

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **HB 2312**, on page 1, following line 6, by inserting:

"New Section 1. (a) It shall be unlawful for any person to operate a rescue network unless a rescue network manager license has been obtained from the commissioner. Applications for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending September 30 following the issuance date.

(b) Rescue networks may utilize pet animal foster homes. Each rescue network shall be responsible for ensuring pet animal foster homes subordinate to such rescue network comply with the Kansas pet animal act and all relevant rules and regulations. Rescue networks shall keep records of all pet animal foster homes housing animals.

(c) Each rescue network shall designate a manager who shall carry out the following duties:

(1) Approve the membership of each pet animal foster home in the rescue network;

(2) supervise intake of dogs and cats into the rescue network;

(3) monitor and ensure compliance of each subordinate pet animal foster home with all relevant laws and rules and regulations;

(4) maintain on such rescue network manager's premises records pertaining to the adoption, placement or other disposition of each dog and cat receiving temporary care from the rescue network, membership of the rescue network, and any other records required by law or rules and regulations; and

(5) such other administrative duties as the commissioner may adopt by rules and regulations.

(d) The commissioner shall adopt rules and regulations to implement this section.

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

New Sec. 2. (a) Once an animal shelter or rescue network manager license has been obtained, the animal shelter or the rescue network manager may host adoption events at a location other than the licensed premises so long as all applicable rules and regulations are followed at such other locations. The animal shelter or rescue network shall provide notice of off-site adoption events that will occur on a regularly scheduled basis throughout the calendar year to the commissioner before January 1 of each such year. Once the date and location of any additional adoption events has been determined, the animal shelter or rescue network shall provide advance notice to the animal health commissioner or the commissioner's authorized representative.

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

Sec. 3. K.S.A. 2016 Supp. 47-1701 is hereby amended to read as follows: 47-1701. As used in the Kansas pet animal act, unless the context otherwise requires:

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

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

(c) "Ambient temperature" means the temperature surrounding the animal.

(d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) Animal does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.

(e) "Animal breeder" means any person who operates an animal breeder premises.

(f) "Animal breeder premises" means any premises, whether licensed or not licensed by the United States department of agriculture, where all or part of ~~six~~ three or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, ~~primarily at wholesale for resale to another.~~

(g) "Animal shelter" ~~or "pound"~~ means a facility premises which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. ~~"Animal shelter" or pound~~ also includes a facility premises of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

(h) "Cat" means an animal which is wholly or in part of the species *Felis domesticus*.

(i) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(j) "Dog" means any animal which is wholly or in part of the species *Canis familiaris*.

(k) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the primary purpose of aiding in the enforcement of ~~this law~~ the Kansas pet animal act, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

(l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718, and amendments thereto.

~~(m) "Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license~~

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

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

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

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

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

~~(p)~~ "License year" or "permit year" means the 12-month period ending on ~~June~~ September 30.

~~(q)~~ "Person" means any individual, association, partnership, corporation or other entity.

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

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

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

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

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

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

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

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

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

~~(z)~~(x) "Animal distributor" means any person who operates an animal distributor premises.

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

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

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

~~(dd)~~(bb) "Adequate veterinary medical care" means:

(1) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by

the veterinarian at least once a year; and

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

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

~~(4) As used in the Kansas pet animal act, "adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.~~

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

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

~~(gg) "Retail breeder premises" means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.~~

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

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

(dd) "Rescue network" means the premises of a rescue network manager and all pet animal foster homes organized under such rescue network manager that provide temporary care for one or more dogs or cats not owned by an animal shelter that maintains a central facility for keeping animals.

(ee) "Rescue network manager" means the individual designated by a rescue network to carry out the responsibilities prescribed in section 1, and amendments thereto.

(ff) "Pet animal foster home" means the registered premises of an individual who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter or a rescue network that is licensed by the state.

Sec. 4. K.S.A. 47-1702 is hereby amended to read as follows: 47-1702. It shall be unlawful for any person to act as or be an animal distributor unless such person has obtained from the commissioner an animal distributor license for each animal distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

Sec. 5. K.S.A. 47-1703 is hereby amended to read as follows: 47-1703. It shall be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

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

(b) Animal shelters may utilize pet animal foster homes. Each animal shelter shall be responsible for ensuring pet animal foster homes subordinate to such animal shelter comply with the Kansas pet animal act and all relevant rules and regulations. Animal shelters shall keep records of all pet animal foster homes housing animals.

Sec. 7. K.S.A. 2016 Supp. 47-1706 is hereby amended to read as follows: 47-1706. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for any one or more of the following reasons:

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

(2) willful disregard of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, or any willful aiding or abetting of another in the violation of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder;

(3) permitting any license or permit issued hereunder to be used by an unlicensed or unpermitted person or transferred to unlicensed or unpermitted premises;

(4) the conviction of any crime relating to the theft of animals;

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or permittee;

(7) fraudulent bill of sale;

(8) the housing facility or the primary enclosure is inadequate;

(9) the feeding, watering, sanitizing and housing practices at the licensee's or permittee's premises are not consistent with the Kansas pet animal act or the rules and regulations adopted hereunder;

(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care; ~~or~~

(11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701~~(dd)~~(bb), and amendments thereto, to animals in such licensee or permittee's custody or care when access to such is requested by the commissioner or the

commissioner's authorized representatives;

(12) three failed inspections within 24 months; or

(13) refusal to allow the commissioner or the commissioner's authorized, trained representative entry onto the premises for inspection.

(b) The commissioner shall refuse to issue or renew and shall suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of~~ pursuant to K.S.A. 2016 Supp. 21-6412(a)(1) through (a)(5), and amendments thereto, or any federal law, city ordinance or county resolution that proscribes cruelty to animals.

(c) Any refusal to issue or renew a license or permit, and any suspension or revocation of a license or permit, under this section shall be issued only after notice and opportunity for a hearing are provided in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(d) Notwithstanding subsection (c), nothing shall preclude the commissioner from issuing a quarantine order in accordance with K.S.A. 77-536, and amendments thereto, on any premises regulated under this act wherein the animals are found to be infected with a contagious or zoonotic disease which may infect animals or humans that may come into contact with or be exposed to such animals.

(e) Whenever the commissioner denies, suspends or revokes a license or permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or permit is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 2016 Supp. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the

animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or permit is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or permit is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

Sec. 8. K.S.A. 2016 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. ~~Refusal of such entry and inspection shall be grounds for denial of the license or permit.~~ Notice ~~need not~~ will be given to any person prior to an inspection made for an application for an original license or permit.

(b) The commissioner or the commissioner's authorized, trained representatives ~~may~~ shall inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto, based upon an inspection frequency schedule adopted by rules and regulations. Such frequency schedule shall take into account the performance history of a premises or the relative risk posed by such premises to the health, safety and welfare of the animals. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right

of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. ~~Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit.~~ Notice need will not be given to any person prior to inspection.

(c)(1) The commissioner or the commissioner's authorized, trained representative may review the documentation to ensure adequate veterinary medical care has been provided. All documentation provided pursuant to this subsection shall be made available to the commissioner or the commissioner's authorized, trained representative for inspection or copying upon request. Such documentation shall be maintained for three years after the effective date of the program or the administration of such veterinary medical care.

(2) United States department of agriculture licensed animal breeders and animal distributors may use their United States department of agriculture veterinary care forms to meet the requirements of this subsection if they make such forms available to the commissioner or the commissioner's authorized, trained representative for inspection or copying upon request and have maintained such records for three years after the effective date of the program or the administration of such veterinary medical care.

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

~~(d)~~(e) Any complaint filed with the commissioner shall be confidential and shall not be released to any person other than employees of the commissioner as necessary to carry out the duties of

their employment.

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

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

(g)(h) Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

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

(i)(j) Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health. ~~Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied~~ and retained pursuant to applicable retention schedules.

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

authorized trained representatives.

~~(k)(1)~~ If the commissioner or the commissioner's authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.

Sec. 9. K.S.A. 2016 Supp. 47-1710 is hereby amended to read as follows: 47-1710. (a) An animal shall not be disposed of by an owner or operator of ~~a pound or of an animal shelter as a pound~~ until after expiration of a minimum of three full business days of custody, not including the day the animal arrives, during which the public has clear physical access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, any owner or operator of such ~~facility premises~~ shall attempt to notify the owner or custodian of any animal maintained or impounded by such ~~facility premises~~ if such owner or custodian is known or reasonably ascertainable. Such an animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift animal to an animal shelter, ~~or~~ Such animal may be euthanized in accordance with K.S.A. 47-1718, and amendments thereto, by a ~~duly incorporated humane society~~ licensed animal shelter or by a licensed veterinarian if it appears to ~~an officer~~ a trained employee of such ~~humane society animal shelter~~ or to such veterinarian that the animal is diseased or disabled beyond recovery ~~for any useful purpose~~.

(b) After the expiration of the holding period established in subsection (a), the ~~governing body of a political subdivision regulating the operation of a pound~~ animal shelter shall have ownership of such animal and shall determine the method of disposition of any animal. Any ~~pound~~ animal shelter releasing live animals to prospective owners shall comply with the provisions established in K.S.A. 47-1731, and amendments thereto. Any such proceeds derived from the sale or other disposition of such

animals shall be paid directly to the treasurer of the political subdivision, ~~and if the animal shelter is operated and regulated by a political subdivision, or to the treasurer of the humane society if the animal shelter is operated by a humane society.~~ operated and regulated by a political subdivision, or to the treasurer of the humane society if the animal shelter is operated by a humane society. No part of such proceeds shall accrue to any individual.

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

Sec. 10. K.S.A. 2016 Supp. 47-1711 is hereby amended to read as follows: 47-1711. An animal control officer shall not be granted an animal distributor's, animal breeder's, ~~retail breeder's,~~ ~~hobby breeder's~~ or a pet shop operator's license. Each application for any such license shall include a statement that neither the applicant nor any of the applicant's employees is an animal control officer. An animal control officer, upon taking custody of any animal in the course of such officer's official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete information relating to the disposition of the animal shall be shown on the record and shall be added immediately following the disposition of the animal. Such records shall be made available to the commissioner or the commissioner's authorized representative upon request.

Sec. 11. K.S.A. 47-1712 is hereby amended to read as follows: 47-1712. (a) The commissioner is hereby authorized to adopt rules and regulations for licensees and permittees. Such rules and regulations shall include, but not be limited to, provisions relating to: (1) Reasonable treatment of animals in the possession, custody or care of a licensee or permittee or being transported to

or from licensed or permitted premises; (2) a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease; (3) identification of animals handled; (4) primary enclosures; (5) housing facilities; (6) sanitation; (7) euthanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11) adequate veterinary medical care; (12) inspections of licensed or permitted premises, investigations of complaints and training of persons conducting such inspections and investigations; and (13) a requirement that each licensee or permittee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of the Kansas pet animal act.

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

(c) Notwithstanding any provision in subsection (b), the commissioner may adopt a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease. The commissioner may additionally require that the United States department of agriculture licensed animal distributors and animal breeders comply with any provision of this act or rules and regulations of the commissioner regarding maintenance and inspection of records, identification of animals and access to and inspection of premises.

Sec. 12. K.S.A. 47-1720 is hereby amended to read as follows: 47-1720. (a) It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a

form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

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

Sec. 13. K.S.A. 2016 Supp. 47-1721 is hereby amended to read as follows: 47-1721. (a) Each application for issuance or renewal of a license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

(1) ~~Except as provided in paragraph (5) or (6), for a license for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.)~~ For animal distributors, an amount not to exceed \$200 \$400;

(2) for animal breeders, an amount not to exceed \$450;

(3) ~~except as provided in paragraph (5) or (6), for a license for any other premises,~~ for a pet shop license, an amount not to exceed \$405 \$600;

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

(4) for an out-of-state distributor permit, ~~an amount not to exceed \$675~~ \$650;

(5) for a ~~hobby breeder license or a kennel operator license~~ an amount not to exceed \$95 research facility, \$300;

(6) for a boarding or training premises operator license, \$200;

(7) for a license for an animal shelter or a pound, an amount not to exceed \$300 \$550; and

(8) for a rescue network manager license, \$125;

~~(7)-(9)~~ for each animal foster home subordinate to a rescue network or animal shelter an amount not to exceed \$20. Such fee may be paid by the rescue network or the animal shelter; and

(10) a late fee of \$70 \$100 shall be assessed to any person whose permit or license renewal is

~~more than 45 days late~~ received by the Kansas department of agriculture after September 30.

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

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

(d) (1) There shall be a no-contact fee of \$80 for each no-contact inspection.

(2) For the purposes of this subsection, "no-contact inspection" means the commissioner or the commissioner's authorized, trained representative attempted to inspect a premises, but was unable to do so because the owner or the owner's designated representative was: (A) Not present for the inspection during the day and time designated on such owner's license or permit application; and (B) either unreachable by telephone at the time of such attempted inspection or, if contacted via telephone, was unable to make the premises available for inspection within 30 minutes of such telephone contact.

(e) (1) If a licensee or permittee fails an inspection, such licensee or permittee shall pay a fee for any subsequent re-inspections as follows:

(A) For the first re-inspection, \$100;

(B) for the second re-inspection \$150; and

(2) 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 receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the compliance education fee fund.

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

~~(e)~~(g) Except as provided in subsection (e), the commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal-dealers facilities fee fund, which is hereby created in the state treasury. Moneys in the animal-dealers facilities fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal-dealers facilities fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Kansas animal health commissioner or the commissioner's designee.

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

~~(g)~~ Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). under multiple license categories shall be required to pay for the most expensive license and a \$50 fee for each additional applicable license. Premises shall comply with the applicable laws and rules and regulations pertaining to each category. The commissioner shall have discretion to determine whether the application is an

initial application or an application for a premises which has been doing business but is not licensed or permitted. If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee may assess a civil penalty in an amount of up to three times the annual license fee.

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

Sec. 14. K.S.A. 2016 Supp. 47-1723 is hereby amended to read as follows: 47-1723. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training ~~kenel~~ premises operator unless such person has obtained from the commissioner a boarding or training ~~kenel~~ premises operator license for each premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

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

Sec. 15. K.S.A. 2016 Supp. 47-1725 is hereby amended to read as follows: 47-1725. (a) There is hereby created the Kansas pet animal advisory board, consisting of 10 members, each of whom shall be residents of this state. Members shall be appointed by the governor as follows:

- (1) One member shall be a representative of a licensed animal shelter ~~or pound~~;
- (2) one member shall be an employee of a licensed research facility or an animal health research facility operated by a public educational institution in this state;
- (3) one member shall be a licensed animal breeder who currently holds a United States department of agriculture license under public law 91-579, 7 U.S.C. § 2131 et seq.;
- (4) one member shall be a licensed ~~retail~~ animal breeder who does not hold a United States department of agriculture license under public law 91-579, 7 U.S.C. § 2131 et seq.;

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

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

(7) one member shall be a private citizen ~~with no link to the industry~~ who is not licensed under the Kansas pet animal act and has no professional affiliation with a Kansas pet animal act licensee;

(8) one member shall be a licensed animal distributor;

(9) ~~one member shall be a licensed hobby breeder; and~~

~~(10) one member shall be a licensed boarding or training ~~kennel premises~~ operator; and~~

(10) one member shall be a licensed rescue network manager.

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

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

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

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

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

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

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

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

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

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

Sec. 16. K.S.A. 2016 Supp. 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~~ The provisions of article 17 of chapter 47 of the Kansas Statutes Annotated, 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. The commissioner shall have the authority to enter into agreements with the national greyhound association pertaining to the aforementioned greyhound premises. Notwithstanding any other provisions of this section, any agreements between the commissioner and the national greyhound association may contain terms allowing the commissioner to access records, complete inspections of such premises and other related matters.

Sec. 17. K.S.A. 2016 Supp. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be transferred to the permanent custody of a prospective owner by ~~a pound or an~~ animal shelter or rescue network, as defined by K.S.A. 47-1701, and amendments thereto, ~~or by a humane society~~, unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the

animal occurs; or

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

(b) No person shall spay or neuter any dog or cat for or on behalf of a ~~pound or an~~ animal shelter or rescue network, unless such person is a licensed veterinarian or a veterinary student currently enrolled in ~~the~~ an accredited college of veterinary medicine, ~~Kansas state university~~, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program ~~and as part of the curriculum~~ under the direct supervision of a licensed veterinarian. Students shall only spay or neuter any dog or cat that belongs to the ~~pound or~~ animal shelter or rescue network, and shall not spay or neuter any dog or cat that belongs to a member ~~or~~ of the public. No ~~pound or~~ animal shelter or rescue network shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such ~~pound or~~ animal shelter or rescue network. Any premises located in the state of Kansas where the spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners and comply with the Kansas veterinary practice act.

(c) With the written approval of the animal health commissioner, any ~~pound or animal~~ shelter or rescue network may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the ~~pound or animal~~ shelter or rescue network can prove to the

commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.

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

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

Sec. 18. K.S.A. 47-1733 is hereby amended to read as follows: 47-1733. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

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

Sec. 19. K.S.A. 47-1734 is hereby amended to read as follows: 47-1734. (a) It shall be unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, within the state of Kansas unless such person has obtained from the commissioner an out-of-state distributor permit. Application for each such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on ~~June~~ September 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.";

On page 6, in line 8, before "K.S.A" by inserting "K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1717, 47-1719, 47-1720, 47-1732, 47-1733, 47-1734 and 47-1736 and"; also in line 8, after the third comma by inserting "47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-

1726, 47-1731,"; in line 11, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "relating to the Kansas department of agriculture; relating to the Kansas pet animal act;"; in line 2, after "amending" by inserting "K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-1733 and 47-1734 and"; in line 3, after the third comma by inserting "47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731,"; in line 4, after "repealing" by inserting "K.S.A. 47-1717, 47-1719, 47-1732 and 47-1736 and"

Senator _____