

SENATE BILL No. 414

By Committee on Agriculture

Proposed amendment to SB 414  
Senate Committee on Agriculture  
3/7/12  
Prepared by David Wiese  
Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to animal health; amending  
2 K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-422, 47-  
3 424, 47-656, 47-1001, 47-1002, 47-1005, 47-1010, 47-1102, 47-1213,  
4 47-1217, 47-1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-  
5 1710, 47-1711, 47-1712, 47-1723, 47-1725, 47-1727, 47-1801, 47-  
6 1804, 47-1807 and 47-2306 and K.S.A. 2011 Supp. 47-1008, 47-1302,  
7 47-1706, 47-1707, 47-1708, 47-1709, 47-1809 and 47-1826 and  
8 repealing the existing sections; also repealing K.S.A. 47-619, 47-621,  
9 47-636, 47-637, 47-638, 47-639, 47-641, 47-642, 47-643, 47-644, 47-  
10 647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-653, 47-653d, 47-  
11 653e, 47-653f, 47-653g, 47-653h, 47-666, 47-667, 47-668, 47-669, 47-  
12 670, 47-671, 47-921, 47-922, 47-923 and 47-1005b and K.S.A. 2011  
13 Supp. 47-672 and 47-1307.

47-1726,

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. In addition to the remedies provided under K.S.A. 47-  
16 1001 *et seq.*, and amendments thereto, the commissioner is hereby  
17 authorized to apply to the district court for an injunction restraining any  
18 person from violating any provision of K.S.A. 47-1001 *et seq.*, and  
19 amendments thereto. Such court, upon a showing of cause therefore, shall  
20 have jurisdiction to grant such injunction irrespective of whether or not  
21 there exists an adequate remedy at law.

22 New Sec. 2. For purposes of administrative proceedings of the  
23 division of animal health of the Kansas department of agriculture, "agency  
24 head" means the Kansas secretary of agriculture or the animal health  
25 commissioner of the Kansas department of agriculture, when acting on  
26 behalf of the secretary.

27 Sec. 3. K.S.A. 47-120 is hereby amended to read as follows: 47-120.  
28 (a) Nothing herein contained shall be so construed as to prevent drovers or  
29 other persons from driving ~~swine~~ livestock from one place to another along  
30 any public highway, the owner or owners being responsible for all  
31 damages that any person or persons may sustain in consequence of the  
32 driving of such ~~swine~~ livestock.

33 (b) For the purposes of K.S.A. 47-120 through 47-122, and  
34 amendments thereto, "livestock" shall mean any cattle, bison, swine,  
35 sheep, goats, horses, mules, domesticated deer, camellids, all creatures of  
36

- 1 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman  
2 primate, bird or other warm-blooded vertebrate or any fish, snake or other  
3 cold-blooded vertebrate.
- 4 (2) Animal does not include horses, cattle, sheep, goats, swine,  
5 rales, domesticated deer or domestic fowl.
- 6 (e) "Animal breeder" means any person who operates animal breeder  
7 premises.
- 8 (f) "Animal breeder premises" means any premises where all or part  
9 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or  
10 both, are sold, or offered or maintained for sale, primarily at wholesale for  
11 resale to another.
- 12 (g) "Animal shelter" or "pound" means a facility which is used or  
13 designed for use to house, contain, impound or harbor any seized stray,  
14 homeless, relinquished or abandoned animal or a person who acts as an  
15 animal rescuer, or who collects and cares for unwanted animals or offers  
16 them for adoption. Animal shelter or pound also includes a facility of an  
17 individual or organization, profit or nonprofit, maintaining 20 or more  
18 dogs or cats, or both, for the purpose of collecting, accumulating, amassing  
19 or maintaining the animals or offering the animals for adoption.
- 20 (h) "Cat" means an animal which is wholly or in part of the species  
21 *Felis domesticus*.
- 22 (i) "Commissioner" means the livestock animal health commissioner  
23 appointed by of the Kansas animal health department of agriculture.
- 24 (j) "Dog" means any animal which is wholly or in part of the species  
25 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.  
26 74-8802 and amendments thereto.
- 27 (k) "Animal control officer" means any person employed by,  
28 contracted with or appointed by the state, or any political subdivision  
29 thereof, for the purpose of aiding in the enforcement of this law, or any  
30 other law or ordinance relating to the licensing or permitting of animals,  
31 control of animals or seizure and impoundment of animals, and includes  
32 any state, county or municipal law enforcement officer, dog warden,  
33 constable or other employee, whose duties in whole or in part include  
34 assignments which involve the seizure or taking into custody of any  
35 animal.
- 36 (l) "Euthanasia" means the humane destruction of an animal, which  
37 may be accomplished by any of those methods provided for in K.S.A. 47-  
38 1718, and amendments thereto.
- 39 (m) "Hobby breeder premises" means any premises where all or part  
40 of 2, 4 or 5 three, four or five litters of dogs or cats, or both, are produced  
41 for sale or sold, offered or maintained for sale per license year. This  
42 provision applies only if the total number of dogs or cats, or both, sold,  
43 offered or maintained for sale is less than 30 individual animals.

- 1 (1) One member shall be a representative of a licensed animal shelter  
 2 or pound;  
 3 (2) one member shall be an employee of a licensed research facility;  
 4 (3) one member shall be a licensed animal breeder;  
 5 (4) one member shall be a licensed retail breeder;  
 6 (5) one member shall be a licensed pet shop operator;  
 7 (6) one member shall be a licensed veterinarian and shall be selected  
 8 from a list of three names presented to the governor by the Kansas  
 9 veterinary medical association;  
 10 (7) one member shall be a private citizen with no link to the industry;  
 11 (8) one member shall be a licensed animal distributor;  
 12 (9) one member shall be a licensed hobby breeder; and  
 13 (10) one member shall be a licensed *boarding or training* kennel  
 14 operator.  
 15 (b) ~~Of the members first appointed to the board, the governor shall~~  
 16 ~~designate three whose terms shall expire June 30, 1992; three whose terms~~  
 17 ~~shall expire June 30, 1993; and three whose terms shall expire June 30,~~  
 18 ~~1994. After the expiration of such terms, Each member shall be appointed~~  
 19 ~~for a term of three years and until a successor is appointed and qualified.~~  
 20 (c) A vacancy on the board of a member shall be filled for the  
 21 unexpired term by appointment by the governor.  
 22 (d) The board shall meet at least once every calendar quarter  
 23 regularly or at such other times as the chairperson or a majority of the  
 24 board members determine. A majority of the members shall constitute a  
 25 quorum for conducting board business.  
 26 (e) The members of the board shall annually elect a chairperson.  
 27 (f) The board shall have the following duties, authorities and powers:  
 28 (1) To advise the Kansas Livestock Commissioner on hiring a director  
 29 to implement the Kansas pet animal act;  
 30 (2) to review the status of the Kansas pet animal act;  
 31 (3) to make recommendations on changes to the Kansas pet animal  
 32 act; and  
 33 (4) to make recommendations concerning the rules and regulations  
 34 for the Kansas pet animal act.  
 35 (g) Board members who are required to be licensed except retail  
 36 breeders shall be affiliated with or a member of an organized pet animal  
 37 association which is representative of the position such person will hold on  
 38 the board.  
 39 (h) ~~Upon the effective date of this act, the governor shall appoint a~~  
 40 ~~licensed kennel operator. When the current board members' terms expire,~~  
 41 ~~the governor shall appoint persons or representatives in accordance with~~  
 42 ~~this section.~~  
 43 Sec. 36 37 K.S.A. 47-1727 is hereby amended to read as follows: 47-

Sec. 36. K.S.A. 47-1726 is hereby amended to read as follows: 47-1726. K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723 through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736, and amendments thereto, shall be known and may be cited as the Kansas pet animal act. This act shall license, permit and regulate the conditions of certain premises and facilities within the state of Kansas where animals are maintained, sold or offered or maintained for sale. *The provisions of this act shall not apply to any farm, kennel or other premises registered with and inspected by the national greyhound association which is used solely for the purposes of breeding, maintaining, training or selling greyhound dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto.*

Remember sections accordingly

1 partnership, two or more persons having a joint or common interest or  
2 other legal entity.

3 (h) "Possession" means actual care, custody, control or management.  
4 (i) "Research facility" means any place, laboratory, institution,  
5 medical care facility, elementary school, secondary school, college or  
6 university, at which any scientific test, experiment or investigation  
7 involving the use of any living animal or field crop product is carried out,  
8 conducted or attempted.

9 Sec. 42. K.S.A. 47-2306 is hereby amended to read as follows: 47-  
10 2306. Any person who shall violate any of the provisions of this act ~~article~~  
11 ~~23 of chapter 47 of the Kansas Statutes Annotated, and amendments~~  
12 ~~thereto~~, shall be deemed guilty of a misdemeanor, and upon conviction  
13 shall be punished by a fine of not less than \$25 \$100 nor more than \$500  
14 \$1,000 or by imprisonment in the county jail for not less than 30 nor more  
15 than 90 days, or by both such fine and imprisonment.

16 Sec. 43. K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-  
17 422, 47-424, 47-619, 47-621, 47-636, 47-637, 47-638, 47-639, 47-641, 47-  
18 642, 47-643, 47-644, 47-647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-  
19 653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-656, 47-666, 47-  
20 667, 47-668, 47-669, 47-670, 47-671, 47-921, 47-922, 47-923, 47-1001,  
21 47-1002, 47-1005, 47-1005b, 47-1010, 47-1102, 47-1213, 47-1217, 47-  
22 1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-1710, 47-1711,  
23 47-1712, 47-1723, 47-1725, 47-1727, 47-1801, 47-1804, 47-1807 and 47-  
24 2306 and K.S.A. 2011 Supp. 47-672, 47-1008, 47-1302, 47-1307, 47-  
25 1706, 47-1707, 47-1708, 47-1709, 47-1809 and 47-1826 are hereby  
26 repealed.

27 Sec. 44. This act shall take effect and be in force from and after its  
28 publication in the statute book.

47-1726,