

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2386

By Committee on Federal and State Affairs

3-11

1 AN ACT concerning animal shelters; amending K.S.A. 47-1731 and
2 repealing the existing section.

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

5 Section 1. K.S.A. 47-1731 is hereby amended to read as follows: 47-
6 1731. (a) No dog or cat may be transferred to the permanent custody of a
7 prospective owner by a pound or animal shelter, as defined by K.S.A. 47-
8 1701, and amendments thereto, or by a humane society, unless:

9 (1) Such dog or cat has been surgically spayed or neutered before the
10 physical transfer of the animal occurs; or

11 (2) the prospective owner signs an agreement to have the dog or cat
12 spayed or neutered and deposits with the pound or animal shelter funds not
13 less than the lowest nor more than the highest cost of spaying or neutering
14 in the community. Any funds deposited pursuant to such an agreement
15 shall be refunded to such person upon presentation of a written statement
16 signed by a licensed veterinarian that the dog or cat has been spayed or
17 neutered. If such person does not reclaim the deposit within six months
18 after receiving custody of the animal, the pound or animal shelter shall
19 keep the deposit and may reclaim the unspayed or unneutered animal.

20 (b) No person shall spay or neuter any dog or cat for or on behalf of a
21 pound or animal shelter unless such person is a licensed veterinarian or a
22 student currently enrolled in the college of veterinary medicine, Kansas
23 state university, who has completed at least two years of study in the
24 veterinary medical curriculum and is participating in a spay or neuter
25 program **that meets American veterinary medical association council
26 on education accreditation standards and** as part of the curriculum
27 under the direct supervision of a licensed veterinarian ~~who is a faculty
28 member at the Kansas state university veterinary medical center. The spay
29 or neuter program shall only be conducted at the surgery clinic at the
30 Kansas state university medical center in Manhattan, Kansas..~~ **Students
31 shall only spay or neuter any dog or cat that belongs to the pound or
32 animal shelter, and shall not spay or neuter any dog or cat that
33 belongs to a member of the public. No more than one student per
34 supervising veterinarian shall be performing a spay or neuter at any
35 one time.** No pound or animal shelter shall designate the veterinarian
36 which a person must use, or a list from which a person must select a

1 veterinarian, to spay or neuter a dog or cat transferred by such person from
2 such pound or animal shelter. Any premises located in the state of Kansas
3 where the spaying, neutering or any other practice of veterinary medicine
4 occurs shall register such premises with the board of veterinary examiners.

5 (c) With the written approval of the livestock commissioner, any
6 pound or shelter may use an innovative spay or neuter program not
7 precisely meeting the requirements of subsection (a)(2), if the pound or
8 shelter can prove to the commissioner that it is actively enforcing the
9 spaying and neutering requirements set forth in this statute.

10 (d) Nothing in this section shall be construed to require sterilization
11 of a dog or cat which is being held by a pound or animal shelter and which
12 may be claimed by its rightful owner within the holding period established
13 in K.S.A. 47-1710, and amendments thereto.

14 (e) The livestock commissioner shall promulgate rules and
15 regulations as may be necessary to carry out the provisions of this section.

16 Sec. 2. K.S.A. 47-1731 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the ~~statute book~~ **Kansas register**.

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