

February 12, 2019

TO: SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
FROM: Harold A. Stones, Topeka
RE: SUPPORT OF SB 117

Mr. Chairman and Members of the Committee:

Thank you for your consideration of this testimony **IN SUPPORT OF SB 117.**

I regret not being present personally, but I have a long-standing meeting appointment with the Commanding General at Fort Riley this morning, and am unable to be present.

This appeal is being made strictly as a private citizen, and not as representing any other governmental entity or elected official. Additionally, I have been assured this bill does not contain any troubling additional issues which might create controversy.

Attached are some communications with the Kansas Animal Health Commissioner that occurred in 2017, when we had a very unfortunate experience which resulted in unnecessarily euthanizing a very beloved pet. They fully explain the frustration and a great deal of wasted effort in getting an injustice corrected. In the interest of your valuable time, I won't repeat the details here, but ask if possible, you might review the following attached documents.

I'll be happy to answer any questions or provide any additional information. My mobile number is 785-806-2646, and email address is harold_stones@roberts.senate.gov

Again, thank you for your time and your consideration in supporting this issue of fairness to helpless creatures.



Harold A. Stones

Senate Agriculture and Natural
Resource Committee
Date Feb 12
Attachment 18

FIV email Dr. Justin Smith, KS Animal Health Commissioner

Wed 7/12/2017 9:27 AM

Dr. Smith:

I will try to be as brief as possible in the interest of your busy schedule. First, let me clearly state this is NOT official U. S. Senate business, it is strictly personal on my wife and my behalf.

Last summer, we rescued an abandoned young mother cat who just had her first litter of kittens in the wild. We took them all to our vets, Dr. Shipman & Dr. Blackwell, and where they were spayed, inoculated and cleansed of vicious parasites, etc. at significant expense to the clinic. We adopted out all the kittens except one which has very special needs, and we kept her ourselves. At that time, Dr. Shipman explained that they all had FIV, and we would not be able to get them placed in any animal shelter due to a state law prohibiting adopting out an FIV cat. Dr. Shipman stated many believe there is very little practical reason for such a "blanket" law, and there had been efforts to get it overturned or amended.

I wrote to a great many shelters, organizations and officials in an effort to increase interest in this project. I was overjoyed to receive the attached email from your predecessor saying a solution was in sight. However, I am told a bill was introduced in the 2017 session which would have altered the situation, and before KAR 9-1830 could become finalized, it was dropped. The bill itself was later withdrawn from the calendar. So my request is can K. A. R. 9-1830 be revived, since it has passed Dept. of Administration and Attorney General muster?

Regretfully, it is too late for the young mother cat, (Muffin) who incidentally was the most people-friendly and affectionate pet we have ever owned. We have two elderly cats already for whom she made life absolutely miserable. Her presence was ruining their lives and they did not deserve it. We ultimately found a wonderful woman in Johnson Co. who adopted Muffin, and loved her immensely. Unfortunately, she suffered a severe health problem, had to move to an assisted living facility, and could not take Muffin. We, and she, had several adoption leads, but each one fell through for one reason or another. We called many organizations social media networks, animal shelters, etc. but every time we disclosed Muffin had FIV, the door was slammed shut on her. In the end, she was tearfully taken to a vet and put to

sleep. We simply had no other options except abandonment, and at least her life didn't end in loneliness, pain and suffering.

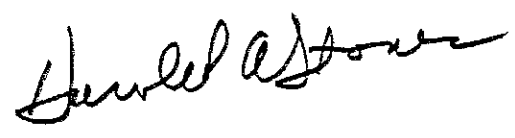
So my mission is now to see if we can return to find a solution to the legal prohibition that cost Muffin her life. I would like to think of it as "Muffin's Law." We will be willing to work or provide any assistance needed, as we are passionate in seeing this unfair rule changed.

Thank you for your time and consideration. When the book, "History of Problems of the World" is written, there probably won't be many chapters devoted to one abandoned cat and her first litter. But in our world, and the world of others we have found, it is important.

Best wishes.

PS: I have attached previous communications with your office.

Copies: Patty Stones, Dr. Shipman, Dr. Blackwell



MEMO TO FILE

An email from Dr. William Brown, KS Animal Health Commissioner (2010-2017) in response to an inquiry from H.A.S. made following the 2016 Legislative Session, regarding amending state law to remove the prohibition of an animal shelter from adopting out cats with Feline Immunodeficiency Virus (FIV)

Re: FIV Reg—KAR 9-18-30

“Your note on this issue is timely. We have addressed the issue of FIV felines in regulations, rather than statute. It is easier to address these type of issues in regulations. The proposed regulations were just passed out of the Dept of Administration and Attorney General’s office earlier this week. We have been waiting on them for several months.”

“There will be a 60 day comment period followed by a public hearing sometime mid-April. I have pasted the regulation below so you can see how it is worded. There is considerable support for this regulation so I don’t see any problems that would prevent it from becoming one of our regulations sometime around the first or mid-May.”

K.A.R. 9-18-30. Adoption of feline immunodeficiency virus positive cats. The attending veterinarian for a licensed animal shelter or rescue network may authorize the adoption or transfer of a non-symptomatic feline immunodeficiency virus positive cat. The animal shelter or rescue network manager shall obtain a written statement from the veterinarian authorizing the adoption of the cat and stating the symptoms, risks, and recommendations of how the cat shall be housed to minimize the spread of the virus. A copy of the written opinion shall be kept by the animal shelter or rescue network manager. (Authorized by and implementing K.S.A. 47-1712; effective P-_____.)

Below is the statute that caused the KDA, to pull the regulation on FIV. Keep in mind that they were aware of this statute when they proposed the FIV regulation several years ago. Further more, the Dept of Administration and the AG approved the regulation earlier this year. It was KDA that pulled it at the last minute.

The statute amended was KSA 47-624