Session of 2025

SENATE BILL No. 130

By Committee on Agriculture and Natural Resources

1-30

AN ACT concerning agriculture; relating to the Kansas pet animal act; updating provisions for operating an animal shelter or pound; making changes to certain defined terms; modifying authority pertaining to refusal to issue or renew and the modification, limitation, suspension or revocation of any license or permit; providing for making immediate actions to protect the public interest; requiring the posting of a cash or security bond to pay for the costs of caring for a seized or impounded pet animal; requiring certain licensees that cease to engage in licensed activity to notify the commissioner at least 10 days prior to ceasing business, or if extenuating circumstances exist, not later than the date such activity ceases; requiring a closing inspection to confirm that licensed activity has ceased prior to expiration of the license period; requiring certain additional rules and regulations; increasing the maximum amount of certain fees; clarifying the conditions required for a licensed veterinarian to act as or be a boarding or training kennel operator; changing the date during which a licensee or permit holder that is in the process of ceasing to do business may be issued a temporary closing permit; amending K.S.A. 47-1701, 47-1704, 47-1706, 47-1706a, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-1723 and 47-1732 and repealing the existing sections.

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

Section 1. K.S.A. 47-1701 is hereby amended to read as follows: 47-1701. As used in the Kansas pet animal act, unless the context otherwise requires:

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

(b) "Adequate watering" *for dogs and cats* means a supply of clean, fresh~~,~~ *and* potable water~~,~~ supplied in a sanitary manner~~ and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours~~ *and made continuously available unless the licensee's or permittee's documented program of routine veterinary care specifies a medical reason otherwise, or unless the dog or cat is being transported. For all other animals,*

"adequate watering" means a supply of clean, fresh and potable water supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species.

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

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

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

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

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

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

(h) "Cat" means an animal that is wholly or in part of the species Felis domesticus.

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

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

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

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

(m) "Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale

or sold, offered or maintained for sale per license year. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

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

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

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

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

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

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

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

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

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

(2) "Pet shop" does not include:

(A) Any pound or animal shelter;

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

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

(3) Nothing in this section prohibits inspection of those premises that sell only fish to verify that only fish are being sold.

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

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

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

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

(y) "Sanitize" means to make physically clean and to remove and

destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

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

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

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

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

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

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

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

~~(C)~~*(3)* all documentation required by ~~subsections (dd)(1)(A)~~ *paragraphs (1)* and ~~(dd)(1)(B)~~ *(2)* shall be made available to the commissioner or the commissioner's authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

~~(2) "Adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.~~

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

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

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

(hh) "Retail" means any transaction where the animal is sold to the

final consumer.

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

(jj) "Resale" means a person's selling of animals in Kansas, previously purchased from another person, to consumers or to someone else further down the chain of distribution.

Sec. 2. K.S.A. 47-1704 is hereby amended to read as follows: 47-1704. (a) ~~It shall be unlawful for any person to operate a pound or animal shelter,~~ Except *for* a licensed veterinarian who operates ~~such~~ *a* pound or animal shelter from such licensed veterinarian's ~~clinic,~~ *veterinary premises, as defined in K.S.A. 47-816, and amendments thereto, no person shall operate a pound or animal shelter* unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on September 30 following the issuance date.

(b) The Kansas department of agriculture shall not require any individual to be licensed who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter. Any such animal shelter shall keep a current list of such individuals who have written and signed an agreement to provide such temporary care.

Sec. 3. K.S.A. 47-1706 is hereby amended to read as follows: 47-1706. (a) The commissioner may refuse to issue or renew or may *modify, limit,* suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for any one or more of the following reasons:

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

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

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

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

(5) substantial misrepresentation;

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

(7) fraudulent bill of sale;

(8) the housing facility or the primary enclosure is inadequate.

Nothing in this act shall be construed as preventing any licensee or permittee from operating in such licensee's or permittee's private home or residence if such home or residence complies with the requirements of this act and rules and regulations adopted hereunder;

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

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

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

(b) The commissioner shall refuse to issue or renew and shall suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of~~ K.S.A. 21-6412*(a)(1) through (6)*, and amendments thereto.

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

(d) Notwithstanding subsection (c), nothing shall preclude the commissioner from*:*

(1) Issuing a quarantine order in accordance with K.S.A. 77-536, and amendments thereto, on any premises regulated under this act wherein the animals are found to be infected with a contagious or zoonotic disease which may infect animals or humans that may come into contact with or be exposed to such animals*; or*

(2) taking immediate action to protect the public interest in accordance with K.S.A. 77-536, and amendments thereto, including, but not limited to, ordering a licensee or permittee that has failed to remedy a violation of one or more provisions of this act, or that has received an order of suspension or revocation, to immediately cease acquiring or breeding additional animals until such time that either the violation is remedied, or final resolution of suspension or revocation order is effectuated.

(e) Whenever the commissioner denies, *modifies, limits,* suspends or revokes a license or permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound

any animals in the possession, custody or care of the person whose license or permit is denied, *modified, limited,* suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded *pursuant to K.S.A. 47-1706a, and amendments thereto*, if that person's license or permit is denied, *modified, limited,* suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or permit is not denied, *modified, limited,* suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment *pursuant to K.S.A. 47-1706a, and amendments thereto*.

Sec. 4. K.S.A. 47-1706a is hereby amended to read as follows: 47-1706a. (a) *(1)* When an animal is seized or impounded pursuant to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, *if* the owner or person who was in possession of the animal at the time such animal was seized or impounded ~~may~~ *desires to prevent the sale, placement or euthanasia of the animal pending final adjudication following the disposition hearing, such owner or person shall* post a cash or security bond as provided in this section ~~which shall prevent the sale, placement or euthanasia of the animal~~*, and if such cash or security bond is posted as provided in this section, the animal shall not be sold, placed or euthanized until a final determination is made as to whether the animal may be returned to the person*.

(2) Such cash or security bond shall be in an amount sufficient to pay for the animal's care and keeping for a period of at least 30 days, commencing on the date which the animal was seized or impounded.

(3) Any such security bond or any security bond as provided in subsection (b) shall be approved by the Kansas department of agriculture division of animal health.

(b) *(1)* Such bond shall be filed with the Kansas department of agriculture division of animal health and shall be posted on or before the date of the disposition hearing or within 10 days after the animal is seized or impounded, whichever is earlier.

(2) At the end of the time for which expenses are covered by the bond if the owner or person who was in possession of the animal at the time it was seized or impounded desires to prevent disposition of the animal, such owner or person shall post a new cash or security bond prior to the

previous bond's expiration.

(3) At the end of the time for which expenses are covered by the bond, the animal may be sold, placed or euthanized.

(4) A person's failure to post such bond within the 10-day period shall result in the automatic legal transfer of the animals to the commissioner for transfer, placement, or other disposition of the animal. In no case shall the required posting date of a cash or security bond issued pursuant to this section be extended by any court or other tribunal past 10 days from the date of seizure, regardless of whether the disposition hearing takes place prior to expiration of such 10 days.

(5) The commissioner is authorized to enter into agreements with any licensed animal shelter or rescue network for the purpose of housing and providing care for pet animals seized by the commissioner under K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto. The commissioner shall reimburse any licensed shelter or rescue network for the costs of care and services provided to animals on behalf of the commissioner in accordance with such agreement, out of the funds appropriated for such reimbursement.

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

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

(e) This act ~~is~~ *shall be a part of and* supplemental to ~~and shall become a part of~~ the Kansas pet animal act.

Sec. 5. K.S.A. 47-1707 is hereby amended to read as follows: 47-1707. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil penalty not exceeding $1,000 for each violation or require such person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the penalty or the educational course. If such person chooses the penalty, the commissioner shall establish the amount pursuant to the penalty provisions of this section. The educational course shall be administered by the commissioner in consultation with Kansas state university college of veterinary medicine *or by an organization generally accepted by the veterinary community as reputable, as determined by the commissioner.*

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

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or permitted under the Kansas pet animal act has failed to comply with or has violated any provision of the Kansas pet animal act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder *pursuant to K.S.A. 47-1706a, and amendments thereto*. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment *pursuant to K.S.A. 47-1706, and amendments thereto*.

Sec. 6. K.S.A. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained

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

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

(d) *(1) Except a temporary pet shop, any licensee who ceases or plans to cease to engage in activity requiring licensure pursuant to this act shall notify the commissioner at least 10 days prior to the date of ceasing such activity, unless advance notice is not possible due to extenuating circumstances, then a licensee shall notify the commissioner no later than the date licensed activity ceases.*

(2) Upon notification to the commissioner by a licensee of the date such licensee ceases or plans to cease to engage in activity requiring licensure pursuant to this act, the commissioner or the commissioner's authorized representatives shall conduct a closing inspection to confirm such activity has ceased prior to expiration of the license period.

(3) The provisions of this subsection shall only apply to licensees who maintain dogs or cats on such licensee's premises.

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

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

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

~~(g)~~*(h)* Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section

shall be guilty of a class A nonperson misdemeanor.

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

~~(i)~~*(j)* Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health~~. Records of a deficiency or violation shall not be maintained~~ for ~~longer~~ *not less* than ~~three~~ *five* years ~~after the deficiency or violation is remedied~~.

~~(j)~~*(k)* The commissioner~~, in consultation with Kansas state university college of veterinary medicine~~, shall:

(1) ~~Continue~~ *Develop and provide* procedures ~~to provide~~ for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act ~~and to~~ *on pet animal care practices, including, but not limited to:*

(A) Best management practices for the well-being of animals;

(B) disease prevention and management;

(C) operation biosecurity measures;

(D) generally accepted medical recommendations established by the American veterinary medical association; and

(E) identification of neglect and cruelty to animals;

(2) allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and

~~(2)~~ *(3)* make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

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

Sec. 7. K.S.A. 47-1712 is hereby amended to read as follows: 47-1712. (a) The commissioner is hereby authorized to adopt rules and regulations for licensees and permittees. Such rules and regulations shall include, but not be limited to, provisions relating to:

(1)− Reasonable treatment of animals in the possession, custody or care of a licensee or permittee or being transported to or from licensed or permitted premises;

(2)~~—~~ a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease;

(3)~~-~~ identification of animals handled;

(4)~~-~~ primary enclosures;

(5)~~-~~ housing facilities;

(6)~~-~~ sanitation;

(7)~~-~~ euthanasia;

(8)~~-~~ ambient temperatures;

(9)~~-~~ feeding;

(10)~~-~~ watering;

(11)~~-~~ *disease prevention;*

(12) biosecurity;

(13) adequate veterinary medical care;

~~(12)~~ *(14)* inspections of licensed or permitted premises, *including closing inspections;*

(15) investigations of complaints ~~and~~*;*

(16) training of persons conducting ~~such~~ inspections and investigations; and

~~(13)~~ *(17)* a requirement that each licensee or permittee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of the Kansas pet animal act.

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

(1) Best management practices for the care and well-being of animals;

(2) disease prevention; and

(3) generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association.

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

Sec. 8. K.S.A. 47-1715 is hereby amended to read as follows: 47-1715. (a) Any violation of or failure to comply with any provision of the Kansas pet animal act, or any rule and regulation adopted hereunder, shall constitute a class A nonperson misdemeanor. Continued operation, after a

conviction, shall constitute a separate offense for each day of operation.

(b) Upon a conviction of a person for any violation of the Kansas pet animal act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person *pursuant to K.S.A. 47-1706a, and amendments thereto*. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment *pursuant to K.S.A. 47-1706a, and amendments thereto*.

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

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

~~(2) except as provided in paragraphs (5) through (8) and paragraph (10) for a license for any other premises~~ *(9)*, an amount not to exceed $600;

~~(3)~~*(2)* for a temporary closing permit, an amount not to exceed $95;

~~(4)~~*(3)* for an out-of-state distributor permit, an amount not to exceed $675;

~~(5)~~*(4)* for a hobby breeder license or a kennel operator license, an amount not to exceed $250;

~~(6)~~*(5)* for an animal shelter in a first-class city, as defined in K.S.A. 13-101, and amendments thereto, *an amount* not to exceed $400;

~~(7)~~*(6)* for an animal shelter in a second-class city, as defined in K.S.A. 14-101, and amendments thereto, *an amount* not to exceed $335;

~~(8)~~*(7)* for an animal shelter in a third-class city, as defined in K.S.A. 15-101, and amendments thereto, *an amount* not to exceed $285;

~~(9)~~*(8)* a late fee of $70 shall be assessed to any person whose permit or license renewal is not renewed prior to October 1; and

~~(10)~~*(9)* for any premises required to be licensed under the Kansas pet animal act under multiple license categories, payment for only the most

expensive license and a $50 fee for each additional applicable license. Such premises shall comply with the applicable laws and rules and regulations pertaining to each license category.

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

(c) If a licensee, permittee or applicant for a license or permit requests an inspection of the premises of such licensee, permittee or applicant, the commissioner shall charge a fee of $200 to cover the costs of such inspection.

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

~~(2)~~*(e)* If a premises fails an inspection, such owner, licensee or permittee shall be required to pay a $200 re-inspection fee for any subsequent inspection. Such payment ~~must~~ *shall* be made in advance of the re-inspection, and failure to do so shall result in the revocation of any such licensee's or permittee's license or permit. The owner of the premises shall be required to~~.~~*:*

(1) Reapply for any licenses or permits that were revoked pursuant to this subsection ~~and shall be required to:~~*;*

~~(A)~~*(2)* pay the fee for the new permit or license application;

~~(B)~~*(3)* pass an initial inspection; and

~~(C)~~*(4)* pay any past due fees before the new license or permit can be issued.

~~(e)~~*(f)* No fee or assessment required pursuant to this section shall be refundable.

~~(f)~~*(g)* The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with

the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal dealers fee fund, which is hereby created in the state treasury. Moneys in the animal dealers fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal dealers fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Kansas animal health commissioner or the commissioner's designee.

~~(g)~~*(h)* Except ~~as provided further,~~ when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for a premises that has been doing business but is not licensed or permitted. If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.

~~(h)~~*(i) The commissioner shall prepare an annual report on the finances of the animal facilities inspection program, including, but not limited to, an accounting of moneys received and expended by the animal facilities inspection program. The report shall be presented annually to the Kansas pet animal advisory board.*

(j) This section shall be *a* part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 10. K.S.A. 47-1723 is hereby amended to read as follows: 47-1723. (a) ~~It shall be unlawful for any person,~~ Except *for* a licensed veterinarian~~, to~~ *who operates a boarding or training kennel from such licensed veterinarian's veterinary premises, as defined in K.S.A. 47-816, and amendments thereto, no person shall* act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on September 30 following the issuance date.

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

Sec. 11. K.S.A. 47-1732 is hereby amended to read as follows: 47-1732. (a) Any licensee or permit holder required to be licensed or obtain a permit under the Kansas pet animal act, who is in the process of ceasing to do business on ~~July 1~~ *September 30*, may be issued a temporary closing

permit at the discretion of the commissioner.

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

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

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

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

Sec. 12. K.S.A. 47-1701, 47-1704, 47-1706, 47-1706a, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-1723 and 47-1732 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.