

Animal Definitions; Public Livestock Markets; Pet Animal Act; Animal Health Statutes; Senate Sub. for HB 2596

Senate Sub. for HB 2596 enacts new statutes and amends various statutes regarding animal health.

Definitions

The bill amends the definition for "livestock" within KSA Chapter 47 to mean any cattle; bison; swine; sheep; goats; horses; mules; domesticated deer; camelids; all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus, and rheas; and any other animal deemed necessary by the Animal Health Commissioner (Commissioner), Animal Health Division, Kansas Department of Agriculture (KDA), through rules and regulations.

In addition, the bill defines feral swine as members of the species *sus scrofa lineas*, including swine known as old world swine, Russian wild boar, European wild boar, Eurasian wild boar, and razorbacks. The bill excludes from the definition members of the species *sus domestica*, which are involved in domestic hog production. Additionally, the bill prohibits the operation of a contained hunting preserve of swine. This provision becomes effective January 1, 2013.

Public Livestock Markets

The bill also amends the public livestock market statutes to allow bond equivalents, making Kansas law consistent with the federal law. Bond equivalents are required to be in one of the following forms:

- A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the U.S. of federally-insured deposits or accounts; or
- A trust agreement governing funds which may be drawn by a trustee under one or more irrevocable, transferable, standby letters of credit, issued by a federally-insured bank or institution.

In addition, the bill authorizes the Commissioner to refuse to grant, suspend, or revoke a public livestock market license if there has been a failure to timely remit fees or a failure to properly maintain custodial accounts or bonds. The Commissioner is authorized to issue an emergency order to suspend the license if bonds expire without suitable replacement or if a shortage exists in custodial accounts which creates a danger to public welfare.

In addition, the Commissioner is authorized to apply for an injunction restraining any person from violating the public livestock market statutes.

Kansas Pet Animal Act

The bill makes various changes to the Kansas Pet Animal Act (Act):

- Removes the exemption for greyhounds from the definition of "dog," and adds language stating the Act will not apply to any farm or kennel which is registered with, and inspected by, the National Greyhound Association, and which is used solely for breeding, maintaining, training, or selling greyhound dogs. The Commissioner will have the authority to enter into agreements with the National Greyhound Association regarding registration and inspection procedures, including the Commission having access to records and complete inspections of the premises;
- Adds language requiring adequate records to be kept for animals provided with veterinary care. Additionally, the bill allows for a license to be suspended if a license or permit holder fails to provide adequate medical care to animals or fails to maintain or provide records of that medical care. Further, veterinary care is to be documented and maintained on the premises for diseased, ill, lame, or blind animals. All documentation is to be available for the Commissioner's inspection and is to be maintained for three years after the date of administering the veterinary care;
- Clarifies that no license or permit will be issued by the Commissioner under the Act until the premises for which the application is made has passed a licensing or permitting inspection;
- Adds an animal breeder's license to the list of prohibited licenses that an animal control officer could not be granted under the Act;
- Adds language to the Act stating no license or permit shall be issued until the applicant has passed a licensing inspection; as well as simplifying language to allow the Commissioner to inspect licensed premises at his or her discretion;
- Adds language authorizing the Commissioner to issue a quarantine order for regulated premises where animals are found to be infected with a contagious or zoonotic disease that could infect animals or humans;
- Adds language that, if access to any location where access is authorized under the Act is denied, the Commissioner is authorized to apply for an administrative search warrant; and
- Removes the staggered terms of the Kansas Pet Advisory Board (Board) and makes other clarifying changes to the statutes of the Board.

Other Statutory Changes

Finally, the bill makes various other statutory changes to animal health statutes:

- Clarifies the statutes included in the Farm Animal and Field Crop and Research Facilities Protection Act;
- Adds composting as an option for the various ways persons may dispose of dead animals;

- Clarifies that the term "garbage" means all waste material derived in whole or in part from the meat of any animal, other animal waste material, and other refuse resulting from the handling, preparation, cooking, or consumption of food, and does not include pasteurized dairy products;
- Adjusts certain fine levels for misdemeanor crimes to be made consistent with fine maximums of other similarly classified misdemeanors and authorizes the Commissioner to impose civil penalties for certain violations;
- Authorizes the brand book and supplement to be distributed in electronic format;
- Clarifies that, for administrative proceedings of the Division of Animal Health, "agency head" would mean the Secretary of Agriculture or the Commissioner, when acting on behalf of the Secretary;
- Updates references pertaining to the former Kansas Animal Health Department, Kansas Animal Health Board Commissioner, and the Livestock Commissioner; and
- Includes numerous technical changes, repeals statutes that the language of the bill replaces, updates or deletes references to federal statutes, and updates references to the Kansas Administrative Procedure Act.