

## HOUSE BILL No. 2342

By Committee on Agriculture and Natural Resources Budget

2-7

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1 AN ACT concerning agriculture; relating to the Kansas pet animal act;  
2 establishing the pet animal board of veterinarians within the Kansas  
3 department of agriculture; transferring all Kansas pet animal act  
4 powers, duties and functions of the animal health commissioner to the  
5 pet animal board of veterinarians; limiting procedures for seizing  
6 animals; eliminating provisions involving no-contact inspections;  
7 requiring a license for animal rescues; authorizing a single license fee  
8 for all license categories; changing the membership of the Kansas pet  
9 animal advisory board; amending K.S.A. 47-1701, 47-1702, 47-1703,  
10 47-1704, 47-1706, 47-1706a, 47-1707, 47-1708, 47-1709, 47-1711, 47-  
11 1712, 47-1713, 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-  
12 1723, 47-1725, 47-1726, 47-1727, 47-1731, 47-1732, 47-1733, 47-  
13 1734, 47-1735 and 47-1736 and repealing the existing sections.  
14

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

16 New Section 1. (a) There is hereby established within the Kansas  
17 department of agriculture the pet animal board of veterinarians. Such  
18 board shall consist of five members, as follows:

- 19 (1) One member appointed by the governor;  
20 (2) two members appointed by the president of the senate; and  
21 (3) two members appointed by the speaker of the house of  
22 representatives.

23 (b) All members of the pet animal board of veterinarians shall be  
24 licensed veterinarians in active practice in the state of Kansas. All  
25 members shall serve at the pleasure of the appointing authority for each  
26 such member. A vacancy on the board shall be filled in the same manner as  
27 the original appointment. All initial appointments to the board shall be  
28 made on or before January 1, 2024. One of the members appointed by the  
29 speaker of the house of representatives shall be designated by the speaker  
30 of the house of representatives as the first chairperson of the board. One of  
31 the members appointed by the president of the senate shall be designated  
32 by the president of the senate as the first vice chairperson. Beginning  
33 January 1, 2025, and annually thereafter, the board shall elect a  
34 chairperson and vice chairperson from among the board's membership.

35 (c) The chairperson shall preside over meetings of the board and  
36 perform such other duties as required by the board. The vice chairperson

1 shall perform the duties of the chairperson in the absence of the  
2 chairperson. The board shall meet upon call of the chairperson and may  
3 meet at any place in the state as determined by the chairperson.

4 (d) Each member of the board shall reside in a separate area of the  
5 state. The appointing authorities shall coordinate to ensure that each  
6 appointment conforms with the provisions of this subsection. The state  
7 shall be divided into the following separate areas:

8 (1) Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne,  
9 Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove,  
10 Trego, Ellis and Russell counties;

11 (2) Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman,  
12 Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton,  
13 Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa counties;

14 (3) Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth,  
15 Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner,  
16 Harper, Barber, Pratt, Barton and Stafford counties;

17 (4) Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley,  
18 Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte,  
19 Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Morris,  
20 Osage, Franklin and Miami counties; and

21 (5) Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen,  
22 Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley,  
23 Chautauqua, Montgomery, Labette and Cherokee counties.

24 (e) The pet animal board of veterinarians shall be responsible for  
25 administering the provisions of the Kansas pet animal act. All powers,  
26 duties and functions of the animal health commissioner relating to the  
27 Kansas pet animal act are hereby transferred to the pet animal board of  
28 veterinarians. The Kansas department of agriculture shall provide  
29 assistance as requested by the board. The board shall have the final  
30 authority to employ or remove an employee of the animal facilities  
31 inspection program of the Kansas department of agriculture.

32 (f) A majority of the board shall constitute a quorum for meetings. All  
33 actions of the board shall require approval of a majority of the board.

34 (g) Each board member shall be paid compensation in an amount  
35 equal to  $\frac{1}{5}$  of the annual salary of the animal health commissioner of the  
36 Kansas department of agriculture as of July 1 of each year.

37 (h) This section shall be a part of and supplemental to the Kansas pet  
38 animal act.

39 New Sec. 2. (a) It shall be unlawful for any person to act as or operate  
40 an animal rescue unless such person has obtained from the board an  
41 animal rescue license for each animal rescue operated by such person.  
42 Application for such license shall be made in writing on a form provided  
43 by the board. The license period shall be for the license year ending on

1 September 30 following the issuance date.

2 (b) This section shall be a part of and supplemental to the Kansas pet  
3 animal act.

4 Sec. 3. K.S.A. 47-1701 is hereby amended to read as follows: 47-  
5 1701. As used in the Kansas pet animal act, unless the context otherwise  
6 requires:

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

11 (b) "Adequate watering" means a supply of clean, fresh, potable  
12 water, supplied in a sanitary manner and either continuously accessible to  
13 each animal or supplied at intervals suitable for the animal species, not to  
14 exceed intervals of 12 hours.

15 (c) "Ambient temperature" means the temperature surrounding the  
16 animal.

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

20 (2) "Animal" does not include horses, cattle, sheep, goats, swine,  
21 raites, domesticated deer or domestic fowl.

22 (e) "Animal breeder" means any person who operates an animal  
23 breeder premises.

24 (f) "Animal breeder premises" means any premises where all or part  
25 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or  
26 both, are sold, or offered or maintained for sale, primarily at wholesale for  
27 resale to another.

28 (g) "Animal shelter" or "pound" means a facility that is used or  
29 designed for use to house, contain, impound or harbor any seized stray,  
30 homeless, relinquished or abandoned animal ~~or a person who acts as an~~  
31 ~~animal rescuer~~, or who collects and cares for unwanted animals or offers  
32 them for adoption. Animal shelter or pound also includes a facility of an  
33 individual or organization, profit or nonprofit, maintaining 20 or more  
34 dogs or cats, or both, for the purpose of collecting, accumulating, amassing  
35 or maintaining the animals or offering the animals for adoption.

36 (h) *"Board" means the pet animal board of veterinarians established*  
37 *by section 1, and amendments thereto.*

38 (i) "Cat" means an animal that is wholly or in part of the species *Felis*  
39 *domesticus*.

40 ~~(i) "Commissioner" means the animal health commissioner of the~~  
41 ~~Kansas department of agriculture.~~

42 (j) "Dog" means any animal that is wholly or in part of the species  
43 *Canis familiaris*.

1 (k) "Animal control officer" means any person employed by,  
 2 contracted with or appointed by the state, or any political subdivision  
 3 thereof, for the purpose of aiding in the enforcement of this law, or any  
 4 other law or ordinance relating to the licensing or permitting of animals,  
 5 control of animals or seizure and impoundment of animals, and includes  
 6 any state, county or municipal law enforcement officer, dog warden,  
 7 constable or other employee, whose duties in whole or in part include  
 8 assignments that involve the seizure or taking into custody of any animal.

9 (l) "Euthanasia" means the humane destruction of an animal, which  
 10 may be accomplished by any of those methods provided for in K.S.A. 47-  
 11 1718, and amendments thereto.

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

17 (n) "Hobby breeder" means any person who operates a hobby breeder  
 18 premises.

19 (o) "Housing facility" means any room, building or area used to  
 20 contain a primary enclosure or enclosures.

21 (p) "Boarding or training kennel operator" means any person who  
 22 operates an establishment where four or more dogs or cats, or both, are  
 23 maintained in any one week during the license year for boarding, training  
 24 or similar purposes for a fee or compensation.

25 (q) "Boarding or training kennel operator premises" means the  
 26 facility of a boarding or training kennel operator.

27 (r) "License year" or "permit year" means the 12-month period  
 28 ending on September 30.

29 (s) "Person" means any individual, association, partnership,  
 30 corporation or other entity.

31 (t) (1) "Pet shop" means any premises where there are sold, or offered  
 32 or maintained for sale, at retail and not for resale to another:

33 (A) Any dogs or cats, or both; or

34 (B) any other animals except those that are produced and raised on  
 35 such premises and are sold, or offered or maintained for sale, by a person  
 36 who resides on such premises.

37 (2) "Pet shop" does not include:

38 (A) Any pound or animal shelter;

39 (B) any premises where only fish are sold, or offered or maintained  
 40 for sale; or

41 (C) any animal distributor premises, hobby breeder premises, retail  
 42 breeder premises or animal breeder premises.

43 (3) Nothing in this section prohibits inspection of those premises that

1 sell only fish to verify that only fish are being sold.

2 (u) "Pet shop operator" means any person who operates a pet shop.

3 (v) "Primary enclosure" means any structure used or designed for use  
4 to restrict any animal to a limited amount of space, such as a room, pen,  
5 cage, compartment or hutch.

6 (w) "Research facility" means any place, laboratory or institution,  
7 except an elementary school, secondary school, college or university, at  
8 which any scientific test, experiment or investigation involving the use of  
9 any living animal is carried out, conducted or attempted.

10 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.  
11 Maintaining animals for sale is presumed whenever 20 or more dogs or  
12 cats, or both, are maintained by any person.

13 (y) "Sanitize" means to make physically clean and to remove and  
14 destroy, to a practical minimum, agents injurious to health, at such  
15 intervals as necessary.

16 (z) "Animal distributor" means any person who operates an animal  
17 distributor premises.

18 (aa) "Animal distributor premises" means the premises of any person  
19 engaged in the business of buying for resale dogs or cats, or both, as a  
20 principal or agent, or who holds such distributor's self out to be so  
21 engaged.

22 (bb) "Out-of-state distributor" means any person residing in a state  
23 other than Kansas, who is engaged in the business of buying for resale  
24 dogs or cats, or both, within the state of Kansas, as a principal or agent.

25 (cc) "Food animals" means rodents, rabbits, reptiles, fish or  
26 amphibians that are sold or offered or maintained for sale for the sole  
27 purpose of being consumed as food by other animals.

28 (dd) (1) "Adequate veterinary medical care" means:

29 (A) A documented program of disease control and prevention,  
30 euthanasia and routine veterinary care shall be established and maintained  
31 under the supervision of a licensed veterinarian, on a form provided by the  
32 ~~commissioner~~ board, and shall include a documented on-site visit to the  
33 premises by the veterinarian at least once a year;

34 (B) that diseased, ill, injured, lame or blind animals shall be provided  
35 with veterinary care as is needed for the health and well-being of the  
36 animal, and such veterinary care shall be documented and maintained on  
37 the premises; and

38 (C) all documentation required by subsections (dd)(1)(A) and (dd)(1)  
39 (B) shall be made available to the ~~commissioner~~ board or the  
40 ~~commissioner's board's~~ authorized representative for inspection or copying  
41 upon request and shall be maintained for three years after the effective date  
42 of the program or the administration of such veterinary care.

43 (2) "Adequate veterinary medical care" shall not apply to United

1 States department of agriculture licensed animal breeders or animal  
2 distributors.

3 (ee) "Ratites" means all creatures of the ratite family that are not  
4 indigenous to this state, including, but not limited to, ostriches, emus and  
5 rheas.

6 (ff) "Retail breeder" means any person who operates a retail breeder  
7 premises.

8 (gg) "Retail breeder premises" means any premises where all or part  
9 of six or more litters or 30 or more dogs or cats, or both, are sold, or  
10 offered or maintained for sale, primarily at retail and not for resale to  
11 another.

12 (hh) "Retail" means any transaction where the animal is sold to the  
13 final consumer.

14 (ii) "Wholesale" means any transaction where the animal is sold for  
15 the purpose of resale to another.

16 (jj) *"Animal rescue" means any person who accepts animals for the*  
17 *purpose of finding permanent adoptive homes for such animals and does*  
18 *not maintain a central facility for keeping animals.*

19 Sec. 4. K.S.A. 47-1702 is hereby amended to read as follows: 47-  
20 1702. It shall be unlawful for any person to act as or be an animal  
21 distributor unless such person has obtained from the ~~commissioner~~ board  
22 an animal distributor license for each animal distributor premises operated  
23 by such person. Application for such license shall be made in writing on a  
24 form provided by the ~~commissioner~~ board. The license period shall be for  
25 the license year ending on September 30 following the issuance date.

26 Sec. 5. K.S.A. 47-1703 is hereby amended to read as follows: 47-  
27 1703. It shall be unlawful for any person to act as or be a pet shop operator  
28 unless such person has obtained from the ~~commissioner~~ board a pet shop  
29 operator license for each pet shop operated by such person. Application for  
30 each such license shall be made in writing on a form provided by the  
31 ~~commissioner~~ board. The license period shall be for the license year  
32 ending on September 30 following the issuance date.

33 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-  
34 1704. (a) It shall be unlawful for any person to operate a pound or animal  
35 shelter, except a licensed veterinarian who operates such pound or animal  
36 shelter from such licensed veterinarian's clinic, unless a license for such  
37 pound or shelter has been obtained from the ~~commissioner~~ board.  
38 Application for such license shall be made on a form provided by the  
39 ~~commissioner~~ board. The license period shall be for the license year  
40 ending on September 30 following the issuance date.

41 (b) The ~~Kansas department of agriculture~~ board shall not require any  
42 individual to be licensed who has written and signed an agreement to  
43 provide temporary care for one or more dogs or cats owned by an animal

1 shelter. Any such animal shelter shall keep a current list of such  
2 individuals who have written and signed an agreement to provide such  
3 temporary care.

4 Sec. 7. K.S.A. 47-1706 is hereby amended to read as follows: 47-  
5 1706. (a) The ~~commissioner~~ *board* may refuse to issue or renew or may  
6 suspend or revoke any license or permit required under K.S.A. 47-1701 et  
7 seq., and amendments thereto, for any one or more of the following  
8 reasons:

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

11 (2) willful disregard of any provision of the Kansas pet animal act or  
12 ~~any rule and regulation~~ *the rules and regulations* adopted hereunder, or  
13 any willful aiding or abetting of another in the violation of any provision  
14 of the Kansas pet animal act or ~~any rule and regulation~~ *the rules and*  
15 *regulations* adopted hereunder;

16 (3) permitting any license or permit issued hereunder to be used by an  
17 unlicensed or unpermitted person or transferred to unlicensed or  
18 unpermitted premises;

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

20 (5) substantial misrepresentation;

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

24 (7) fraudulent bill of sale;

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

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

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

31 (11) failure to maintain or provide documentation of the provision of  
32 adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and  
33 amendments thereto, to animals in such licensee or permittee's custody or  
34 care when access to such is requested by the ~~commissioner~~ *board* or the  
35 ~~commissioner's board's~~ authorized representatives.

36 (b) The ~~commissioner~~ *board* shall refuse to issue or renew and shall  
37 suspend or revoke any license or permit required under K.S.A. 47-1701 et  
38 seq., and amendments thereto, for a conviction of cruelty to animals,  
39 K.S.A. 21-4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of~~  
40 K.S.A. 2022 Supp. 21-6412(a)(1) through (a)(5), and amendments thereto.

41 (c) Any refusal to issue or renew a license or permit, and any  
42 suspension or revocation of a license or permit, under this section shall be  
43 issued only after notice and opportunity for a hearing are provided in

1 accordance with the provisions of the Kansas administrative procedure act  
2 and shall be subject to review in accordance with the Kansas judicial  
3 review act.

4 (d) Notwithstanding subsection (c), nothing shall preclude the  
5 ~~commissioner~~ board from issuing a quarantine order in accordance with  
6 K.S.A. 77-536, and amendments thereto, on any premises regulated under  
7 this act wherein the animals are found to be infected with a contagious or  
8 zoonotic disease which may infect animals or humans that may come into  
9 contact with or be exposed to such animals.

10 (e) Whenever the ~~commissioner~~ board denies, suspends or revokes a  
11 license or permit under this section, the ~~commissioner~~ board or the  
12 ~~commissioner's board's~~ authorized, trained representatives shall seize and  
13 impound any animals in the possession, custody or care of the person  
14 whose license or permit is denied, suspended or revoked if there are  
15 reasonable grounds to believe that the animals' health, safety or welfare is  
16 endangered. *No animals shall be seized unless the sheriff or other law*  
17 *enforcement officer presents a warrant for the seizure of such animals and*  
18 *a licensed veterinarian is in attendance during such seizure. No animal*  
19 *seized shall be transported outside the state within 30 days from the date*  
20 *of such seizure.* Except as provided by K.S.A. 2022 Supp. 21-6412, and  
21 amendments thereto, such animals may be returned to the person owning  
22 them if there is satisfactory evidence that the animals will receive adequate  
23 care by that person or such animals may be sold, placed or euthanized, at  
24 the discretion of the ~~commissioner~~ board. *No animals shall be sold, placed*  
25 *or euthanized prior to 30 days from the date that such animals were seized.*  
26 Costs of care and services for such animals while seized and impounded  
27 shall be paid by the person from whom the animals were seized and  
28 impounded, if that person's license or permit is denied, suspended or  
29 revoked. Such funds shall be paid to the ~~commissioner~~ board for  
30 reimbursement of care and services provided during seizure and  
31 impoundment. If such person's license or permit is not denied, suspended  
32 or revoked, the ~~commissioner~~ board shall pay the costs of care and  
33 services provided during seizure and impoundment.

34 Sec. 8. K.S.A. 47-1706a is hereby amended to read as follows: 47-  
35 1706a. (a) When an animal is seized or impounded pursuant to K.S.A. 47-  
36 1706, 47-1707 or 47-1715, and amendments thereto, the owner or person  
37 who was in possession of the animal at the time such animal was seized or  
38 impounded may post a cash or security bond as provided in this section  
39 ~~which~~ that shall prevent the sale, placement or euthanasia of the animal.  
40 Such cash or security bond shall be in an amount sufficient to pay for the  
41 animal's care and keeping for a period of at least 30 days, commencing on  
42 the date ~~which~~ that the animal was seized or impounded. Any such  
43 security bond or any security bond as provided in subsection (b) shall be

1 approved by the ~~Kansas department of agriculture division of animal~~  
2 ~~health board.~~

3 (b) Such bond shall be filed with the ~~Kansas department of~~  
4 ~~agriculture division of animal health board~~ and shall be posted on or  
5 before the date of the disposition hearing or within 10 days after the  
6 animal is seized or impounded, whichever is earlier. At the end of the time  
7 for which expenses are covered by the bond if the owner or person who  
8 was in possession of the animal at the time it was seized or impounded  
9 desires to prevent disposition of the animal, such owner or person shall  
10 post a new cash or security bond prior to the previous bond's expiration. At  
11 the end of the time for which expenses are covered by the bond, the animal  
12 may be sold, placed or euthanized.

13 (c) The authority seizing or impounding an animal shall give notice  
14 by delivering a copy of this section to a person residing on the property  
15 where the animal was seized or by posting a copy at the place where the  
16 animal was seized.

17 (d) Nothing in this section shall prevent the euthanasia at any time of  
18 an animal seized or impounded which is determined by a licensed  
19 veterinarian to be diseased or disabled beyond recovery for any useful  
20 purpose.

21 ~~This act is supplemental to and shall become~~ *section shall be a*  
22 *part of and supplemental to the Kansas pet animal act.*

23 Sec. 9. K.S.A. 47-1707 is hereby amended to read as follows: 47-  
24 1707. (a) In addition to or in lieu of any other civil or criminal penalty  
25 provided by law, the ~~commissioner board~~, upon a finding that a person has  
26 violated or failed to comply with any provision of the Kansas pet animal  
27 act or ~~any rule and regulation~~ *the rules and regulations* adopted hereunder,  
28 may impose on such person a civil penalty not exceeding \$1,000 for each  
29 violation or require such person to attend an educational course regarding  
30 animals and their care and treatment. If the ~~commissioner board~~ imposes  
31 the educational course, such person may choose either the penalty or the  
32 educational course. If such person chooses the penalty, the ~~commissioner~~  
33 *board* shall establish the amount pursuant to the penalty provisions of this  
34 section. The educational course shall be administered by the ~~commissioner~~  
35 *board* in consultation with Kansas state university college of veterinary  
36 medicine.

37 (b) Any imposition of a civil penalty pursuant to this section shall be  
38 only upon notice and opportunity for a hearing in accordance with the  
39 Kansas administrative procedure act and shall be subject to review in  
40 accordance with the Kansas judicial review act.

41 (c) Whenever the ~~commissioner board~~ has reasonable grounds to  
42 believe that a person or premises required to be licensed or permitted  
43 under the Kansas pet animal act has failed to comply with or has violated

1 any provision of the Kansas pet animal act or ~~any rule and regulation~~ *rules*  
2 *and regulations* adopted hereunder and that the health, safety or welfare of  
3 animals in such person's possession, custody or care is endangered thereby,  
4 ~~the commissioner board~~ shall seize and impound such animals using  
5 emergency adjudicative proceedings in accordance with the Kansas  
6 administrative procedure act. *No animals shall be seized unless the sheriff*  
7 *or other law enforcement officer presents a warrant for the seizure of such*  
8 *animals and a licensed veterinarian is in attendance during such seizure.*  
9 *No animal seized shall be transported outside the state within 30 days*  
10 *from the date of such seizure.* Except as provided by K.S.A. 2022 Supp.  
11 21-6412, and amendments thereto, such animals may be returned to the  
12 person owning them if there is satisfactory evidence that the animals will  
13 receive adequate care by that person or such animals may be sold, placed  
14 or euthanized, at the discretion of the ~~commissioner board~~. *No animals*  
15 *shall be sold, placed or euthanized prior to 30 days from the date that*  
16 *such animals were seized.* Costs of care and services for such animals  
17 while seized and impounded shall be paid by the person from whom the  
18 animals were seized and impounded, if that person is found to be in  
19 violation of the Kansas pet animal act or ~~any~~ rules and regulations adopted  
20 hereunder. Such funds shall be paid to the ~~commissioner board~~ for  
21 reimbursement of care and services provided during seizure and  
22 impoundment. If such person is not found to be in violation of the Kansas  
23 pet animal act or ~~any~~ rules and regulations adopted hereunder, the  
24 ~~commissioner board~~ shall pay the costs of care and services provided  
25 during seizure and impoundment.

26 Sec. 10. K.S.A. 47-1708 is hereby amended to read as follows: 47-  
27 1708. Any action of the ~~commissioner board~~ pursuant to K.S.A. 47-1706  
28 or 47-1707, and amendments thereto, is subject to review in accordance  
29 with the Kansas judicial review act.

30 Sec. 11. K.S.A. 47-1709 is hereby amended to read as follows: 47-  
31 1709. (a) The ~~commissioner board~~ or the ~~commissioner's board's~~  
32 authorized, trained representatives shall make an inspection of the  
33 premises for which an application for an original license or permit is made  
34 under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of  
35 such license or permit. No license or permit shall be issued by the  
36 ~~commissioner board~~ to an applicant described in this subsection until the  
37 premises for which application is made has passed a licensing or  
38 permitting inspection. The application for a license shall conclusively be  
39 deemed to be the consent of the applicant to the right of entry and  
40 inspection of the premises sought to be licensed or permitted by the  
41 ~~commissioner board~~ or the ~~commissioner's board's~~ authorized, trained  
42 representatives at reasonable times with the owner or owner's  
43 representative present. Refusal of such entry and inspection shall be

1 grounds for denial of the license or permit. Notice need not be given to any  
2 person prior to inspection.

3 (b) The ~~commissioner board~~ or the ~~commissioner's board's~~  
4 authorized, trained representatives may inspect each premises for which a  
5 license or permit has been issued under K.S.A. 47-1701 et seq., and  
6 amendments thereto. The acceptance of a license or permit shall  
7 conclusively be deemed to be the consent of the licensee or permittee to  
8 the right of entry and inspection of the licensed or permitted premises by  
9 the ~~commissioner board~~ or the ~~commissioner's board's~~ authorized, trained  
10 representatives at reasonable times with the owner or owner's  
11 representative present. Refusal of such entry and inspection shall be  
12 grounds for suspension or revocation of the license or permit. Notice shall  
13 not be given to any person prior to inspection.

14 (c) The ~~commissioner board~~ or the ~~commissioner's board's~~  
15 authorized, trained representatives shall make inspections of the premises  
16 of a person required to be licensed or permitted under K.S.A. 47-1701 et  
17 seq., and amendments thereto, upon a determination by the ~~commissioner~~  
18 ~~board~~ that there are reasonable grounds to believe that the person is  
19 violating the provisions of K.S.A. 47-1701 et seq., and amendments  
20 thereto, or rules and regulations adopted thereunder or that there are  
21 grounds for suspension or revocation of such person's license or permit.

22 (d) Any complaint filed with the ~~commissioner board~~ shall be  
23 confidential and shall not be released to any person other than employees  
24 of the ~~commissioner board~~ as necessary to carry out the duties of their  
25 employment.

26 (e) Any person making inspections under this section shall be trained  
27 by the ~~commissioner board~~ in reasonable standards of animal care.

28 (f) The ~~commissioner board~~ may request a licensed veterinarian to  
29 assist in any inspection or investigation made by the ~~commissioner board~~  
30 or the ~~commissioner's board's~~ authorized representative under this section.

31 (g) Any person acting as the ~~commissioner's board's~~ authorized  
32 representative for purposes of making inspections and conducting  
33 investigations under this section who knowingly falsifies the results or  
34 findings of any inspection or investigation or intentionally fails or refuses  
35 to make an inspection or conduct an investigation pursuant to this section  
36 shall be guilty of a class A nonperson misdemeanor.

37 (h) No person shall act as the ~~commissioner's board's~~ authorized  
38 representative for the purposes of making inspections and conducting  
39 investigations under this section if such person has a beneficial interest in  
40 a person required to be licensed or permitted pursuant to K.S.A. 47-1701  
41 et seq., and amendments thereto.

42 (i) Records of inspections pursuant to this section shall be maintained  
43 in the office of the Kansas department of agriculture division of animal

1 ~~health by the board.~~ Records of a deficiency or violation shall not be  
2 maintained for longer than three years after the deficiency or violation is  
3 remedied.

4 (j) ~~The commissioner board,~~ in consultation with Kansas state  
5 university college of veterinary medicine, shall: (1) Continue procedures  
6 to provide for pet animal training or updated training for authorized trained  
7 representatives who inspect premises under the pet animal act and to allow  
8 the owners of such facilities licensed or permitted under the pet animal act  
9 to attend and participate at the training workshops for the authorized  
10 trained representatives; and (2) make available to such owners and other  
11 interested persons an inspection handbook describing the duties and  
12 responsibilities of such authorized trained representatives.

13 (k) If the ~~commissioner board~~ or the ~~commissioner's board's~~  
14 authorized representative is denied access to any location where such  
15 access is sought for the purposes authorized under the Kansas pet animal  
16 act, the ~~commissioner board~~ may apply to any court of competent  
17 jurisdiction for an administrative search warrant authorizing access to such  
18 location for such purposes. Upon such application and a showing of cause  
19 therefore, the court shall issue the search warrant for the purposes  
20 requested.

21 Sec. 12. K.S.A. 47-1711 is hereby amended to read as follows: 47-  
22 1711. An animal control officer shall not be granted an animal distributor's,  
23 animal breeder's, retail breeder's, hobby breeder's or a pet shop operator's  
24 license. Each application for any such license shall include a statement that  
25 neither the applicant nor any of the applicant's employees is an animal  
26 control officer. An animal control officer, upon taking custody of any  
27 animal in the course of such officer's official duties, shall immediately  
28 make a record which shall include the color, breed, sex, approximate  
29 weight and other description of the animal, the reason for seizure, the  
30 location of seizure, the owner's name and address, if known, the animal  
31 license number, and any other identification number. Complete  
32 information relating to the disposition of the animal shall be shown on the  
33 record and shall be added immediately following the disposition of the  
34 animal. Such records shall be made available to the ~~commissioner board~~ or  
35 the ~~commissioner's board's~~ authorized representative upon request.

36 Sec. 13. K.S.A. 47-1712 is hereby amended to read as follows: 47-  
37 1712. (a) The ~~commissioner board~~ is hereby authorized to adopt rules and  
38 regulations for licensees and permittees. Such rules and regulations shall  
39 include, but not be limited to, provisions relating to: (1) Reasonable  
40 treatment of animals in the possession, custody or care of a licensee or  
41 permittee or being transported to or from licensed or permitted premises;  
42 (2) a requirement that each licensee and permittee file with the  
43 ~~commissioner board~~ evidence that animals entering or leaving the state are

1 free from any visible symptoms of communicable disease; (3)  
2 identification of animals handled; (4) primary enclosures; (5) housing  
3 facilities; (6) sanitation; (7) euthanasia; (8) ambient temperatures; (9)  
4 feeding; (10) watering; (11) adequate veterinary medical care; (12)  
5 inspections of licensed or permitted premises, investigations of complaints  
6 and training of persons conducting such inspections and investigations;  
7 and (13) a requirement that each licensee or permittee keep and maintain,  
8 for inspection by the commission, such records as necessary to administer  
9 and enforce the provisions of the Kansas pet animal act.

10 (b) The ~~commissioner~~ board shall only adopt as rules and regulations  
11 for United States department of agriculture licensed animal distributors  
12 and animal breeders, and animal distributor and animal breeder premises  
13 the rules and regulations promulgated by the secretary of the United States  
14 department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to  
15 the provisions of the United States public law 91-579, 7 U.S.C. § 2131 et  
16 seq.), commonly known as the animal welfare act.

17 (c) Notwithstanding any provision in subsection (b), the  
18 ~~commissioner~~ board may adopt a requirement that each licensee and  
19 permittee file with the ~~commissioner~~ board evidence that animals entering  
20 or leaving the state are free from any visible symptoms of communicable  
21 disease.

22 Sec. 14. K.S.A. 47-1713 is hereby amended to read as follows: 47-  
23 1713. The ~~commissioner~~ board may prohibit the sale or gift of animals  
24 which constitute a hazard to human health or safety or to animal health or  
25 safety.

26 Sec. 15. K.S.A. 47-1715 is hereby amended to read as follows: 47-  
27 1715. (a) Any violation of or failure to comply with any provision of the  
28 Kansas pet animal act, or ~~any rule and regulation~~ rules and regulations  
29 adopted hereunder, shall constitute a class A nonperson misdemeanor.  
30 Continued operation, after a conviction, shall constitute a separate offense  
31 for each day of operation.

32 (b) Upon a conviction of a person for any violation of the Kansas pet  
33 animal act, or any rule and regulation adopted hereunder, the court shall  
34 order the ~~commissioner~~ board to seize and impound any animals in the  
35 convicted person's possession, custody or care if there are reasonable  
36 grounds to believe that the animals' health, safety or welfare is  
37 endangered. *No animals shall be seized unless the sheriff or other law*  
38 *enforcement officer presents a warrant for the seizure of such animals and*  
39 *a licensed veterinarian is in attendance during such seizure. No animal*  
40 *seized shall be transported outside the state within 30 days from the date*  
41 *of such seizure.* Except as provided by K.S.A. 2022 Supp. 21-6412, and  
42 amendments thereto, such animals may be returned to the person owning  
43 them if there is satisfactory evidence that the animals will receive adequate

1 care by that person or such animals may be sold, placed or euthanized, at  
2 the discretion of the ~~commissioner~~ board. *No animals shall be sold, placed*  
3 *or euthanized prior to 30 days from the date that such animals were seized.*  
4 Costs of care and services for such animals while seized and impounded  
5 shall be paid by the convicted person. Such funds shall be paid to the  
6 ~~commissioner~~ board for reimbursement of care and services provided  
7 during seizure and impoundment. If the person is not convicted, the  
8 ~~commissioner~~ board shall pay the costs of care and services provided  
9 during seizure and impoundment.

10 Sec. 16. K.S.A. 47-1718 is hereby amended to read as follows: 47-  
11 1718. (a) No animal shall be euthanized by any animal control officer,  
12 licensee, permittee, officer of an animal shelter or officer of a pound by  
13 any means, method, agent or device, or in any way, except through the  
14 most current, approved euthanasia methods established by the American  
15 veterinary medical association panel on euthanasia. ~~The commissioner~~  
16 ~~shall promulgate rules and regulations by December 31, 2015, regarding~~  
17 ~~acceptable methods of euthanasia.~~ Such acceptable methods may be more  
18 stringent than those established by the American veterinary medical  
19 association.

20 (b) This section shall be *a* part of and supplemental to ~~article 17 of~~  
21 ~~chapter 47 of the Kansas Statutes Annotated, and amendments thereto~~ *the*  
22 *Kansas pet animal act.*

23 Sec. 17. K.S.A. 47-1719 is hereby amended to read as follows: 47-  
24 1719. (a) It shall be unlawful for any person to act as or be a hobby  
25 breeder unless such person has obtained from the ~~commissioner~~ board a  
26 hobby breeder license. Application for such license shall be made in  
27 writing on a form provided by the ~~commissioner~~ board. The license period  
28 shall be for the license year ending on September 30 following the  
29 issuance date.

30 (b) This section shall be *a* part of and supplemental to ~~K.S.A. 47-~~  
31 ~~1701 et seq., and amendments thereto~~ *the Kansas pet animal act.*

32 Sec. 18. K.S.A. 47-1720 is hereby amended to read as follows: 47-  
33 1720. (a) It shall be unlawful for any person to operate a research facility  
34 unless such person has obtained from the ~~commissioner~~ board a research  
35 facility license. Application for such license shall be made in writing on a  
36 form provided by the ~~commissioner~~ board. The license period shall be for  
37 the license year ending on September 30 following the issuance date.

38 (b) This section shall be *a* part of and supplemental to ~~K.S.A. 47-~~  
39 ~~1701 et seq., and amendments thereto~~ *the Kansas pet animal act.*

40 Sec. 19. K.S.A. 47-1721 is hereby amended to read as follows: 47-  
41 1721. (a) Each application for issuance or renewal of a license or permit  
42 required under ~~K.S.A. 47-1701 et seq., and amendments thereto,~~ *the*  
43 *Kansas pet animal act* shall be accompanied by the fee prescribed by the

1 commissioner under this section board in rules and regulations. Such fees  
2 license fee shall be as follows:

3 ~~(1) Except as provided in paragraphs (5) through (8) and paragraph~~  
4 ~~(10) for a license for premises of a person licensed under public law 91-~~  
5 ~~579, 7 U.S.C. § 2131 et seq., an amount not to exceed \$450;~~

6 ~~(2) except as provided in paragraphs (5) through (8) and paragraph~~  
7 ~~(10) for a license for any other premises, an amount not to exceed \$600;~~

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

9 ~~(4) for an out-of-state distributor permit, an amount not to exceed~~  
10 ~~\$675;~~

11 ~~(5) for a hobby breeder license or a kennel operator license an amount~~  
12 ~~not to exceed \$250;~~

13 ~~(6) for an animal shelter in a first-class city, as defined in K.S.A. 13-~~  
14 ~~101, and amendments thereto, not to exceed \$400;~~

15 ~~(7) for an animal shelter in a second-class city, as defined in K.S.A.~~  
16 ~~14-101, and amendments thereto, not to exceed \$335;~~

17 ~~(8) for an animal shelter in a third-class city, as defined in K.S.A. 15-~~  
18 ~~101, and amendments thereto, not to exceed \$285;~~

19 ~~(9) a the same amount for each entity required to be licensed under~~  
20 ~~the Kansas pet animal act. Such license fee shall not exceed \$600. A~~  
21 ~~temporary closing permit fee shall not exceed \$95 and an out-of-state~~  
22 ~~distributor permit shall not exceed \$675. A late fee of \$70 shall be~~  
23 ~~assessed to any person whose permit or license renewal is not renewed~~  
24 ~~prior to October 1; and.~~

25 ~~(10) for Any premises required to be licensed under the Kansas pet~~  
26 ~~animal act under multiple license categories, payment shall pay for only~~  
27 ~~the most expensive license and a \$50 fee for each additional applicable~~  
28 ~~license. Such premises shall comply with the applicable laws and rules and~~  
29 ~~regulations pertaining to each license category.~~

30 (b) ~~The commissioner board shall determine annually the amount~~  
31 ~~necessary to carry out and enforce K.S.A. 47-1701 et seq., and~~  
32 ~~amendments thereto, the Kansas pet animal act for the next ensuing fiscal~~  
33 ~~year and shall fix by rules and regulations the license and permit fees for~~  
34 ~~such year at the amount necessary for that purpose, subject to the~~  
35 ~~limitations of this section. In fixing such fees, the commissioner board~~  
36 ~~may establish categories of licenses and permits, based upon the type of~~  
37 ~~license or permit, size of the licensed or permitted business or activity and~~  
38 ~~the premises where such business or activity is conducted, and may~~  
39 ~~establish different fees for each such category. The fees in effect~~  
40 ~~immediately prior to the effective date of this act July 1, 2023, shall~~  
41 ~~continue in effect until different fees are fixed by the commissioner board~~  
42 ~~as provided by this subsection.~~

43 (c) If a licensee, permittee or applicant for a license or permit

1 requests an inspection of the premises of such licensee, permittee or  
2 applicant, the ~~commissioner~~ board shall charge a fee of \$200 to cover the  
3 costs of such inspection.

4 ~~(d)(1) Failure by the owner of a premises, a licensee or a permittee,~~  
5 ~~or their designated representative, to make a premises available for~~  
6 ~~inspection within 30 minutes of the arrival of the inspector or the~~  
7 ~~inspector's authorized representative shall be considered a no-contact~~  
8 ~~inspection. Each no-contact inspection shall result in a \$200 no-contact fee~~  
9 ~~against the owner of the premises, the licensee or the permittee. The~~  
10 ~~commissioner or the commissioner's authorized representative shall make~~  
11 ~~a second or subsequent attempt to inspect the premises.~~

12 (2) If a premises fails an inspection, such owner, licensee or permittee  
13 shall be required to pay a \$200 re-inspection fee for any subsequent  
14 inspection. Such payment must be made in advance of the re-inspection,  
15 and failure to do so shall result in the revocation of any such licensee's or  
16 permittee's license or permit. The owner of the premises shall be required  
17 to reapply for any licenses or permits that were revoked pursuant to this  
18 subsection and shall be required to:

19 (A)(1) Pay the fee for the new permit or license application;

20 (B)(2) pass an initial inspection; and

21 (C)(3) pay any past due fees before the new license or permit can be  
22 issued.

23 (e) No fee or assessment required pursuant to this section shall be  
24 refundable.

25 (f) The ~~commissioner~~ board shall remit all moneys received by or for  
26 the ~~commissioner~~ board under this section to the state treasurer in  
27 accordance with the provisions of K.S.A. 75-4215, and amendments  
28 thereto. Upon receipt of each such remittance, the state treasurer shall  
29 deposit the entire amount in the state treasury to the credit of the animal  
30 dealers fee fund, which is hereby created in the state treasury. Moneys in  
31 the animal dealers fee fund may be expended only to administer and  
32 enforce K.S.A. 47-1701 et seq., and amendments thereto ~~the Kansas pet~~  
33 ~~animal act~~. All expenditures from the animal dealers fee fund shall be  
34 made in accordance with appropriation acts upon warrants of the director  
35 of accounts and reports issued pursuant to vouchers approved by the  
36 ~~Kansas animal health commissioner~~ chairperson of the board or the  
37 ~~commissioner's~~ chairperson's designee.

38 (g) Except as provided further, when a premises required to be  
39 licensed or permitted under the Kansas pet animal act applies for an initial  
40 license or permit, the ~~commissioner~~ board shall prorate to the nearest  
41 whole month the license or permit fee established in subsection (a). The  
42 ~~commissioner~~ board shall have discretion to determine whether the  
43 application is an initial application or an application for a premises that has

1 been doing business but is not licensed or permitted. If the ~~commissioner~~  
 2 *board* determines the premises has been doing business without a license  
 3 or permit, the ~~commissioner~~ *board* is not required to prorate the fee.

4 (h) This section shall be a part of and supplemental to ~~K.S.A. 47-~~  
 5 ~~1701 et seq., and amendments thereto~~ *the Kansas pet animal act.*

6 Sec. 20. K.S.A. 47-1723 is hereby amended to read as follows: 47-  
 7 1723. (a) It shall be unlawful for any person, except a licensed  
 8 veterinarian, to act as or be a boarding or training kennel operator unless  
 9 such person has obtained from the ~~commissioner~~ *board* a boarding or  
 10 training kennel operator license for each premises operated by such  
 11 person. Application for such license shall be made in writing on a form  
 12 provided by the ~~commissioner~~ *board*. The license period shall be for the  
 13 license year ending on September 30 following the issuance date.

14 (b) This section shall be a part of and supplemental to ~~K.S.A. 47-~~  
 15 ~~1701 et seq., and amendments thereto~~ *the Kansas pet animal act.*

16 Sec. 21. K.S.A. 47-1725 is hereby amended to read as follows: 47-  
 17 1725. (a) There is hereby created the Kansas pet animal advisory board,  
 18 consisting of ~~10~~ 9 members. Members shall be appointed by the ~~governor~~  
 19 *pet animal board of veterinarians* as follows:

20 (1) One member shall be a representative of a licensed animal shelter  
 21 or pound;

22 (2) one member shall be an employee of a licensed research facility;

23 (3) one member shall be a licensed animal breeder;

24 (4) one member shall be a licensed retail breeder;

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

26 (6) one member shall be a licensed veterinarian and shall be selected  
 27 from a list of three names presented to the ~~governor~~ *pet animal board of*  
 28 *veterinarians* by the Kansas veterinary medical association;

29 (7) ~~one member shall be a private citizen with no link to the industry;~~

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

31 (9)(8) one member shall be a licensed hobby breeder; and

32 (10)(9) one member shall be a licensed boarding or training kennel  
 33 operator.

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

36 (c) A vacancy on the board of a member shall be filled for the  
 37 unexpired term by appointment by the ~~governor~~ *pet animal board of*  
 38 *veterinarians*.

39 (d) The board shall meet at least once every calendar quarter  
 40 regularly or at such other times as the chairperson or a majority of the  
 41 board members determine. A majority of the members shall constitute a  
 42 quorum for conducting board business.

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

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

2 (1) To advise the ~~Kansas animal health commissioner~~ *pet animal*  
3 *board of veterinarians* on hiring a director to implement the Kansas pet  
4 animal act;

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

6 (3) to make recommendations on changes to the Kansas pet animal  
7 act; and

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

10 (g) Board members ~~who are required to be licensed, except retail~~  
11 ~~breeders, shall be affiliated with or a member of an organized pet animal~~  
12 ~~association which is representative of the position such person will hold on~~  
13 ~~the board shall not be a member of any animal rights group as determined~~  
14 ~~by the pet animal board of veterinarians.~~

15 (h) *Board members shall not receive compensation for service on the*  
16 *board.*

17 Sec. 22. K.S.A. 47-1726 is hereby amended to read as follows: 47-  
18 1726. K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723 through 47-1727,  
19 47-1731, and K.S.A. 47-1732 through 47-1736, and amendments thereto,  
20 *and sections 1 and 2, and amendments thereto*, shall be known and may be  
21 cited as the Kansas pet animal act. This act shall license, permit and  
22 regulate the conditions of certain premises and facilities within the state of  
23 Kansas where animals are maintained, sold or offered or maintained for  
24 sale. The provisions of this act shall not apply to any farm, kennel or other  
25 premises registered with and inspected by the national greyhound  
26 association which is used solely for the purposes of breeding, maintaining,  
27 training or selling greyhound dogs, as greyhound is defined in K.S.A. 74-  
28 8802, and amendments thereto. The ~~commissioner~~ *board* shall have the  
29 authority to enter into agreements with the national greyhound association  
30 pertaining to the aforementioned greyhound premises. Notwithstanding  
31 any other provisions of this section, any agreements between the  
32 ~~commissioner~~ *board* and the national greyhound association may contain  
33 terms allowing the ~~commissioner~~ *board* to access records, complete  
34 inspections of such premises and other related matters.

35 Sec. 23. K.S.A. 47-1727 is hereby amended to read as follows: 47-  
36 1727. Notwithstanding the existence or pursuit of any other remedy, when  
37 it appears to the ~~commissioner~~ *board* that any person is violating any  
38 provisions of the Kansas pet animal act, the ~~commissioner~~ *board* may  
39 bring an action in a court of competent jurisdiction or other process against  
40 such person to enjoin, restrain or prevent such person from continuing  
41 operation in violation of the Kansas pet animal act without regard to  
42 whether administrative proceedings have been or may be instituted or  
43 whether criminal proceedings may be or have been instituted.

1       Sec. 24. K.S.A. 47-1731 is hereby amended to read as follows: 47-  
2 1731. (a) No dog or cat may be transferred to the permanent custody of a  
3 prospective owner by a pound or animal shelter, as defined by K.S.A. 47-  
4 1701, and amendments thereto, or by a humane society, unless:

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

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

16       (b) No person shall spay or neuter any dog or cat for or on behalf of a  
17 pound or animal shelter unless such person is a licensed veterinarian or a  
18 student currently enrolled in the college of veterinary medicine, Kansas  
19 state university, who has completed at least two years of study in the  
20 veterinary medical curriculum and is participating in a spay or neuter  
21 program and as part of the curriculum under the direct supervision of a  
22 licensed veterinarian. Students shall only spay or neuter any dog or cat that  
23 belongs to the pound or animal shelter, and shall not spay or neuter any  
24 dog or cat that belongs to a member ~~or~~ of the public. No pound or animal  
25 shelter shall designate the veterinarian ~~which that~~ a person ~~must~~ shall use,  
26 or a list from which a person ~~must~~ shall select a veterinarian, to spay or  
27 neuter a dog or cat transferred by such person from such pound or animal  
28 shelter. Any premises located in the state of Kansas where the spaying,  
29 neutering or any other practice of veterinary medicine occurs shall register  
30 such premises with the board of veterinary examiners.

31       (c) With the written approval of the ~~animal health commissioner~~  
32 *board*, any pound or shelter may use an innovative spay or neuter program  
33 not precisely meeting the requirements of subsection (a)(2), if the pound or  
34 shelter can prove to the ~~commissioner~~ *board* that it is actively enforcing  
35 the spaying and neutering requirements set forth in this ~~statute~~ *section*.

36       (d) Nothing in this section shall be construed to require sterilization  
37 of a dog or cat ~~which that~~ is being held by a pound or animal shelter and  
38 ~~which that~~ may be claimed by ~~its~~ *the* rightful owner of such dog or cat  
39 within the holding period established in K.S.A. 47-1710, and amendments  
40 thereto.

41       (e) The ~~animal health commissioner~~ *board* shall ~~promulgate~~ *adopt*  
42 rules and regulations as may be necessary to carry out the provisions of  
43 this section.

1       Sec. 25. K.S.A. 47-1732 is hereby amended to read as follows: 47-  
2 1732. (a) Any licensee or permit holder required to be licensed or obtain a  
3 permit under the Kansas pet animal act, who is in the process of ceasing to  
4 do business on July 1, may be issued a temporary closing permit at the  
5 discretion of the ~~commissioner~~ board.

6       (b) Application for such permit shall be made in writing on a form  
7 provided by the ~~commissioner~~ board.

8       (c) The permit ~~will~~ shall be effective for 30 days. During the 30-day  
9 period, the licensee or permit holder shall be required to comply with the  
10 Kansas pet animal act and all rules and regulations adopted thereunder. By  
11 accepting such permit, the licensee or permit holder agrees to allow an  
12 inspection of the facility at the end of the 30-day period to certify that the  
13 operation has ceased business. The licensee or permit holder shall provide  
14 records as to the disposition of the animals to the ~~commissioner~~ board  
15 upon request.

16       (d) The permit may be renewed, at the discretion of the ~~commissioner~~  
17 board, for an additional 30-day period.

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

20       Sec. 26. K.S.A. 47-1733 is hereby amended to read as follows: 47-  
21 1733. (a) It shall be unlawful for any person to act as or be an animal  
22 breeder unless such person has obtained from the ~~commissioner~~ board an  
23 animal breeder license for each animal breeder premises operated by such  
24 person. Application for each such license shall be made in writing on a  
25 form provided by the ~~commissioner~~ board. The license period shall be for  
26 the license year ending on September 30 following the issuance date.

27       (b) This section shall be a part of and supplemental to the Kansas pet  
28 animal act.

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

37       (b) This section shall be a part of and supplemental to the Kansas pet  
38 animal act.

39       Sec. 28. K.S.A. 47-1735 is hereby amended to read as follows: 47-  
40 1735. (a) A licensee, permittee or applicant for a license or permit shall not  
41 interfere with, hinder, threaten or abuse, including verbal abuse, any  
42 representative or employee of the ~~animal health department~~ board who is  
43 carrying out such representative's or employee's duties under the

1 provisions of the Kansas pet animal act.

2 (b) This section shall be *a* part of and supplemental to the Kansas pet  
3 animal act.

4 Sec. 29. K.S.A. 47-1736 is hereby amended to read as follows: 47-  
5 1736. (a) It shall be unlawful for any person to act as or be a retail breeder  
6 unless such person has obtained from the ~~commissioner~~ *board* a retail  
7 breeder license for each retail breeder premises operated by such person.  
8 Application for each such license shall be made in writing on a form  
9 provided by the ~~commissioner~~ *board*. The license period shall be for the  
10 license year ending on September 30 following the issuance date.

11 (b) This section shall be *a* part of and supplemental to the Kansas pet  
12 animal act.

13 Sec. 30. K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-  
14 1706a, 47-1707, 47-1708, 47-1709, 47-1711, 47-1712, 47-1713, 47-1715,  
15 47-1718, 47-1719, 47-1720, 47-1721, 47-1723, 47-1725, 47-1726, 47-  
16 1727, 47-1731, 47-1732, 47-1733, 47-1734, 47-1735 and 47-1736 are  
17 hereby repealed.

18 Sec. 31. This act shall take effect and be in force from and after its  
19 publication in the statute book.