

Approved: 3-31-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 27, 1995 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Sen. Oleen explained to the committee that the committee would continue discussion and take possible action on bills previously heard and turned to **SB 252**. Sen. Oleen called on Mary Torrence, Revisor of Statutes, to go through the bill and the balloon of the bill which showed the proposed amendments (Attachment 1). Sen. Gooch stated that he believed that if the owner of the dog is not given the option of putting the dog to sleep because of a ruling by the court, then the owner should not have to pay for the care of the dog. Sen. Parkinson made a motion to amend the bill to read that if, after 10 days, the owner does not post a surety bond for the dog, then the kennel can put the dog up for adoption or may put the dog to sleep. Sen. Ramirez seconded the motion; the motion passed.

Sen. Praeger made a motion to amend the bill to read that a surety bond is required only for dogs confiscated for illegal reasons. Sen. Papay seconded the motion; the motion passed.

Sen. Oleen announced that the committee had follow-up information from Dr. Clell Solomon regarding **SB 252** (Attachment 2). Sen. Ramirez made a motion to report the bill favorably as amended and the motion was seconded by Sen. Praeger. The motion passed.

Sen. Oleen asked the committee to turn its attention to **HB 2105** and called on Mary Torrence, Revisor of Statutes, to review the bill. Sen. Oleen called for discussion on the bill. Sen. Walker made a motion to strike the language referring to lender credit cards and to add language which would allow the purchasing of liquor by all credit cards. The motion was seconded by Sen. Gooch; the motion failed.

Sen. Vidricksen made a motion to report the bill favorably and the motion was seconded by Sen. Ramirez. Sen. Oleen called for discussion on the motion and Sen. Tillotson stated that she could not support the bill as she believed that consumption would indeed increase on the designated holidays and that the increased consumption could increase the traffic fatalities associated with drinking on those holidays. Sen. Tillotson made a substitute motion to report the bill unfavorably and the motion was seconded by Sen. Walker. The motion failed. Sen. Oleen called for continued discussion on the original motion to report the bill favorably, and seeing none, called for a vote. The motion passed.

Sen. Oleen called for further discussion, and seeing none, the meeting was adjourned at 11:45 a.m.

The next meeting is scheduled for February 28, 1995.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 2-27-95

| NAME | REPRESENTING |
|-----------------|-------------------------------|
| Jim Conant | ABC |
| Sandra Dowell | Dowell Liquor |
| Roger Franz | Ks Gov Consulting |
| John R Campbell | Campbell Dist. Inc. |
| Neal Whitaker | Ks Beer Wholesalers Assn |
| TUCK DUNCAN | Ks Wine & Spirits Wholesalers |
| HATTY PETERSON | Distilled Spirits |
| STEVE KEARNEY | KOMA / CSAK |
| Charles Nicolay | KOMA / CSAK |
| Dave Schneider | Kansans For Life At Its Best |
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SENATE BILL No. 252

By Committee on Federal and State Affairs

2-7

9 AN ACT concerning animals; relating to certain crimes and penalties
 10 therefor; providing for disposition of certain animals taken into cus-
 11 tody; relating to licensure and regulation of pounds and animal shel-
 12 ters; amending K.S.A. 21-4311, 21-4316, 47-1701, 47-1704, 47-1710,
 13 ~~47-1718~~' and 47-1731 and K.S.A. 1994 Supp. 21-4310 and repealing
 14 the existing sections. 47-1712

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

17 Section 1. K.S.A. 1994 Supp. 21-4310 is hereby amended to read as
18 follows: 21-4310. (a) Cruelty to animals is:

19 (1) Intentionally killing, injuring, maiming, torturing or mutilating
20 any animal;

21 (2) abandoning or leaving any animal in any place without making
22 provisions for its proper care; or

23 (3) having physical custody of any animal and failing to provide such
24 food, potable water, protection from the elements, opportunity for ex-
25 ercise and other care as is needed for the health or well-being of such
26 kind of animal.

27 (b) The provisions of this section shall not apply to:

28 (1) Normal or accepted veterinary practices;

29 (2) bona fide experiments carried on by commonly recognized re-
30 search facilities;

31 (3) killing, attempting to kill, trapping, catching or taking of any an-
32 imal in accordance with the provisions of chapter 32 or chapter 47 of the
33 Kansas Statutes Annotated;

34 (4) rodeo practices accepted by the rodeo cowboys' association;

35 (5) the humane killing of an animal which is diseased or disabled
36 beyond recovery for any useful purpose, or the humane killing of animals

37 for population control, by the owner thereof or the agent of such owner
38 residing outside of a city or the owner thereof within a city if no animal
39 shelter, ~~pound~~ or licensed veterinarian is within the city, or by a licensed

40 veterinarian at the request of the owner thereof, or by any officer or agent
41 of an incorporated humane society, the operator of an animal shelter or ~~or~~ , pound

~~pound,~~ a local or state health officer or a licensed veterinarian three or pound

business days following the receipt of any such animal at such society;

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Attachment 1

Attachment 1

~~shelter or pound or shelter,~~

(6) with respect to farm animals, normal or accepted practices of animal husbandry;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

(c) Cruelty to animals is a class B A nonperson misdemeanor.

Sec. 2. K.S.A. 21-4311 is hereby amended to read as follows: 21-4311. (H) (a) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. ~~If the animal is placed in the care of an animal shelter, the animal shelter shall notify the owner or custodian, if known or reasonably ascertainable. The animal shelter may place the animal for adoption or euthanize the animal at any time after 10 days after the owner or custodian is notified or, if the owner or custodian is not known or reasonably ascertainable after 10 days after the animal is taken into custody, unless the owner or custodian of the animal files a cash or corporate surety bond with the county treasurer of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days.~~

~~(2) (b) The owner or custodian of an animal placed for adoption or killed pursuant to subsection (H) (a) shall not be entitled to recover damages for the placement or killing of such animal unless the owner proves that such placement or killing was unwarranted.~~

~~(3) (c) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (H) (a), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.~~

(3) (c) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (H) (a), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

, shelter or pound

The animal may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the animal, other animals at the animal shelter or pound or personnel of the animal shelter or pound.

or pound, such shelter or pound

or pound

, treatment and boarding of the animal for 30 days. The animal shelter or pound may place the animal for adoption or euthanize the animal when the period of time covered by the bond expires unless there is a court order which prohibits placement or euthanasia of the animal and provides for a bond or other security in the amount necessary to protect the animal shelter or pound having custody of the animal from any cost of the care, treatment and boarding of the animal. The animal shelter or pound shall give notice of the provisions of this section by posting a copy of this section at the place where the animal was taken into custody or by delivering it to a person residing on the property.

if a licensed veterinarian found the animal to be diseased or disabled beyond recovery for any useful purpose or if the owner or custodian failed to post bond or security for the cost of care, treatment and boarding of the animal after being notified of impoundment of the animal

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Provision
Amended
Bob Kominig

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(4) (d) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the county or district attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.

(5) (e) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

Sec. 3. K.S.A. 21-4316 is hereby amended to read as follows: 21-4316. (a) When a person is arrested under K.S.A. ~~1983 Supp.~~ 21-4315 and amendments thereto, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested ~~under subsection (a) or (c) of K.S.A. 1983 Supp. for unlawful conduct of dog fighting or for attending the unlawful conduct of dog fighting, under K.S.A. 21-4315 and amendments thereto.~~

(b) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. *If the dog is placed in the care of an animal shelter, the animal shelter may place the dog for adoption or euthanize the dog at any time after 10 days after the dog is taken into custody unless the owner or custodian of the dog files a cash or corporate surety bond with the county treasurer of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days.* Except as provided in subsection (c), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under K.S.A. 21-4315 or 21-4310, *and amendments thereto.* The owner or keeper of a dog *placed for adoption* or humanely killed under this subsection (b) shall not be entitled to damages unless the owner or keeper proves that such *placement or killing* was warranted.

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(c) If a person is convicted of unlawful conduct of dog fighting or attending the unlawful conduct of dog fighting under K.S.A. 1083 Supp. 21-4315 and amendments thereto, a dog taken into custody pursuant to subsection (a) shall not be returned to such person and the expenses incurred for the care, treatment and boarding of such dog prior to conviction of the owner or keeper shall be assessed to the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 21-4311 and amendments thereto.

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

(a) "Adequate feeding" means supplying at suitable intervals (not to exceed 24 hours) of 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" means a supply of clean, fresh, 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.

(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 or domestic fowl.

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

(f) (1) "Animal dealer premises" means any premises where dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another. **, no-kill shelter**

(2) Animal dealer premises does not include: (A) Any pound or animal shelter; or (B) any premises described in subsection (m)(1).

(g) "Animal shelter" means a facility which is used ~~or designed for use to house or contain any animal for the purpose of impounding or harboring any seized stray, homeless or abandoned animal and which is~~ **owned**

~~(1) Owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organizations devoted to the welfare, protection and humane treatment of animals;~~

~~(2) operated by the state, or any political subdivision thereof; or~~

~~(3) operated under contract with any municipality or incorporated society for the prevention of cruelty to animals.~~

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

3 (i) "Commissioner" means the livestock commissioner appointed by
4 the Kansas animal health board.

5 (j) "Dog" means any animal which is wholly or in part of the species
6 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
7 74-8802 and amendments thereto.

8 (k) "Dog warden" means any person employed by, contracted with
9 or appointed by the state, or any political subdivision thereof, for the
10 purpose of aiding in the enforcement of this law, or any other law or
11 ordinance relating to the licensing of animals, control of animals or seizure
12 and impoundment of animals, and includes any state, county or municipal
13 law enforcement officer, animal control officer, constable or other em-
14 ployee, whose duties in whole or in part include assignments which in-
15 volve the seizure or taking into custody of any animal.

16 (l) "Euthanasia" means the humane destruction of an animal, which
17 may be accomplished by any of those methods provided for in K.S.A. 47-
18 1718 and amendments thereto.

19 (m) (1) "Hobby kennel" means any premises where only dogs or cats,
20 or both, which are produced and raised on such premises are sold, or
21 offered or maintained for sale, by a person who resides on such premises,
22 but only if the total number of dogs or cats, or both, which are produced
23 and raised on such premises and are sold during the registration year is
24 fewer than all or part of six litters of animals or 30 individual animals,
25 whichever is less, whether such animals are dogs or cats, or both.

26 (2) Hobby kennel does not include: (A) Any pound or animal shelter;
27 or (B) any premises where fewer than all or part of three litters of animals,
28 whether dogs or cats, or both, are sold during the registration year.

29 (n) "Hobby kennel operator" means any person who operates a
30 hobby kennel.

31 (o) "Housing facility" means any room, building or area used to con-
32 tain a primary enclosure or enclosures.

33 (p) (1) "Kennel operator" means any person who operates an estab-
34 lishment where animals are maintained for boarding or similar purposes
35 for a fee or compensation.

36 (2) Kennel operator does not include an "animal dealer," "pet shop"
37 or "hobby kennel" or any person on whose premises there are maintained,
38 fewer than four dogs or cats, or both, in any one week.

39 (q) "Kennel operator premises" means the facility of a kennel oper-
40 ator.

41 (r) "License year" or "registration year" means the 12-month period
42 ending on June 30.

43 (s) "Person" means any individual, association, partnership, corpo-

, no-kill shelter

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(s) "No-kill shelter" means a facility where 20 or more dogs or cats,
or both, are maintained for the purpose of collecting, accumulating,
amassing or maintaining the animals, or offering the animals for adoption.
A no-kill shelter is a shelter that does not prescribe to euthanasia of
unwanted animals.

Reletter subsections (s)-(u) as (t)-(v)

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ration 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 which 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 dealer premises, or any premises described in subsection (m)(1), where the only animals, other than dogs or cats, which are sold, or offered or maintained for sale, are animals which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person residing on such premises.

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

(v) "Pound" means a facility:

(1) Operated by the state, or any political subdivision thereof, for the purpose of impounding or harboring any seized stray, homeless or abandoned animal; or

(2) operated for such a purpose under contract with any municipality or incorporated society for the prevention of cruelty to animals or by another person under contract with such municipality.

(w) (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.

(x) (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.

(y) (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.

(z) (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.

Sec. 5. K.S.A. 47-1704 is hereby amended to read as follows: 47-1704. It shall be unlawful for any city or the officials thereof to operate a pound or any corporate entity to operate an animal shelter as a pound, except a licensed veterinarian, 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 June 30 following the issuance date.

Sec. 6. K.S.A. 47-1710 is hereby amended to read as follows: 47-

, no-kill shelter

6

(w) "Pound" means a facility which is used for the purpose of impounding or harboring any seized stray, homeless or abandoned animal and which is operated:

- (1) By the state or a political subdivision of the state; or
- (2) under contract with any municipality or incorporated society for the prevention of cruelty to animals.

Reletter subsections (v)-(y) as (x)-(aa)

person to operate a pound, no-kill shelter or

pound, no-kill shelter or

710. (a) The governing body of a political subdivision ~~regulating the operation of a pound operating an animal shelter~~ shall determine the method of disposition of any animal released from such ~~pound animal shelter~~. Any proceeds derived from ~~such the sale or other disposition of such animals~~ shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

regulating the operation of a pound

pound

(b) The board of directors of any incorporated humane society operating an animal shelter ~~as a pound, under contract with a municipality,~~ shall determine the method of disposition of any animal released from its animal shelter. Any proceeds derived from such sale or disposition shall be paid directly to the treasurer of the humane society and no part of such proceeds shall accrue to any individual.

as a pound, under contract with a municipality,

The board of directors or any incorporated no-kill shelter operating a no-kill shelter as a pound, under contract with a municipality, shall determine the method of disposition of any animal released from its no-kill shelter. Any proceeds derived from such sale or disposition shall be paid directly to the treasurer of the no-kill shelter and no part of such proceeds shall accrue to any individual.

(d)

operator of a pound, operator of a no-kill shelter as a pound or operator of an animal shelter as a pound

(c) ~~An animal shall not be disposed of by an animal dealer, operator of a pound or operator of an animal shelter as a pound until after expiration of a minimum of three (3) days of custody during which the public has clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. Such an animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift animal to an animal shelter, or euthanized by a duly incorporated humane society or by a licensed veterinarian if it appears to an officer of such humane society or to such veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.~~

~~Sec. 7. K.S.A. 47-1718 is hereby amended to read as follows: 47-1718. (a) No animal shall be euthanized by any dog warden, or officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except as follows:~~

~~(1) By administration of sodium pentobarbital, or any other barbiturate, or a euthanasia solution marketed under the trade name T-61, by any of the following methods and under the following conditions:~~

- ~~(A) Intravenous or intra-cardial injection of a lethal solution;~~
- ~~(B) oral ingestion by animals of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining in its individual cage until dead (suited for use with vicious or intractable animals);~~
- ~~(C) intraperitoneal or intra-cardial injection in animals when location of and injection into the vein is difficult or impossible;~~
- ~~(D) use of an undamaged hypodermic needle of a size suitable for the size and species of animal;~~
- ~~(E) administration to be only by or under the supervision of a licensed veterinarian.~~

~~(2) By the use of carbon monoxide gas administered in a tightly-enclosed chamber equipped with:~~

~~(Y) Internal lighting and viewport providing direct visual observation~~

of any animal within the chamber;

3 (B) a gas generation process adequate to achieve a carbon monoxide
4 gas concentration throughout the chamber of at least ~~five percent (5%)~~
5 5% within five (5) minutes after any animal is placed in the chamber;

6 (C) a suitable gauge or gas concentration indicator or recording de-
7 vice making possible easy and instantaneous visual determination of the
8 carbon monoxide concentration in the chamber;

9 (D) a means of cooling the gas, if from an internal combustion gas-
10 line engine, to a temperature not exceeding ~~one hundred fifteen (115)~~
11 ~~degrees 115°~~ fahrenheit at point of entry into the chamber and to ~~one~~
12 ~~hundred (100) degrees 100°~~ at any point within the chamber, as deter-
13 mined by temperature gauges permanently installed at point of entry and
14 inside the chamber;

15 (E) means of removing or filtering out all noxious fumes, irritating
16 acids and carbon particles from the gas before it enters the chamber;

17 (F) if an internal combustion engine is used for gas generation, a
18 means of substantially deadening the sound and vibration transmission
19 from the engine to the chamber, by placing them in separate rooms or
20 soundproof compartments and connecting them with a flexible tubing or
21 pipe at least ~~twenty-four (24)~~ 24 inches in length, so that the noise level
22 within the chamber shall not exceed ~~seventy (70)~~ 70 dBA;

23 (G) a means of keeping the animals in the chamber in separate com-
24 partments, except that young animals from the same litter may be placed
25 in a single compartment with their female parent;

26 (H) an exhaust fan connected by a gas-tight duct to the outdoors,
27 capable of completely evacuating the gas from the chamber before it is
28 opened after each use, for the protection of personnel.

29 (3) Animals under six months of age, may be euthanized with chlo-
30 roform, or with a mixture of chloroform and carbon dioxide by a means
31 approved in writing by any licensed veterinarian after inspecting the
32 equipment and method, provided the following requirements are ob-
33 served:

34 (A) The animal to be euthanized must be placed in an individual cage
35 or compartment in a small chamber or box having a tight seal, or in a
36 transparent trash bag which can be closed tight after introduction of the
37 chloroform;

38 (B) the chloroform, with the dose sufficient to euthanize the size of
39 animal, shall be placed on a paper towel, piece of gauze or ball of cotton,
40 and inserted into the chamber or bag in such a position that the animal
41 shall not be able to come in direct contact with it;

42 (C) the chamber or box, if used, must have a viewport sufficient to
43 permit unobstructed observation of the animal until dead;

44 (D) the animal must remain in the chamber or bag until rigor mortis

has set in;

(E) the room in which the chloroform is administered must have forced ventilation to remove all fumes after each use, for the protection of personnel;

(F) if a mixture of chloroform and carbon dioxide is used, the carbon dioxide shall be from a cylinder of commercially-produced gas, with the gas introduced into the chamber immediately after introduction of the chloroform through a valve which produces only a minimum of noise and permits rapid distribution within the box, with an air vent at the top of the chamber to permit exit of displaced air.

(4) By shooting, or use of a captive-bolt pistol, provided all of the following requirements are met:

(A) The animal is restrained in a humane manner so as to make possible an accurate shot without the animal becoming unduly agitated;

(B) a weapon and ammunition of suitable caliber and other characteristics are used so as to produce death with a single shot to the brain, with the bullet entering the skull at a point approximately at the point where two lines drawn diagonally from each eye to the back of the opposite ear cross;

(C) adequate precautions are taken to avoid danger to other animals and to personnel by ricocheting bullets;

(D) a captive-bolt pistol may be substituted for gun and ammunition, to provide instantaneous unconsciousness by penetration of the skull and brain, to be followed by any suitable method of producing death if the animal is not dead as a result of such penetration.

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated.

← Insert section 7, attached

Sec. 8. K.S.A. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be released for adoption from any ~~pound or~~ animal shelter, as defined by K.S.A. 47-1701 and amendments thereto, or from any duly incorporated humane society, unless:

↘ pound, no-kill shelter or

(1) Such dog or cat has been first surgically spayed or neutered; or
(2) the adopting party signs an agreement to have the dog or cat spayed or neutered and deposits with the ~~pound or animal shelter~~ funds sufficient to ensure that the dog or cat will be sterilized. Any funds deposited pursuant to such an agreement shall be refunded to the adopting party upon presentation of a written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

↘ pound, no-kill shelter or

(b) No person shall spay or neuter any dog or cat for or on behalf of ~~a pound, or~~ animal shelter or humane society unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participat-

↘ a pound, no-kill shelter,

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 hobby kennels, kennel operators, pounds, no-kill shelters, animal shelters, pet shops and research facilities. 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 registrant or being transported to or from licensed or registered premises; (2) a requirement that each licensee and registrant 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) adequate veterinary medical care; (12) inspections of licensed or registered premises, investigations of complaints and training of persons conducting such inspections and investigations; and (13) a requirement that each licensee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of the Kansas animal dealer act.

(b) The commissioner shall only adopt as rules and regulations for animal dealers and animal dealer 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 and a requirement that each animal dealer file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease.

11-1

ing in a spay or neuter program as part of the curriculum under the direct
 2 supervision of a licensed veterinarian who is a faculty member at the
 3 Kansas state university veterinary medical center. The spay or neuter
 4 program shall only be conducted at the surgery clinic at the Kansas state
 5 university medical center in Manhattan, Kansas. No ~~pound, animal shelter~~
 6 or humane society shall designate the veterinarian which a person must
 7 use, or a list from which a person must select a veterinarian, to spay or
 8 neuter a dog or cat adopted by such person from such ~~pound, shelter or~~
 9 society, nor shall such ~~pound, shelter or society~~ in any way penalize a
 10 person for such person's selection of a veterinarian to spay or neuter a
 11 dog or cat adopted from such ~~pound, shelter or society~~.

pound, no-kill shelter,

pound, no-kill shleter, animal

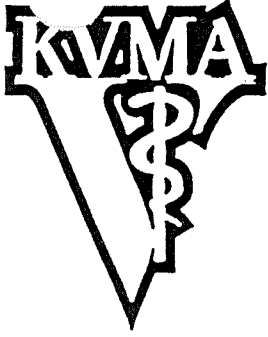
pound, no-kill shelter or

12 (c) Nothing in this section shall be construed to require sterilization
 13 of a dog or cat which is being held by a ~~pound or animal shelter~~ and which
 14 may be claimed by its rightful owner.

15 Sec. 9. ~~K.S.A. 21-4311, 21-4316, 47-1701, 47-1704, 47-1710, 47-~~
 16 ~~1718~~ and 47-1731 and K.S.A. 1994 Supp. 21-4310 are hereby repealed.

47-1712

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



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.

816 SW Tyler, Suite 200, Topeka, Kansas 66612, (913) 233-4141

FAX: (913) 233-2534

February 17, 1995

Lana Oleen, Chair
Senate Federal & State Affairs Committee
Statehouse
Topeka, Ks. 66612

RE: Senate Bill 252

Dear Chairman Oleen and Committee Members:

In hearings today on the bill referenced today, I attempted to identify portions of existing law which would benefit from amendment in additions to those amendments currently under consideration in order to be compatible with other statutes. For example:

* This bill needs legal review in context of the existing veterinary lien law (KSA 47-836) and the veterinary practice act (which begins with KSA 47-814). Senate Bill 252 needs to define the level of supervision (direct or indirect) required by a licensed veterinarian in attending to the bill's listed functions;

* Specific pharmaceuticals and other products listed by a trade name should be deleted. This is because drugs move on and off the market and, if governing law contains specifically named drugs that become outdated, then that law needs constant amending. For example, Sec. 7 KSA 47-1718 (1) should be amended to read, "By administration of (strike all language up to) a euthanasia solution or (strike all language up to) any of the following methods and under the following conditions:".

Our point is that, as long as we have the bill open and are amending it, some general clean-up would strengthen its ability to serve.

Should you have additional questions, please feel free to contact me or this organization's Executive Director Catharine Deever at 913-233-4141.

Respectfully yours,

Clell J. Solomon, DVM
Kansas Veterinary Medical Association

Sen Fed & State
2-27-95
Attachment 2

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