

As Amended by House Committee

As Amended by Senate Committee

Session of 2017

SENATE BILL No. 47

By Committee on Agriculture and Natural Resources

1-20

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-
3 1733 and 47-1734 and K.S.A. 2016 Supp. 47-1701, 47-1706, 47-1709,
4 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731
5 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-
6 1719, 47-1732 and 47-1736.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) It shall be unlawful for any person to operate a
10 rescue network unless a rescue network manager license has been obtained
11 from the commissioner. Applications for each such license shall be made
12 in writing on a form provided by the commissioner. The license period
13 shall be for the license year ending September 30 following the issuance
14 date.

15 (b) Rescue networks may utilize pet animal foster homes. Each
16 rescue network shall be responsible for ensuring pet animal foster homes
17 subordinate to such rescue network comply with the Kansas pet animal act
18 and all relevant rules and regulations. Rescue networks shall keep records
19 of all pet animal foster homes housing animals ~~and shall pay annually a fee~~
20 ~~of \$30 to the department of agriculture for each subordinate pet animal~~
21 ~~foster home.~~

22 (c) Each rescue network shall designate a manager who shall carry
23 out the following duties:

24 (1) Approve the membership of each pet animal foster home in the
25 rescue network;

26 (2) supervise intake of dogs and cats into the rescue network;

27 (3) monitor and ensure compliance of each subordinate pet animal
28 foster home with all relevant laws and rules and regulations;

29 (4) maintain on such rescue network manager's premises records
30 pertaining to the adoption, placement or other disposition of each dog and
31 cat receiving temporary care from the rescue network, membership of the
32 rescue network, and any other records required by law or rules and
33 regulations; and

34 (5) such other administrative duties as the commissioner may adopt

1 by rules and regulations.

2 (d) The commissioner shall adopt rules and regulations to implement
3 this section.

4 (e) This section shall be part of and supplemental to the Kansas pet
5 animal act.

6 New Sec. 2. (a) Once an animal shelter or rescue network manager
7 license has been obtained, the animal shelter or the rescue network
8 manager may host adoption events at a location other than the licensed
9 premises so long as all applicable rules and regulations are followed at
10 such other locations. ***The animal shelter or rescue network shall provide
11 notice of off-site adoption events that will occur on a regularly
12 scheduled basis throughout the calendar year to the commissioner
13 before January 1 of each such year.*** Once the date and location of ~~an~~
14 ~~adoption event~~ ***any additional adoption events*** has been determined, the
15 animal shelter or rescue network shall provide advance notice to the
16 animal health commissioner or the commissioner's authorized
17 representative.

18 (b) This section shall be part of and supplemental to the Kansas pet
19 animal act.

20 Sec. 3. K.S.A. 2016 Supp. 47-1701 is hereby amended to read as
21 follows: 47-1701. As used in the Kansas pet animal act, unless the context
22 otherwise requires:

23 (a) "Adequate feeding" means supplying at suitable intervals, not to
24 exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal
25 species and age, and sufficient to maintain a reasonable level of nutrition
26 in each animal.

27 (b) "Adequate watering" means a supply of clean, fresh, potable
28 water, supplied in a sanitary manner and either *in adequate amounts at
29 intervals suitable for each animal species or* continuously accessible to
30 each animal ~~or supplied at intervals suitable for the animal species, not to
31 exceed intervals of 12 hours to maintain the health and well-being of such
32 animals.~~

33 (c) "Ambient temperature" means the temperature surrounding the
34 animal.

35 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman
36 primate, bird or other warm-blooded vertebrate or any fish, snake or other
37 cold-blooded vertebrate.

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

40 (e) "Animal breeder" means any person who operates an animal
41 breeder premises.

42 (f) "Animal breeder premises" means any premises, *whether licensed
43 or not licensed by the United States department of agriculture*, where all or

1 part of ~~six~~ three or more litters of dogs or cats, or both, or 30 or more dogs
2 or cats, or both, are sold, or offered or maintained for sale, ~~primarily at~~
3 ~~wholesale for resale to another.~~

4 (g) "Animal shelter" ~~or "pound"~~ means a ~~facility~~ premises which is
5 used or designed for use to house, contain, impound or harbor any seized
6 stray, homeless, relinquished or abandoned animal or a person who acts as
7 an animal rescuer, or who collects and cares for unwanted animals or
8 offers them for adoption. "Animal shelter" ~~or pound~~ also includes a ~~facility~~
9 ~~premises~~ of an individual or organization, profit or nonprofit, maintaining
10 20 or more dogs or cats, or both, for the purpose of collecting,
11 accumulating, amassing or maintaining the animals or offering the animals
12 for adoption.

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

15 (i) "Commissioner" means the animal health commissioner of the
16 Kansas department of agriculture.

17 (j) "Dog" means any animal which is wholly or in part of the species
18 *Canis familiaris*.

19 (k) "Animal control officer" means any person employed by,
20 contracted with or appointed by the state, or any political subdivision
21 thereof, for the *primary* purpose of aiding in the enforcement of ~~this law~~
22 *the Kansas pet animal act*, or any other law or ordinance relating to the
23 licensing or permitting of animals, control of animals or seizure and
24 impoundment of animals, and includes any state, county or municipal law
25 enforcement officer, dog warden, constable or other employee, whose
26 duties in whole or in part include assignments which involve the seizure or
27 taking into custody of any animal.

28 (l) "Euthanasia" means the humane destruction of an animal, which
29 may be accomplished by any of those methods provided for in K.S.A. 47-
30 1718, and amendments thereto.

31 ~~(m) "Hobby breeder premises" means any premises where all or part~~
32 ~~of three, four or five litters of dogs or cats, or both, are produced for sale~~
33 ~~or sold, offered or maintained for sale per license year. This provision~~
34 ~~applies only if the total number of dogs or cats, or both, sold, offered or~~
35 ~~maintained for sale is less than 30 individual animals.~~

36 ~~(n) "Hobby breeder" means any person who operates a hobby breeder~~
37 ~~premises.~~

38 ~~(o)~~ (m) "Housing facility" means any room, building or area used to
39 contain a primary enclosure or enclosures.

40 ~~(p)~~ (n) "Boarding or training ~~kennel~~ premises operator" means any
41 person who operates an establishment where four or more dogs or cats, or
42 both, are maintained in any one week during the license year for boarding,
43 training or similar purposes for a fee or compensation.

- 1 ~~(q)~~(o) "Boarding or training ~~kennel operator~~ premises" means the
2 facility of a boarding or training ~~kennel operator~~.
- 3 ~~(r)~~(p) "License year" or "permit year" means the 12-month period
4 ending on ~~June~~ *September 30*.
- 5 ~~(s)~~(q) "Person" means any individual, association, partnership,
6 corporation or other entity.
- 7 ~~(t)~~(r) (1) "Pet shop" means any premises where there are sold, or
8 offered or maintained for sale, at retail and not for resale to another:
- 9 (A) Any dogs or cats, or both; or (B) any other animals except those
10 which are produced and raised on such premises and are sold, or offered or
11 maintained for sale, by a person who resides on such premises.
- 12 (2) Pet shop does not include: (A) Any ~~pound or~~ animal shelter; (B)
13 any premises where only fish are sold, or offered or maintained for sale; or
14 (C) any animal distributor premises, ~~hobby breeder premises, retail breeder~~
15 ~~premises~~ *rescue network, pet animal foster home premises* or animal
16 breeder premises.
- 17 (3) Nothing in this section prohibits inspection of those premises
18 which sell only fish to verify that only fish are being sold.
- 19 ~~(u)~~(s) "Pet shop operator" means any person who operates a pet
20 shop.
- 21 ~~(v)~~(t) "Primary enclosure" means any structure used or designed for
22 use to restrict any animal to a limited amount of space, such as a room,
23 pen; ~~or cage, compartment or hutch~~.
- 24 ~~(w)~~(u) "Research facility" means any place, laboratory or institution,
25 except an elementary school, secondary school, college or university, at
26 which any scientific test, experiment or investigation involving the use of
27 any living animal is carried out, conducted or attempted.
- 28 ~~(x)~~(v) "Sale," "sell" and "sold" include transfers by sale or exchange.
29 Maintaining animals for sale is presumed whenever 20 or more dogs or
30 cats, or both, are maintained by any person *or on one premises*.
- 31 ~~(y)~~(w) "Sanitize" means to make physically clean and to remove and
32 destroy, to a practical minimum, agents injurious to health, at such
33 intervals as necessary.
- 34 ~~(z)~~(x) "Animal distributor" means any person who operates an
35 animal distributor premises.
- 36 ~~(aa)~~(y) "Animal distributor premises" means the premises of any
37 person engaged in the business of buying for resale dogs or cats, or both,
38 as a principal or agent, or who holds such distributor's self out to be so
39 engaged.
- 40 ~~(bb)~~(z) "Out-of-state distributor" means any person residing in a state
41 other than Kansas, who is engaged in the business of buying for resale
42 dogs or cats, or both, within the state of Kansas, as a principal or agent, *or*
43 *who holds such person's self out to be so engaged*.

1 ~~(ee)-(aa)~~ "Food animals" means rodents, rabbits, reptiles, fish or
2 amphibians that are sold or offered or maintained for sale for the sole
3 purpose of being consumed as food by other animals.

4 ~~(dd)-(bb)~~ "Adequate veterinary medical care" means:

5 (1) A documented program of disease control and prevention,
6 euthanasia and routine veterinary care shall be established and maintained
7 under the supervision of a licensed veterinarian, on a form provided by the
8 commissioner, and shall include a documented on-site visit to the premises
9 by the veterinarian at least once a year; **and**

10 (2) that diseased, ill, injured, lame or blind animals shall be provided
11 with veterinary care as is needed for the health and well-being of the
12 animal, and such veterinary care shall be documented and maintained on
13 the premises; **and**

14 ~~(3) all documentation required by subsections (dd)-(bb)(1) and (dd)-~~
15 ~~(bb)(2) shall be made available to the commissioner or the commissioner's~~
16 ~~authorized representative for inspection or copying upon request and shall~~
17 ~~be maintained for three years after the effective date of the program or the~~
18 ~~administration of such veterinary care.~~

19 ~~(4) As used in the Kansas pet animal act, "adequate veterinary~~
20 ~~medical care" shall not apply to United States department of agriculture~~
21 ~~licensed animal breeders or animal distributors. *United States department*~~
22 ~~*of agriculture licensed animal breeders and animal distributors may use*~~
23 ~~*their United States department of agriculture veterinary care forms to*~~
24 ~~*meet the requirements of this subsection. Such records shall be made*~~
25 ~~*available to Kansas department of agriculture inspectors for inspection or*~~
26 ~~*copying upon request and shall be maintained for three years after the*~~
27 ~~*effective date of the program or the administration of such veterinary care.*~~

28 ~~(ee)-(cc)~~ "Ratites" means all creatures of the ratite family that are not
29 indigenous to this state, including, but not limited to, ostriches, emus and
30 rheas.

31 ~~(ff)~~—"Retail breeder" means any person who operates a retail breeder
32 premises:

33 ~~(gg)~~—"Retail breeder premises" means any premises where all or part
34 of six or more litters or 30 or more dogs or cats, or both, are sold, or
35 offered or maintained for sale, primarily at retail and not for resale to
36 another.

37 ~~(hh)~~—"Retail" means any transaction where the animal is sold to the
38 final consumer.

39 ~~(ii)~~—"Wholesale" means any transaction where the animal is sold for
40 the purpose of resale to another.

41 ~~(dd)~~ "Rescue network" means the premises of a rescue network
42 manager and all pet animal foster homes organized under such rescue
43 network manager that provide temporary care for one or more dogs or

1 *cats not owned by an animal shelter that maintains a central facility for*
2 *keeping animals.*

3 *(ee) "Rescue network manager" means the individual designated by a*
4 *rescue network to carry out the responsibilities prescribed in section 1,*
5 *and amendments thereto.*

6 *(ff) "Pet animal foster home" means the registered premises of an*
7 *individual who has written and signed an agreement to provide temporary*
8 *care for one or more dogs or cats owned by an animal shelter or a rescue*
9 *network that is licensed by the state.*

10 Sec. 4. K.S.A. 47-1702 is hereby amended to read as follows: 47-
11 1702. It shall be unlawful for any person to act as or be an animal
12 distributor unless such person has obtained from the commissioner an
13 animal distributor license for each animal distributor premises operated by
14 such person. Application for such license shall be made in writing on a
15 form provided by the commissioner. The license period shall be for the
16 license year ending on ~~June~~ *September* 30 following the issuance date.

17 Sec. 5. K.S.A. 47-1703 is hereby amended to read as follows: 47-
18 1703. It shall be unlawful for any person to act as or be a pet shop operator
19 unless such person has obtained from the commissioner a pet shop
20 operator license for each pet shop operated by such person. Application for
21 each such license shall be made in writing on a form provided by the
22 commissioner. The license period shall be for the license year ending on
23 ~~June~~ *September* 30 following the issuance date.

24 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-
25 1704. (a) It shall be unlawful for any person to operate ~~a pound or an~~
26 ~~animal shelter, except a licensed veterinarian who operates such pound or~~
27 ~~animal shelter from such licensed veterinarian's clinic, unless a license for~~
28 ~~such pound or animal shelter has been obtained from the commissioner.~~
29 Application for such license shall be made on a form provided by the
30 commissioner. The license period shall be for the license year ending on
31 ~~June~~ *September* 30 following the issuance date.

32 (b) *Animal shelters may utilize pet animal foster homes. Each animal*
33 *shelter shall be responsible for ensuring pet animal foster homes*
34 *subordinate to such animal shelter comply with the Kansas pet animal act*
35 *and all relevant rules and regulations. Animal shelters shall keep records*
36 *of all pet animal foster homes housing animals ~~and shall pay annually a~~*
37 *fee of \$30 to the department of agriculture for each subordinate pet*
38 *animal foster home.*

39 Sec. 7. K.S.A. 2016 Supp. 47-1706 is hereby amended to read as
40 follows: 47-1706. (a) The commissioner may refuse to issue or renew or
41 may suspend or revoke any license or permit required under K.S.A. 47-
42 1701 et seq., and amendments thereto, for any one or more of the
43 following reasons:

1 (1) Material misstatement in the application for the original license or
2 permit, or in the application for any renewal of a license or permit;

3 (2) willful disregard of any provision of the Kansas pet animal act or
4 any rule and regulation adopted hereunder, or any willful aiding or
5 abetting of another in the violation of any provision of the Kansas pet
6 animal act or any rule and regulation adopted hereunder;

7 (3) permitting any license or permit issued hereunder to be used by an
8 unlicensed or unpermitted person or transferred to unlicensed or
9 unpermitted premises;

10 (4) the conviction of any crime relating to the theft of animals;

11 (5) substantial misrepresentation;

12 (6) misrepresentation or false promise, made through advertising,
13 salespersons, agents or otherwise, in connection with the operation of
14 business of the licensee or permittee;

15 (7) fraudulent bill of sale;

16 (8) the housing facility or the primary enclosure is inadequate;

17 (9) the feeding, watering, sanitizing and housing practices at the
18 licensee's or permittee's premises are not consistent with the Kansas pet
19 animal act or the rules and regulations adopted hereunder;

20 (10) failure to provide adequate veterinary medical care to the
21 animals in such licensee or permittee's custody or care; ~~or~~

22 (11) failure to maintain or provide documentation of the provision of
23 adequate veterinary medical care, as required in K.S.A. 47-1701~~(dd)~~(bb),
24 and amendments thereto, to animals in such licensee or permittee's custody
25 or care when access to such is requested by the commissioner or the
26 commissioner's authorized representatives;

27 ***(12) three failed inspections within 24 months; or***

28 ***(13) refusal to allow the commissioner or the commissioner's***
29 ***authorized, trained representative entry onto the premises for inspection.***

30 (b) The commissioner shall refuse to issue or renew and shall suspend
31 or revoke any license or permit required under K.S.A. 47-1701 et seq., and
32 amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-
33 4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of~~ pursuant to
34 K.S.A. 2016 Supp. 21-6412(a)(1) through (a)(5), and amendments thereto,
35 or any federal law, city ordinance or county resolution that proscribes
36 cruelty to animals.

37 (c) Any refusal to issue or renew a license or permit, and any
38 suspension or revocation of a license or permit, under this section shall be
39 issued only after notice and opportunity for a hearing are provided in
40 accordance with the provisions of the Kansas administrative procedure act
41 and shall be subject to review in accordance with the Kansas judicial
42 review act.

43 (d) Notwithstanding subsection (c), nothing shall preclude the

1 commissioner from issuing a quarantine order in accordance with K.S.A.
2 77-536, and amendments thereto, on any premises regulated under this act
3 wherein the animals are found to be infected with a contagious or zoonotic
4 disease which may infect animals or humans that may come into contact
5 with or be exposed to such animals.

6 (e) Whenever the commissioner denies, suspends or revokes a license
7 or permit under this section, the commissioner or the commissioner's
8 authorized, trained representatives shall seize and impound any animals in
9 the possession, custody or care of the person whose license or permit is
10 denied, suspended or revoked if there are reasonable grounds to believe
11 that the animals' health, safety or welfare is endangered. Except as
12 provided by K.S.A. 2016 Supp. 21-6412, and amendments thereto, such
13 animals may be returned to the person owning them if there is satisfactory
14 evidence that the animals will receive adequate care by that person or such
15 animals may be sold, placed or euthanized, at the discretion of the
16 commissioner. Costs of care and services for such animals while seized
17 and impounded shall be paid by the person from whom the animals were
18 seized and impounded, if that person's license or permit is denied,
19 suspended or revoked. Such funds shall be paid to the commissioner for
20 reimbursement of care and services provided during seizure and
21 impoundment. If such person's license or permit is not denied, suspended
22 or revoked, the commissioner shall pay the costs of care and services
23 provided during seizure and impoundment.

24 Sec. 8. K.S.A. 2016 Supp. 47-1709 is hereby amended to read as
25 follows: 47-1709. (a) The commissioner or the commissioner's authorized,
26 trained representatives shall make an inspection of the premises for which
27 an application for an original license or permit is made under K.S.A. 47-
28 1701 et seq., and amendments thereto, before issuance of such license or
29 permit. No license or permit shall be issued by the commissioner to an
30 applicant described in this subsection until the premises for which
31 application is made has passed a licensing or permitting inspection. The
32 application for a license shall conclusively be deemed to be the consent of
33 the applicant to the right of entry and inspection of the premises sought to
34 be licensed or permitted by the commissioner or the commissioner's
35 authorized, trained representatives at reasonable times with the owner or
36 owner's representative present. ~~Refusal of such entry and inspection shall~~
37 ~~be grounds for denial of the license or permit.~~ Notice need not ~~will~~ **shall**
38 be given to any person prior to ~~inspection~~ ***an inspection made for an***
39 ***application for an original license or permit.***

40 (b) The commissioner or the commissioner's authorized, trained
41 representatives ~~may~~ **shall** inspect each premises for which a license or
42 permit has been issued under K.S.A. 47-1701 et seq., and amendments
43 thereto, *based upon an inspection frequency schedule adopted by rules*

1 and regulations. Such frequency schedule ~~may~~ **shall** take into account the
2 performance history of a premises or the relative risk posed by such
3 premises to the health, safety and welfare of the animals. The acceptance
4 of a license or permit shall conclusively be deemed to be the consent of the
5 licensee or permittee to the right of entry and inspection of the licensed or
6 permitted premises by the commissioner or the commissioner's authorized,
7 trained representatives at reasonable times with the owner or owner's
8 representative present. ~~Refusal of such entry and inspection shall be~~
9 ~~grounds for suspension or revocation of the license or permit. Notice need~~
10 ~~will~~ **shall** not be given to any person prior to inspection.

11 (c) (1) *The commissioner or the commissioner's authorized, trained*
12 *representative may review the documentation to ensure adequate*
13 *veterinary medical care has been provided. All documentation provided*
14 *pursuant to this subsection shall be made available to the commissioner*
15 *or the commissioner's authorized, trained representative for inspection*
16 *or copying upon request. Such documentation shall be maintained for*
17 *three years after the effective date of the program or the administration*
18 *of such veterinary medical care.*

19 (2) ~~United States department of agriculture licensed animal~~
20 ~~breeders and animal distributors may use their United States department~~
21 ~~of agriculture veterinary care forms to meet the requirements of this~~
22 ~~subsection if they make such forms available to the commissioner or the~~
23 ~~commissioner's authorized, trained representative for inspection or~~
24 ~~copying upon request and have maintained such records for three years~~
25 ~~after the effective date of the program or the administration of such~~
26 ~~veterinary medical care~~ veterinary care forms that are maintained in
27 compliance with United States department of agriculture regulations
28 shall meet the requirements of this subsection for United States
29 department of agriculture licensed animal breeders and animal
30 distributors when such forms are made available to the commissioner
31 or the commissioner's authorized, trained representative for
32 inspection.

33 (d) The commissioner or the commissioner's authorized, trained
34 representatives shall make inspections of the premises of a person required
35 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
36 thereto, upon a determination by the commissioner that there are
37 reasonable grounds to believe that the person is violating the provisions of
38 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations
39 adopted thereunder or that there are grounds for suspension or revocation
40 of such person's license or permit.

41 (⊕) (e) Any complaint filed with the commissioner shall be
42 confidential and shall not be released to any person other than employees
43 of the commissioner as necessary to carry out the duties of their

1 employment.

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

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

7 (g) **(h)** Any person acting as the commissioner's authorized
8 representative for purposes of making inspections and conducting
9 investigations under this section who knowingly falsifies the results or
10 findings of any inspection or investigation or intentionally fails or refuses
11 to make an inspection or conduct an investigation pursuant to this section
12 shall be guilty of a class A nonperson misdemeanor.

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

18 (i) **(j)** Records of inspections pursuant to this section shall be
19 maintained in the office of the Kansas department of agriculture division
20 of animal health. ~~Records of a deficiency or violation shall not be~~
21 ~~maintained for longer than three years after the deficiency or violation is~~
22 ~~remedied and retained pursuant to applicable retention schedules.~~

23 (j) **(k)** The commissioner, in consultation with Kansas state university
24 college of veterinary medicine, shall: (1) Continue procedures to provide
25 for pet animal training or updated training for authorized trained
26 representatives who inspect premises under the pet animal act and to allow
27 the owners of such facilities licensed or permitted under the pet animal act
28 to attend and participate at the training workshops for the authorized
29 trained representatives; and (2) make available to such owners and other
30 interested persons an inspection handbook describing the duties and
31 responsibilities of such authorized trained representatives.

32 (k) **(l)** If the commissioner or the commissioner's authorized
33 representative is denied access to any location where such access is sought
34 for the purposes authorized under the Kansas pet animal act, the
35 commissioner may apply to any court of competent jurisdiction for an
36 administrative search warrant authorizing access to such location for such
37 purposes. Upon such application and a showing of cause therefore, the
38 court shall issue the search warrant for the purposes requested.

39 Sec. 9. K.S.A. 2016 Supp. 47-1710 is hereby amended to read as
40 follows: 47-1710. (a) An animal shall not be disposed of by an owner or
41 operator of ~~a pound or of an animal shelter as a pound~~ until after
42 expiration of a minimum of three full business days of custody, *not*
43 *including the day the animal arrives*, during which the public has clear

1 *physical* access to inspect and recover the animal through time periods
2 ordinarily accepted as usual business hours. During such time of custody,
3 any owner or operator of such ~~facility~~ *premises* shall attempt to notify the
4 owner or custodian of any animal maintained or impounded by such
5 ~~facility~~ *premises* if such owner or custodian is known or reasonably
6 ascertainable. Such an animal may at any time be released to the legal
7 owner, moved to a veterinary hospital for treatment or observation,
8 released in any manner, if such animal was a gift animal to an animal
9 shelter, ~~or. Such animal may be euthanized in accordance with K.S.A. 47-~~
10 ~~1718, and amendments thereto, by a duly incorporated humane society~~
11 ~~licensed animal shelter~~ or by a licensed veterinarian if it appears to ~~an~~
12 ~~officer a trained employee~~ of such ~~humane society~~ *animal shelter* or to
13 such veterinarian that the animal is diseased or disabled beyond recovery
14 ~~for any useful purpose.~~

15 (b) After the expiration of the holding period established in
16 subsection (a), ~~the governing body of a political subdivision regulating the~~
17 ~~operation of a pound~~ *animal shelter* shall have ownership of such animal
18 and shall determine the method of disposition of any animal. Any ~~pound~~
19 *animal shelter* releasing live animals to prospective owners shall comply
20 with the provisions established in K.S.A. 47-1731, and amendments
21 thereto. Any such proceeds derived from the sale or other disposition of
22 such animals shall be paid directly to the treasurer of the political
23 subdivision, ~~and if the animal shelter is operated and regulated by a~~
24 ~~political subdivision, or to the treasurer of the humane society if the~~
25 ~~animal shelter is operated by a humane society.~~ No part of such proceeds
26 shall accrue to any individual.

27 ~~(c) After the expiration of the holding period established in~~
28 ~~subsection (a), the board of directors of any humane society operating an~~
29 ~~animal shelter as a pound, shall have ownership of such animal and shall~~
30 ~~determine the method of disposition of any animal. Any animal shelter~~
31 ~~releasing live animals to prospective owners shall comply with the~~
32 ~~provisions established in K.S.A. 47-1731, and amendments thereto. Any~~
33 ~~such proceeds derived from such sale or disposition shall be paid directly~~
34 ~~to the treasurer of the humane society and no part of such proceeds shall~~
35 ~~accrue to any individual.~~

36 Sec. 10. K.S.A. 2016 Supp. 47-1711 is hereby amended to read as
37 follows: 47-1711. An animal control officer shall not be granted an animal
38 distributor's, animal breeder's, ~~retail breeder's, hobby breeder's~~ or a pet
39 shop operator's license. Each application for any such license shall include
40 a statement that neither the applicant nor any of the applicant's employees
41 is an animal control officer. An animal control officer, upon taking custody
42 of any animal in the course of such officer's official duties, shall
43 immediately make a record which shall include the color, breed, sex,

1 approximate weight and other description of the animal, the reason for
2 seizure, the location of seizure, the owner's name and address, if known,
3 the animal license number, and any other identification number. Complete
4 information relating to the disposition of the animal shall be shown on the
5 record and shall be added immediately following the disposition of the
6 animal. Such records shall be made available to the commissioner or the
7 commissioner's authorized representative upon request.

8 Sec. 11. K.S.A. 47-1712 is hereby amended to read as follows: 47-
9 1712. (a) The commissioner is hereby authorized to adopt rules and
10 regulations for licensees and permittees. Such rules and regulations shall
11 include, but not be limited to, provisions relating to: (1) Reasonable
12 treatment of animals in the possession, custody or care of a licensee or
13 permittee or being transported to or from licensed or permitted premises;
14 (2) a requirement that each licensee and permittee file with the
15 commissioner evidence that animals entering or leaving the state are free
16 from any visible symptoms of communicable disease; (3) identification of
17 animals handled; (4) primary enclosures; (5) housing facilities; (6)
18 sanitation; (7) euthanasia; (8) ambient temperatures; (9) feeding; (10)
19 watering; (11) adequate veterinary medical care; (12) inspections of
20 licensed or permitted premises, investigations of complaints and training
21 of persons conducting such inspections and investigations; and (13) a
22 requirement that each licensee or permittee keep and maintain, for
23 inspection by the commission, such records as necessary to administer and
24 enforce the provisions of the Kansas pet animal act.

25 (b) The commissioner shall only adopt as rules and regulations
26 *regarding facility operations and husbandry standards* for United States
27 department of agriculture licensed animal distributors and animal breeders,
28 and animal distributor and animal breeder premises the rules and
29 regulations promulgated by the secretary of the United States department
30 of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to the
31 provisions of the United States public law 91-579-~~(~~ 7 U.S.C. § 2131 et
32 seq.), commonly known as the animal welfare act.

33 (c) Notwithstanding any provision in subsection (b), the
34 commissioner may adopt a requirement that each licensee and permittee
35 file with the commissioner evidence that animals entering or leaving the
36 state are free from any visible symptoms of communicable disease. *The*
37 *commissioner may additionally require that the United States department*
38 *of agriculture licensed animal distributors and animal breeders comply*
39 *with any provision of this act or rules and regulations of the commissioner*
40 *regarding maintenance and inspection of records, identification of*
41 *animals; ~~adequate veterinary care and access to and inspection of~~*
42 *premises.*

43 Sec. 12. K.S.A. 47-1720 is hereby amended to read as follows: 47-

1 1720. (a) It shall be unlawful for any person to operate a research facility
 2 unless such person has obtained from the commissioner a research facility
 3 license. Application for such license shall be made in writing on a form
 4 provided by the commissioner. The license period shall be for the license
 5 year ending on ~~June~~ *September* 30 following the issuance date.

6 (b) This section shall be part of and supplemental to K.S.A. 47-1701
 7 et seq., and amendments thereto.

8 Sec. 13. K.S.A. 2016 Supp. 47-1721 is hereby amended to read as
 9 follows: 47-1721. (a) Each application for issuance or renewal of a license
 10 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,
 11 shall be accompanied by the fee prescribed by the commissioner under this
 12 section. Such fees shall be as follows:

13 ~~(1) Except as provided in paragraph (5) or (6), for a license for~~
 14 ~~premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et~~
 15 ~~seq.) For animal distributors, an amount not to exceed \$200 \$400;~~

16 (2) *for animal breeders, an amount not to exceed \$450;*

17 ~~(3) except as provided in paragraph (5) or (6), for a license for any~~
 18 ~~other premises, for a pet shop license, an amount not to exceed \$405 \$600;~~

19 ~~(3) for a temporary closing permit, an amount not to exceed \$95;~~

20 (4) for an out-of-state distributor permit, ~~an amount not to exceed~~
 21 ~~\$675 \$650;~~

22 (5) ~~for a hobby breeder license or a kennel operator license an~~
 23 ~~amount not to exceed \$95~~ *research facility, \$300;*

24 (6) *for a boarding or training premises operator license, \$200;*

25 (7) for a license for an animal shelter ~~or a pound~~, an amount not to
 26 exceed ~~\$300 \$550;~~ and

27 (8) *for a rescue network manager license, \$125; and*

28 ~~(7)(9)~~ ***for each animal foster home subordinate to a rescue network***
 29 ***or animal shelter an amount not to exceed \$20 \$10. Such fee may be***
 30 ***paid by the rescue network or the animal shelter; and***

31 (10) a late fee of ~~\$70 \$100~~ shall be assessed to any person whose
 32 permit or license renewal is ~~more than 45 days late~~ *received by the Kansas*
 33 *department of agriculture after September 30.*

34 (b) The commissioner shall determine annually the amount necessary
 35 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
 36 for the next ensuing fiscal year and shall fix by rules and regulations the
 37 license and permit fees for such year at the amount necessary for that
 38 purpose, subject to the limitations of this section. In fixing such fees, the
 39 commissioner may establish categories of licenses and permits, based
 40 upon the type of license or permit, size of the licensed or permitted
 41 business or activity and the premises where such business or activity is
 42 conducted, and may establish different fees for each such category. The
 43 fees in effect immediately prior to the effective date of this act shall

1 continue in effect until different fees are fixed by the commissioner as
2 provided by this subsection.

3 (c) If a licensee, permittee or applicant for a license or permit
4 requests an inspection of the premises of such licensee, permittee or
5 applicant, the commissioner shall assess the costs of such inspection, as
6 established by rules and regulations of the commissioner, to such licensee,
7 permittee or applicant.

8 (d) (1) *There shall be a no-contact fee of \$80 for each no-contact*
9 *inspection.*

10 (2) *For the purposes of this subsection, "no-contact inspection"*
11 *means the commissioner or the commissioner's authorized, trained*
12 *representative ~~attempted~~ made a second or subsequent consecutive*
13 *attempt to inspect a premises, but was unable to do so because the*
14 *owner or the owner's designated representative was: (A) Not present for*
15 *the inspection during the day and time designated on such owner's*
16 *license or permit application; and (B) either unreachable by telephone at*
17 *the time of such attempted inspection or, if contacted via telephone, was*
18 *unable to make the premises available for inspection within 30 minutes*
19 *of such telephone contact.*

20 (e) ~~(f)~~ *If a licensee or permittee fails an inspection, such licensee or*
21 *permittee shall pay a fee for any subsequent re-inspections as follows:*

22 ~~(A)~~(1) *For the first re-inspection, ~~\$100~~ \$80;*

23 ~~(B)~~(2) *for the second re-inspection ~~\$150~~ \$100; and*

24 ~~(2)(f)~~ *The commissioner shall remit all moneys received by or for*
25 *the commissioner under ~~this subsection~~ subsections (d) and (e) to the*
26 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*
27 *amendments thereto. Upon receipt of each such remittance, the state*
28 *treasurer shall deposit the entire amount in the state treasury to the*
29 *credit of the compliance education fee fund.*

30 ~~(d)~~ ~~(f)~~(g) No fee or assessment required pursuant to this section shall
31 be refundable.

32 ~~(e)~~ ~~(g)~~(h) *Except as provided in subsection ~~(e)~~ (f), the commissioner*
33 *shall remit all moneys received by or for the commissioner under this*
34 *section to the state treasurer in accordance with the provisions of K.S.A.*
35 *75-4215, and amendments thereto. Upon receipt of each such remittance,*
36 *the state treasurer shall deposit the entire amount in the state treasury to*
37 *the credit of the animal-dealers facilities fee fund, which is hereby created*
38 *in the state treasury. Moneys in the animal-dealers facilities fee fund may*
39 *be expended only to administer and enforce K.S.A. 47-1701 et seq., and*
40 *amendments thereto. All expenditures from the animal-dealers facilities fee*
41 *fund shall be made in accordance with appropriation acts upon warrants of*
42 *the director of accounts and reports issued pursuant to vouchers approved*
43 *by the Kansas animal health commissioner or the commissioner's*

1 designee.

2 ~~(f)~~ ~~(h)~~ **(i)** Premises required to be licensed under the Kansas pet
3 animal act shall not be required to pay for more than one license. If more
4 than one operation is ongoing at the premises, each operation shall comply
5 with the applicable statutes and rules and regulations pertaining to such
6 operation.

7 ~~(g)~~ Except as provided further, when a premises required to be
8 licensed or permitted under the Kansas pet animal act applies for an initial
9 license or permit, the commissioner shall prorate to the nearest whole
10 month the license or permit fee established in subsection (a). *under*
11 *multiple license categories shall be required to pay for the most expensive*
12 *license and a \$50 fee for each additional applicable license. Premises*
13 *shall comply with the applicable laws and rules and regulations*
14 *pertaining to each category.* The commissioner shall have discretion to
15 determine whether the application is an initial application or an application
16 for a premises which has been doing business but is not licensed or
17 permitted. If the commissioner determines the premises has been doing
18 business without a license or permit, the commissioner ~~is not required to~~
19 ~~prorate the fee~~ *may assess a civil penalty in an amount of up to three times*
20 *the annual license fee.*

21 ~~(h)~~ ~~(g)~~ ~~(i)~~ **(j)** This section shall be part of and supplemental to K.S.A.
22 47-1701 et seq., and amendments thereto.

23 Sec. 14. K.S.A. 2016 Supp. 47-1723 is hereby amended to read as
24 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
25 veterinarian, to act as or be a boarding or training ~~kennel premises~~ operator
26 unless such person has obtained from the commissioner a boarding or
27 training ~~kennel premises~~ operator license for each premises operated by
28 such person. Application for such license shall be made in writing on a
29 form provided by the commissioner. The license period shall be for the
30 license year ending on ~~June~~ *September* 30 following the issuance date.

31 (b) This section shall be part of and supplemental to K.S.A. 47-1701
32 et seq., and amendments thereto.

33 Sec. 15. K.S.A. 2016 Supp. 47-1725 is hereby amended to read as
34 follows: 47-1725. (a) There is hereby created the Kansas pet animal
35 advisory board, consisting of 10 members, *each of whom shall be*
36 *residents of this state.* Members shall be appointed by the governor as
37 follows:

38 (1) One member shall be a representative of a licensed animal shelter
39 ~~or pound;~~

40 (2) one member shall be an employee of a licensed research facility
41 *or an animal health research facility operated by a public educational*
42 *institution in this state;*

43 (3) one member shall be a licensed animal breeder *who currently*

1 *holds a United States department of agriculture license under public law*
 2 *91-579, 7 U.S.C. § 2131 et seq.;*

3 (4) one member shall be a licensed ~~retail~~ animal breeder *who does*
 4 *not hold a United States department of agriculture license under public*
 5 *law 91-579, 7 U.S.C. § 2131 et seq.;*

6 (5) one member shall be a licensed pet shop operator;

7 (6) one member shall be a licensed veterinarian and shall be selected
 8 from a list of three names presented to the governor by the Kansas
 9 veterinary medical association;

10 (7) one member shall be a private citizen ~~with no link to the industry~~
 11 *who is not licensed under the Kansas pet animal act and has no*
 12 *professional affiliation with a Kansas pet animal act licensee;*

13 (8) one member shall be a licensed animal distributor;

14 (9) ~~one member shall be a licensed hobby breeder; and~~

15 ~~(10) one member shall be a licensed boarding or training kennel-~~
 16 ~~premises operator; and~~

17 (10) *one member shall be a licensed rescue network manager.*

18 (b) Each member shall be appointed for a term of three years and
 19 until a successor is appointed and qualified.

20 (c) A vacancy on the board of a member shall be filled for the
 21 unexpired term by appointment by the governor.

22 (d) The board shall meet at least once every calendar quarter
 23 regularly or at such other times as the chairperson, *animal health*
 24 *commissioner* or a majority of the *appointed* board members determine. A
 25 majority of the *appointed* members shall constitute a quorum for
 26 conducting board business.

27 (e) The members of the board shall annually elect a chairperson.

28 (f) The board shall have the following duties, authorities and powers:

29 (1) To advise the Kansas animal health commissioner on hiring a
 30 director to implement the Kansas pet animal act;

31 (2) to review the status of the Kansas pet animal act;

32 (3) to make recommendations on changes to the Kansas pet animal
 33 act; and

34 (4) to make recommendations concerning the rules and regulations
 35 for the Kansas pet animal act.

36 ~~(g) Board members who are required to be licensed, except retail~~
 37 ~~breeders, shall be affiliated with or a member of an organized pet animal~~
 38 ~~association which is representative of the position such person will hold on~~
 39 ~~the board.~~

40 Sec. 16. K.S.A. 2016 Supp. 47-1726 is hereby amended to read as
 41 follows: ~~47-1726. K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723~~
 42 ~~through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736~~ *The*
 43 *provisions of article 17 of chapter 47 of the Kansas Statutes Annotated,*

1 and amendments thereto, shall be known and may be cited as the Kansas
2 pet animal act. This act shall license, permit and regulate the conditions of
3 certain premises and facilities within the state of Kansas where animals are
4 maintained, sold or offered or maintained for sale. The provisions of this
5 act shall not apply to any farm, kennel or other premises registered with
6 and inspected by the national greyhound association which is used solely
7 for the purposes of breeding, maintaining, training or selling greyhound
8 dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto.
9 The commissioner shall have the authority to enter into agreements with
10 the national greyhound association pertaining to the aforementioned
11 greyhound premises. Notwithstanding any other provisions of this section,
12 any agreements between the commissioner and the national greyhound
13 association may contain terms allowing the commissioner to access
14 records, complete inspections of such premises and other related matters.

15 Sec. 17. K.S.A. 2016 Supp. 47-1731 is hereby amended to read as
16 follows: 47-1731. (a) No dog or cat may be transferred to the permanent
17 custody of a prospective owner by ~~a pound or~~ *an animal shelter or rescue*
18 *network*, as defined by K.S.A. 47-1701, and amendments thereto, ~~or by a~~
19 ~~humane society~~, unless:

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

22 (2) the prospective owner signs an agreement to have the dog or cat
23 spayed or neutered and deposits with the ~~pound or~~ *animal shelter or rescue*
24 *network* funds not less than the lowest nor more than the highest cost of
25 spaying or neutering in the community. Any funds deposited pursuant to
26 such an agreement shall be refunded to such person upon presentation of a
27 written statement signed by a licensed veterinarian that the dog or cat has
28 been spayed or neutered. If such person does not reclaim the deposit
29 within six months after receiving custody of the animal, the ~~pound or~~
30 *animal shelter or rescue network* shall keep the deposit and may reclaim
31 the unspayed or unneutered animal.

32 (b) No person shall spay or neuter any dog or cat for or on behalf of a
33 ~~pound or~~ *an animal shelter or rescue network*, unless such person is a
34 licensed veterinarian or a *veterinary* student currently enrolled in ~~the an~~
35 *accredited* college of veterinary medicine, ~~Kansas state university~~, who has
36 completed at least two years of study in the veterinary medical curriculum
37 and is participating in a spay or neuter program ~~and as part of the~~
38 ~~curriculum~~ under the direct supervision of a licensed veterinarian. Students
39 shall only spay or neuter any dog or cat that belongs to the ~~pound or~~
40 *animal shelter or rescue network*, and shall not spay or neuter any dog or
41 cat that belongs to a member ~~or~~ of the public. No ~~pound or~~ *animal shelter*
42 *or rescue network* shall designate the veterinarian which a person must
43 use, or a list from which a person must select a veterinarian, to spay or

1 neuter a dog or cat transferred by such person from such ~~pound or~~ animal
2 shelter *or rescue network*. 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 *and comply with the Kansas veterinary practice act*.

6 (c) With the written approval of the animal health commissioner, any
7 ~~pound or~~ animal shelter *or rescue network* may use an innovative spay or
8 neuter program not precisely meeting the requirements of subsection (a)
9 (2), if the ~~pound or~~ animal shelter *or rescue network* can prove to the
10 commissioner that it is actively enforcing the spaying and neutering
11 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~~ an animal shelter *or*
14 *rescue network* and which may be claimed by its rightful owner within the
15 holding period established in K.S.A. 47-1710, and amendments thereto.

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

18 Sec. 18. K.S.A. 47-1733 is hereby amended to read as follows: 47-
19 1733. (a) It shall be unlawful for any person to act as or be an animal
20 breeder unless such person has obtained from the commissioner an animal
21 breeder license for each animal breeder premises operated by such person.
22 Application for each such license shall be made in writing on a form
23 provided by the commissioner. The license period shall be for the license
24 year ending on ~~June~~ *September* 30 following the issuance date.

25 (b) This section shall be part of and supplemental to the Kansas pet
26 animal act.

27 Sec. 19. K.S.A. 47-1734 is hereby amended to read as follows: 47-
28 1734. (a) It shall be unlawful for any person to act as or be an out-of-state
29 distributor of dogs or cats, or both, within the state of Kansas unless such
30 person has obtained from the commissioner an out-of-state distributor
31 permit. Application for each such permit shall be made in writing on a
32 form provided by the commissioner. The permit period shall be for the
33 permit year ending on ~~June~~ *September* 30 following the issuance date.

34 (b) This section shall be part of and supplemental to the Kansas pet
35 animal act.

36 Sec. 20. K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1717, 47-
37 1719, 47-1720, 47-1732, 47-1733, 47-1734 and 47-1736 and K.S.A. 2016
38 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723,
39 47-1725, 47-1726 and 47-1731 are hereby repealed.

40 Sec. 21. This act shall take effect and be in force from and after its
41 publication in the ~~statute book~~ *Kansas register*.