

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 repealing the  
2 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 one~~

1 ~~time~~. No pound or animal shelter shall designate the veterinarian which a  
2 person must use, or a list from which a person must select a veterinarian,  
3 to spay or neuter a dog or cat transferred by such person from such pound  
4 or animal shelter. Any premises located in the state of Kansas where the  
5 spaying, neutering or any other practice of veterinary medicine occurs  
6 shall register such premises with the board of veterinary examiners.

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

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

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

18 Sec. 2. K.S.A. 47-1731 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~~ **Kansas register**.

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