

HOUSE BILL No. 2795

By Committee on Appropriations

2-1

9 AN ACT concerning animals; relating to the pet animal act; hunting dogs;
10 amending K.S.A. 47-1701 and repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 47-1701 is hereby amended to read as follows: 47-
14 1701. As used in the Kansas pet animal act, unless the context otherwise
15 requires:

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

20 (b) “Adequate watering” means a supply of clean, fresh, potable wa-
21 ter, supplied in a sanitary manner and either continuously accessible to
22 each animal or supplied at intervals suitable for the animal species, not
23 to exceed intervals of 12 hours.

24 (c) “Ambient temperature” means the temperature surrounding the
25 animal.

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

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

31 (e) “Animal breeder” means any person who operates animal breeder
32 premises.

33 (f) “Animal breeder premises” means any premises where all or part
34 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats,
35 or both, are sold, or offered or maintained for sale, primarily at wholesale
36 for resale to another.

37 (g) “Animal shelter” or “pound” means a facility which is used or
38 designed for use to house, contain, impound or harbor any seized stray,
39 homeless, relinquished or abandoned animal or a person who acts as an
40 animal rescuer, or who collects and cares for unwanted animals or offers
41 them for adoption. Animal shelter or pound also includes a facility of an
42 individual or organization, profit or nonprofit, maintaining 20 or more
43 dogs or cats, or both, for the purpose of collecting, accumulating, amass-

1 ing or maintaining the animals or offering the animals for adoption.

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

4 (i) "Commissioner" means the livestock commissioner appointed by
5 the Kansas animal health board.

6 (j) "Dog" means any animal which is wholly or in part of the species
7 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
8 74-8802, and amendments thereto, *or any hunting dog*.

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

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

20 (m) "Hobby breeder premises" means any premises where all or
21 part of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or
22 sold, offered or maintained for sale. This provision applies only if the total
23 number of dogs or cats, or both, sold, offered or maintained for sale is
24 less than 30 individual animals.

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

27 (o) "Housing facility" means any room, building or area used to con-
28 tain a primary enclosure or enclosures.

29 (p) "Kennel operator" means any person who operates an establish-
30 ment where four or more dogs or cats, or both, are maintained in any
31 one week for boarding, training or similar purposes for a fee or
32 compensation.

33 (q) "Kennel operator premises" means the facility of a kennel
34 operator.

35 (r) "License year" or "permit year" means the 12-month period end-
36 ing on June 30.

37 (s) "Person" means any individual, association, partnership, corpo-
38 ration or other entity.

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

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

- 1 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)
2 any premises where only fish are sold, or offered or maintained for sale;
3 or (C) any animal distributor premises, hobby breeder premises, retail
4 breeder premises or animal breeder premises.
- 5 (3) Nothing in this section prohibits inspection of those premises
6 which sell only fish to verify that only fish are being sold.
- 7 (u) "Pet shop operator" means any person who operates a pet shop.
- 8 (v) "Primary enclosure" means any structure used or designed for
9 use to restrict any animal to a limited amount of space, such as a room,
10 pen, cage, compartment or hutch.
- 11 (w) "Research facility" means any place, laboratory or institution, ex-
12 cept an elementary school, secondary school, college or university, at
13 which any scientific test, experiment or investigation involving the use of
14 any living animal is carried out, conducted or attempted.
- 15 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
16 Maintaining animals for sale is presumed whenever 20 or more dogs or
17 cats, or both, are maintained by any person.
- 18 (y) "Sanitize" means to make physically clean and to remove and de-
19 stroy, to a practical minimum, agents injurious to health, at such intervals
20 as necessary.
- 21 (z) "Animal distributor" means any person who operates an animal
22 distributor premises.
- 23 (aa) "Animal distributor premises" means the premises of any person
24 engaged in the business of buying for resale dogs or cats, or both, as a
25 principal or agent, or who holds such distributor's self out to be so
26 engaged.
- 27 (bb) "Out-of-state distributor" means any person residing in a state
28 other than Kansas, who is engaged in the business of buying for resale
29 dogs or cats, or both, within the state of Kansas, as a principal or agent.
- 30 (cc) "Food animals" means rodents, rabbits, reptiles, fish or amphib-
31 ians that are sold or offered or maintained for sale for the sole purpose
32 of being consumed as food by other animals.
- 33 (dd) (1) "Adequate veterinary medical care" means:
- 34 (A) A documented program of disease control and prevention, eu-
35 thanasia and routine veterinary care shall be established and maintained
36 under the supervision of a licensed veterinarian, on a form provided by
37 the commissioner, and shall include a documented on-site visit to the
38 premises by the veterinarian at least once a year; and
- 39 (B) that diseased, ill, injured, lame or blind animals shall be provided
40 with veterinary care as is needed for the health and well-being of the
41 animal.
- 42 (2) As used in the Kansas pet animal act, "adequate veterinary med-
43 ical care" shall not apply to United States department of agriculture li-

1 censed animal breeders or animal distributors.

2 (ee) “Ratites” means all creatures of the ratite family that *are* not
3 indigenous to this state, including, but not limited to, ostriches, emus and
4 rheas.

5 (ff) “Retail breeder” means any person who operates a retail breeder
6 premises.

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

11 (hh) “Retail” means any transaction where the animal is sold to the
12 final consumer.

13 (ii) “Wholesale” means any transaction where the animal is sold for
14 the purpose of resale to another.

15 (jj) *“Hunting dog” means a dog used to trail, tree, flush or retrieve*
16 *game and is worked as such throughout the year including hunting season,*
17 *training season and competitive field events and hunt tests.*

18 Sec. 2. K.S.A. 47-1701 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.