

SENATE BILL No. 286

By Committee on Agriculture and Natural Resources

1-16

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
3 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1721
4 and 47-1723 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as
8 follows: 47-1701. As used in the Kansas pet animal act, unless the context
9 otherwise requires:

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

14 (b) "Adequate watering" means a supply of clean, fresh, potable
15 water, supplied in a sanitary manner and either continuously accessible to
16 each animal or supplied at intervals suitable for the animal species, not to
17 exceed intervals of 12 hours.

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

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

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

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

27 (f) "Animal breeder premises" means any premises where all or part
28 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or
29 both, are sold, or offered or maintained for sale, primarily at wholesale for
30 resale to another.

31 (g) "Animal shelter" or "pound" means a facility ~~which~~ *that* is used or
32 designed for use to house, contain, impound or harbor any seized stray,
33 homeless, relinquished or abandoned animal or a person who acts as an
34 animal rescuer, or who collects and cares for unwanted animals or offers
35 them for adoption. Animal shelter or pound also includes a facility of an
36 individual or organization, profit or nonprofit, maintaining 20 or more

1 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
2 or maintaining the animals or offering the animals for adoption.

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

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

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

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

18 (l) "Euthanasia" means the humane destruction of an animal, which
19 may be accomplished by any of those methods provided for in K.S.A. 47-
20 1718, and amendments thereto.

21 (m) "Hobby breeder premises" means any premises where all or part
22 of three, four or five litters of dogs or cats, or both, are produced for sale
23 or sold, offered or maintained for sale per license year. This provision
24 applies only if the total number of dogs or cats, or both, sold, offered or
25 maintained for sale is less than 30 individual animals.

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

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

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

34 (q) "Boarding or training kennel operator premises" means the
35 facility of a boarding or training kennel operator.

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

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

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

42 (A) Any dogs or cats, or both; or (B) any other animals except those
43 ~~which~~ that are produced and raised on such premises and are sold, or

1 offered or maintained for sale, by a person who resides on such premises.

2 (2) "Pet shop" does not include: (A) Any pound or animal shelter; (B)
3 any premises where only fish are sold, or offered or maintained for sale; or
4 (C) any animal distributor premises, hobby breeder premises, retail breeder
5 premises or animal breeder premises.

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

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

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

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

16 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
17 Maintaining animals for sale is presumed whenever 20 or more dogs or
18 cats, or both, are maintained by any person.

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

22 (z) "Animal distributor" means any person who operates an animal
23 distributor premises.

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

28 (bb) "Out-of-state distributor" means any person residing in a state
29 other than Kansas, who is engaged in the business of buying for resale
30 dogs or cats, or both, within the state of Kansas, as a principal or agent.

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

34 (dd) (1) "Adequate veterinary medical care" means:

35 ~~(A)~~(A) A documented program of disease control and prevention,
36 euthanasia and routine veterinary care shall be established and maintained
37 under the supervision of a licensed veterinarian, on a form provided by the
38 commissioner, and shall include a documented on-site visit to the premises
39 by the veterinarian at least once a year;

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

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

6 ~~(4)~~(2) ~~As used in the Kansas pet animal act,~~ "Adequate veterinary
7 medical care" shall not apply to United States department of agriculture
8 licensed animal breeders or animal distributors.

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

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

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

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

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

22 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-
23 1702. It shall be unlawful for any person to act as or be an animal
24 distributor unless such person has obtained from the commissioner an
25 animal distributor license for each animal distributor premises operated by
26 such person. Application for such license shall be made in writing on a
27 form provided by the commissioner. The license period shall be for the
28 license year ending on ~~June~~ *September* 30 following the issuance date.

29 Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-
30 1703. It shall be unlawful for any person to act as or be a pet shop operator
31 unless such person has obtained from the commissioner a pet shop
32 operator license for each pet shop operated by such person. Application for
33 each such license shall be made in writing on a form provided by the
34 commissioner. The license period shall be for the license year ending on
35 ~~June~~ *September* 30 following the issuance date.

36 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-
37 1704. It shall be unlawful for any person to operate a pound or animal
38 shelter, except a licensed veterinarian who operates such pound or animal
39 shelter from such licensed veterinarian's clinic, unless a license for such
40 pound or shelter has been obtained from the commissioner. Application for
41 such license shall be made on a form provided by the commissioner. The
42 license period shall be for the license year ending on ~~June~~ *September* 30
43 following the issuance date.

1 Sec. 5. K.S.A. 47-1719 is hereby amended to read as follows: 47-
 2 1719. (a) It shall be unlawful for any person to act as or be a hobby
 3 breeder unless such person has obtained from the commissioner a hobby
 4 breeder license. Application for such license shall be made in writing on a
 5 form provided by the commissioner. The license period shall be for the
 6 license year ending on ~~June~~ *September* 30 following the issuance date.

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

9 Sec. 6. K.S.A. 47-1720 is hereby amended to read as follows: 47-
 10 1720. (a) It shall be unlawful for any person to operate a research facility
 11 unless such person has obtained from the commissioner a research facility
 12 license. Application for such license shall be made in writing on a form
 13 provided by the commissioner. The license period shall be for the license
 14 year ending on ~~June~~ *September* 30 following the issuance date.

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

17 Sec. 7. K.S.A. 2017 Supp. 47-1721 is hereby amended to read as
 18 follows: 47-1721. (a) Each application for issuance or renewal of a license
 19 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,
 20 shall be accompanied by the fee prescribed by the commissioner under this
 21 section. Such fees shall be as follows:

22 (1) Except as provided in paragraph (5) ~~or~~, (6); *or* (8) for a license for
 23 premises of a person licensed under public law 91-579 ~~or~~, 7 U.S.C. § 2131
 24 et seq.), an amount not to exceed ~~\$200~~ *\$450*;

25 (2) except as provided in paragraph (5) ~~or~~, (6); *or* (8) for a license for
 26 any other premises, an amount not to exceed ~~\$405~~ *\$600*;

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

28 (4) for an out-of-state distributor permit, an amount not to exceed
 29 \$675;

30 (5) for a hobby breeder license or a kennel operator license an amount
 31 not to exceed ~~\$95~~ *\$250*;

32 (6) for a license for an animal shelter or a pound, an amount not to
 33 exceed ~~\$300~~ *\$550*; ~~and~~

34 (7) a late fee of \$70 shall be assessed to any person whose permit or
 35 license renewal is ~~more than 45 days late~~. *not renewed prior to October 1*;
 36 *and*

37 (8) *for any premises required to be licensed under the Kansas pet*
 38 *animal act under multiple license categories, payment for only the most*
 39 *expensive license and a \$50 fee for each additional applicable license.*
 40 *Such premises shall comply with the applicable laws and rules and*
 41 *regulations pertaining to each license category.*

42 (b) The commissioner shall determine annually the amount necessary
 43 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,

1 for the next ensuing fiscal year and shall fix by rules and regulations the
2 license and permit fees for such year at the amount necessary for that
3 purpose, subject to the limitations of this section. In fixing such fees, the
4 commissioner may establish categories of licenses and permits, based
5 upon the type of license or permit, size of the licensed or permitted
6 business or activity and the premises where such business or activity is
7 conducted, and may establish different fees for each such category. The
8 fees in effect immediately prior to the effective date of this act shall
9 continue in effect until different fees are fixed by the commissioner as
10 provided by this subsection.

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

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

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

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

34 ~~(g)~~ Except as provided further, when a premises required to be
35 licensed or permitted under the Kansas pet animal act applies for an initial
36 license or permit, the commissioner shall prorate to the nearest whole
37 month the license or permit fee established in subsection (a). The
38 commissioner shall have discretion to determine whether the application is
39 an initial application or an application for a premises ~~which~~ that has been
40 doing business but is not licensed or permitted. If the commissioner
41 determines the premises has been doing business without a license or
42 permit, the commissioner is not required to prorate the fee.

43 ~~(h)~~(g) This section shall be part of and supplemental to K.S.A. 47-

1 1701 et seq., and amendments thereto.

2 Sec. 8. K.S.A. 2017 Supp. 47-1723 is hereby amended to read as
3 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
4 veterinarian, to act as or be a boarding or training kennel operator unless
5 such person has obtained from the commissioner a boarding or training
6 kennel operator license for each premises operated by such person.
7 Application for such license shall be made in writing on a form provided
8 by the commissioner. The license period shall be for the license year
9 ending on ~~June~~ *September 30* following the issuance date.

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

12 Sec. 9. K.S.A. 47-1733 is hereby amended to read as follows: 47-
13 1733. (a) It shall be unlawful for any person to act as or be an animal
14 breeder unless such person has obtained from the commissioner an animal
15 breeder license for each animal breeder premises operated by such person.
16 Application for each such license shall be made in writing on a form
17 provided by the commissioner. The license period shall be for the license
18 year ending on ~~June~~ *September 30* following the issuance date.

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

21 Sec. 10. K.S.A. 47-1734 is hereby amended to read as follows: 47-
22 1734. (a) It shall be unlawful for any person to act as or be an out-of-state
23 distributor of dogs or cats, or both, within the state of Kansas unless such
24 person has obtained from the commissioner an out-of-state distributor
25 permit. Application for each such permit shall be made in writing on a
26 form provided by the commissioner. The permit period shall be for the
27 permit year ending on ~~June~~ *September 30* following the issuance date.

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

30 Sec. 11. K.S.A. 47-1736 is hereby amended to read as follows: 47-
31 1736. (a) It shall be unlawful for any person to act as or be a retail breeder
32 unless such person has obtained from the commissioner a retail breeder
33 license for each retail breeder premises operated by such person.
34 Application for each such license shall be made in writing on a form
35 provided by the commissioner. The license period shall be for the license
36 year ending on ~~June~~ *September 30* following the issuance date.

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

39 Sec. 12. K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
40 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1721 and
41 47-1723 are hereby repealed.

42 Sec. 13. This act shall take effect and be in force from and after its
43 publication in the Kansas Register.