

SENATE BILL No. 117

By Committee on Agriculture and Natural Resources

2-6

1 AN ACT concerning domestic animals; relating to the animal health
2 commissioner; treatment and transportation of diseased dogs and cats;
3 amending K.S.A. 2018 Supp. 47-635 and repealing the existing section;
4 also repealing K.S.A. 2018 Supp. 47-646a.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. As used in sections 1 through 7, and amendments
8 thereto:

9 (a) (1) "Animal shelter" means: (A) A facility that is used or designed
10 for use to house, contain, impound or harbor any seized stray, homeless,
11 relinquished or abandoned animal; or (B) a person who acts as an animal
12 rescuer, collects and cares for unwanted animals or offers them for
13 adoption.

14 (2) "Animal shelter" includes rescue networks and any facility of an
15 individual or organization, profit or nonprofit, maintaining 20 or more
16 dogs or cats for the purpose of collecting, accumulating, amassing or
17 maintaining the dogs or cats or offering the animals for adoption.

18 (b) (1) "Animal control officer" means any person employed by,
19 contracted with or appointed by the state, or any political subdivision
20 thereof, for the purpose of aiding in the enforcement of this act, or any
21 other law or ordinance relating to the licensing or permitting of animals,
22 control of animals or seizure and impoundment of animals.

23 (2) "Animal control officer" includes any state, county or municipal
24 law enforcement officer, dog warden, constable or other employee, whose
25 duties include, in whole or in part, assignments that involve the seizure or
26 taking into custody of any animal.

27 (c) "Cat" means any animal that is wholly or in part of the species
28 *felis domesticus*.

29 (d) "Dog" means any animal that is wholly or in part of the species
30 *canis familiaris*.

31 (e) "Humanely" means instantaneously or without suffering or
32 distress.

33 (f) "Licensed veterinarian" means a person who has received a doctor
34 of veterinary medicine degree or the equivalent from a school of veterinary
35 medicine and who currently holds a valid license to practice veterinary
36 medicine in this state.

1 (g) "Person" means any individual, association, partnership,
2 corporation or other entity.

3 (h) (1) "Veterinary premises" means any premises or facility where
4 the practice of veterinary medicine occurs, including, but not limited to, a
5 mobile clinic, outpatient clinic, satellite clinic, veterinary hospital or
6 veterinary clinic.

7 (2) "Veterinary premises" does not include the premises of a
8 veterinary client, research facility, a federal military base, Kansas state
9 university college of veterinary medicine or any premises wherein the
10 practice of veterinary medicine occurs no more than three times per year
11 as a public service outreach of a registered veterinary premises.

12 New Sec. 2. (a) When the animal health commissioner determines
13 that a quarantine or other regulations are necessary to prevent the spread of
14 a contagious or infectious disease among dogs or cats, the animal health
15 commissioner shall:

16 (1) Give sufficient notice to effectuate the quarantine;

17 (2) establish such quarantine immediately; and

18 (3) give and enforce directions, rules and regulations for separating,
19 isolating, handling, treating, feeding and caring for the diseased dog or cat,
20 dogs or cats exposed to the disease and dogs or cats within the quarantine
21 that have not been exposed immediately, as the animal health
22 commissioner deems necessary to prevent such dogs or cats from coming
23 into contact with other dogs or cats.

24 (b) Upon request of the animal health commissioner, the governor
25 may require and direct the cooperation and assistance of any state agency
26 to enforce any quarantine or other rules and regulations pursuant to
27 subsection (a).

28 (c) The animal health commissioner or the commissioner's designee
29 is hereby authorized and empowered to enter any grounds and premises to
30 carry out the provisions of this act.

31 New Sec. 3. If the animal health commissioner has ordered any
32 contagious or infectious disease to be reported, any person, including the
33 animal owner, who knows or has reason to believe that a dog or cat is
34 affected with such contagious or infectious disease shall immediately
35 report such knowledge or belief to the animal health commissioner.

36 New Sec. 4. (a) Except as provided in subsection (b), it is unlawful
37 for any person to knowingly sell, exchange, place for adoption or give
38 away for permanent disposition, any dog or cat that is:

39 (1) Affected with any contagious or infectious disease; or

40 (2) currently under treatment for any contagious or infectious disease
41 by a licensed veterinarian.

42 (b) (1) This section shall not apply to a licensed veterinary premises
43 or licensed animal shelter operating under the supervision of a veterinarian

1 so long as:

2 (A) The contagious or infectious disease is disclosed in writing by the
3 attending veterinarian to the person transferring or taking possession of the
4 dog or cat;

5 (B) the dog or cat may be returned to the licensed veterinary premises
6 or licensed animal shelter within 10 calendar days of the transfer of
7 possession; and

8 (C) the attending veterinarian continues to treat the dog or cat until it
9 is no longer contagious or infected, or the attending veterinarian transmits
10 a treatment plan to another veterinarian upon transfer of possession.

11 (2) Any veterinary premises or any animal shelter that transfers a
12 contagious or infected dog or cat shall maintain records related to the
13 transfer and treatment of such dog or cat for three years and shall provide
14 such records to the animal health commissioner or the animal health
15 commissioner's designee upon request.

16 New Sec. 5. (a) Except as provided in subsection (b), it is unlawful
17 for any person who has in such person's possession any dog, cat or ferret
18 that is under rabies observation, is the subject of a state or local quarantine
19 order or has not received vaccinations as required by local ordinance or
20 resolution to:

21 (1) Allow such dog, cat or ferret to run at large; or

22 (2) move, transfer or transport such dog, cat or ferret.

23 (b) Any authorized representative of the animal health commissioner
24 or law enforcement officer may seize and impound any dog, cat or ferret
25 that may be found unconfined in violation of a rabies confinement, rabies
26 quarantine or other quarantine order issued by the animal health
27 commissioner, the secretary of health and environment, a local animal
28 control officer or a local health officer. If such dog exhibits an articulatable
29 and immediate danger to the public, because of rabies or other disease for
30 which it is quarantined, a law enforcement officer may kill the unconfined
31 dog humanely.

32 New Sec. 6. (a) It is unlawful for any person to bring or transport a
33 dog or cat into the state without first causing such dog or cat to be
34 inspected and passed under certificate of health as required by the animal
35 health commissioner.

36 (b) All shipments and movements of a dog or cat into the state upon a
37 public highway shall be accompanied by any certificates of health or
38 permits required by the animal health commissioner. Unless otherwise
39 prescribed by the animal health commissioner, certificates of health,
40 permits and any other requirements for the movement of a dog or cat into
41 the state shall be the same as for other domestic animals.

42 (c) The animal health commissioner may issue a special quarantine
43 on any conditions the animal health commissioner deems necessary to

1 prevent the spread of infectious or contagious diseases in the state, and on
2 the condition that, if, upon inspection by an authorized veterinarian, any
3 dog or cat is found to be affected with a contagious or infectious disease,
4 such dog or cat shall be held by the owner or possessor thereof under
5 quarantine of and subject to the orders and rules and regulations of the
6 animal health commissioner.

7 New Sec. 7. (a) In addition to any penalties that may be assessed
8 pursuant to the Kansas pet animal act, K.S.A. 47-1701 et seq., and
9 amendments thereto, or any other applicable authority, the animal health
10 commissioner may impose a civil penalty in an amount not less than \$250
11 and not more than \$1,000 for each violation of this act. In the case of a
12 continuing violation, every day such violation continues shall be deemed a
13 separate violation.

14 (b) No civil penalty shall be imposed pursuant to this section except
15 upon written order of the duly authorized agent of the animal health
16 commissioner to the person who committed the violation. Such order shall
17 state the violation, the penalty to be imposed and the right of the person to
18 appeal to the animal health commissioner. Within 20 days of notification,
19 any such person may make written request to the animal health
20 commissioner for a hearing in accordance with the Kansas administrative
21 procedure act, K.S.A. 77-501, et seq., and amendments thereto. The animal
22 health commissioner shall affirm, reverse or modify the order and shall
23 specify the reasons therefor.

24 (c) Any person aggrieved by an order of the animal health
25 commissioner made under this section may appeal such order to the
26 district court in the manner provided by the Kansas judicial review act,
27 K.S.A. 77-601 et seq., and amendments thereto.

28 (d) Any civil penalty recovered pursuant to the provisions of this
29 section shall be remitted to the state treasurer in accordance with the
30 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
31 each such remittance, the state treasurer shall deposit the entire amount in
32 the state treasury to the credit of the state general fund.

33 Sec. 8. K.S.A. 2018 Supp. 47-635 is hereby amended to read as
34 follows: 47-635. The provisions of this act shall include all contagious or
35 infectious diseases among all kinds of domestic animals, including, but not
36 limited to, horses, mules, asses, cattle, sheep, goats, llamas, swine, ~~dogs,~~
37 ~~eats,~~ poultry, birds, nonhuman primates, ferrets, domesticated deer, as
38 defined in K.S.A. 47-1001, and amendments thereto, all creatures of the
39 ratite family, including, but not limited to, ostriches, emus and rheas and
40 exotic animals as defined by rules and regulations in 9 C.F.R. § 1.1,
41 pursuant to 7 U.S.C. § 2131 et seq. *The provisions of this act shall not*
42 *include dogs or cats.* The state animal health commissioner is given the
43 same power over any domestic animal afflicted with rabies as is conferred

1 upon the animal health commissioner in relation to other diseases of
2 domestic animals.

3 Sec. 9. K.S.A. 2018 Supp. 47-635 and 47-646a are hereby repealed.

4 Sec. 10. This act shall take effect and be in force from and after its
5 publication in the statute book.