

SENATE BILL No. 57

By Committee on Agriculture

1-22

Proposed Amendments by Senator Holmes

2/26/13

Senate Committee on Agriculture

Prepared by David Wiese

Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to animal health; poultry
2 improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712
3 and 47-1718 and K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-
4 1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-
5 2101 and repealing the existing sections; also repealing K.S.A. 47-
6 1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650,
7 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654,
8 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and
9 47-2101a.

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

11 New Section 1. (a) It shall be unlawful for any person to operate a
12 rescue network unless a rescue network license has been obtained from the
13 commissioner. Application for each such license shall be made in writing
14 on a form provided by the commissioner. The license period shall be for
15 the license year ending June 30 following the issuance date.
16

17 (b) Each rescue network shall designate a manager who carries out
18 the duties of:

- 19 (1) Approving the membership to the rescue network;
- 20 (2) supervising intake of animals into the rescue network;
- 21 (3) monitoring members of the rescue network to ensure they are
22 abiding by all relevant laws and rules and regulations; and
- 23 (4) maintaining on such rescue network manager's premises, records
24 pertaining to the adoption, placement or other disposition of each animal
25 receiving temporary care from the rescue network, membership of the
26 rescue network and any other records required by law or rules and
27 regulations.

28 (c) Once a rescue network license has been obtained, the rescue
29 network manager may host adoption events at a location other than the
30 rescue network members' premises so long as all rescue network laws and
31 rules and regulations are followed.

32 (d) Rescue network managers are responsible for ensuring rescue
33 network members subordinate to them abide by all applicable Kansas pet
34 animal act statutes and regulations. Rescue network managers shall keep
35 records of all rescue network members housing animals and pay annually a
36 fee or not more than \$50 to the department of agriculture for each rescue

1 member.

2 (e) This section shall be part of and supplemental to the Kansas pet
3 animal act.

4 New Sec. 2. In addition to or in lieu of any other civil or criminal
5 penalty provided by law, the animal health commissioner, upon a finding
6 that a person has violated or failed to comply with any provision of article
7 21 of chapter 47 of the Kansas Statutes Annotated, and amendments
8 thereto, or any rule and regulation adopted thereunder, may impose on
9 such person a civil fine not exceeding \$1,000 for each violation. Each day
10 any provision of article 21 of chapter 47 of the Kansas Statutes Annotated,
11 and amendments thereto, or any rule and regulation adopted pursuant
12 thereto is violated shall constitute a separate offense.

13 New Sec. 3. (a) All tests for chronic wasting disease must be
14 conducted in laboratories in a method approved by the animal plant health
15 inspection service of the United States department of agriculture.

16 (b) All results of testing for chronic wasting disease shall be reported
17 to the animal health commissioner.

18 Sec. 4. K.S.A. 2012 Supp. 2-907 is hereby amended to read as
19 follows: 2-907. The Kansas ~~poultry improvement association of~~
20 ~~Manhattan, Kansas, whose articles of incorporation are recorded in the~~
21 ~~office of the secretary of state, department of agriculture~~ is hereby
22 designated and declared to be the official state agency for the state of
23 Kansas, for the purpose of carrying out the national poultry improvement
24 plan. The Kansas ~~poultry improvement association shall~~ *department of*
25 *agriculture may* cooperate with the United States department of
26 ~~agriculture; and Kansas state university of agriculture and applied science;~~
27 ~~Kansas department of agriculture and the Kansas animal health~~
28 ~~commissioner~~ for the purpose of promoting the poultry industry and its
29 allied branches and shall supervise and administer the national
30 improvement plan in this state.

31 Sec. 5. K.S.A. 2012 Supp. 47-1701 is hereby amended to read as
32 follows: 47-1701. As used in the Kansas pet animal act, unless the context
33 otherwise requires:

34 (a) "Adequate feeding" means supplying at suitable intervals, not to
35 exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal
36 species and age, and sufficient to maintain a reasonable level of nutrition
37 in each animal.

38 (b) "Adequate watering" means a supply of clean, fresh, potable
39 water, supplied in a sanitary manner *and in adequate amounts at intervals*
40 *suitable for animal species* and either continuously accessible to each
41 animal or supplied ~~at intervals suitable for the animal species, not to~~
42 ~~exceed intervals of 12 hours to maintain the health and well-being of such~~
43 *animals.*

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

1 ~~applies only if the total number of dogs or cats, or both, sold, offered or~~
2 ~~maintained for sale is less than 30 individual animals.~~

3 (n) "Hobby breeder" means any person who operates a hobby breeder
4 premises.

5 (o) "Housing facility" means any room, building or area used to
6 contain a primary enclosure or enclosures.

7 (p) "Boarding or training ~~kennel premises~~ operator" means any
8 person who operates an establishment where four or more dogs or cats, or
9 both, are maintained in any one week during the license year for boarding,
10 training or similar purposes for a fee or compensation.

11 (q) "Boarding or training ~~kennel premises~~ operator premises" means
12 the ~~facility premises~~ of a boarding or training ~~kennel premises~~ operator.

13 (r) "License year" or "permit year" means the 12-month period
14 ending on June 30.

15 (s) "Person" means any individual, association, partnership,
16 corporation or other entity.

17 (t) (1) "Pet shop" means any premises where there are sold, or offered
18 or maintained for sale, at retail and not for resale to another:

19 (A) Any dogs or cats, or both; or (B) any other animals except those
20 which are produced and raised on such premises and are sold, or offered or
21 maintained for sale, by a person who resides on such premises.

22 (2) Pet shop does not include: (A) Any ~~pound or~~ animal shelter; (B)
23 any premises where only fish are sold, or offered or maintained for sale; or
24 (C) any animal distributor premises, hobby breeder premises, ~~retail breeder~~
25 ~~premises foster home, rescue network~~ or animal breeder premises.

26 (3) Nothing in this section prohibits inspection of those premises
27 which sell only fish to verify that only fish are being sold.

28 (u) "Pet shop operator" means any person who operates a pet shop.

29 (v) "Primary enclosure" means any structure used or designed for use
30 to restrict any animal to a limited amount of space, such as a room, pen; ~~or~~
31 ~~cage, compartment or hutch.~~

32 (w) "Research facility" means any place, laboratory or institution,
33 except an elementary school, secondary school, college or university, at
34 which any scientific test, experiment or investigation involving the use of
35 any living animal is carried out, conducted or attempted.

36 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
37 Maintaining animals for sale is presumed whenever 20 or more dogs or
38 cats, or both, are maintained by any person *or on one premises*.

39 (y) "Sanitize" means to make physically clean and to remove and
40 destroy, to a practical minimum, agents injurious to health, at such
41 intervals as necessary.

42 (z) "Animal distributor" means any person who operates an animal
43 distributor premises.

1 (aa) "Animal distributor premises" means the premises of any person
 2 engaged in the business of buying for resale dogs or cats, or both, as a
 3 principal or agent, or who holds such distributor's self out to be so
 4 engaged.

5 (bb) "Out-of-state distributor" means any person residing in a state
 6 other than Kansas, who is engaged in the business of buying for resale
 7 dogs or cats, or both, within the state of Kansas, as a principal or agent, *or*
 8 *who holds one's self out to be so engaged.*

9 (cc) "Food animals" means rodents, rabbits, reptiles, fish or
 10 amphibians that are sold or offered or maintained for sale for the sole
 11 purpose of being consumed as food by other animals.

12 (dd) "Adequate veterinary medical care" means:

13 (1) A documented program of disease control and prevention,
 14 euthanasia and routine veterinary care shall be established and maintained
 15 under the supervision of a licensed veterinarian, on a form provided by the
 16 commissioner, and shall include a documented on-site visit to the premises
 17 by the veterinarian at least once a year;

18 (2) that diseased, ill, injured, lame or blind animals shall be provided
 19 with veterinary care as is needed for the health and well-being of the
 20 animal, and such veterinary care shall be documented and maintained on
 21 the premises; and

22 (3) all documentation required by subsections (dd)(1) and (dd)(2)
 23 shall be made available to the commissioner or the commissioner's
 24 authorized representative for inspection or copying upon request and shall
 25 be maintained for three years after the effective date of the program or the
 26 administration of such veterinary care.

27 (4) ~~As used in the Kansas pet animal act, "adequate veterinary~~
 28 ~~medical care" shall not apply to United States department of agriculture~~
 29 ~~licensed animal breeders or animal distributors. United States department~~
 30 ~~of agriculture licensed breeders may use their United States department of~~
 31 ~~agriculture vet care forms to meet the adequate veterinary medical care~~
 32 ~~requirement in this subsection. These records shall be made available to~~
 33 ~~Kansas department of agriculture inspectors for inspection or copying~~
 34 ~~upon request and shall be maintained for three years after the effective~~
 35 ~~date of the program or the administration of such veterinary care.~~

36 (ee) "Ratites" means all creatures of the ratite family that are not
 37 indigenous to this state, including, but not limited to, ostriches, emus and
 38 rheas.

39 (ff) "Retail breeder" means any person who operates a retail breeder
 40 premises.

41 (gg) "Retail breeder premises" means *any an animal breeder*
 42 *premises where all or part of six or more litters or 30 or more dogs or cats,*
 43 *or both, are sold, or offered or maintained for sale, primarily at retail and*

of

1 not for resale to another.

2 (hh) "Retail" means any transaction where the animal is sold to the
3 final consumer.

4 (ii) "Wholesale" means any transaction where the animal is sold for
5 the purpose of resale to another.

6 ~~(jj) "Wholesale breeder" means any person who operates a wholesale
7 breeder premises.~~

8 ~~(kk) "Wholesale breeder premises" means an animal breeder
9 premises where all or part of six or more litters of 30 or more dogs or cats,
10 or both, are sold or offered or maintained for sale, primarily at wholesale
11 for resale to another.~~

12 (ll) "Foster home" means the premises of an individual or group of
13 individuals at one premises who have a written agreement to provide
14 temporary care for one or more animals owned by an animal shelter that
15 is licensed by the state.

16 (mm) ~~(nn)~~ "Rescue network" means a network of two or more individuals
17 who provides temporary care for one or more animals not owned by an
18 animal shelter that is licensed by the state and not sponsored by a licensed
19 shelter that maintains a central facility for keeping animals.

20 (nn) ~~(oo)~~ "Rescue network manager" means the individual designated by
21 a licensed rescue network to carry out the management duties.

22 (oo) ~~(pp)~~ "Rescue network member" means an individual who provides
23 temporary care for one or more animals as part of a licensed rescue
24 network through a written agreement with such rescue network.

25 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-
26 1704. (a) It shall be unlawful for any person to operate a ~~pound or an~~
27 animal shelter, except a licensed veterinarian who operates such ~~pound or~~
28 animal shelter from such licensed veterinarian's clinic, unless a license for
29 such ~~pound or~~ shelter has been obtained from the commissioner.
30 Application for such license shall be made on a form provided by the
31 commissioner. The license period shall be for the license year ending on
32 June 30 following the issuance date.

33 (b) Once a shelter license has been obtained, the shelter may host
34 adoption events at a location other than the shelter so long as all shelter
35 laws and rules and regulations are followed.

36 (c) Animal shelters may utilize foster homes. Animal shelters are
37 responsible for ensuring foster homes subordinate to them comply with the
38 Kansas pet animal act and all relevant rules and regulations. Animal
39 shelters shall keep records of all foster homes housing animals ~~and pay~~
40 ~~annually a fee of not more than \$50 to the department of agriculture for~~
41 ~~each foster home.~~

42 Sec. 7. K.S.A. 2012 Supp. 47-1709 is hereby amended to read as
43 follows: 47-1709. (a) The commissioner or the commissioner's authorized,

, except such dogs or cats which are produced and raised on such premises and are sold, or offered or maintained for sale primarily at retail and not for resale to another, by a person who resides on such premises. Nothing in this subsection shall be construed to mean that someone requiring a city or county business license is exempt from requiring a retail license under this act.

(d) It shall be unlawful for any person to operate as a pet animal foster home unless such pet animal foster home has obtained a pet animal foster home license. Animal shelters shall be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses. Application for such pet animal foster home license shall be on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. Each licensed pet animal foster home shall pay annually a fee of not more than \$10 to the animal shelter that issued such pet animal foster home a license. Each animal shelter that issues pet animal foster home licenses shall forward all approved pet animal foster home applications and remit all pet animal foster home license fees to the commissioner on a schedule established by the commissioner. The commissioner shall remit all moneys received by or for the commissioner under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal facilities fee fund.

1 trained representatives shall make an inspection of the premises for which
 2 an application for an original license or permit is made under K.S.A. 47-
 3 1701 et seq., and amendments thereto, before issuance of such license or
 4 permit. No license or permit shall be issued by the commissioner to an
 5 applicant described in this subsection until the premises for which
 6 application is made has passed a licensing or permitting inspection. The
 7 application for a license shall conclusively be deemed to be the consent of
 8 the applicant to the right of entry and inspection of the premises sought to
 9 be licensed or permitted by the commissioner or the commissioner's
 10 authorized, trained representatives at reasonable times with the owner or
 11 owner's representative present. Refusal of such entry and inspection shall
 12 be grounds for denial of the license or permit. Notice need not be given to
 13 any person prior to inspection.

14 (b) The commissioner or the commissioner's authorized, trained
 15 representatives ~~may shall~~ inspect each premises for which a license or
 16 permit has been issued under K.S.A. 47-1701 et seq., and amendments
 17 thereto, ~~based upon an inspection frequency schedule adopted by rules~~
 18 ~~and regulations. Such frequency schedule may take into account the~~
 19 ~~relative risk posed by facilities to the health, safety and welfare of animals.~~
 20 The acceptance of a license or permit shall conclusively be deemed to be
 21 the consent of the licensee or permittee to the right of entry and inspection
 22 of the licensed or permitted premises by the commissioner or the
 23 commissioner's authorized, trained representatives at reasonable times
 24 with the owner or owner's representative present. Refusal of such entry
 25 and inspection shall be grounds for suspension or revocation of the license
 26 or permit. Notice need not be given to any person prior to inspection.

27 (c) The commissioner or the commissioner's authorized, trained
 28 representatives shall make inspections of the premises of a person required
 29 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
 30 thereto, upon a determination by the commissioner that there are
 31 reasonable grounds to believe that the person is violating the provisions of
 32 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations
 33 adopted thereunder or that there are grounds for suspension or revocation
 34 of such person's license or permit.

35 (d) Any complaint filed with the commissioner shall be confidential
 36 and shall not be released to any person other than employees of the
 37 commissioner as necessary to carry out the duties of their employment.

38 (e) Any person making inspections under this section shall be trained
 39 by the commissioner in reasonable standards of animal care.

40 (f) The commissioner may request a licensed veterinarian to assist in
 41 any inspection or investigation made by the commissioner or the
 42 commissioner's authorized representative under this section.

43 (g) Any person acting as the commissioner's authorized

where each premises that has passed two consecutive annual inspections without any violations of the Kansas pet animal act, or rules and regulations adopted thereunder, shall then be inspected once every 18 months. Any premises subject to an 18-month inspection schedule that subsequently commits a violation of the Kansas pet animal act, or rules and regulations adopted thereunder, shall return to an annual inspection schedule.

1 representative for purposes of making inspections and conducting
2 investigations under this section who knowingly falsifies the results or
3 findings of any inspection or investigation or intentionally fails or refuses
4 to make an inspection or conduct an investigation pursuant to this section
5 shall be guilty of a class A nonperson misdemeanor.

6 (h) No person shall act as the commissioner's authorized
7 representative for the purposes of making inspections and conducting
8 investigations under this section if such person has a beneficial interest in
9 a person required to be licensed or permitted pursuant to K.S.A. 47-1701
10 et seq., and amendments thereto.

11 (i) Records of inspections pursuant to this section shall be maintained
12 in the office of the Kansas department of agriculture division of animal
13 health. Records of a deficiency or violation shall not be maintained for
14 longer than three years after the deficiency or violation is remedied.

15 (j) The commissioner, in consultation with Kansas state university
16 college of veterinary medicine, shall: (1) Continue procedures to provide
17 for pet animal training or updated training for authorized trained
18 representatives who inspect premises under the pet animal act and to allow
19 the owners of such facilities licensed or permitted under the pet animal act
20 to attend and participate at the training workshops for the authorized
21 trained representatives; and (2) make available to such owners and other
22 interested persons an inspection handbook describing the duties and
23 responsibilities of such authorized trained representatives.

24 (k) If the commissioner or the commissioner's authorized
25 representative is denied access to any location where such access is sought
26 for the purposes authorized under the Kansas pet animal act, the
27 commissioner may apply to any court of competent jurisdiction for an
28 administrative search warrant authorizing access to such location for such
29 purposes. Upon such application and a showing of cause therefore, the
30 court shall issue the search warrant for the purposes requested.

31 Sec. 8. K.S.A. 2012 Supp. 47-1710 is hereby amended to read as
32 follows: 47-1710. (a) An animal shall not be disposed of by an owner or
33 operator of a pound or of an animal shelter as a pound or rescue network
34 until after expiration of a minimum of three full business days of custody,
35 *not including the day the animal arrives*, during which the public has clear
36 *physical* access to inspect and recover the animal through time periods
37 ordinarily accepted as usual business hours. During such time of custody,
38 any owner or operator of such *facility premises* shall attempt to notify the
39 owner or custodian of any animal maintained or impounded by such
40 *facility premises* if such owner or custodian is known or reasonably
41 ascertainable. Such an animal may at any time be released to the legal
42 owner, moved to a veterinary hospital for treatment or observation,
43 released in any manner, if such animal was a gift animal to an animal

1 shelter, or *rescue network*. Such animal may be euthanized by a ~~duly~~
2 ~~incorporated humane society licensed shelter~~ or by a licensed veterinarian
3 if it appears to ~~an~~ a trained officer of such ~~humane society shelter~~ or to
4 such veterinarian that the animal is diseased or disabled beyond recovery
5 for any useful purpose.

6 (b) After the expiration of the holding period established in
7 subsection (a), the governing body of a political subdivision regulating the
8 operation of ~~a pound~~ an animal shelter shall have ownership of such
9 animal and shall determine the method of disposition of any animal. Any
10 ~~pound animal shelter~~ releasing live animals to prospective owners shall
11 comply with the provisions established in K.S.A. 47-1731, and
12 amendments thereto. Any such proceeds derived from the sale or other
13 disposition of such animals shall be paid directly to the treasurer of the
14 political subdivision, and no part of such proceeds shall accrue to any
15 individual.

16 (c) After the expiration of the holding period established in
17 subsection (a), the ~~board of directors of any humane society operating an~~
18 animal shelter ~~as a pound~~, shall have ownership of such animal and shall
19 determine the method of disposition of any animal. Any animal shelter
20 releasing live animals to prospective owners shall comply with the
21 provisions established in K.S.A. 47-1731, and amendments thereto. Any
22 such proceeds derived from such sale or disposition shall be paid directly
23 to the ~~treasurer of the humane society animal shelter~~ and no part of such
24 proceeds shall accrue to any individual.

25 (d) *After the expiration of the holding period established in*
26 *subsection (a), the rescue network manager shall have ownership of such*
27 *animal and shall determine the method of disposition of any animal. Any*
28 *rescue network releasing live animals to prospective owners shall comply*
29 *with the provisions established in K.S.A. 47-1731, and amendments*
30 *thereto.*

31 Sec. 9. K.S.A. 2012 Supp. 47-1711 is hereby amended to read as
32 follows: 47-1711. An animal control officer shall not be granted ~~an animal~~
33 ~~distributor's, animal breeder's, retail breeder's, hobby breeder's or a pet~~
34 ~~shop operator's~~ a license under the Kansas pet animal act. Each
35 application for any such license shall include a statement that neither the
36 applicant nor any of the applicant's employees is an animal control officer.
37 An animal control officer, upon taking custody of any animal in the course
38 of such officer's official duties, shall immediately make a record which
39 shall include the color, breed, sex, approximate weight and other
40 description of the animal, the reason for seizure, the location of seizure,
41 the owner's name and address, if known, the animal license number, and
42 any other identification number. Complete information relating to the
43 disposition of the animal shall be shown on the record and shall be added

1 immediately following the disposition of the animal. Such records shall be
2 made available to the commissioner or the commissioner's authorized
3 representative upon request.

4 Sec. 10. K.S.A. 47-1712 is hereby amended to read as follows: 47-

5 1712(a) The commissioner is hereby authorized to adopt rules and
6 regulations for licensees and permittees. Such rules and regulations shall
7 include, but not be limited to, provisions relating to: (1) (a) Reasonable
8 treatment of animals in the possession, custody or care of a licensee or
9 permittee or being transported to or from licensed or permitted premises;
10 (2) (b) a requirement that each licensee and permittee file with the
11 commissioner evidence that animals entering or leaving the state are free
12 from any visible symptoms of communicable disease; (3) (c) identification
13 of animals handled; (4) (d) primary enclosures; (5) (e) housing facilities;
14 (6) (f) sanitation; (7) (g) euthanasia; (8) (h) ambient temperatures; (9) (i)
15 feeding; (10) (j) watering; (11) (k) adequate veterinary medical care; (12)
16 (l) inspections of licensed or permitted premises, investigations of
17 complaints and training of persons conducting such inspections and
18 investigations; and (13) (m) a requirement that each licensee or permittee
19 keep and maintain, for inspection by the commission, such records as
20 necessary to administer and enforce the provisions of the Kansas pet
21 animal act.

22 (b) ~~The commissioner shall only adopt as rules and regulations for~~
23 ~~United States department of agriculture licensed animal distributors and~~
24 ~~animal breeders, and animal distributor and animal breeder premises the~~
25 ~~rules and regulations promulgated by the secretary of the United States~~
26 ~~department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to~~
27 ~~the provisions of the United States public law 91-579 (7 U.S.C. § 2131 et~~
28 ~~seq.), commonly known as the animal welfare act.~~

29 (c) ~~Notwithstanding any provision in subsection (b), the~~
30 ~~commissioner may adopt a requirement that each licensee and permittee~~
31 ~~file with the commissioner evidence that animals entering or leaving the~~
32 ~~state are free from any visible symptoms of communicable disease.~~

33 Sec. 11. K.S.A. 47-1718 is hereby amended to read as follows: 47-
34 1718. (a) No animal shall be euthanized by any animal control officer,
35 licensee, permittee, or officer of an animal shelter or officer of a pound by
36 any means, method, agent or device, or in any way, except through the
37 most current, approved euthanasia methods established by the American
38 veterinary medical association panel on euthanasia *with the exception of*
39 *the use of carbon monoxide chambers for the purpose of euthanasia of*
40 *dogs and cats which shall not be permitted.* ←

41 (b) This section shall be part of and supplemental to article 17 of
42 chapter 47 of the Kansas Statutes Annotated, *and amendments thereto.*

43 Sec. 12. K.S.A. 2012 Supp. 47-1721 is hereby amended to read as

6-11

1 follows: 47-1721. (a) Each application for issuance or renewal of a license
2 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,
3 shall be accompanied by the fee prescribed by the commissioner under this
4 section. Such fees shall be as follows:

5 (1) ~~Except as provided in paragraph (5) (4) or (6) (5), for a license for~~
6 ~~premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et~~
7 ~~seq.), an amount not to exceed \$200 \$500;~~

8 (2) ~~except as provided in paragraph (5) (4) or (6) (5), for a license for~~
9 ~~any other premises, an amount not to exceed \$405 \$750;~~

10 (3) ~~for a temporary closing permit, an amount not to exceed \$95;~~

11 (4) (3) ~~for an out-of-state distributor permit, an amount not to exceed~~
12 ~~\$675 \$750;~~

13 (5) (4) ~~for a hobby breeder license or a kennel boarding or training~~
14 ~~premises operator license, an amount not to exceed \$95 \$250;~~

15 (6) (5) ~~for a license for an animal shelter or a pound, an amount not to~~
16 ~~exceed \$300 \$750; and~~ ←

17 (7) (6) a late fee of \$70 \$100 per month shall be assessed to any
18 person whose permit or license renewal is more than 45 days late.

19 (b) The commissioner shall determine annually the amount necessary
20 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
21 for the next ensuing fiscal year and shall fix by rules and regulations the
22 license and permit fees for such year at the amount necessary for that
23 purpose, subject to the limitations of this section. In fixing such fees, the
24 commissioner may establish categories of licenses and permits, based
25 upon the type of license or permit, size of the licensed or permitted
26 business or activity and the premises where such business or activity is
27 conducted, and may establish different fees for each such category. The
28 fees in effect immediately prior to the effective date of this act shall
29 continue in effect until different fees are fixed by the commissioner as
30 provided by this subsection.

31 (c) If a licensee, permittee or applicant for a license or permit
32 requests an inspection of the premises of such licensee, permittee or
33 applicant, the commissioner shall assess the costs of such inspection, as
34 established by rules and regulations of the commissioner, to such licensee,
35 permittee or applicant.

36 (d) No fee or assessment required pursuant to this section shall be
37 refundable.

38 (e) The commissioner shall remit all moneys received by or for the
39 commissioner under this section to the state treasurer in accordance with
40 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
41 of each such remittance, the state treasurer shall deposit the entire amount
42 in the state treasury to the credit of the animal dealers facilities fee fund,
43 which is hereby created in the state treasury. Moneys in the animal dealers

For a license to sell animals retail, an amount not to exceed \$450;
(2) for a license to sell animals wholesale, an amount not to exceed \$300;
(3) for an animal shelter:
(A) In a first class city, an amount not to exceed \$450;
(B) in a second class city, an amount not to exceed \$375; and
(C) in a third class city, an amount not to exceed \$300;
(4) for a license for a research facility, an amount not to exceed \$500;
(5) for a rescue network license, an amount not to exceed \$100; and

1 facilities fee fund may be expended only to administer and enforce K.S.A.
 2 47-1701 et seq., and amendments thereto. All expenditures from the
 3 animal dealers facilities fee fund shall be made in accordance with
 4 appropriation acts upon warrants of the director of accounts and reports
 5 issued pursuant to vouchers approved by the Kansas animal health
 6 commissioner or the commissioner's designee.

7 (f) ~~Premises required to be licensed under the Kansas pet animal act~~
 8 ~~shall not be required to pay for more than one license. If more than one~~
 9 ~~operation is ongoing at the premises, each operation shall comply with the~~
 10 ~~applicable statutes and rules and regulations pertaining to such operation.~~

11 (g) ~~Except as provided further, when a premises required to be~~
 12 ~~licensed or permitted under the Kansas pet animal act applies for an initial~~
 13 ~~license or permit, the commissioner shall prorate to the nearest whole~~
 14 ~~month the license or permit fee established in subsection (a). Premises~~
 15 ~~required to be licensed under the Kansas pet animal act under multiple~~
 16 ~~license categories shall be required to pay for the most expensive license~~
 17 ~~and 70 percent of the license fee for each additional applicable license.~~

50

18 ~~Premises shall comply with the applicable law and rules and regulations~~
 19 ~~pertaining to each category. The commissioner shall have discretion to~~
 20 ~~determine whether the application is an initial application or an application~~
 21 ~~for a premises which has been doing business but is not licensed or~~
 22 ~~permitted. If the commissioner determines the premises has been doing~~
 23 ~~business without a license or permit, the commissioner is not required to~~
 24 ~~prorate the fee may assess a civil penalty in an amount of up to three times~~
 25 ~~the annual licensing fee.~~

26 (h) (g) This section shall be part of and supplemental to K.S.A. 47-
 27 1701 et seq., and amendments thereto.

28 Sec. 13. K.S.A. 2012 Supp. 47-1723 is hereby amended to read as
 29 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
 30 veterinarian, to act as or be a boarding or training kennel premises operator
 31 unless such person has obtained from the commissioner a boarding or
 32 training kennel premises operator license for each premises operated by
 33 such person. Application for such license shall be made in writing on a
 34 form provided by the commissioner. The license period shall be for the
 35 license year ending on June 30 following the issuance date.

36 (b) This section shall be part of and supplemental to K.S.A. 47-1701
 37 et seq., and amendments thereto.

38 Sec. 14. K.S.A. 2012 Supp. 47-1725 is hereby amended to read as
 39 follows: 47-1725. (a) There is hereby created the Kansas pet animal
 40 advisory board, consisting of 10 11 members. Members shall be appointed
 41 by the governor secretary of agriculture as follows:

9

governor

42 (1) One member shall be a representative of a licensed animal shelter
 43 or pound;

1 (2) one member shall be an employee of a licensed research facility
2 ~~licensed by the state, federal government or international entity;~~

3 (3) ~~one member shall be a licensed animal wholesale breeder;~~

two members

4 (4) one member shall be a licensed retail breeder;

wholesalers

5 (5) one member shall be a licensed pet shop operator;

6 (6) one member shall be a licensed veterinarian and shall be selected
7 from a list of three names presented to the ~~governor secretary~~ by the
8 Kansas veterinary medical association;

governor

9 (7) one member shall be a private citizen with no link to the industry
10 ~~who is not licensed under the Kansas pet animal act;~~

with no link to the industry; and

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 boarding or training premises operator; and~~

15 (8) ~~(11) one member shall be a licensed rescue network member.~~

16 (b) Each member shall be appointed for a term of three years and
17 until a successor is appointed and qualified.

18 (c) A vacancy on the board of a member shall be filled for the
19 unexpired term by appointment by the ~~governor secretary of agriculture.~~

governor

20 (d) The board shall meet at least once every calendar quarter
21 regularly or at such other times as the chairperson, *animal health*
22 *commissioner* or a majority of the board members determine. A majority of
23 the *appointed* members shall constitute a quorum for conducting board
24 business.

25 (e) The members of the board shall annually elect a chairperson.

26 (f) The board shall have the following duties, authorities and powers:

27 (1) To advise the Kansas animal health commissioner on hiring a
28 director to implement the Kansas pet animal act;

29 (2) to review the status of the Kansas pet animal act;

30 (3) to make recommendations on changes to the Kansas pet animal
31 act; and

32 (4) to make recommendations concerning the rules and regulations
33 for the Kansas pet animal act.

34 (g) ~~Board members who are required to be licensed, except retail
35 breeders, shall be affiliated with or a member of an organized pet animal
36 association which is representative of the position such person will hold on
37 the board.~~

38 Sec. 15. K.S.A. 2012 Supp. 47-1726 is hereby amended to read as
39 follows: 47-1726. ~~K.S.A. 47-1701 through 47-1721, K.S.A. 47-1722~~
40 ~~through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736~~ The
41 *provisions of article 17 of chapter 47 of the Kansas Statutes Annotated,*
42 and amendments thereto, shall be known and may be cited as the Kansas
43 pet animal act. This act shall license, permit and regulate the conditions of

1 certain premises and facilities within the state of Kansas where animals are
2 maintained, sold or offered or maintained for sale. The provisions of this
3 act shall not apply to any farm, kennel or other premises registered with
4 and inspected by the national greyhound association which is used solely
5 for the purposes of breeding, maintaining, training or selling greyhound
6 dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto.
7 The commissioner shall have the authority to enter into agreements with
8 the national greyhound association pertaining to the aforementioned
9 greyhound premises. Notwithstanding any other provisions of this section,
10 any agreements between the commissioner and the national greyhound
11 association may contain terms allowing the commissioner to access
12 records, complete inspections of such premises and other related matters.

13 Sec. 16. K.S.A. 2012 Supp. 47-1731 is hereby amended to read as
14 follows: 47-1731. (a) No dog or cat may be transferred to the permanent
15 custody of a prospective owner by a ~~pound or~~ *an animal shelter or rescue*
16 *network manager*, as defined by K.S.A. 47-1701, and amendments thereto,
17 ~~or by a humane society~~, unless:

18 (1) Such dog or cat has been surgically spayed or neutered before the
19 physical transfer of the animal occurs; or

20 (2) the prospective owner signs an agreement to have the dog or cat
21 spayed or neutered and deposits with the ~~pound or~~ *animal shelter or rescue*
22 *network manager* funds not less than the lowest nor more than the highest
23 cost of spaying or neutering in the community. Any funds deposited
24 pursuant to such an agreement shall be refunded to such person upon
25 presentation of a written statement signed by a licensed veterinarian that
26 the dog or cat has been spayed or neutered. If such person does not reclaim
27 the deposit within six months after receiving custody of the animal, the
28 ~~pound or~~ *animal shelter or rescue network manager* shall keep the deposit
29 and may reclaim the unspayed or unneutered animal.

30 (b) No person shall spay or neuter any dog or cat for or on behalf of a
31 ~~pound or~~ *an animal shelter* unless such person is a licensed veterinarian or
32 a student currently enrolled in the college of veterinary medicine, Kansas
33 state university, who has completed at least two years of study in the
34 veterinary medical curriculum and is participating in a spay or neuter
35 program and as part of the curriculum under the direct supervision of a
36 licensed veterinarian. Students shall only spay or neuter any dog or cat that
37 belongs to the ~~pound or~~ *animal shelter*, and shall not spay or neuter any
38 dog or cat that belongs to a member of the public. No ~~pound or~~ *animal*
39 *shelter* shall designate the veterinarian which a person must use, or a list
40 from which a person must select a veterinarian, to spay or neuter a dog or
41 cat transferred by such person from such ~~pound or~~ *animal shelter*. Any
42 premises located in the state of Kansas where the spaying, neutering or any
43 other practice of veterinary medicine occurs shall register such premises

1 with the board of veterinary examiners.

2 (c) With the written approval of the animal health commissioner, any
3 ~~pound or~~ shelter may use an innovative spay or neuter program not
4 precisely meeting the requirements of subsection (a)(2), if the ~~pound or~~
5 shelter can prove to the commissioner that it is actively enforcing the
6 spaying and neutering requirements set forth in this statute.

7 (d) Nothing in this section shall be construed to require sterilization
8 of a dog or cat which is being held by a ~~pound or~~ an animal shelter and
9 which may be claimed by its rightful owner within the holding period
10 established in K.S.A. 47-1710, and amendments thereto.

11 (e) The animal health commissioner shall promulgate rules and
12 regulations as may be necessary to carry out the provisions of this section.

13 Sec. 17. K.S.A. 2012 Supp. 47-2101 is hereby amended to read as
14 follows: 47-2101. (a) It shall be unlawful for any person to ~~engage in the~~
15 ~~business of raising~~ possess domesticated deer unless such person has
16 obtained from the animal health commissioner a domesticated deer permit.
17 Application for such permit shall be made in writing on a form provided
18 by the commissioner. The permit period shall be for the permit year ending
19 on June 30 following the issuance date.

20 (b) Each application for issuance or renewal of a permit shall be
21 accompanied by a fee of not more than ~~\$150~~ \$400 as established by the
22 commissioner in rules and regulations.

\$250

23 (c) The animal health commissioner shall adopt any rules and
24 regulations necessary to enforce this section, *ensure compliance with*
25 *federal requirements and protect domestic animals and wildlife from*
26 *disease risks related to domestic cervid production.*

27 (d) Any person who fails to obtain a permit as prescribed in section
28 (a) shall be deemed guilty of a *class C nonperson* misdemeanor and upon
29 conviction shall be punished by a fine not exceeding ~~\$150~~ \$1,000.
30 Continued operation, after a conviction, shall constitute a separate offense
31 for each day of operation.

32 (e) The commissioner may refuse to issue or renew or may suspend
33 or revoke any permit for any one of the following reasons:

34 (1) Material misstatement in the application for the original permit or
35 in the application for any renewal of a permit;

36 (2) the conviction of any crime, an essential element of which is
37 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to
38 animals;

39 (3) substantial misrepresentation;

40 (4) the person who is issued a permit is found to be adding to such
41 person's herd by poaching or illegally obtaining deer; or

42 (5) willful disregard to any rule or regulation adopted under this
43 section.

1 (f) Any refusal to issue or renew a permit and any suspension or
2 revocation of a permit under this section shall be in accordance with the
3 provisions of the Kansas administrative procedure act and shall be subject
4 to review in accordance with the Kansas judicial review act.

5 (g) Domesticated deer shall be identified through implantation of
6 microchips, ear tags, ear tattoos, ear notches or any other permanent
7 identification on such deer as to identify such deer as domesticated deer.
8 Any person who receives a permit issued pursuant to subsection (a) shall
9 keep records of the deer herd pursuant to rules and regulations.

10 (h) The animal health commissioner ~~shall~~ *or the commissioner's*
11 *representatives may* inspect any premises ~~where~~ *issued* a domesticated
12 ~~deer herd has been issued a permit, and the records of such premises, no~~
13 ~~more than once each year. Additionally, the commissioner or the~~
14 ~~commissioner's representatives may inspect premises and records more~~
15 ~~often~~ upon receipt of a ~~written, signed~~ complaint that such premises is not
16 being operated, managed or maintained in accordance with rules and
17 regulations. *The commissioner or the commissioner's representatives may*
18 *also inspect unlicensed premises when the commissioner has reasonable*
19 *grounds to believe that a person or premises is required to be licensed.*

20 (i) The animal health commissioner, on ~~a quarterly~~ *an annual* basis,
21 shall transmit to the secretary of wildlife ~~and, parks and tourism~~ a current
22 list of persons issued a permit pursuant to this section. *Additionally, the*
23 *department of agriculture may request assistance from the department of*
24 *wildlife, parks and tourism to assist in implementing and enforcing article*
25 *21 of chapter 47 of the Kansas Statutes Annotated, and amendments*
26 *thereto.*

27 (j) All moneys received under this section shall be remitted to the
28 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
29 amendments thereto. Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount in the state treasury to the credit
31 of the animal disease control fund.

32 (k) As used in this section:

33 (1) "Deer" means any member of the family cervidae.

34 (2) "Domesticated deer" means any member of the family cervidae
35 which was legally obtained and is being sold or raised in a confined area
36 for: (1) (A) Breeding stock; (2) (B) any carcass, skin or part of such
37 animal; (3) (C) exhibition; or (4) (D) companionship.

38 Sec. 18. K.S.A. 47-1704, 47-1712, 47-1717, 47-1718, 47-1732 and
39 47-1736 and K.S.A. 2012 Supp. 2-907, 47-619, 47-650, 47-651, 47-653,
40 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666,
41 47-667, 47-672, 47-1701, 47-1701a, 47-1709, 47-1709a, 47-1710, 47-
42 1711, 47-1721, 47-1723, 47-1725, 47-1725a, 47-1726, 47-1731, 47-2101
43 and 47-2101a are hereby repealed.

1 Sec. 19. This act shall take effect and be in force from and after its
2 publication in the statute book.

6-17