



Celebrating Animals Confronting Cruelty

TO: Special Committee on Agriculture & Natural Resources

FROM: Midge Grinstead, State Director for The Humane Society of the United States

DATE: November 19, 2013

RE: Support for Updating the Kansas Pet Animal Act (KPAA)

Senator Love and Members of the Committee:

At the October 11, 2013 meeting of this committee, I wrote down some of the specific questions that were asked by the committee members:

Q. What states have licensing rules and/or statutes, regulations regarding animal breeders?

A. *33 states plus the District of Columbia*

(Arizona, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Mass., Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Penn., Rhode Island, Tenn., Texas, Vermont, Virginia, Washington, West Virginia and Wisconsin)

Q. What states do not have any rules, regulations or statutes governing animal breeders?

A. *15 states*

(Alabama, Alaska, Arkansas, Florida, Hawaii, Idaho, Minnesota, Mississippi, Montana, N. Carolina, N. Dakota, S. Carolina, S. Dakota, Utah & Wyoming) Currently, four states are working on regulations.

Q. What do the inspectors need to see in the USDA veterinary records that aren't in the KPAA? Can't they look up the USDA information they need on-line?

A. *Under the KPAA the inspectors are not allowed to look at veterinary records or require veterinary care. (4) As used in the KPAA, "adequate veterinary medical care" shall not apply to USDA licensed animal breeders and animal distributors". If AFI can't look at veterinarian records, then disease, injury, and other health issues may go untreated*

Q. If 50% of the problems come from unlicensed facilities then why the increase in fees to licensees?

A. *The state should take a hard line with unlicensed facilities. Unlicensed facilities should:*

- Pay the fees for past years of operation and initial inspection.*
- If they fail inspection, fined and given a cease & desist order from the director.*

Q. After the merger of Kansas Animal Health to the Dept. of Ag.; what were the challenging issues?

A.

- Program cuts to the Animal Facility Inspection Program*
- KDA's plan to make AFIP fee funded.*
- The Animal Facility Inspection Program has indicated their goal to educate facilities that are not in compliance rather than suspending operations until the licensee demonstrates compliance.*
- KDA fails to take a hard line with unlicensed or non-compliant facilities.*

Special Committee on Agriculture &
Natural Resources
November 19, 2013
Attachment 3

Q. Give examples of the most frequent violations and reasons facilities fail.

A. *The HSUS report on Puppy Mills presented on 10/11/13 shows evidence of frequent violations of animal welfare; water, temperature, housing, no vet care, sanitation and maintenance issues. These violations are from the KDA inspector reports and USDA reports.*

Q. Why does the Dept. need more money to run the AFIP, if there are only 1,700 licensees?

A. *The Dept. is inspecting less than 900 licensees. KDA should demonstrate their budget needs with actual data that supports program needs and operations. Based on current performance issues, a new enforcement protocol and criteria for inspections would address many problems.*

Q. What has been the input from stakeholders and has the Dept. done outreach with the regulation changes

A. *Within the last year, HSUS /ASPCA has made multiple attempts to meet with the AFI on the statutory and regulatory issues without success. Most recently we were told to contact Sec. Rodman for an appointment. Stakeholder input is also limited to a 2 minutes public statement at the conclusion of the Kansas Pet Animal Advisory Board (KPAAB) meeting. At the Sept.11th joint meeting of Animal Health and the KPAAB Dr. Brown publicly announced that the KDA considered the HSUS to be a challenge and "against animal agriculture." However, Secretary Rodman and Commissioner Brown have not raised this concern with me directly. HSUS wants to work with the KDA and AFIP. We hope they will engage stakeholders in the future.*

Q. Why were hobby breeders not inspected from 1999 to 2004?

A. *The 1988 statute did not include hobby breeders. Breeders listed themselves as hobby breeders so they wouldn't have to deal with the USDA or the KAHD. The law was changed in 1994 or 1996 to include the hobby breeders.*

Q. Why are boarding and training kennels licensed and inspected?

A. *These facilities are caring for animals that are owned by our citizens. Kansans want to know that these facilities are safe and free from infectious diseases.*

Q. Is the history and inspection information accessible to the public and if not, will it ever be?

A. *No, the inspection reports are only available through an open records request. It would benefit consumers to have inspection records on-line so they could learn about a breeder, shelter, rescue or pet store that they want to do business with.*

The Kansas Pet Animal Act has been in place for 26 years. It is time to update it with accepted welfare standards and appropriate enforcement tools.

Sincerely,

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