p.m.
Pro se. | Neosho |
| 53,412 | State of Kansas, Appellee,
v.
William R. Groves, William A. Cummings,
Michael D. Booth, and Concrete
Placement, Appellant. | Richard Skoog.
Monte Heasty.
Douglas Hudson.
Phillip M. Fromme, Co.
Atty., Atty. Gen. | Coffey |
| 53,432 | Todd Allen Lewis, Appellant,
v.
Irena Elvira Lewis, Appellee. | Hugh H. Creamer.

Davis S. Bennett. | Franklin |
| 53,730 | Martha R. Martens, <i>et al.</i> , Appellees,
v.
Alfred J. Korb, <i>et al.</i> , Appellants. | Shelley Kurt Bock;
Luis Mata.
R. Scott Beeler. | Johnson |
| 53,399
Consolidated
with | Colonial Inv. Co., Inc., Appellant,
v.
City of Leawood, Appellee. | Mark A. Corder.
John P. Hastings.
William V. North. | Johnson |
| 53,455 | | Larry Winn III. | |

Wednesday, April 7, 1982

9:00 a.m.

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|--------|---|--|---------|
| 53,200 | Jarrod W. Tice, <i>et al.</i> , Appellee,
v.
David Richardson, Appellant. | Thomas F. McGraw III. | Johnson |
| 53,742 | Robert B. Olsen, Appellee,
v.
Melvadean Peterson, formerly
Olsen, Appellant. | Bill Wiswell.
Eugene Hackler. | Johnson |
| 53,088 | Ray Wolf, Appellant,
v.
L. John McManis, William Black,
and DISC-GO, Inc., Appellee. | David J. Waxse.
David K. Martin. | Johnson |
| 53,649 | Robert Bradbury, Appellee,
v.
John C. Johnston, Appellant. | Eugene B. Ralston.
James O. Schwinn.
Michael Baker.
W. Stanley Churchill. | Johnson |
| 53,583 | In the Matter of the Condemnation of
Land by City of Mission, Appellant,
v.
John Wilson Bennett and Overland Park
Savings & Loan Assoc., Appellee. | David K. Martin.
Paul Hasty, Jr.
David K. Martin. | Johnson |
| 53,550 | Clair H. Dulin and Angela M. Dulin,
his wife, Appellees,
v.
John V. Melcher, J.V.M., Inc.
a Nebraska Corporation, and D & V
Oil, Inc., a Kansas Corp., Appellants. | Roy S. Bennet, Jr.
David K. Clark | Wilson |
| | | Michael G. Glover. | |

(continued)

53,319	Robert Owen, Appellee,	Pro se.	Miami
	v.		
	William and Sharon Dietzman,	Pro se.	
	Appellant.		

KANSAS COURT OF APPEALS
COURT OF APPEALS COURTROOM, 2nd FLOOR, KANSAS JUDICIAL CENTER,
301 W. 10th Street, TOPEKA, KANSAS.
 Before FOTH, C.J.; TERRY L. BULLOCK, District Judge Assigned;
 and FRED WOLESKAGEL, District Judge Retired, Assigned.

Monday, April 5, 1982

9:00 a.m.

53,765	State of Kansas, Appellee,	David R. Platt, Asst. Co. Att.; Steven Opat, Co. Atty.; Atty. Gen.	Geary
	v.		
53,545	Mary Hughey, Appellant.	Chris McNeil.	
	Douglas Henderson, Appellee,	Rodney C. Olsen.	Riley
	v.		
	Allingham Volkswagen, Inc., Appellant.	Donn J. Everett.	
53,007	Kenneth Woods and Jamesetta Woods, Appellant,	Richard A. Pinaire.	Riley
	v.		
	Gene Linville and John Steppe, Jr., Appellee.	John F. Stites.	
53,257	Lucinda M. Garrett, Appellee,	John F. Stites.	Riley
	v.		
52,581	Howard L. Garrett, Appellant.	Paul E. Miller.	
	R. D. Wrestler and Betty M. Wrestler, Appellees,	Charles F. Bennett. William D. Coombs. Alan D. Weber.	Allen
	v.		
	Mack C. Colt, <i>et al.</i> , Appellants.	John R. Toland. Carl Wettig.	
		1:30 p.m.	
53,706	Stephanie L. Cooper,		Douglas
	v.		
	Stokely Van Camp, Inc., Appellant, Stokely Van Camp, Inc., Appellant,	Jim Lawing.	
	v.		
	Stephanie L. Cooper and Ks. Comm. on Civil Rights, Appellees.	Roger Lovett.	
53,130	First Bank & Trust Co., Appellees,	James P. Mize.	Saline
	v.		
	B. J. Crawford & Retta Crawford, Appellants.	John Black.	
53,709	Bucher & Willis, Appellees,	John W. Mize.	Dickinson
	v.		
	James K. Smith, Adm. of Estate of August Ziebell, decd., and Robert C. Johnson, Appellants.	Robert C. Johnson.	
53,565	Rolland H. Hood, Appellee,	William J. Walsh. Larry Ver- non.	Cloud
	v.		
	Gene W. Haynes and Lois A. Haynes, Appellants.	Kenneth E. Peery.	

(continued)

Tuesday, April 6, 1982

9:00 a.m.

53,175	Thomas Dale Bonewitz, Appellee, v. Georgia Jane Bonewitz, Appellant.	Dan H. Myers.	Riley
53,411	Sheila J. Sweetser, Appellee, v. Michael H. Sweetser, Appellant.	Charles A. Chartier. Arvid V. Jacobsen.	Geary
53,137 S.C.	Rennie Rae Weber, Appellee, v. Deane Wendell Weber, Appellant.	Hugh R. McCullough. Philip Shaffer.	Saline
53,372	Cylus A. Johnson and Shirley L. Johnson, Appellants. v. Elsie G. Johnson, Executrix of the Estate of Albert R. Johnson, Decd., et al., and In the Matter of the Estate of Albert R. Johnson, Decd.	Robert L. Marietta. Philip Shaffer.	Saline
53,449	Roger H. Prouse, Appellant, v. Elaine S. Prouse, Appellee.	Dan D. Boyer.	Saline
53,621	Robin R. Dunn, Appellant, v. City of Emporia, Appellee.	Jerome P. Hellmer. Thomas E. Gleason, Jr.	Lyon
53,059	Robert Boston, Appellee, v. North Central Steel Co., Inc., and Miraco Mfg., a division of Miracle Recreation Equip. Co., Appellant.	Dale W. Bell. Paul L. Monty. R. B. Barefield.	Washington
53,435	James M. Jones and Carol Christine Jones, Appellees, v. Robert A. Graves and Graves Builders, Inc., Appellants.	Steve R. Fabert.	
		Victoria Kumorowski.	Reno
		Kent G. Voth.	

Wednesday, April 7, 1982

9:00 a.m.

53,574	Interstate Brands Corp., Appellant, v. Schottler Elec. Inc., Appellee.	Neil Roach. H. E. Jones.	Lyon
53,206 Consoli- dated w/ 53,207	In the Matter of the Care and Treatment of THOMAS BOS. Thomas Bos, Appellant, v. Al Naes, Sheriff of Saline Co., Appellee.	John G. Atherton. William Rex Lorson, Co. Atty.; Atty. Gen. John Black.	Saline
53,510	Dorothy M. Imler, Appellant, v. S.W. Bell Tele. Co., Appellee.	John Black	Saline
52,934	Sophia Atchison, Appellee, v. Louis W. Atchison, Appellant.	William Rex Lorson, Co. Atty.; Atty. Gen. Philip R. Herzig.	Saline
		Jeffrey E. King. Ruth A. Sears. Larry R. Mears.	Doniphan
		Martin Asher.	

(continued)

53,299	Leonard Homolka, Appellant, v. Frank Gentry, Appellee.	Gary R. Terrill.	Saline
		David S. Knudson.	
		Howard Harper.	Geary
52,756	DeLoy Budden and Faye Budden, Appellants, v. Farm Bureau Mut. Ins. Co., Appellee.	Richard F. Waters.	
53,169	Kathy Ann Lott, Appellant, S.C.	Pedro Luis Irigonegaray.	Brown
	v. William David Lott, Appellee.	Samuel L. Schuetz.	
53,404	Peggy Bennett, Appellee, v. Colonial Life & Accident Ins. Co., Appellant.	Fred Spigarelli. Gail Christy.	Crawford
		Larry G. Pepperdine.	

1:30 p.m.

KANSAS COURT OF APPEALS
HEARING ROOM NO. TWO, 3rd FLOOR, KANSAS JUDICIAL CENTER
301 W. 10th STREET, TOPEKA, KANSAS.
Before REES, P.J.; MEYER, J.; and
RICHARD W. WAHL, District Judge Assigned.
Monday, April 5, 1982

9:00 a.m.

53,006	Dennis J. Yockers, Appellant, v. Orthopedic Associates, P.A., and Phillip L. Baker, M.D., Appellees.	Kenneth F. Crockett.	Shawnee
53,177	Stewart Nelson, <i>et al.</i> , Appellee, v. Plaza, Inc., dba Grasshopper Club and Bruce Clemmons, Appellants.	Charles S. Fisher, Jr.	
53,082	W. M. Casebeer, Inc., Appellant, v. Hamm Asphalt, Inc., Appellee.	Robert T. Stephan, Atty. Gen.	Shawnee
53,111	Silvino Gomez, Appellant, v. Roland Hug and Board of County Commissioners of Shawnee County, Appellees.	Roger Lovett.	
53,034	George Smith, Appellant, v. Blue Cross of Kansas, Inc., and Blue Shield of Kansas, Inc., Appellees.	Kenneth F. Crockett.	
		John H. Stauffer.	Shawnee
		Roger K. Viola.	
		Pedro Luis Irigonegaray.	Shawnee
		Terry E. Beck. Donna Voth.	
52,968	Super Chief Credit Union, Appellee, v. Robert G. Gilchrist and Sandra Lee Parks, Appellants.	Charles S. Scott.	Shawnee
53,083	M. W. Watson, Inc., Appellant, v. Board of Shawnee County Comm., <i>et al.</i> , Appellees.	Arthur E. Palmer.	
		Thomas A. Valentine.	Shawnee
		Leonard Robinson.	
		James E. Sanders.	
		Robert D. Ochs.	Shawnee
		John Martin.	

1:30 p.m.

(continued)

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|--------|--|--|---------|
| 53,064 | F. G. Manzanares, Appellant,
v.
Commercial Refrigeration and
Heating of Topeka, Inc., Appellee. | Pro Se.

Bruce C. Harrington. | Shawnee |
| 53,099 | C. Frank Manspeaker, <i>et al.</i> , Appellants,
v.
Great Plains Equities, Inc.,
<i>et al.</i> , Appellees. | Hugh R. McCullough.

Christopher B. Bacon. | Shawnee |

Tuesday, April 6, 1982

9:00 a.m.

- | | | | |
|--------|---|---|---------|
| 53,255 | Sandra J. McCarter (Mills), Appellant,
v.
Duane K. McCarter, Appellee. | Wallace M. Buck, Jr.

Charles S. Fisher, Jr.; Robert
Ochs. | Shawnee |
| 53,116 | Kathryn J. Beuthien, Appellee,
v.
Gayland D. Beuthien, Appellant. | Wallace M. Buck, Jr.

F. Duane Roberts. | Shawnee |
| 53,145 | Rural Water District No. 8, Osage
County, Appellant
v.
William Hergenreter, Appellee. | Clyde M. Burns. | Shawnee |
| 53,271 | Ada Vanderblomen, by her gdn/cons.
Kenneth M. Carpenter, Appellant,
v.
John Vanderblomen, C. Bruce Works
and Dairyland Ins. Co., Appellees. | Pro se.
Thomas J. Leising.

Ralph Larson.
Myron L. Listrom.
James C. Wright. | Shawnee |
| 53,335 | Linda Barnes, Appellant,
v.
Clarence Gideon, Appellee. | James P. Nordstrom.

Myron Listrom.
Charles Rooney, Sr. | Shawnee |
| | | 1:30 p.m. | |
| 53,389 | White Insulating, Inc., Appellant,
v.
Bill O. Farris, Bonnie L. Farris,
and Black Gold, Inc., Appellees. | Joseph H. Moore.
Allan A. Hazlett.

James S. Willard. | Shawnee |
| 53,287 | Stainless Steel, Inc., Appellee,
v.
Metropolitan Topeka Airport Auth.,
Appellant. | B. L. Pringle.

J. Randall Clinkscales. | Shawnee |
| 53,623 | R. D. Andersen Const. Co., Inc.,
Appellee,
v.
Kansas Dept. of Human Resources,
<i>et al.</i> , Appellant. | Stewart L. Entz.

J. Marcus Goodman. | Shawnee |
| 53,216 | Charles Judd and Helen Judd,
appellants,
v.
Carl G. Ossmann dba Ossmann & Asso.,
Appellees. | James D. Nordstrom.

Herbert A. Marshall. | Shawnee |

Wednesday, April 7, 1982

9:00 a.m.

- | | | | |
|--------|--|--|---------|
| 53,664 | In the Interest of MARY TERESA ARAIZA,
A child under the age of eighteen years. | Brett H. Robinson.
Darrell O. McNeil.
Ken Smith, Asst. D.A.;
Gene Olander, D.A., and
Atty. Gen. Beau Williams. | Shawnee |
|--------|--|--|---------|

(continued)

- | | | |
|--------|--|--|
| 52,875 | Robert R. Straub, Appellee,
v.
Sharon Straub, Appellant. | Hal E. DesJardins, Shawnee |
| 53,569 | National Industrial Environmental Services, Inc., Appellant,
v.
Joseph F. Harkins, Secy. of Health & Environment of the State of Kansas, Appellee. | John E. Wilkinson, Shawnee
Thomas A. Wood, Shawnee |
| 53,354 | Larry R. Lowrey, Appellant,
v.
M.F.A. Insurance, Appellee. | Jerry K. Levy, Shawnee |
| 53,584 | Marjorie Ryan, Appellant,
v.
St. Francis Hospital & Medical Center Inc., Appellee. | Thomas E. Wright, Shawnee
Jerry K. Levy, Shawnee |
| 53,345 | Marc I. Miles and Eileen Miles Charbo, Appellants,
v.
City of Topeka, Appellee. | Gary Sebelius, Shawnee
John R. Hamilton, Shawnee
Gerald L. Goodell.
Richard E. Jones. |

KANSAS COURT OF APPEALS

COURTROOM, NEW GREEN HALL, UNIVERSITY OF KANSAS LAW SCHOOL

LAWRENCE, KANSAS

Before FOTH, C.J., SPENCER and PARKS, JJ.

Wednesday, April 14, 1982

9:30 a.m.

- | | | |
|--------|---|---|
| 53,851 | State of Kansas, Appellant,
v.
Sherman L. Galloway, Appellee. | Gregory L. Hammel, Douglas
Asst. D.A.; Mike Malone, D.A.; Atty. Gen. |
| 53,637 | Edmundo Enrique Macias, et al., Appellees,
v.
Erman Corporation, Inc., Appellant. | Jeffrey O. Heeb, Wyandotte
Michael L. Hodges.
Lloyd Burke Bronston. |
| 53,658 | Bruce A. Arnott and Harvey L. Ludwick, Secy. of Human Resources, Appellee,
v.
Akin Engineering Co., Inc., Appellant,
<u>Steve W. Moffett et al., Appellee,</u>
v.
Akin Engineering Co., Inc., Appellant. | Robert C. Herndon, Mark Gunnison, Wyandotte
Reid Stacey, Asst. Atty. Gen. Wyandotte
D. Michael Dwyer. |
| 53,126 | State of Kansas, Appellant,
v.
Anita L. Jordan, Appellee. | Paul Morrison, Asst. D.A.; Dennis Moore, D.A.; Atty. Gen. Johnson
William Grimshaw. |
| 53,752 | Martin C. Crown and Meldena Crown, Appellants,
v.
Mary Ann French aka Mary Ann French Gibson, Appellee. | Edward H. Powers, Sr. Wyandotte
Phillip Lorton. |

2:00 p.m.

(continued)

53,044 Norman and Una H. Forer, Appellant,
v.
Joseph J. Langhofer *et al.*, and
Kansas Public Service Gas Co.,
Appellees.

Jane Frydman.

Douglas

John Immel.

53,275 In the Matter of the Guardianship
and Conservatorship of MARTHA LAKE.

James E. Sanders.
Clyde Burns.

Osage

KANSAS COURT OF APPEALS

COURT OF APPEALS COURTROOM, 3rd FLOOR,

OLD SEDGWICK COUNTY COURTHOUSE

541 NORTH MAIN, WICHITA, KANSAS.

Before ABBOTT, P.J., REES and MEYER, JJ.

Thursday, April 29, 1982

1:00 p.m.

53,395 Elbert W. Davis, Appellee,

v.

Product Development Group, Inc.,
Appellant.

Doyle E. White, Jr.

Butler

W. E. Woodward, Jr.

53,292 Alfreda Micheaux and Willie
Cotton, Appellees,

v.

Amalgamated Meatcutters and
Butcher Workmen of North America,
et al., Appellant.

Frank Hylton.

Sedgwick

Reid Stacey, Asst. Atty. Gen.

53,397 B. J. Linnens, Charles Dannenfelser
and Jimmie D. Baldwin, Appellees,

v.

Eugene Christensen, Gerry Harris,
Jon Thole, Ron Kirpatrick,
Reuben Zerger, Les Allison, Ron
Ludwig, Duly elected and acting
members of Board of USD 408.

James W. Wilson.

Marion

D. W. Wheeler.

53,503 Jack C. Wilcoxon, Jr., Appellee,

v.

Bill Meeker Trucking, AGPI, and
Truck Insurance Company, Appellants.

Bryon Brainerd.

Sedgwick

Otto J. Koerner.

53,320 Zora M. Graves, Appellant,

v.

Town & Country Food Markets, Inc.,
Appellee.

David A. Gripp.

Sedgwick

Richard L. Honeyman.

Friday, April 30, 1982

9:00 a.m.

53,424 State of Kansas, *ex rel.* Veria
Lee Traylor, Appellee,

v.

Tib Jerry Smith, Appellant.

Ronald Sickmann, Asst.
D.A., Clark V. Owens,
D.A.; Atty. Gen.

Sedgwick

53,405 State of Kansas, Appellee,

v.

Jimmy D. Casey, Appellant

Robert L. Mitchell.

Gordon Atcheson, Asst. D.A.; Sedgwick
Clark V. Owens, D.A.;
Atty. Gen.

53,195 Harry Bledsoe, Appellee,

v.

Mary Louise Bledsoe, Appellant.

O'Neil Davis.

Donald E. Lambdin.

Sedgwick

Robert L. Howard.

(continued)

53,199 Robert J. Ratley, Appellee,
 v.
 Sheriff's Civil Service Bd. of
 Sedgwick County, Appellant.

Ted L. Peters.

Sedgwick

Richard A. Euson.

LEWIS C. CARTER
 Clerk of the Appellate Court

Doc. No. 000119

State of Kansas

**PERMANENT ADMINISTRATIVE
 REGULATIONS**

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1982, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 6, 1982 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**STATE BOARD OF
 AGRICULTURE**

ADMINISTRATIVE REGULATIONS

4-1-1. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-1-2. Definitions. (a) *Agricultural chemicals (poisons).* "Agricultural chemicals" includes insecticides, fungicides, rodenticides, herbicides, nematocides, defoliants, plant regulators, and desiccants. A product shall be deemed to be an agricultural chemical regardless of whether the product is intended for use as packed or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing or manufacturing shall not be deemed to be agricultural chemicals (economic poisons). Substances which have recognized commercial uses other than uses as agricultural chemicals shall not be deemed to be agricultural chemicals unless these substances are:

- (1) Specially prepared for use as agricultural chemicals;
 - (2) labeled, represented, or intended for use as agricultural chemicals; or
 - (3) marketed in channels of trade where they will presumably be purchased as agricultural chemicals.
- (b) *Fungicide.* The term "fungicide" shall not include algaecides.
- (c) *Plant regulator.* "Plant regulator" shall not include substances intended solely for use as plant nutrients or fertilizers.

(d) *Active ingredient.* An "active ingredient" is an ingredient which:

- (1) Is capable in itself, and when used in the same manner and for the same purpose as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds, or other pests;

- (2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

- (3) Is not antagonistic to the activity of the principal active ingredient. The secretary may require an ingredient to be designated as an active ingredient if, in his or her opinion, it sufficiently increases the effectiveness of the agricultural chemical to warrant that action.

(e) *Rodent.* "Rodent" means any animal of the order Rodentia, including, but not limited to, rats, mice, rabbits, gophers, prairie dogs, and squirrels.

(f) *Authorized representative.* "Authorized representative" means any employee or agent of the state authorized by the secretary to make investigations in connection with the enforcement of the act. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2202; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-3, 4-1-4. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-1-5. Label. (a) *Contents of label.* The label of every agricultural chemical shall show, clearly and prominently, the name of the product; the name and address of the manufacturer, the registrant, or person for whom manufactured; the net contents; the ingredient statement; and a warning or caution statement which may be necessary to prevent injury to humans and other vertebrate animals, useful vegetation and useful invertebrate animals. The label of any agricultural chemical which is highly toxic to humans shall also contain the skull and crossbones, and the word "poison" in red on a contrasting background and the antidote statement in immediate proximity to it. The antidote statement shall include directions to call a physician immediately. The label of every agricultural chemical if necessary to prevent injury to humans and other vertebrate animals, useful vegetation and useful invertebrate animals, shall contain an appropriate warning or caution statement is required in K.A.R. 4-1-8.

(b) *Name and address of manufacturer.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the agricultural chemical was manufactured appears on the label, it shall be qualified by appropriate wording as "packed for . . ." "distributed by . . ." or "sold by . . ." to show that the name is not that of the manufacturer. When a person manufactures an agricultural chemical in two (2) or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each particular package need not be stated on the label except when the failure to name it may be misleading to the public.

(continued)

(c) *Name, brand, or trademark of agricultural chemicals.* The name, brand, or trademark of the agricultural chemical appearing on the label shall be that under which the agricultural chemical is registered. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2203; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-6. Ingredient statement. (a) *Location of ingredient statement.* The ingredient statement shall appear on that part of the label displayed under customary conditions of purchase except in cases where the secretary determines that, due to the size or form of the container a statement on that portion of the label is impractical, and permits this statement to appear on another side or panel of the label. When so permitted, the ingredient statement shall be in larger type and more prominent than would otherwise be possible. The ingredient statement shall run parallel with other printed matter on the panel of the label on which it appears and shall be on a clear contrasting background and not obscured or crowded.

(b) *Names of ingredients.* The well-known common name of the ingredient shall be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the secretary may permit the use of a new or coined name which is appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the secretary may prescribe the terms under which it shall be used. A trademark or trade name shall not be used as the name of an ingredient except when it has become a common name.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be one hundred (100). Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* Active ingredients and inert ingredients shall be so designated, and the term "inert ingredient" shall appear in the same size type and be equally as prominent as the term "active ingredients." (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2203; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-7. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-1-8. Warning or caution statement. The warning or caution statement shall appear on the label in a place sufficiently prominent to warn the user, and shall state clearly and in nontechnical language the particular hazard involved in the use of the agricultural chemical and the precautions to be taken to avoid accident, injury, or damage. The word "poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote, including directions to call a physician immediately, shall appear on all agricultural chemicals highly toxic to humans. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2203; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-9. Registration. (a) Any manufacturer, packer, seller, distributor, or shipper of an agricultural chemical may register this agricultural chemical.

(b) If an agricultural chemical is registered under the act no further registration under the act is required

when the product is in the manufacturer's or registrant's original unbroken immediate container or the claims made for it and the directions for its use do not differ in substance from the representations made in connection with registration.

(c) Applications shall be submitted at least thirty (30) days before the time when it is desired that registration take effect.

(d) *Responsibility of a registrant.* The registrant is responsible for the accuracy and completeness of all information submitted in connection with the application for registration of an agricultural chemical.

(e) *Changes in labeling or formulae.* Changes in substances in the labeling or changes in the formula of a registered agricultural chemical shall be submitted in advance to the control division, Kansas state board of agriculture, Topeka, Kansas. The registrant shall describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify these changes. After the effective date of a change in labeling or formula the product shall be marketed only under the new claims or formula, except that a reasonable time may be permitted by the secretary to dispose of properly labeled stocks of old products.

(f) *Claims must conform to registration.* Claims made for an agricultural chemical shall not differ from representations made in connection with registration. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2204; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-10. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-1-11. Adulteration; valuable constituent. (a) A valuable constituent shall be considered as wholly abstracted whenever the labeling of the product represents the presence of the constituent within it and this constituent has been wholly omitted in the preparation of the product or has been wholly removed from the completed product.

(b) A valuable constituent shall be considered as partly abstracted whenever the labeling of the product it represents the presence of the constituent within it and this constituent is not present or in the amount indicated in the labeling. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2202; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-12. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-1-13. Enforcement. (a) *Collection of samples.* Samples of agricultural chemicals shall be collected by authorized representatives or by any authorized employee of the state, who has been duly designated by the secretary. An official representative sample shall be one taken by the secretary of the state board of agriculture, or a duly authorized agent. An unbroken original package shall be taken as the official sample where the agricultural chemical is packed in small bottles, or small packages. Where the agricultural chemical is packed in large containers, portions for the official sample shall be taken from not less than five (5) separate original packages, unless there are fewer than five (5) separate original packages in the lot, in which case,

(continued)

portions for the official sample shall be taken from each original package. If the agricultural chemical is in bulk, portions shall be taken from not less than five (5) different places in the lot.

(b) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the association of official agricultural chemists, where applicable, and any other methods as may be necessary to determine whether the product complies with the law.

(c) *Notice of apparent violation.* If, from an examination or analysis, an agricultural chemical appears to be in violation of the act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated. The notice shall state the manner in which the sample fails to meet the requirements of the act and the regulations. The person to whom the notice was sent shall have the opportunity to offer a written explanation if he or she wishes to respond to the notice. That person may also file within twenty (20) days of its receipt a written request for an opportunity to present his or her views orally in connection with the notice. A notice or hearing shall not be required before the seizure of any agricultural chemical. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2206; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-14. Product for experimental use. (a) An agricultural chemical sold for experimental use, is exempt from the provisions of section 3 (a) of the act when:

- (1) It is plainly and conspicuously marked "for experimental use only";
- (2) Bears the manufacturer's or shipper's name and address; and
- (3) A permit for this product has been obtained from the secretary.

(b) Permits shall be of two types, specific and general. A specific permit shall be issued to cover a particular shipment on a specified date to a named person. A general permit shall be issued to cover more than one shipment over a period of time to different persons.

(c) All applications for permits covering products for experimental use shall be signed by the manufacturer or shipper or person making delivery and shall contain the following:

- (1) Name and address of shipper and place or places from which shipment will be made;
- (2) Proposed date of shipment or proposed shipping period not to exceed one year;
- (3) Identification of material to be covered by permit which should apply to a single material or group of closely allied materials;
- (4) Approximate quantity to be shipped and types of tests such as greenhouse, orchard, or field;
- (5) A signed statement that the agricultural chemical is intended for experimental use only; and
- (6) Proposed labeling which, in addition to other statements, shall state that the product is for experimental use only.

(d) A permit for shipment of agricultural chemicals for experimental use may be canceled at any time for any violation of the terms of the permit. (Authorized by K.S.A. 2-2205; implementing K.S.A. 2-2207; effective Jan. 1, 1966; amended May 1, 1982.)

4-1-15, 4-1-16. (Authorized by K.S.A. 2-2205; effective Jan. 1, 1966; revoked May 1, 1982.)

4-2-7. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked May 1, 1982.)

4-2-8. Methods of analyses. The methods of analyses shall be those published in "Rules for Seed Testing—Association of Official Seed Analysts," a copy of which is on file in the office of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended May 1, 1982.)

4-2-12, 4-2-13. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked May 1, 1982.)

4-3-1. (Authorized by K.S.A. 2-1013; effective Jan. 1, 1966; revoked May 1, 1982.)

4-3-2. Definitions. (a) International chick unit of vitamin D is the activity produced by one unit of vitamin D in the U. S. pharmacopoeia "vitamin D reference standard" determined according to the method of the association of official agricultural chemists.

(b) "U.S.P." means the United States pharmacopoeia, volume XIII.

(c) "Crude protein" and "protein" shall mean the product of the amount of nitrogen times the factor 6.25.

(d) "Person" means individuals, partnerships, associations or persons, and corporations.

(e) "Livestock" means and includes horses, mules, cattle, sheep, swine and goats.

(f) "Poultry" means fowl raised for meat, eggs, or feathers, and includes chickens, ducks, guineas, geese, turkeys and pigeons. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1001; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-3. Legibility and conspicuousness. (a) A word, statement, or other information required by or under the authority of the act or these regulations to appear on the label may lack that legibility and conspicuousness by reason of:

(1) The failure of this word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The insufficiency of label space (for the prominent placing of this word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label; and

(3) Smallness of style or type in which this word, statement, or information appears, insufficient background contrast; obscuring designs or vignettes; or crowding with other written, printed, or graphic matter. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-4. (Authorized by K.S.A. 2-1013; effective Jan. 1, 1966; revoked May 1, 1982.)

4-3-5. The name. (a) The name shall not be misleading or deceptive, or tend to mislead or deceive as to the materials of which the commercial feeding stuffs is composed. The name of a non-medicated feed shall be considered misleading or deceptive if:

- (1) It includes or suggests the name of one or more

(continued)

but not all of the ingredients, even though the names of all these ingredients are stated elsewhere on the label;

(2) It indicates or suggests that the commercial feeding stuffs is intended or adapted for a specific use, unless the character, quality and nutritive composition of the product is satisfactory for the purpose;

(3) It contains the word "vitamin" or a contraction of it, or any word suggesting vitamin, unless the product is represented solely as a vitamin supplement and is labeled with the minimum vitamin content guaranteed as specified in K.A.R. 4-3-8;

(4) The word "dehydrated" appears in the name of an alfalfa product or in connection with it, unless the product has been produced from the freshly cut alfalfa plant, having a moisture content of not less than fifty (50) percent and had been artificially dried at a temperature of at least one hundred (100) degrees centigrade or two hundred and fifteen (215) degrees fahrenheit for a period of not more than forty (40) minutes and containing no admixture of sun-cured products;

(5) The germ has been wholly or partially removed from the product, unless the word "degermed" precedes the name;

(6) The word "defluorinated" is used as a part of it, and the product contains more than one (1) part of fluorine (F) to forty (40) parts of phosphorus (P);

(7) Superlative, ambiguous, or doubtful terms are used as a part of it, such as "perfect" or "best," unless followed by the word "brand"; and

(8) The word "iodized" is used as a part of it unless the product contains more than .007% iodine (I), uniformly distributed. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-6. Name and address of manufacturer. An unqualified name and address given on the label shall mean the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom manufactured appears on the label, it shall be qualified by appropriate wording such as "packed for . . .," "distributed by . . .," or "sold by . . ." to show that the name is not that of the manufacturer. When a person manufactures commercial feeding stuffs in two (2) or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each package need not be stated on the label except when the failure to name it may be misleading to the public. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-7. Ingredient statement. (a) The specific name of each ingredient or collective term or terms shall be shown on the label. When a collective term or terms for a group of ingredients is used on the label, individual ingredients within the group shall not be listed on the label. The manufacturer shall provide upon request a listing of individual ingredients within a defined group. The specific name or collective term or terms shall be those products for which a definition or standard has been adopted. If the ingredient is a product that has not been defined, the name shall be descriptive and as approved by the secretary.

(b) If screenings are used as an ingredient, the source and condition shall be indicated.

(c) A statement of quality or grade of an ingredient shall not appear on the ingredient statement.

(d) A statement of vitamin content of an ingredient shall not appear in the ingredient statement, or any other part of the label, unless this statement is a guarantee of minimum vitamin content of the entire product given in terms as specified in K.A.R. 4-3-8.

(e) Statements or words explaining or qualifying the name of an ingredient shall not be used. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982.)

4-3-11. Registration. (a) After a commercial feeding stuffs is registered under the act, no further registration is required by persons selling the product, provided it remains in the registrant's properly labeled, original unbroken, immediate container.

(b) Registration shall be effective on the date the registration is issued.

(c) The secretary may refuse registration if:

(1) The name, brand or trademark is misleading or deceptive or may tend to mislead or deceive as to the materials of which the product is composed;

(2) The person already has a product registered under the same name; or

(3) The copy of label does not show the information as required by the act and these regulations or fails to conform to any of the requirements of the act. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1003; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-12. Permit system. (a) The permit holder shall keep the records of sales available for inspection for a period of three years.

(b) The secretary may cancel the permit if:

(1) The holder fails to report and pay the inspection fee within thirty days after due and payable;

(2) Refuses to permit the secretary or his duly authorized representative to examine the records; or

(3) Makes a false report of tonnage of feeding stuffs sold on which the inspection fee was due. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1004; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1982.)

4-3-15. Name of unmixed by-product feeds containing screenings or scourings. Unmixed by-product feeds, to which either screenings or scourings or both have been added, shall be labeled to clearly indicate this fact in the name. The word "screenings" or "scourings" together with the kind of screenings or scourings shall appear as a part of the name and shall be printed in the same size and face of type as the remainder of the name. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

4-3-16 to 4-3-18. (Authorized by K.S.A. 2-1013; effective Jan. 1, 1966; revoked May 1, 1982.)

4-3-47. Adoption by reference. The official definitions of feed ingredients and official feed terms adopted by the "Association of American Feed Control Officials" as published in the "Official Publication of the Association of American Feed Control Officials" on January 1, 1982, copies of which or copies of the pertinent portions of it are available from the control

(continued)

division of the state board of agriculture, Topeka, Kansas, are adopted by reference and shall apply to commercial feeding stuffs in this state. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective May 1, 1981; amended May 1, 1982.)

4-3-48. Official and tentative definitions. Despite the designation of various definitions of feed ingredients in the official publication of "The Association of American Feed Control Officials" as published on January 1, 1982, as "official" or "tentative," all provisions of this official publication adopted by K.A.R. 4-3-47 shall become effective upon the adoption of this regulation. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective May 1, 1981; amended May 1, 1982.)

4-5-1. Definitions. (a) "Fineness" of a product shall be determined by passing a sample through a number eight (8) and number sixty (60) U. S. standard sieve, and calculating the percentage by weight of the material which passes through each sieve.

(b) The "fineness factor" of a product shall be calculated as follows: one-half (1/2) the percent through a number eight (8) sieve plus one-half (1/2) the percent of product which passes through a number sixty (60) sieve equals fineness factor.

(c) "CCE" means calcium carbonate equivalent.

(d) "ECC" means effective calcium carbonate. The percent of ECC of an agricultural liming material shall be calculated by multiplying the CCE by the fineness factor. (Authorized by K.S.A. 1981 Supp. 2-2910; implementing K.S.A. 1981 Supp. 2-2902; effective May 1, 1982.)

4-5-2. Classification. Agricultural liming materials shall be classified in terms of minimum cce as shown in Table 1.

Table 1. Normal composition of Agricultural Liming Materials

Materials	Calcium Carbonate Equivalent (CCE) percent
Burnt lime	140
Hydrated lime	110
Limestone	80
Industrial by-product (slag)	80
Shells	80

(Authorized by K.S.A. 1981 Supp. 2-2910; implementing K.S.A. 1981 Supp. 2-2903; effective May 1, 1982.)

4-5-3. Inspection tonnage report. (a) When a manufacturer, producer, or distributor submits a tonnage report which covers several locations, the report shall include the following:

- (1) Name and address of each location registered; and
- (2) The number of tons sold or distributed from each location.

(b) Each manufacturer, producer, or distributor shall keep adequate records for a period of three (3) years of the tonnage of agricultural liming material sold and distributed from each of its business locations within the state. (Authorized by K.S.A. 1981 Supp. 2-2910; implementing K.S.A. 1981 Supp. 2-2906; effective May 1, 1982.)

4-8-1 to 4-8-3. (Authorized by K.S.A. 2-1315; effective Jan. 1, 1966; amended, E-67-3, April 24, 1967;

amended Jan. 1, 1968; amended Jan. 1, 1972; amended, E-77-19, May 1, 1976; amended Feb. 15, 1977; revoked May 1, 1982.)

4-8-4. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-5, 4-8-6. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended, E-67-3, April 24, 1967; amended Jan. 1, 1968; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-7. (Authorized by K.S.A. 2-1315; effective Jan. 1, 1966; amended E-67-3, April 24, 1967; amended Jan. 1, 1968; amended Jan. 1, 1972; amended, E-77-19, May 1, 1976; amended Feb. 15, 1977; revoked May 1, 1972.)

4-8-8. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended, E-67-3, April 24, 1967; amended Jan. 1, 1968; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-9. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended Jan. 1, 1972; amended, E-77-19, May 1, 1976; amended Feb. 15, 1977; revoked May 1, 1982.)

4-8-10. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-11. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-12. (Authorized by K.S.A. 1971 Supp. 2-1315; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1972; revoked May 1, 1982.)

4-8-14. Definitions. (a) "2,4-D" shall mean (2,4-dichlorophenoxy)acetic acid.

(b) "Fenac" shall mean (2,3,6-trichlorophenyl)acetic acid.

(c) "Picloram" shall mean 4-amino-3,5,6-trichloropicolinic acid.

(d) "Dicamba" shall mean 3,6-dichloro-*o*-anisic acid.

(e) "Glyphosate" shall mean *N*-(phosphonomethyl)glycine.

(f) "Fosamine" shall mean ethyl hydrogen (amino-carbonyl)phosphonate.

(g) "Prometon" shall mean 2,4-bis(isopropylamino)-6-methoxy-*x*-triazine.

(h) "Bromacil" shall mean 5-bromo-3*sec*-butyl-6-methyluracil.

(i) "MSMA" shall mean monosodium methanearsonate.

(j) "Amitrole" shall mean 3-amino-*s*-triazole.

(k) "Infested area" shall mean all land actually infested with noxious weeds and all land within one rod of any visible growth of noxious weeds on the visible boundary of the infestation.

(l) "LV" shall mean low volatile. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-15. Approved methods of control. Noxious weeds shall be controlled by the use of approved chemicals or by the use of a nonchemical method which prevents the production of seed or new plants.

(continued)

(Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-16. Field bindweed. (a) *Approved chemicals.* The chemicals approved for use on field bindweed shall be 2,4-D, fenac, picloram, dicamba, fosamine, and glyphosate.

(b) *Use of 2,4-D amine or 2,4-D LV ester.* 2,4-D amine or 2,4-D LV ester shall be applied at a rate not less than three-fourths (¾) nor more than two (2) pounds acid equivalent per acre. Applications shall be made in the spring when the plant is in the bud stage and in the fall when the plant exhibits twelve (12) inches of new growth.

(c) *Use of fenac.* Fenac shall not be applied to cropland. Fenac shall be applied to the plant during its growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds active ingredient per acre.

(d) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied to the plant during its growing season at a rate of two (2) pounds acid equivalent per acre.

(e) *Use of dicamba.* Dicamba shall be applied when plant is actively growing. Dicamba shall be applied as a spot application to fallow land and wheat stubble at a rate not less than one (1) nor more than two (2) pounds acid equivalent per acre.

(f) *Use of dicamba and 2,4-D LV ester.* A tank mix of one-half (1/2) pound of dicamba and one (1) pound of 2,4-D LV ester per acre shall be applied when the plant is actively growing.

(g) *Use of fosamine.* Fosamine shall not be applied to cropland. Fosamine shall be applied when the plant is beginning to bloom, at a rate not less than eight (8) nor more than twelve (12) pounds active ingredient per acre.

(h) *Use of glyphosate.* Glyphosate shall be applied when the plant is actively growing in August, September and October at a rate of three (3) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-17. Johnsongrass. (a) *Approved chemicals.* The chemicals approved for use on johnsongrass shall be prometon, bromacil, MSMA, glyphosate and a mixture of borate and sodium chlorate.

(b) *Use of prometon.* Prometon shall not be applied to cropland. Prometon shall be applied to plants as soon as they emerge in the spring to a height of twenty-four (24) to thirty-six (36) inches at a rate not less than forty (40) nor more than sixty (60) pounds active ingredient per acre.

(c) *Use of bromacil.* Bromacil shall not be applied to cropland. Bromacil shall be applied just before or during active growth, at a rate not less than twelve (12) nor more than twenty-four (24) pounds active ingredient per acre.

(d) *Use of MSMA.* MSMA shall not be applied to cropland. MSMA shall be applied when plant is in the boot stage at a rate not less than three (3) nor more than five (5) pounds active ingredient per acre.

(e) *Use of glyphosate.* Glyphosate shall be applied when plant is actively growing at eighteen (18) inches average height to early heading stage of growth at a rate of one and one-half (1.5) pounds acid equivalent per acre.

(f) *Use of borate and sodium chlorate mixture.* Borate and sodium chlorate mixture shall not be applied to cropland. Borate and sodium chlorate mixture shall be applied during the growing season at a rate not less than eight (8) nor more than ten (10) pounds per square rod. Borate and sodium chlorate mixture shall contain 23.3% B₂O₃ and 30% sodium chlorate. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-18. Hoary cress. (a) *Approved chemicals.* The chemicals approved for use on hoary cress shall be 2,4-D LV ester and dicamba.

(b) *Use of 2,4-D LV ester.* 2,4-D LV ester shall be applied in the spring at early bud stage and in the fall at rosette stage at a rate of two (2) pounds acid equivalent per acre.

(c) *Use of dicamba.* Dicamba shall be applied on pastures, rangeland and non-cropland at early bud stage in the spring and at rosette stage in the fall at a rate not less than two (2) nor more than six (6) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-19. Russian knapweed. (a) *Approved chemicals.* The chemicals approved for use on russian knapweed shall be 2,4-D LV ester, fenac, dicamba and picloram.

(b) *Use of 2,4-D LV ester.* 2,4-D LV ester shall be applied at early bud stage at a rate of two (2) pounds acid equivalent per acre.

(c) *Use of fenac.* Fenac shall not be applied to cropland. Fenac shall be applied during the growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds active ingredient per acre.

(d) *Use of dicamba.* Dicamba shall be applied on pastures, rangeland, and non-cropland at early bud stage at a rate not less than two (2) nor more than six (6) pounds acid equivalent per acre.

(e) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate of two (2) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-20. Bur ragweed. (a) *Approved chemicals.* The chemicals approved for use on bur ragweed shall be 2,4-D LV ester, fenac, dicamba and picloram.

(b) *Use of 2,4-D LV ester.* 2,4-D LV ester shall be applied at early bud stage at the rate of two (2) pounds acid equivalent per acre.

(c) *Use of fenac.* Fenac shall not be applied to cropland. Fenac shall be applied during the growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds acid equivalent per acre.

(d) *Use of dicamba.* Dicamba shall be applied to cropland at a rate not less than one (1) nor more than two (2) pounds acid equivalent per acre. Dicamba shall be applied to pastures, rangeland and non-cropland at a rate not less than two (2) nor more than six (6) pounds active ingredient per acre. Applications shall be made when plant is at early bud stage.

(e) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate of two (2) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

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4-8-21. Canada thistle. (a) *Approved chemicals.* The chemicals approved for use on canada thistle shall be 2,4-D, amitrole, fenac, picloram, dicamba and glyphosate.

(b) *Use of 2,4-D amine or 2,4-D LV ester.* 2,4-D amine or 2,4-D LV ester shall be applied in the spring at early bud stage and in the fall when plants are actively growing at a rate not less than one (1) nor more than two (2) pounds acid equivalent per acre.

(c) *Use of amitrole.* Amitrole shall not be applied to cropland. Amitrole shall be applied at pre-bud stage at a rate not less than four (4) nor more than six (6) pounds acid equivalent per acre.

(d) *Use of fenac.* Fenac shall not be applied to cropland. Fenac shall be applied during the growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds active ingredient per acre.

(e) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate not less than two (2) nor more than three (3) pounds acid equivalent per acre.

(f) *Use of dicamba.* Dicamba shall be applied to cropland at a rate not less than one (1) nor more than two (2) pounds acid equivalent per acre. Dicamba shall be applied on pastures, rangeland and non-cropland at a rate not less than two (2) nor more than four (4) pounds acid equivalent per acre. Application shall be made at early bud stage in the spring and at rosette stage in the fall.

(g) *Use of glyphosate.* Glyphosate shall be applied at a rate of two and one-fourth (2.25) pounds of acid equivalent per acre. Glyphosate shall be applied at pre-bud to bud stage in the spring and when plants are actively growing in the fall. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-22. Leafy spurge. (a) *Approved chemicals.* The chemicals approved for use on leafy spurge shall be 2,4-D LV ester, fenac, picloram and dicamba.

(b) *Use of 2,4-D LV ester.* 2,4-D LV ester shall be applied at a rate of two (2) pounds acid equivalent per acre. Application time shall be early bud stage in the spring and fall.

(c) *Use of fenac.* Fenac shall be applied during the growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds active ingredient per acre.

(d) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate not less than two (2) nor more than three (3) pounds acid equivalent per acre.

(e) *Use of dicamba.* Dicamba shall be applied at early bud stage in the spring and fall on pastures, rangeland and non-cropland at a rate not less than two (2) nor more than six (6) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-23. Quackgrass. (a) *Approved chemicals.* The chemicals approved for use on quackgrass shall be amitrole and glyphosate.

(b) *Use of amitrole.* Amitrole shall not be applied to cropland. Amitrole shall be applied at a rate of four (4) pounds acid equivalent per acre in the spring and fall when plants have good foliage before heading.

(c) *Use of glyphosate.* Glyphosate shall be applied at

a rate not less than one and one-half (1.5) pounds nor more than two and one-fourth (2.25) pounds acid equivalent per acre in the spring and fall when the plants are at least eight (8) inches in height. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-24. Pignut. (a) *Approved chemicals.* The chemicals approved for use on pignut shall be fenac and picloram.

(b) *Use of fenac.* Fenac shall not be applied to cropland. Fenac shall be applied during the growing season at a rate not less than fifteen (15) nor more than twenty (20) pounds active ingredient per acre.

(c) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate not less than two (2) nor more than three (3) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-25. Musk thistle. (a) *Approved chemicals.* The chemicals approved for use on musk thistle shall be 2,4-D, dicamba and picloram.

(b) *Use of 2,4-D amine or 2,4-D LV ester.* 2,4-D amine or 2,4-D LV ester shall be applied in the spring and fall when plants are in rosette stage of growth at a rate not less than one and one-half (1.5) nor more than two (2) pounds acid equivalent per acre.

(c) *Use of dicamba.* Dicamba shall be applied in the spring only, when plants are in rosette stage. Dicamba shall be applied at a rate of one-third ($\frac{1}{3}$) pound acid equivalent per acre.

(d) *Use of dicamba and 2,4-D.* A tank mix of dicamba and 2,4-D shall be applied to plants in the rosette stage only in the spring. A tank mix shall be applied at a rate of one-fourth ($\frac{1}{4}$) pound of dicamba plus three-fourths ($\frac{3}{4}$) pound of 2,4-D acid equivalent per acre.

(e) *Use of picloram.* Picloram shall be applied at a rate not less than three thirty-seconds ($\frac{3}{32}$) nor more than one-eighth ($\frac{1}{8}$) pound acid equivalent per acre in rangeland and permanent grass pastures. Picloram shall be applied in the spring when plants are in the rosette stage and in the fall when the plants are in the rosette stage between October 1 and December 1. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-8-26. Kudzu. (a) *Approved chemicals.* The chemicals approved for use on kudzu shall be amitrole, dicamba, picloram, and glyphosate.

(b) *Use of amitrole.* Amitrole shall not be applied to cropland. Amitrole shall be applied at a rate of four (4) pounds acid equivalent per acre when plants are fully developed and until plants begin to go dormant.

(c) *Use of dicamba.* Dicamba shall not be applied to cropland. Dicamba shall be applied in the spring in granular form only, at a rate not less than two (2) nor more than eight (8) pounds acid equivalent per acre when new growth from crown starts. Dicamba shall be applied in the summer and fall when plants are fully developed and until plants begin to go dormant.

(d) *Use of picloram.* Picloram shall not be applied to cropland. Picloram shall be applied in the spring in the granular form only, at a rate not less than two (2) nor more than five (5) pounds acid equivalent per acre when new growth from crown starts.

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(e) *Use of glyphosate.* Glyphosate shall be applied when plants are actively growing and most are at or beyond the early to full bloom stage at a rate of three (3) pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982.)

4-11-1. (Authorized by K.S.A. 2-2504; effective Jan. 1, 1966; revoked May 1, 1982.)

4-11-2. Definitions. (a) "Eggs" shall mean eggs in the shell that are the product of the domesticated chicken.

(b) "Person" shall mean and include all individuals, firms, associations, partnerships, and corporations.

(c) "Secretary" shall mean the secretary of the state board of agriculture.

(d) "Director" shall mean the director of the marketing division, state board of agriculture.

(e) "Food purveyor" shall mean all persons, except those exempted by K.S.A. 2-2508, selling eggs to retailers or to consumers including, but not limited to, state institutions, military and other federal installations, grocery stores, and other places where foods are sold and all operators of restaurants, cafes, cafeterias, hotels, institutions, and all other places where eggs are served in the shell or broken out for immediate consumption.

(f) "Consumer" shall mean and include all persons purchasing eggs for consumption and not for resale.

(g) "Advertisement" shall mean any placard, handbill, signs, newspaper advertisement, radio or television advertisement or any other method of calling the consumer's attention to eggs.

(h) "Carton" shall mean containers of one (1) dozen eggs or less.

(i) "Case" for inspection fee purposes shall mean containers of more than fifteen (15) dozen and not more than thirty (30) dozen eggs.

(j) "Half case" for inspection fee purposes shall mean containers of more than one (1) dozen and not more than fifteen (15) dozen eggs.

(k) "Lot" shall mean all of those eggs billed on a separate invoice from any one (1) packer or one (1) producer or any other source of eggs.

(l) "Dealer" shall mean the person packing eggs in containers or the person for whom eggs are packed in containers, for resale to food purveyors or consumers.

(m) "Fresh" shall mean eggs of current production that do not possess any undesirable odors or flavors. (Authorized by K.S.A. 2-2504; implementing K.S.A. 2-2502, 2-2505; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982.)

4-11-3. Labeling. (a) *Size and quality.* All eggs sold to food purveyors or consumers shall have on the containers a label indicating size and quality.

(b) *Size of type.* Labeling to show quality and size shall be printed in boldface type letters not less than three-eighths (3/8) inch in height.

(c) *Name and address on label.* The name and address of either the dealer packer or person for whom packed or the retailer shall be indicated on the container.

(d) *False or deceptive labeling.* The label shall be false or deceptive if:

(1) The eggs in the container are not of the quality or size as indicated by the label or

(2) If the label bears a statement that is false or misleading, or

(3) The label bears any qualifying word with reference to size or quality which is in misleading, or

(4) The label bears the word "fresh," unless the eggs are of "A" or "AA" quality. (e) *Inspection fee stamp as label for size and quality.* Persons who have not been issued a permit to report and pay the inspection fee on a quarterly basis, shall use the inspection fee stamp on each container to show quality and size and to show that the inspection fee has been paid on the contents. The name of the dealer may appear elsewhere on the container.

(f) *Location of labeling.* (1) For cartons labeling shall be located on the outside top surface of the container.

(2) For cases and half cases labeling shall be located on either the outside surface of top or on either end of the container.

(g) *Pack date.* Each container of eggs which is sold to food purveyors or consumers shall bear a "pack date" which means a date indicating when the eggs were packed. The pack date shall be legible and shall appear in a conspicuous place on the container. The date may be expressed in terms of the month and day or as a julian date. (Authorized by K.S.A. 2-2504, 74-531; implementing K.S.A. 2-2502, 2-2505; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1972; amended May 1, 1982.)

4-11-5. (Authorized by K.S.A. 2-2502, 74-531; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1972; revoked May 1, 1982.)

4-11-10. (Authorized by K.S.A. 2-2502, 74-531; effective Jan. 1, 1966; amended Jan. 1, 1969; revoked May 1, 1982.)

4-11-11. (Authorized by K.S.A. 2-2504; effective Jan. 1, 1966; revoked May 1, 1982.)

4-11-12. (Authorized by K.S.A. 2-2502, 74-531; effective Jan. 1, 1966; amended Jan. 1, 1969; revoked May 1, 1982.)

4-11-13. (Authorized by K.S.A. 2-2502, 74-531; effective Jan. 1, 1966; revoked May 1, 1982.)

4-11-14. Adoption by reference. Except for 7 C.F.R. 2856.215, those portions of the federal regulations governing the grading of shell eggs and United States standards, grades, and weight classes for shell eggs found in 7 C.F.R. 2856.200 through 7 C.F.R. 2856.217 of the code of federal regulations as amended and supplemented as published in the federal register on August 4, 1981, copies of which are available from the division of markets of the state board of agriculture, Topeka, Kansas, are adopted by reference and shall apply to eggs sold in this state. (Authorized by K.S.A. 2-2504; 74-531; implementing K.S.A. 2-2502; 2-2505; effective May 1, 1982.)

4-12-1 to 4-12-6. (Authorized by K.S.A. 1965 Supp. 2-2403; effective Jan. 1, 1966; revoked May 1, 1982.)

4-16-1. Definitions. (a) "Division" shall mean the meat and poultry inspection division of the board established and created for the administration of the Kansas meat and poultry inspection act.

(continued)

(b) "Inspector" shall mean an inspector of the division.

(c) "Director" shall mean the director or the division.

(d) "Establishment" shall mean any permanently located building and adjacent premises where cattle, sheep, swine, goats, horses, mules and other equines, domestic rabbits, and poultry, capable of use as human food, are slaughtered; or where the carcasses of these animals are cut, boned, smoked, salted, canned, packed, rendered, or otherwise processed.

(e) "Circuit" shall mean one or more establishments included under a single inspector.

(f) "Meat" shall mean that part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It shall not include the muscle found in the lips, snout, or ears.

(g) "Meat by-product" shall mean any edible part other than meat which has been derived from one or more cattle, sheep, swine, or goats.

(h) "Meat food product" shall not include any products which contain meat or other portions of these carcasses only in relatively small proportion or which historically have not been considered by consumers as products of the meat food industry, or such articles as organotherapeutic substances, meat juice, and meat extract which are only for medicinal purposes and are sold only to members of the medical profession.

(i) "Product" shall mean any carcass, meat, meat byproduct, or meat food product capable of use as human food.

(j) "Carcass" shall mean all parts, including viscera, of a slaughtered animal that are capable of being used for human food.

(k) "Kansas inspected and passed" shall mean that the meat, meat by-product, or meat food product so marked has been inspected and passed under these regulations, and at the time it was inspected, passed, and so marked it was found to be sound, healthful, wholesome, and fit for human food.

(l) "Kansas passed for cooking" shall mean that the meat and meat by-product so marked has been inspected and passed on the condition that it be rendered into lard, rendered pork fat, or tallow, as prescribed by these regulations, or otherwise cooked by a method approved by the director.

(m) "Passed for refrigeration" shall mean the meat and meat by-product so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by these regulations, or by a method approved by the director.

(n) "Kansas inspected and condemned" shall mean that the carcass, viscera, part of carcass, meat, meat by-product, or meat food product so marked or so identified, is unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(o) "Kansas retained" shall mean that the carcass, viscera, part of carcass, meat, meat by-product, meat food product, or other product so marked or identified shall be held for further examination by an inspector to determine its disposal.

(p) "Kansas suspect" shall mean that the livestock so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and which shall be subject to further examination by an inspector to determine its disposal.

(q) "Kansas condemned" shall mean that the livestock so marked has been inspected and found to be in a dying condition, or to be affected with a condition or disease that would require condemnation of its carcass.

(r) "Inspection legend" shall mean a mark or statement, authorized by these regulations, to appear on a product or on the container of a product, indicating that the product has been inspected and passed for human food by an inspector.

(s) "Immediate container or true container" shall mean the can, pot, tin, canvas, or other receptacle or covering in which any product is directly contained or wholly or partly enclosed.

(t) "Shipping container" shall mean the outside container containing or wholly or partly enclosing any product packed in one or more immediate containers.

(u) "Biological residues" shall mean any substance, including metalbolites, remaining in an animal at time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the animal to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(v) "Edible" shall mean intended for use as human food.

(w) "Inedible" shall mean adulterated, uninspected, or not intended for use as human food.

(x) "Cutting" shall mean any division of a carcass or any part of a carcass except trimming to remove surface contaminants is not considered as cutting.

(y) "Renderer" shall mean a person engaged in the business of rendering carcasses or parts or products of the carcasses of livestock.

(z) "Livestock" shall mean any cattle, sheep, swine, goat, horse, mule or other equine.

(aa) "Experimental animal" shall mean an animal used in research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical or a nonexperimental biological product, drug or chemical used in a manner for which it was not intended.

(bb) "Dead livestock" shall mean the body or cadaver of any livestock which has died otherwise than by slaughter.

(cc) "Dying, diseased, or disabled livestock" shall mean livestock which has or displays symptoms of having any of the following:

(1) Central nervous system disorder;

(2) abnormal temperature (high or low);

(3) difficult breathing;

(4) abnormal swellings;

(5) lack of muscular coordination;

(6) inability to walk normally or stand; and

(7) any of the diseases for which livestock is required to be condemned on ante mortem inspection in accordance with these regulations.

(dd) "Retail store" shall mean any place of business where:

(continued)

(1) The sales of product are made to consumers only;
 (2) at least seventy-five percent (75.0%), of total dollar value of sales of product represents sales to household consumers, and the total dollar value of sales of product to other than household consumers such as restaurants, hotels or institutions does not exceed twenty-seven thousand eight hundred dollars (\$27,800) per year;

(3) Only state or federally inspected and passed product is handled or used in the preparation of any product, except that product resulting from custom preparation may be handled or used in accordance with K.S.A. 65-6a31, but not for sale;

(4) No sale of product is made in excess of a normal retail quantity, as defined in subdivision (B) of this subsection;

(5) The preparation of products for sale to household consumers is limited to traditional and usual operations as defined in subdivision (A) of this subsection; and

(6) The preparation of products for sale to other household consumers is limited to traditional and usual operations as defined in (i), (ii), (iv), and (v) of subdivision (A) of this subsection.

(A) Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(i) Cutting up, slicing and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts, such as steaks, chops, and roasts, and freezing these cuts;

(ii) Grinding and freezing products made from meat;

(iii) Curing, cooking, smoking or other preparation of products, except slaughtering, rendering or refining of livestock fat or in the retort processing of canned products;

(iv) Breaking bulk shipments of products;

and

(v) Wrapping or rewrapping of products.

(B) Any quantity of product purchased by a household consumer from a particular retail store shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half (1/2) carcass. The following amounts of product shall be accepted as representing one-half (1/2) carcass of the species identified:

	One-half carcass, pounds
Cattle	300
Calves	37.5
Sheep	27.5
Swine	100
Goats	25

(ee) "Relatively small proportion" shall mean any product which contains less than three percent (3%) meat or meat by-products or both computed on the basis of the fresh weight, exclusive of bone.

(ff) "Animal food" shall mean any product intended for use as food for other animals, derived wholly or in part from the carcasses or parts or products of the carcasses of livestock.

(gg) "Restaurant" shall mean any establishment where product is prepared only for sale or service, in meals or as entrees, directly to individuals, or for consumption in the home, either frozen or fresh cooked.

(hh) "Custom slaughter" shall mean the killing of

any animal, delivered by its owner, the dressing or removal of hide and offal without ante mortem and post mortem inspection, the preparation, the packaging, the freezing, and the transportation in intrastate commerce of the carcasses, parts of them, meat and meat food products of the animal, exclusively for use in the household of the owner, by the owner and members of his or her household, former members of the owner's household and the owner's nonpaying guests and employees.

(ii) "Custom Slaughterer" shall mean any person engaged in custom slaughtering at an established place of business which meets sanitation requirements of the Kansas meat inspection regulations.

(jj) "Custom processor" shall mean any person engaged in custom processing at an established place of business that meets sanitation requirements of the Kansas meat inspection regulations.

(kk) "Custom processing" shall mean the preparation of any carcass or parts of carcasses, delivered by the owner, exclusively for the use or consumption by the owner, members of his or her household, former members of the owner's household or the owner's nonpaying guests or employees.

(ll) "Consumer" shall mean any household consumer, hotel, restaurant, or similar institution as determined by the director in specific cases.

(mm) "Similar retail-type business" shall mean any business which is a combination retail store and restaurant, or other business as determined by the director in specific cases.

(nn) "Poultry meat" shall mean the deboned white and dark meat of domesticated birds (chickens, turkeys, ducks, geese and guineas). (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a18 and K.S.A. 65-6a30; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-71-18, April 28, 1971; amended Jan. 1, 1972; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982.)

4-16-1a. Additional definitions. (a) All references to "the act or act" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean K.S.A. 65-6a18 *et seq.*

(b) All references to "secretary" or to "administrator" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean the secretary of the state board of agriculture.

(c) All references to any "form," either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean a form supplied by the meat and poultry inspection division of the state board of agriculture.

(d) All references to "U.S. or the United States" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean Kansas or the state of Kansas as the context requires.

(e) All references to "program" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean division unless the context requires otherwise.

(f) All references to "not for sale" in the context of labeling product produced in a custom plant in the

(continued)

portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1b shall mean custom—not for sale.

(g) All references to "4-16-156" or to K.A.R. 4-16-1562 shall mean 9 C.F.R. 318, 7(c) which has been adopted by reference in K.A.R. 4-16-1b.

(h) All references to "Part 316 of this subchapter," "Part 317 of this subchapter," or "Part 319 of this subchapter" shall mean the corresponding Kansas Administrative Regulations. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1982.)

4-16-1b. Adoption by reference. The following sections of title 9 of the code of federal regulations revised as of January 1, 1980, are adopted by reference:

- (1) All of part 305;
- (2) All of part 308;
- (3) All of part 309;
- (4) All of part 310;
- (5) All of part 311;
- (6) All of part 314;
- (7) All of part 315;
- (8) All of part 316;
- (9) Part 318.7; and
- (10) All of part 381 except section 381.10.

Copies of this material or the pertinent portions are available from the meat and poultry inspection division of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1982.)

4-16-2. Scope of inspection. (a) *Facility inspection.* Every establishment in which any livestock is slaughtered; and every establishment in which any meat, meat by-product, or meat food product derived from livestock are wholly or in part prepared and intended for use as human food, shall be inspected as required by these regulations.

(b) *Animal inspection.* All livestock entering an establishment shall be inspected and passed, retained, or condemned as provided in these regulations.

(c) *Product inspection.* All meat, meat by-products and meat products prepared in any establishment, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by these regulations.

(d) *Horse and mule slaughtering facility inspection.* Every establishment in which horses or mules are slaughtered, or in which carcasses, parts of carcasses, horse or mule meat, horse or mule meat by-products, or horse or mule meat food products, are wholly or in part, prepared, which are capable of being used as human food shall be inspected as required by these regulations. (Authorized by K.S.A. 65-6a30, 65-6a44; implementing K.S.A. 65-6a30; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1982.)

4-16-5. (Authorized by K.S.A. 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-8. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1975; revoked May 1, 1982.)

4-16-9. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-10, 4-16-11. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-12. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a32, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-13. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a32, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-14. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a32, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-15. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-16 to 4-16-18. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a32, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-19. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-20. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-21. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-22. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-23 to 4-16-35. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-36. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-72-7, Feb. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1982.)

4-16-37, 4-16-38. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-40 to 4-16-54. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-55a. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective Jan. 1, 1974; revoked May 1, 1982.)

4-16-56 to 4-16-59. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-59a. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective May 1, 1975; revoked May 1, 1982.)

4-16-60. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; ef-

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fective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-61. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1975; revoked May 1, 1982.)

4-16-62 to 4-16-69. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-70, 4-16-71. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective E-70-4, Dec. 1, 1969; effective, Jan. 1, 1971; amended Jan. 1, 1972; revoked May 1, 1982.)

4-16-72 to 4-16-77. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-78. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-79 to 4-16-81. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-82. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-83 to 4-16-89. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-90. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-91 to 4-16-98. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-100 to 4-16-114. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-115. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-116. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked May 1, 1982.)

4-16-117. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1982.)

4-16-118 to 4-16-122. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971, revoked May 1, 1982.)

4-16-123. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

4-16-124 to 4-16-126. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-127. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

4-16-128. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; revoked May 1, 1982.)

4-16-129. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

4-16-130 to 4-16-132. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1975; revoked May 1, 1982.)

4-16-133. (Authorized by K.S.A. 1970 Supp. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1982.)

4-16-135. Labels; definitions; required features.
(a) A "label" shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container, not including package liners, of any product.

(b) Any word, statement, or information required to appear on the label shall be prominently and conspicuously placed on the label in terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement this information shall appear on the principal display panel except as otherwise permitted in this part.

(c) Labels of all products shall show the following information on the principal display panel, except as otherwise permitted in this part, in accordance with the requirements of this part or, if applicable, part XVII:

(1) The name of the product, which in the case of a product for which a definition and standard of identity or composition is prescribed in part XVII, shall be the name, if any, of the food specified in the standard, and otherwise shall be the common or usual name of the food, if there is any, and if there is none a truthful descriptive designation;

(2) The word "ingredients" followed by a list of the ingredients if the product is made from two or more ingredients;

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(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared;

(4) An accurate statement of the net quantity of contents. Custom prepared products need not bear a net weight statement when being returned to the owner for use or consumption, or for members of the household or any nonpaying guests or employees;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this section, the number of the establishment in the form as required by part XI; and

(6) Any other information required by the regulations in this part, or part XVII.

(d) The principal display panel shall be, in the case of a rectangular package, the entire side or sides that are most likely to be displayed, presented, shown, or examined under customary conditions of display; and in the case of a cylindrical or nearly cylindrical container, an area equal to forty (40) percent of the surface area of the container obtained by multiplying the height of the container by the circumference.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to "a particular method of" preparation. The unqualified terms "meat," "meat by-product," "meat food product" and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the director in order to assure that the label will not be false or misleading.

(f) On containers of frozen dinners, entrees, pizzas and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel provided that the words "see ingredients" followed immediately by an arrow are placed on the principal display panel immediately above the location of this statement and provided that this front riser panel is used solely to show the ingredient statement. The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(1) The term "flavorings" may be used to designate essential oils, oleoresins, essence or extractive, hydrolysate, or distillate which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products. The term "spices" may be used to designate natural spices, without naming each.

(2) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(3) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of edible fats in product des-

ignated "compound" or "shortening." "Animal fats" means fat derived from inspected and passed cattle, sheep, swine, or goats.

(4) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of this coating appears next to the name of the product, the ingredient statement need not make reference to the ingredients of this coating.

(5) When two (2) meat ingredients comprise at least seventy (70) percent of the meat and meat by-product ingredients of a formula and when neither of the two (2) meat ingredients is less than thirty (30) percent by weight of the total meat and meat by-products used, these meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials. The word "and" in lieu of a comma shall be shown between the declaration of these meat ingredients in the statement of ingredients.

(6) Any substance mixed with another substance to cure a product shall be identified in the ingredients statement on the label of this product.

(7) Any product which is required to be labeled by a common or usual name or descriptive name in accordance with this part and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with the common or usual name or descriptive name when immediately preceded with the term "uncured" as part of the product name in the same size and style of lettering as the product name, provided that the product is found by the director to be similar in size, flavor, consistency, and general appearance to this product as commonly prepared with nitrate or nitrite, or both.

(A) Products described in this paragraph or in K.A.R. 4-16-170a which contain no nitrate or nitrite shall bear the statement "no nitrate or nitrite added." This statement shall be on the products label next to the product name in lettering of easily readable style and at least one-half (1/2) the size of the product name.

(B) Products described in this paragraph or in K.A.R. 4-16-170a shall bear, next to the product name in lettering of easily readable style and at least one-half (1/2) the size of the product name, the statement "not preserved-keep refrigerated below forty (40) degrees Fahrenheit at all times" unless they have been thermally processed to F₀3 or more; they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

(C) Products described in this paragraph or in K.A.R. 4-16-170a shall not be subject to the labeling requirements of this paragraph if they contain an amount of salt sufficient to achieve a brine concentration of ten (10) percent or more.

(g) The name of the person that prepared the product or the name of the operator of the establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for . . ." or "distributed by . . ." The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, state, and postal zip code when this business is listed in a telephone or city directory; and if

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not listed in this directory then the place of business shall be shown by street address, city, state, and postal zip code.

(h) The statement of net quantity of contents shall appear on the principal display panel in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (1) through (9) of this paragraph (h).

(1) The statement as it is shown on a label shall not be false or misleading and shall accurately reveal the quantity of food in the package exclusive of wrappers and packing substances. When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, the statement of the quantity of contents shall represent the weight of the drained product when removed from the container, to the exclusion of the packing substance. Unless the statement of net quantity of contents is qualified to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, variation below the stated minimum shall not be permitted, and variations above the stated minimum shall not be greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement purports to express actual quantity, variations incident to packaging in accordance with good commercial practice shall be allowed but the average net weight of the packages in each lot, determined on the basis of representative samples, shall not be less than the quantity stated.

(2) The statement shall be placed on the principal display panel within the bottom thirty (30) percent of the area of the panel in lines generally parallel to the base. On packages having a principal display panel of five (5) square inches or less, the requirement for placement within the bottom thirty (30) percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). The declaration may appear in more than one line. The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" when stating the net quantity of contents in terms of fluid measure.

(3) The statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid.

(4) On packages containing one (1) pound or one (1) pint and not more than four (4) pounds or one (1) gallon, the statement shall be expressed as a dual declaration both in ounces and immediately thereafter in parenthesis in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places, for packages over one (1) pound, and for packages which do not exceed one (1) pound,

the statement may be in decimal fractions of the pound in lieu of ounces.

(5) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(A) Not less than one-sixteenth inch ($1/16$) in height on packages, the principal display panel of which has an area of five (5) square inches or less;

(B) Not less than one-eighth inch ($1/8$) in height on packages, the principal display panel of which has an area of more than five (5) but not more than twenty-five (25) square inches;

(C) Not less than three-sixteenths inch ($3/16$) in height on packages, the principal display panel of which has an area of more than twenty-five (25) but not more than one hundred (100) square inches;

(D) Not less than one-quarter inch ($1/4$) in height on packages, the principal panel of which has an area of more than one hundred (100) but not more than four hundred (400) square inches; and

(E) Not less than one-half ($1/2$) inch in height on packages, the principal display panel of which has an area of more than four hundred (400) square inches.

(6) The ratio of height to width of letters and numerals shall not exceed a differential of three (3) units to one (1) unit no more than three (3) times as high as it is wide. Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(7) The statement shall be separated from other printed matter appearing above or below the statement by a space equal to the height of the lettering used in the statement and from printed matter appearing to the right or left by a space equal to at least twice the width of the letter "N" of the style of type used in the statement.

(8) Individually wrapped and labeled packages of less than 1/2-ounce net weight shall be exempt from the required statement of net quantity of contents specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h). Random weight packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(9) Labels for containers which bear any representation as to the number of servings contained in them shall bear, next to this representation, and in the same size type as is used for this representation, a statement of the net quantity of each serving.

(10) As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern. Random weight packages shall be subject to the following requirements.

(A) The establishment number shall be either em-

(continued)

bossed or lithographed on all hermetically sealed containers of inspected and passed product filled in an establishment except that those containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed on them. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(B) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the director, which is labeled in accordance with this part, the official inspection legend and the establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. If there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel.

(C) The establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as lard and oleomargarine, when these products are enclosed in wrappers which bear an official inspection legend containing the establishment number.

(i) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

(1) A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance. This subparagraph (1) shall not apply to any part of a carcass, however prepared.

(2) If a product purports to be or is represented for any special dietary use by humans, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for this use is based in whole or in part and shall be in conformity with regulations established pursuant to the Kansas food, drug, and cosmetic act.

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added as an ingredient in the formula of a meat food product, as permitted in part XVI, there shall appear on the label, in prominent letters and next to the name of the product, a statement such as "artificial smoke flavoring added" or "smoke flavoring added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring added as an ingredient in the formula of the meat food product.

(4) When any other artificial flavoring is added to product as permitted under part XVI, the ingredient statement shall identify it as an artificial flavoring.

(5) Artificial coloring of edible fats shall be declared on the label in a prominent manner and next to the name of the product by the words "artificially colored" or "artificial coloring added" or "with added artificial coloring."

(6) When product is placed in a casing to which artificial coloring is applied, as permitted under part XVI, there shall appear on the label, in a prominent

manner and next to the name of the product, the words, "artificially colored."

(7) If a casing is removed from product at an establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and next to the name of the product, the words, "artificially colored."

(8) When a casing is colored before its use as a covering for product and the color is not transferred to the product enclosed in the casing, reference to color need not appear on the label but this casing shall not be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(9) Product which bears or contains any other artificial coloring, as permitted under part XVI, shall bear a label stating that fact on the immediate container or if there is none, on the product.

(10) When an antioxidant is added to product as permitted under part XVI, there shall appear on the label in prominent letters and next to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation and the purpose for which it is added.

(11) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

(12) When any "mechanically processed product" described in K.A.R. 4-16-155 (b)(15) is used as an ingredient in the preparation of a meat food product, the name of the finished product shall be further qualified by the phrase "with mechanically processed product." When any "imitation mechanically processed product" is used as an ingredient in the preparation of a meat food product, the name of the meat food product shall be preceded by the term, "imitation" and the name of the finished product shall be further qualified by the phrase "with imitation mechanically processed product." Any phrase qualifying the product name shall be at least one-half ($\frac{1}{2}$) the size of the product name. In addition, the ingredient statement shall include in proper order of predominance "mechanically processed product," or "imitation mechanically processed product."

(j) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, the statement "keep refrigerated," "perishable, keep under refrigeration," "keep frozen," or any similar statement that the director may approve. For these canned products the statement shall be shown in upper case letters one-fourth ($\frac{1}{4}$) inch in height for containers having a net weight of three (3) pounds or less, and for containers having a net weight over three (3) pounds the statement shall be shown in letters one-half ($\frac{1}{2}$) inch in height. (Authorized by K.S.A. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective, E-70-4, Dec. 1, 1969; effective, Jan. 1, 1971; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982.)

4-16-141. False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers. (a) Any product or its wrappers, packaging, or other containers shall not bear false or misleading marking, label, or other labeling.

(continued)

Any statement, word, picture, design, or device which conveys a false impression or gives a false indication, origin, quality, or is otherwise false or misleading shall not appear in any marking or other labeling. A product shall not be wholly or partly enclosed in any wrapper, packaging or other container that is made, formed, or filled to be misleading.

(b) The labels and containers of products shall comply with the following provisions, as applicable:

(1) The terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," in the same size and style of lettering as in the geographical term. These terms shall be accompanied with a prominent qualifying statement identifying the country, state, territory, or locality in which the product is prepared, using terms appropriate to affect the qualification. When the word "style" or "type" is used, there shall be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product shall possess the characteristics of this style or type, and the word "brand" shall not be used in a way that is false or misleading. This shall apply provided, that a geographical term which has come into general usage as a trade name and which has been approved by the director as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type" or "brand," or a statement identifying the locality in which the product is prepared.

(2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless these products are actually prepared on the farm or in the country. If the product is prepared in the same way as on the farm or in the country, these terms if qualified by the word "style" in the same size and style of lettering, may be used. Also, the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be a color, design, or kind which are misleading with respect to color, quality, or kind of product to which they are applied. Transparent

or semitransparent coverings shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on fifty (50) percent of this wrapper or covering. The principal display panel shall be free of color tinting and red designs. The principal display used shall provide at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer. Packages for sliced bacon that have a transparent opening shall be designed to expose for viewing the cut surface of a representative slice. Packages for sliced bacon which meet the following specifications shall be accepted as meeting the requirements of this subparagraph provided the enclosed bacon is positioned so that the cut surface of a representative slice can be visually examined.

(i) For shingle-packed sliced bacon, the transparent window shall be designed to reveal at least seventy (70) percent of the length (longest dimension) of the representative slice, and this window shall be at least one and one-half (1½) inches wide. The transparent window shall be located not more than five-eighths (⅝) inch from the top or bottom edge of a one (1) pound or smaller package and not more than three-fourth (¾) inch from either the top or bottom edge of a package larger than one (1) pound.

(ii) For stack-packed sliced bacon, the transparent window shall be designed to reveal at least seventy (70) percent of the length (longest dimension) of the representative slice and be at least one and one-half (1½) inches wide.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) The words "spice," "spices," and "spiced," without qualification, shall not be used unless they refer to genuine natural spices.

(8) As used on labels of product, the term "gelatin" shall mean:

(i) The jelly prepared in establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product;

(ii) Dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

(10) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least one hundred and sixty (160) degrees Fahrenheit and baked pork cuts shall be heated to an internal temperature of at least one hundred and seventy (170) degrees Fahrenheit.

(11) When products such as loaves are browned by

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dipping in hot edible oil or by flame, the label shall include an appropriate statement indicating this fact as part of the product name.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in a manner that is false or misleading.

(13) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with pork hams. Ham shanks, as such or ham shank meat, as such or the trimmings accruing resulting from in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product, the term "ham" or "ham meat" shall not include the skin. [*]

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed thus eliminating the entire tibia and fibula, or radius and ulna respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label.

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in part XVII, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of the product. The packing substance shall not be used in a manner that will result in the container being so filled as to be misleading.

(18) "Leaf lard" is lard prepared from fresh leaf fat.

(19) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat."

(20) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above one hundred and seventy (170) degrees Fahrenheit shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(21) When not more than twenty (20) percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added," or "hardened fats added." If more than twenty

(20) percent is added, the product name shall refer to the particular animal fat or fats added. The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of this oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin, respectively, when used in meat food products.

(22) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if this is the case. The designation "semi-boneless" shall not be used if less than fifty (50) percent of the total weight of bones has been removed.

(23) When monoglycerides, diglycerides, polyglycerol esters of fatty acids are added to rendered animal fat or a combination of this fat and vegetable fat, a statement declaring that addition shall appear on the label in a prominent manner and contiguous to the name of the product.

(24) The terms "animal fat" and "meat fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of products and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "animal fat" or "meat fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock, and similar products when prepared and packed as these.

(25) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding one (1) pound capacity, labeled as follows:

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type or lettering appearing on that container.

(ii) A full and accurate statement of all the ingredients contained in this oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever that word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than twenty (20) point type.

(iv) Wrapped quarter pound sticks or similar units of oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

(26) When approved proteolytic enzymes are used on steaks or other meat cuts within the establishment, there shall appear on the label contiguous to the name of the product, a prominent descriptive statement to indicate the use of these enzymes.

(27) When dimethylpolysiloxane is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the

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product. This declaration shall read "dimethylpolysiloxane added."

(28) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "_____ added to retard spoilage of the crust" preceded by the name of the preservative.

(29) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by part XVI, shall be marked or labeled with a statement disclosing this treatment and the purpose of it.

(30) Meat of goats shall be identified as goat meat or chevon.

(31) Products that contain blood from livestock as permitted by part XVI shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "swine blood," in the manner required by this part XV. (Authorized by K.S.A. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982.)

4-16-155. Requirements concerning ingredients and other articles used in preparation of products.

(a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise shall not result in the product being adulterated. Establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in the procedures essential for inspectional control of the product.

(b) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(1) Casings for products shall be carefully inspected by division employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on this inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(2) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying to them sound, fresh pineapple juice, papain, bromelin, or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(c) On account of the highly probable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(d) Testicles if handled as an edible product may be shipped from the establishment as this, but they shall not be used as an ingredient of a meat food product.

(e) Tonsils shall be removed and shall not be used as an ingredient of meat food products.

(f) Blood from livestock prepared in accordance with regulations adopted by reference in K.A.R. 4-16-1b may be used as an ingredient of a meat food product for which a standard is prescribed in part XVII of these regulations, if permitted by that standard, and may be used in any meat food product for which similar standard is prescribed in part XVII if it is a common and usual ingredient of that product. Blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall not be collected for food purposes. Only blood from animals, the carcasses of which are inspected and passed, may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(g) Intestines shall not be used as ingredients of meat food products.

(h) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for this use only when identified as having been inspected and passed for wholesomeness by the director and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been inspected and passed for wholesomeness shall not be used in the preparation of these meat food products.

(i) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for this use only when produced in a plant approved by the director, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not approved shall not be used in the preparation of those meat food products.

(j) All isolated soy protein used in products processed in any establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of this substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the establishment.

(k) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in 4-16-165.

(l) Any chemical substance may not be used in the preparation of any product unless it is approved in 4-16-156 or by the director in specific cases.

(m) Animal lungs shall not be used for human food purposes.

(n) Limitations with respect to use of mechanically processed product.

(o) When the mechanically processed product is used as an ingredient in other meat food products, the finished product shall be labeled in accordance with K.A.R. 4-16-135(j)(12). Products required to be prepared from meat or meat by-products of one species may contain mechanically processed product only of the same species.

(l) Mechanically processed product shall not constitute more than twenty (20) percent of the meat portion

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of any meat food product except those listed in paragraph (c) of this section.

(2) Mechanically processed product shall not be used in baby, junior, or toddler foods, "ground beef," "hamburger," "fabricated steaks," "barbecued meats," "roast beef, parboiled and steam roasted," "corned beef cuts," "lima beans with ham and similar products," "beef with gravy and gravy with beef," and "meat pies."

(3) Mechanically processed product may be used in the following products: "pressed ham," "spiced ham," "chopped ham," "fresh pork sausage," "fresh beef sausage," "breakfast sausage," "whole hog sausage," "italian sausage," "frankfurter," "frank," "furter," "hotdog," "weiner," "vienna," "bologna," "garlic bologna," "knockwurst," and similar cooked sausages, "liver sausage," "braunschweiger," "luncheon meat," "meat loaf," "scrapple," "bockwurst," "chili con carne," "chili con carne with beans," "hash," "corned beef hash," "meat stews," "tamales," "spaghetti with meat balls and sauce," "spaghetti sauce with meat," "chow mein vegetables with meat," "chop suey vegetables with meat," "pork with barbecue sauce," "beef with barbecue sauce," "pizza," and meat mixes." (Authorized by K.S.A. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1975; amended May 1, 1982.)

4-16-156. (Authorized by K.S.A. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

4-16-170a. Products and nitrates and nitrites. Any product for which there is a standard of identity and to which nitrate or nitrite is permitted or required to be added, may be prepared without nitrate or nitrite and labeled with the appropriate standard name when immediately preceded with the term "uncured" in the same size and style of lettering as required by K.A.R. 4-16-135(f)(2)(viii). When the product is found by the director to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite. (Authorized by K.S.A. 65-6a18 and 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective May 1, 1982.)

4-16-174a. Cooking requirements for cooked beef and roast beef. (a) Cooked beef and roast beef shall be prepared by a cooking procedure that produces a minimum temperature of one hundred forty-five (145) degrees Fahrenheit in all parts of each roast. Otherwise, either of these products shall be prepared as provided in paragraph (b) of this section.

(b) Cooked beef may also be prepared by any one of the cooking procedures described in the following table and in subparagraphs (1) and (2), and roast beef may also be prepared by any one of the cooking procedures described in the following table and in subparagraphs (1) and (2) provided that the procedure produces and maintains in all parts of each roast the minimum temperature required for at least the stated period:

Table for alternative processing procedures for cooked beef and roast beef

Minimum internal temperature		Minimum processing time in minutes
°F	°C	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

(1) Bag cook. To be moist cooked, each roast shall be placed in a moisture impermeable bag, either vacuum packaged or excess air removed, and the bag sealed before immersion cooking in a water bath or cooking in an oven.

(2) Unbagged cook. Roasts processed entirely by dry heat shall weigh ten (10) pounds or more before processing and either shall be dry cooked in an oven maintained at two hundred fifty (250) degrees Fahrenheit or higher throughout the process or cooked as provided in the following sentence. An oven temperature less than two hundred fifty (250) degrees Fahrenheit may be used for dry cooking of roasts of any size provided that the relative humidity, as measured in either the chamber or exit vent of the oven in which they are prepared, is greater than ninety (90) percent for at least twenty-five (25) percent of the total cooking time for the process, but in no case for a lesser period than one (1) hour. This relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required ninety (90) percent relative humidity.

(c) A processor who selects any of the alternative procedures specified in paragraph (b) of this section shall have equipment designed to insure that beef roasts do not come into contact with each other during processing. The processor also shall have sufficient monitoring equipment to assure that the time shall be accurate to within one (1) minute, the temperature within one (1) degree Fahrenheit, and the relative humidity within five (5) percent of the limits required by this process. The processor shall provide proper recording devices and make the data from these available to inspection officials upon request, as provided in part XVIII of these regulations. Continuous recording devices with the prescribed accuracies will be acceptable for all products prepared under paragraphs (a) and (b). (Authorized by K.S.A. 65-6a18 and 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective May 1, 1982.)

4-16-180. Cured pork products, unsmoked or smoked. (a) *Smoked products.* The weight of any smoked products such as "ham," "pork shoulder," "pork shoulder picnic," "pork shoulder butt," or similar products except smoked products prepared for canning, shall not exceed the weight of the fresh uncured article.

(b) *Cooked, cured products.* The preparation of any

(continued)

cooked, cured products, such as "ham," "pork shoulder," "pork shoulder picnic," "pork shoulder butt," and "pork loin," or similar products, either by moist or dry heat (except such products prepared for canning), shall not result in the finished cooked product weighing more than the fresh uncured article.

(c) *Cured, water added products.* Products resembling standardized ham and other pork products of the kind provided for in paragraph (a) or (b) of this regulation which do not conform to these provisions because they contain added water not in excess of ten (10) percent of the weight of the fresh, uncured products, shall bear on their label the term "water added," as part of the product name, in prominent lettering not less than three-eighths ($\frac{3}{8}$) inch in height. If these products are not placed in a consumer-size package labeled in accordance with this section and K.A.R. 4-16-134 through K.A.R. 4-16-149, inclusive, they shall be marked with the term "water added" the full length of the product. However, the director may approve smaller lettering for labels of small packages, such as four (4) ounce packages, when the director finds that the size and style of the lettering in connection with the product name insures the prominence of the required terms. The qualifying phrase "up to ten (10) percent" may be used in connection with the term "water added" in labeling these products at the option of the operator of the establishment, provided that the use of the qualifying phrase "up to ten (10) percent" does not detract from the prominence of the term "water added."

(d) *Canned products.* The preparation of any canned products such as "ham," "pork shoulder picnic," or similar products shall not result in an increase in weight of more than eight (8) percent over the weight of the fresh uncured article.

(e) *Pressed ham, spiced ham.* "Pressed ham," "pressed ham with natural juices," "spiced ham," and similar products may contain finely chopped ham shank meat to the extent of twenty-five (25) percent over that normally present in the boneless ham. The weight of the cured chopped ham before processing shall not exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and three (3) percent moisture.

(f) "Country ham," "country style ham," "dry cured ham," "country pork shoulder," "country style pork shoulder," and "dry cured pork shoulder," "Country ham," "country style ham," or "dry cured ham," and "country pork shoulder," "country style pork shoulder," or "dry cured pork shoulder," shall be the uncooked, cured, dried, smoked, or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham," as specified in K.A.R. 4-16-141(b)(13), or from a single piece of meat from a pork shoulder. These products shall be prepared either by the dry application of salt (NaCl), in accordance with paragraph (1) of this section, or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in section (f) (5) of this regulation. These products shall not be injected with curing solutions nor placed in curing solutions. These products shall be treated for the destruction of possible live trichinae in accordance with methods approved by the director.

(1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in section (f) (5) of this regulation. Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(A) When sodium or potassium nitrate, sodium or potassium nitrite or a combination of these is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least four (4) percent.

(B) When sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite, or a combination of these is not used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than ten (10) percent or a water activity number of not more than 0.92.

(2) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than forty-five (45) days for ham, and shall not be less than twenty-five (25) days for pork shoulders; the total time for curing, salt equalization, and drying shall not be less than seventy (70) days for hams, and shall not be less than fifty (50) days for pork shoulders. During the drying and smoking period, the internal temperature of the product shall not exceed ninety-five (95) degrees Fahrenheit provided that this temperature requirement shall not apply to product dried or smoked under natural climatic conditions.

(3) For hams or pork shoulders labeled "dry cured," the combined period for curing and salt equalization shall not be less than forty-five (45) days for hams, and shall not be less than twenty-five (25) days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than fifty-five (55) days for hams and forty (40) days for pork shoulders.

(4) The weight of the finished hams and pork shoulders covered in this section shall be at least eighteen (18) percent less than the fresh uncured weight of the article.

(5) The optional ingredients for preparation of the products covered in this section are: nutritive sweeteners, spices, seasonings and flavorings; and sodium or potassium nitrate and sodium or potassium nitrite when used as prescribed in this regulation and in accordance with K.A.R. 4-16-156(b) (4). (Authorized by K.S.A. 65-6a18, 65-6a44, and 1981 SB 319; implementing K.S.A. 65-6a44 and 1981 SB 319; effective E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended E-82-15, Aug. 12, 1981; amended May 1, 1982.)

4-16-182. Fresh pork sausage, fresh beef sausage, and italian sausage products. (a) "Fresh pork sausage" is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances as permitted under part XVI, K.A.R. 4-16-156. It shall not be made with any lot of product which, in the aggregate, contains more than fifty (50) percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three (3) percent of the total ingredients used.

(continued)

(b) "Fresh beef sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef by-products, and may be seasoned with condimental substances as permitted under part XVI, K.A.R. 4-16-156. The finished product shall not contain more than thirty (30) percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three (3) percent of the total ingredients used.

(c) Italian sausage products are uncured, unsmoked sausages containing at least eighty-five (85) percent meat, or combination of meat and fat, with the total fat content constituting not more than thirty-five (35) percent of the finished product. These products shall be prepared in accordance with the provisions of paragraphs (c), (1) or (2) of this section, and shall contain salt, pepper, and either fennel or anise, or a combination of fennel and anise. These products may contain any or all of the optional ingredients listed in paragraph (d) of this section.

(1) "Italian sausage with beef," "italian sausage with veal," or "italian sausage with beef and veal" shall be prepared so that fresh or frozen pork constitutes the major portion of the meat content requirement of this paragraph. When pork muscle tissue is combined with beef or veal, or both, in the preparation of bulk-packed products, or patties, it shall be treated for the destruction of possible live trichinae in accordance with K.A.R. 4-16-158 of these regulations.

(2) "Italian beef sausage" or "kosher italian beef sausage" shall be prepared with fresh or frozen beef or beef and beef fat. "Italian veal sausage" or "kosher italian veal sausage" shall be prepared with fresh or frozen veal or veal and veal fat.

(d) Optional ingredients permitted in italian sausage products include:

- (1) Spices, Paprika, other spices, and flavorings.
- (2) Water or ice to facilitate chopping or mixing, but not to exceed three (3) percent of the total weight of all ingredients including the water.
- (3) Red or green peppers, or both.
- (4) Dehydrated or fresh onions, garlic, and parsley.
- (5) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.
- (6) Monosodium glutamate and antioxidants in accordance with the chart of substances in K.A.R. 4-16-156.

(e) If italian sausage products are cooked, determination of compliance with the provisions of paragraphs (c) and (d) of this section shall be based on the uncooked product. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1982.)

4-16-193a. Bockwurst. (a) Bockwurst is an uncured, comminuted meat food product which may or may not be cooked. It contains meat, milk or water or a combination of these ingredients, eggs, vegetables, and any of the optional ingredients listed in paragraph (b) of this section; and is prepared in accordance with the provisions of paragraphs (a)(1), (2), (3), and (4) of this section.

(1) Meat shall constitute not less than seventy (70) percent of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. This meat shall be fresh or fresh frozen meat. Pork may be omitted when the

specie or species of meat used in the product is identified in the product name.

(2) "Milk" may be fresh whole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, enzyme, or rennet treated calcium reduced dried skim milk and calcium lactate or any combination of these ingredients.

(3) "Eggs" refer to whole eggs that are fresh, frozen, or dried.

(4) "Vegetables" refer to onions, chives, parsley, and leeks, alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

- (1) Pork fat;
- (2) Celery, fresh or dehydrated;
- (3) Spices, flavorings;
- (4) Salt;
- (5) Egg whites, fresh, frozen, or dried;
- (6) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of two (2) percent individually or collectively, calculated on a dry basis. The maximum quantities of these ingredients shall be computed on the basis of the total weight of the ingredients;
- (7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate;
- (8) Sucrose or dextrose; or
- (9) Cereal, bread, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided these ingredients, collectively, do not exceed three and one-half (3½) percent of total weight of all the ingredients, except that two (2) percent of isolated soy protein shall be deemed to be the equivalent of three and one-half (3½) percent of any one or more of the other ingredients permitted in this subparagraph. Bockwurst containing any of the ingredients permitted by this subparagraph shall be labeled in accordance with K.A.R. 4-16-141(b)(32).

(c) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this section. (Authorized by K.S.A. 65-6a18 and 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective May 1, 1982.)

4-16-220. Liver meat food products. Meat food products characterized as liver products shall contain not less than thirty (30) percent of pork, beef, sheep, or goat livers computed on the fresh weight of the livers. (Authorized by K.S.A. 65-6a18 and 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective May 1, 1982.)

4-16-233a. Transportation and other transactions concerning certain undenatured lungs or lung lobes from official establishments or in commerce; provisions and restrictions. (a) Lungs or lung lobes which have not been condemned pursuant to these regulations and which are prepared at any official establishment, may be sold, transported, offered for sale or transportation, or received from transportation from the establishment without denaturing as prescribed in these regulations when:

(1) The lungs or lung lobes are sold, transported, or offered for sale or transportation to, or received for transportation by: an animal food manufacturer for use

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in manufacturing animal food; a zoo, mink farm, or other establishment for use as animal food without further processing; a warehouse in the United States for storage and subsequent movement to such a manufacturer or establishment in the United States, or from one warehouse to another for the account of and subsequent movement to any manufacturer or establishment, for nonhuman food purposes;

(2) The boxes or other containers used for shipping the undenatured lungs or lung lobes are closed with nylon filament tape, metallic or nonmetallic straps, round wire, or other similar materials that securely effect closure of such containers, and the containers are permanently identified in at least two (2) inch high lettering with the statement "lungs—not intended for human food." In lieu of securely closing the immediate container with any of the above materials, a one (1) inch wide bright orange band, imprinted around the length and width of the container may be used, and

(3) The name and place of business of the packer or distributor shall be shown on the immediate container of the product. In addition, the country of origin shall be shown on the immediate container of imported lungs or lung lobes.

(b) All lungs or lung lobes, if intended for animal food, are subject to the Federal food, drug, and cosmetic act. (Authorized by K.S.A. 65-6a18 and 65-6a44; implementing K.S.A. 65-6a33 and 65-6a44; effective May 1, 1982.)

4-17-1, 4-17-2. (Authorized by K.S.A. 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-3. (Authorized by K.S.A. 65-6a30, 65-6a44; effective E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-4. (Authorized by K.S.A. 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-6 to 4-17-9. (Authorized by K.S.A. 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-10. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-11 to 4-17-18. (Authorized by K.S.A. 65-6a25, 65-6a30, 65-6a32, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-19. (Authorized by K.S.A. 65-6a20, 65-6a30, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-20. (Authorized by K.S.A. 65-6a21, 65-6a30, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-21 to 4-17-24. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-25 to 4-17-30. (Authorized by K.S.A. 65-6a23, 65-6a30, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-31 to 4-17-33. (Authorized by K.S.A. 65-6a30, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-34 to 4-17-51. (Authorized by K.S.A. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

4-17-52. (Authorized by K.S.A. 1970 Supp. 65-6a26, 65-6a30, 65-6a32, 65-6a44; effective, E-70-22, July 1, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

STATE BOARD OF AGRICULTURE

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[*] EDITOR'S NOTE: Regarding 4-16-141(b)(13) on page 255; The wording of this section appears to be incorrect. However, this is the official text as filed with the Revisor of Statutes.

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