

## **SENATE BILL No. 344**

By Committee on Agriculture and Natural Resources

1-20

1 AN ACT concerning animals; relating to the pet animal act; authorizing  
2 animal shelters to move ~~certain~~ *neonate* animals needing treatment or  
3 care to a foster home; requiring shelters to display photographs of  
4 animals at a location other than the shelter during a holding period;  
5 *requiring records of inspections to be maintained by the department*  
6 *of agriculture division of animal health for not less than five years;*  
7 amending K.S.A. 47-1709 and 47-1710 and repealing the existing  
8 ~~section~~ *sections.*

9

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

11 *Section 1. K.S.A. 47-1709 is hereby amended to read as follows: 47-*  
12 *1709. (a) The commissioner or the commissioner's authorized, trained*  
13 *representatives shall make an inspection of the premises for which an*  
14 *application for an original license or permit is made under K.S.A. 47-*  
15 *1701 et seq., and amendments thereto, before issuance of such license or*  
16 *permit. No license or permit shall be issued by the commissioner to an*  
17 *applicant described in this subsection until the premises for which*  
18 *application is made has passed a licensing or permitting inspection. The*  
19 *application for a license shall conclusively be deemed to be the consent*  
20 *of the applicant to the right of entry and inspection of the premises*  
21 *sought to be licensed or permitted by the commissioner or the*  
22 *commissioner's authorized, trained representatives at reasonable times*  
23 *with the owner or owner's representative present. Refusal of such entry*  
24 *and inspection shall be grounds for denial of the license or permit.*

25 *Notice need not be given to any person prior to inspection.*

26 *(b) The commissioner or the commissioner's authorized, trained*  
27 *representatives may inspect each premises for which a license or permit*  
28 *has been issued under K.S.A. 47-1701 et seq., and amendments thereto.*  
29 *The acceptance of a license or permit shall conclusively be deemed to be*  
30 *the consent of the licensee or permittee to the right of entry and*  
31 *inspection of the licensed or permitted premises by the commissioner or*  
32 *the commissioner's authorized, trained representatives at reasonable*  
33 *times with the owner or owner's representative present. Refusal of such*  
34 *entry and inspection shall be grounds for suspension or revocation of*  
35 *the license or permit. Notice shall not be given to any person prior to*  
36 *inspection.*

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

9       (d) *Any complaint filed with the commissioner shall be confidential  
10 and shall not be released to any person other than employees of the  
11 commissioner as necessary to carry out the duties of their employment.*

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

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

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

23       (h) *No person shall act as the commissioner's authorized  
24 representative for the purposes of making inspections and conducting  
25 investigations under this section if such person has a beneficial interest  
26 in a person required to be licensed or permitted pursuant to K.S.A. 47-  
27 1701 et seq., and amendments thereto.*

28       (i) *Records of inspections pursuant to this section shall be  
29 maintained in the office of the Kansas department of agriculture  
30 division of animal health. Records of a deficiency or violation shall not be  
31 maintained for longer not less than three five years after the deficiency or  
32 violation is remedied.*

33       (j) *The commissioner, in consultation with Kansas state university  
34 college of veterinary medicine, shall:*

35           (1) *Continue procedures to provide for pet animal training or  
36 updated training for authorized trained representatives who inspect  
37 premises under the pet animal act and to allow the owners of such  
38 facilities licensed or permitted under the pet animal act to attend and  
39 participate at the training workshops for the authorized trained  
40 representatives; and*

41           (2) *make available to such owners and other interested persons an  
42 inspection handbook describing the duties and responsibilities of such  
43 authorized trained representatives.*

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

8       Section 4. Sec. 2. K.S.A. 47-1710 is hereby amended to read as  
9 follows: 47-1710. (a) (1) An animal shall not be disposed of by an owner  
10 or operator of a pound or of an animal shelter as a pound until after  
11 expiration of a holding period that shall be a minimum of three full  
12 business days of custody during which the public has clear access to  
13 inspect and recover the animal through time periods ordinarily accepted as  
14 usual business hours. During such time of custody holding period, any  
15 owner or operator of such facility shall attempt to notify the owner or  
16 custodian of any animal maintained or impounded by such facility if such  
17 owner or custodian is known or reasonably ascertainable. Such an animal  
18 may at any time be:

19       (A) Released to the legal owner;  
20       (B) moved to a veterinary hospital for treatment or observation;;  
21       (C) moved to a foster home, if the animal is sick, injured or a neonate  
22 needing treatment or care that the shelter cannot provide;

23       (D) released in any manner, if such animal was a gift animal to an  
24 animal shelter; or

25       (E) euthanized by a duly incorporated humane society or by a  
26 licensed veterinarian if it appears to an officer of such humane society or  
27 to such veterinarian that the animal is diseased or disabled beyond  
28 recovery for any useful purpose.

29       (2) During the holding period established in paragraph (1), a  
30 photograph of an animal that is at a location other than the shelter shall  
31 be displayed at the shelter and on the shelter's website.

32       (b) After the expiration of the holding period established in  
33 subsection (a)(1), the governing body of a political subdivision regulating  
34 the operation of a pound shall have ownership of such animal and shall  
35 determine the method of disposition of any animal. Any pound releasing  
36 live animals to prospective owners shall comply with the provisions  
37 established in of K.S.A. 47-1731, and amendments thereto. Any such  
38 proceeds derived from the sale or other disposition of such animals shall  
39 be paid directly to the treasurer of the political subdivision, and no part of  
40 such proceeds shall accrue to any individual.

41       (c) After the expiration of the holding period established in  
42 subsection (a)(1), the board of directors of any humane society operating  
43 an animal shelter as a pound, shall have ownership of such animal and

1 shall determine the method of disposition of any animal. Any animal  
2 shelter releasing live animals to prospective owners shall comply with the  
3 provisions established in K.S.A. 47-1731, and amendments thereto. Any  
4 such proceeds derived from such sale or disposition shall be paid directly  
5 to the treasurer of the humane society and no part of such proceeds shall  
6 accrue to any individual.

7       *(d) As used in this section, "neonate" means a newborn animal  
8 that is less than eight weeks of age and dependent on such animal's  
9 mother or a caregiver due to undeveloped biological functions related to  
10 feeding, regulation of body temperature and elimination of waste.*

11       Sec. 2. 3. K.S.A. 47-1709 and 47-1710 is are hereby repealed.

12       Sec. 3. 4. This act shall take effect and be in force from and after its  
13 publication in the statute book.