

**Neutral Testimony Regarding SB 117  
to the Senate Committee on Agriculture and Natural Resources  
by Kenneth Titus, Chief Counsel  
Kansas Department of Agriculture  
February 12, 2019**

Good morning Chairman Kerschen and members of the committee. I am Kenneth Titus and I serve as general counsel at the Kansas Department of Agriculture. KDA wishes to present neutral testimony on this bill. We appreciate the willingness of the authors of this bill to listen to our concerns and work with us to make this the best bill possible if the Legislature chooses to move forward with creating additional statutory authority. However, we have several concerns that prevent us from fully supporting the bill.

KDA's primary concern with Senate Bill 117 is that we believe this issue is best addressed in regulation, rather than by statute. KDA and the Animal Health Commissioner have been provided broad authority by the Legislature to deal with the threat of contagious and infectious disease among all domestic animals. (See generally, K.S.A. 47-601 et seq.) Of particular concern to the bill's authors is K.S.A. 47-624(a), which allows for a penalty under the following circumstances when any person:

“(2) keeps such animal where other domestic animals, not affected with or previously exposed to such disease, may be exposed to such contagious or infectious disease;

(3) sells, ships, drives, trades or gives away such diseased and infected animal or animals which have been exposed to such infection or contagion, except by sale, trade or gift to a regularly licensed disposal plant; ....”

While the authority provided is broad, it is currently and has historically only been applied to specific circumstances that pose a risk to the domestic animals of the state such as to a facility offering for adoption animals with a contagious or infectious disease. In order to prevent an overbroad application of this authority to the detriment of animal shelters' ability to take in and house cats and dogs, the Animal Health Commissioner currently allows cats and dogs with a contagious or infectious disease to be transferred from an animal shelter to a foster home upon the recommendation of the animal shelter's attending veterinarian that such a transfer is necessary for the protection of the other animals in the shelter. Permanent adoption, sale, or exchange of infected cats and dogs is not allowed until the animals are cleared by the attending veterinarian.

In order to provide predictability to animal shelters that have insufficient quarantine space or other concerns that may cause contagious or infectious diseases to spread to otherwise healthy animals,

KDA drafted and prepared an administrative regulation to formalize the policy summarized in the preceding paragraph. We also believe we can address any other related concerns about the movement of infected animals into or out of animal shelters through an administrative regulation. These efforts were shared with the authors of this bill but they preferred to seek a statutory solution.

Regarding specific provisions of the bill, we would point out the following concerns:

- New Section 4(b)(1) applies the exemption to only “licensed veterinary premises” and “animal shelters.” There are numerous other entities that sell, adopt, or exchange cats and dogs regulated by KDA and it would be inequitable to create special privileges for only these entities.
- New Section 4(b)(1)(B) requires that infected dogs or cats be taken back by a veterinary or animal shelter within 10 days. It is difficult to predict the impact of this provision, but it provides for continual movement of infected cats and dogs, possibly increasing the possibility of spreading an infectious or contagious disease.

In summary, we believe the overall result of this bill is to duplicate existing authority and that the most appropriate solution to any concerns about the movement of cats and dogs with a contagious or infectious disease would be through the administrative regulation process. Despite our preference for a regulatory solution, if it is the committee’s desire to address this issue in statute, we would support that decision and would work with the committee and the proponents of the bill to address these concerns we have identified today.

Thank you for your consideration. I will stand for questions at the appropriate time.