

**Testimony to OPPOSE HB2542 including changes to the Kansas Pet Animal Act
Kansas Committee on Agriculture and Natural Resources on February 14, 2024.**

February 13, 2024

Chairman Rahjes and Members of the Committee on Agriculture and Natural Resources,

My name is Mark Patterson and I am the Chief Executive Officer of The Cavalry Group, the nation's largest advocate for law abiding animal enterprise and animal owners many of whom are residents in the State of Kansas. On behalf of our many members in Kansas, I am writing to you regarding issues with the Kansas Pet Animal Act and the proposed Amendments included in HB2542 to amend K.S.A 47-1701.

Historically, The Cavalry Group has had significant concerns with the existing Kansas Pet Animal Act, but the proposed Amendments outlined in HB2542 which add additional provisions and changes making operating animal related businesses in Kansas more onerous and capricious.

Animal-related businesses are the cornerstone of the Kansas economy, ranging from pet breeding and pet stores to animal agriculture and food producers. All of these business areas have a significant impact on consumers and residents across the State of Kansas. Unfortunately, the Kansas Pet Animal Act has been impactfully influenced by animal rights organizations which have been allowed to influence regulations and rules resulting in significant negative impact to businesses in this arena which ultimately result in increased costs to the producers which is then passed along to the consumer.

In working with the Kansas Department of Agriculture on behalf of our members over the last several years, it has been apparent that the Kansas Pet Animal Advisory Board has also been influenced by animal rights groups attempting to implement regulations that exceed the federal Animal Welfare Act implemented by USDA, further impacting Kansas businesses and subsequently Kansas consumers. Certain amendments in HB2542 open the door to negatively impact Kansas farmers and ranchers and animal agriculture. The Kansas Pet Animal Advisory Board has its own problems with many of its members not qualified to direct, influence, or enact specific Rules and Regulations being currently implemented or considered.

In addition, HB2542 contains language that would violate citizens' Constitutional rights under the 4th, 5th and 14 Amendments. HB2542 also opens the door to requiring licensees to join and comply with regulations similar to a national voluntary program known as the Canine Care Certified Program out of Perdue University, resulting in more unneeded and unreasonable arbitrary and capricious regulation. With that in mind, we respectfully ask the Committee to reject this HB2542 in its entirety.

Notwithstanding that we hope that HB2542 will be tabled, we propose the following Sections be deleted or modified:

- 1) Section 1: There are multiple areas where “terms” are used that are arbitrary and capricious leaving significant topics undefined and therefore subject to abuse by inspectors and administrators that are not qualified as experts. These terms would include: “adequate / inadequate,” “continuously available.”
- 2) Section 3 (11)(d)(2): Fails to provide due process to the licensee.
- 3) Section 3 (11)(e): Illegally violates the U.S. Constitution by seizing private property without due process and eliminates the State’s financial liability should the licensee be found innocent of the charges or violations being adjudicated. Currently, the Kansas Department of Agriculture is responsible for any and all costs including feeding, temporary boarding, etc. if the licensee is found innocent of any charges. Any cost of care referenced in this Section should be “reasonable, fair, and within the range of typical market charges.”
- 4) Section 4 K.S.A 47-1706(a-e): The State is not providing due process before a licensee has the opportunity to be adjudicated by creating an onerous “bond.” This proposed bond is intended to be above what a typical licensee can afford and, therefore, ends up surrendering their private property rights before adjudication.
- 5) Section 5 (c): Do not delete the existing provisions that remove the State’s liability should the licensee be found innocent in a Court of Law.
- 6) Section 6 (d) (2)(e)(f) / K.S.A. 47-1709 : Historically, there has been significant leaks of inspection reports and photos from staff members to animal rights groups who then use that information to slander and harm the licensee and their business. Licensees should have the clear right to pursue charges and damages from the State in cases involving illegal or intentional leaks of private business information prior to adjudication of any violations of the Act.
- 7) Section 6 (d)(l) and Section 7 allows the Department of Agriculture to hand management and implementation of the Act to a 3rd party such as the Canine Care Certification Program. The proposed exercise and socialization requirements, alone, would require additional staffing to comply at a cost of exceeding multiples of the current unit cost to breeders.
- 8) Section 8 (b) K.S.A 47-1715: HB2542 deletes any financial accountability and/or liability of the State if the licensee is found innocent of charges.
- 9) Section 9 (d) K.S.A. 47-1721: Quite a significant dispute between licensees and the Kansas Department of Agriculture (KDA) revolves around the KDA doing surprise inspections and licensees in rural areas not able to make their facility available for inspection because the 30-minute notice is unreasonable. Many licensees have day time off-site jobs or have to travel further than 30 minutes away to go shopping, doctor’s appointments. etc. I have described this as a completely unreasonable situation that is a “gotcha” for licensees just to invoke fees for the Department of Agriculture. We propose that this provision is modified to provide 48 hours prior notice

to licensees for an inspection. This modification will provide for eliminating a major dispute between licensees and the KDA. If the goal is for the State to be a partner rather than an adversary, we encourage serious consideration for this change.

10) Section 11: The current Kansas Pet Advisory Board is full of anti-breeder, animal rights activists who continually look for opportunities to over-regulate breeders to put them out of business under the guise of caring about animals. My experience in sitting in on this Board's meetings is that Non-profit Members are anti-business, anti-breeder, and are constantly looking for opportunities to improve the non-profits position in competing against for-profit businesses. The adding of an additional Member bringing the total to 11 Members further increases the rescue's clout on the Advisory Board.

In summary, we respectfully request that the Committee withdraw HB2542 for consideration. A strong agriculture-based state such as Kansas should be working to protect its law abiding animal and agricultural businesses from further and unfair over-regulation urged by animal rights ideologues working to destroy the pet industry and animal agriculture.

Sincerely,

Mark A. Patterson
Chief Executive Officer
The Cavalry Group