

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on January 16, 1996, in Room 423-S of the Capitol.

All members were present except: Representative Lloyd - Excused
Representative Crabb - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes

Conferees appearing before the committee:

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department
Candy Kramer, Hobby Breeder, Paola, KS
Bob LaGarde, Executive Director, Helping Hands Humane Society, Topeka, KS
Roger E. Lambert, APPDI Broker, Mahaska, KS
Sharon Munk, Professional Pet Breeder, Menlo, KS
Ellen Ross, Chairman, Animal Rescue Foundation of Topeka
Renee Harris, Shelter Manager, Lawrence Humane Society, Lawrence, KS
Donna Poole, Vice President/Acting President, Kansas Federation of Humane Societies, Olsburg, KS
Larry Snyder, Veterinarian, Topeka, KS
Janet Kadel, Cat Fanciers Association, Wichita, KS
Penny Klepinger, Cat Fanciers Association, Wichita, KS
Robert C. Koerperich, Selden, KS (written testimony only)

Others attending: See attached list

Hearing on HB 2607 - Amendments to the Kansas animal dealer act; renaming the Kansas pet animal act.

Debra Duncan, Director of the Animal Facilities Inspection Program for the Kansas Animal Health Department, appeared in support of **HB 2607**. (Attachment 1) She stated that this was a comprehensive revision of the Kansas Animal Dealer Act which was enacted by the 1988 Legislature. She called attention to a letter and background history of the program from the Companion Animal Advisory Board that each committee member had received prior to the meeting. The Board is unanimous in recommending the proposed changes. Most of the changes are technical in nature, either clarifying terminology or codifying things that are current policy. (Attachment 2)

Ms. Duncan stated that there were three substantive changes in the bill. The primary change involves the dog and cat breeder categories. Currently, there are three categories of breeders: Hobby Kennels, Animal Dealers, and Pet Shops. Current law is based on the number of litters produced and sold. **HB 2607** would combine all three of these categories into one: Animal Breeder. Under this definition, which is modeled after the USDA definition, those breeders having four or more sexually intact female dogs or cats (or both) who sell, offer, or maintain animals for sale would fall into this license category.

Under **HB 2607** two new license categories would be added: Animal Wholesaler and Out-of-State Distributor. An Animal Wholesaler is someone who sells or offers for sale 20 or more animals other than dogs, cats, fish, or food animals to pet shops per year. Out-of-State Distributor is someone who resides in a state other than Kansas, but who buys Kansas dogs for resale to another person. The bill would expand the number of representatives on the Animal Health Advisory Board from nine to 12 to allow a position on the board for all license categories.

Ms. Duncan included a section by section summary of **HB 2607** with her testimony, stating that most of the other revisions in the bill were technical in nature with the purpose of making the law more clear. Included with her testimony was a listing of the number of animal dealers, hobby kennels, and retail pet shops in Kansas, as well as a copy of "The Companion Animal Quarterly" for fall, 1995.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on January 16, 1996.

In response to a committee question concerning the wording "are produced or sold or offered or maintained for sale," Candy Kramer, a hobby breeder representative on the Companion Animal Advisory Board, responded that these four words were some of the most difficult for them to prepare. She thought that "are produced and sold or offered or maintained for sale" would be better language. Ms. Kramer presented written testimony as well as a copy of an article in the "Philadelphia Inquirer" concerning puppy mills. (Attachment 3)

Bob LaGarde, Executive Director, Helping Hands Humane Society, appeared in support of HB 2607. He called special attention to Sections 4, 6(ee)1, 9, 13, and 18 in his written testimony as being appropriate changes in Kansas law. In Section 23, he asked the committee to consider changing the requirement that the humane society representative on the Companion Animal Advisory Board be a member of The Federation of Humane Societies. He stated that there are 129 licensed shelters or humane societies in Kansas, however, only a small portion of that number are members of the Federation. (Attachment 4)

Roger E. Lambert, APPDI Broker and member of the Companion Animal Advisory Board, testified in support of HB 2607. He has been a distributor in Kansas for 27 years and was involved in passage of the original Kansas Animal Dealer Act. Since the Kansas law was revised in 1991, demand has exceeded supply in the midwest. He considers this an animal welfare bill and feels it is a small price to pay to make sure that all animals in Kansas are protected. There are still a few exceptions: greyhounds, large hunting facilities, and veterinarians. He would like to see no exceptions.

Sharon Munk, a professional pet breeder, testified in support of HB 2607. She expressed the importance of the Kansas Animal Dealers Act and the necessity of the additions and revisions proposed in this legislation. Today, Kansas has the model law in the industry; a nice change from the negative media of 1990. This legislation attempts to clarify and fine tune the current law. She stated that this bill is the product of three years work by the Companion Animal Advisory Board. (Attachment 5)

Ellen Ross, Chairman, Animal Rescue Foundation of Topeka, a nonprofit, no-kill facility, appeared both as a proponent and opponent of HB 2607. She liked the new Section 1 (temporary closing permit) of the bill, but thought 90 days or even 60 days would be a better time frame. She didn't feel 30 days was long enough for a no-kill facility to properly dispose of its animals. She most agreed with new Section 5 making it unlawful to interfere with a state official carrying out duties under the act. Ms. Ross closed the proponent portion of her testimony by stating that clarification is always good.

Renee Harris, Shelter Manager, Lawrence Humane Society, testified in support of HB 2607. She felt this bill represented a clearer definition of the requirements for all concerned in the companion animal industry in Kansas. With the definitions and inspection requirements outlined in the proposed legislation, she felt all individuals involved in the industry would be held accountable and responsible for the care of the animals in their custody. She especially liked the euthanasia standards set forth in the bill. She did, however, think that veterinarians should be included in this legislation. (Attachment 6)

Donna Poole, Vice President/Acting President, Kansas Federation of Humane Societies, and Companion Animal Advisory Board member from Olsburg, Kansas, testified that the Federation supports HB 2607 with one reservation. Their concern is the composition of the advisory board. They would like to see a better balance between those representing the commercial interests of the pet animal industry and those representing the public service/non-commercial interests of the industry. The Federation proposes that an additional 13th position be created on the board. This position would be filled by a representative of the Kansas Animal Control Association. KACA is a well established, professional organization of animal care professionals which provides training and information in a statewide network for its members. The Federation feels this additional member to the board would promote a more equal representation of interests. With this one change in Section 23, the Kansas Federation of Humane Societies would fully endorse HB 2607. (Attachment 7)

Dr. Larry Snyder, a practicing veterinarian from Topeka with many clients actively involved with both the show and commercial aspects of raising dogs, testified in opposition to HB 2607. He supports the clarification aspects of the bill. His objection concerns new Section 3. This section would include a lot of people that should probably not be added to the licensing requirements, specifically, owners of show animals. He doesn't think this is the intent of the bill. Show people don't contribute to the problems with commercial animals. Why now include these owners with the commercial side. He asked that new Section 3 be removed from HB 2607, or the bill be revised to not impact innocent individuals. (Attachment 8)

Ellen Ross, Chairman, Animal Rescue Foundation of Topeka, testified again, this time in opposition to HB 2607. She felt license fees could be prorated on a quarterly or semiannual basis for the initial permit, then on a yearly basis thereafter. For example, the 30-day temporary closing permit would be \$75. If closing

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on January 16, 1996.

time run to 60 days, the sum would be almost as much as a full year license. Hence her suggestion. Her main concern is on Page 3, Line 18, of the bill with the inclusion of an individual with 20 or more dogs or cats, or both, that is not breeding or selling the animals. It is her feeling that any problems with animals of individuals could better be handled at the local level.

Janet Kadel, Wichita Cat Fanciers Association, spoke in opposition to HB 2607 on behalf of concerned non-commercial pedigree cat breeders. She said the owners of show animals felt they were being taxed without representation. They have requested representation on the advisory board; those requests have been ignored. They feel they have been lumped together with commercial breeders, although their aims and goals are totally different. She asked that non-commercial pedigree cat breeders be exempt from new Section 3 of the proposed legislation although they may maintain four intact females. During questioning, it was pointed out that on Page 17, Lines 39-42 of HB 2607, that one member of the advisory board shall be an animal breeder who is actively engaged in the showing of purebred dogs or cats.

Penny Klepinger, Wichita Cat Fanciers Association, also spoke in opposition to HB 2607. As hobby breeders, she said they make no profit from the sale of any of their animals. They breed for show purposes only. She asked that show breeders be exempt from this law. She related problems she has had with state animal health inspectors in the past.

Robert C. Koerperich, Selden, a Companion Animal Advisory Board member, submitted written testimony in support of HB 2607. He felt these changes are needed to clarify terminology and make the law more equitable and user friendly. (Attachment 9)

In response to a conferee's suggestion that license fees be pro-rated, Ms. Duncan thought this could probably be done through rules and regulations for legitimate applicants, but would be hard to legislate. Her concern is those who obviously are aware of the law, but delay getting a license in a timely manner. Concerning temporary permits, she said the bill does not state that another \$75 would necessarily be charged for an additional 30 days. Time extensions can be and frequently are granted by the commissioner.

Ms. Duncan said most of her calls concerning this proposed legislation have been for clarification. She has only received 2 or 3 negative responses. She has received several calls concerning the dropping of the requirement that pet shops issue a certificate of health with each animal that is sold. The reason for dropping this requirement was that it isn't enforced and there are other consumer remedies.

In response to the concern that greyhounds and veterinarians are exempt from this bill, Ms. Duncan stated that greyhounds are covered by the Racing Commission and veterinary clinics are covered under the Veterinary Practice Act. It was her understanding that the Racing Commission inspected the racing facilities, but not the breeding facilities. She thought the Board of Veterinary Examiners had recently started inspecting veterinary facilities. Greyhounds and veterinarians could both be covered under this act if the Legislature so decided.

In answer to a committee question, Ms. Duncan stated that Section 5 was adopted from a USDA regulation. She would locate the specific regulation before final action on this bill. Jill Wolters, Revisor of Statutes, reported that harassment is defined as "a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes that person and serves no legitimate purpose." A threat is defined as "a verbal or written threat or conduct made with the intent and apparent ability to carry out that threat so as to cause the person who is the target of the threat reasonable fear for such person's safety."

This concluded the hearing on HB 2607.

The meeting adjourned at 11:00 a.m. The next meeting is scheduled for January 17, 1996.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1/16/96

Page 1 of 2

NAME	REPRESENTING
Janet Kadel	Wichita Cat Fancy
Dymus Klepinger	Wichita Cat Fancy
SHARON MUNK	KANSAS Kennels + APPRI
Roger E Lambert	Lambrian Inc.
Candy Kamm	Hobby Breeder Rep
Kemi Ebert	Kansas Dairy Association
Donna Poole	Kansas Federation of Humane Soc.
Julie King	Kansas Dept. of Agriculture
ELLEN ROSS	INDIVIDUAL; ANIMAL RESCUE FNDTN.
Marty Vanier	Kansas Agricultural Alliance
Mike Jensen	Ks Pork Producers
Matthew Holt	Division of the Budget
Ross Abrade	J. HEWING HANDS HUMANE SOCIETY
Tricia Reeb	Helping Hands Humane Society
George Teagarden	Ks Animal Health Dept
Debra Duncan	
Margaret L. Ken	Breeder & some Brokers of Ks non affiliated Selwyn Lake Ks
Kelli Larkins	KANSAS ANIMAL CONTROL ASSOC.
Renee Harris	Lawrence Humane Society

Debra Duncan
Animal Health
1/16/96

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808
Phone 913/296-2326 FAX 913/296-1765

January 16, 1996

Madame Chair and Members of the House Committee on
Agriculture:

My name is Debra Duncan and I am the Director of the
Animal Facilities Inspection Program for the Kansas Animal
Health Department. I am here in support of H.B. 2607. This
bill is a comprehensive revision of the Kansas Animal Dealer
Act which was enacted by the 1988 Legislature.

In my opinion, the Kansas Animal Dealer Act is a good
law. It has been used by numerous other states as a
framework and also was the basis for a United States Animal
Health Association task force on Animal Welfare. It is also,
unfortunately, a confusing law which is difficult for
breeders to understand and consequently, difficult for the
agency to enforce.

H.B. 2607 involves years of work by the Companion
Animal Advisory Board. The Board is unanimous in
recommending the changes. Most of the changes are technical
in nature. These changes either clarify terminology or
codify things that are currently office policy such as the
requirement that each premise must obtain only one license.

You have before you a six page summary section by
section of H.B. 2607. I will not go through the summary,
but will be glad to answer any questions that you have.

House Agriculture
Attachment 1
1-16-96

There are three substantive changes to the bill. The first involves the dog and cat breeder categories. Currently, we have three separate categories of breeders: Hobby kennels, animal dealers (wholesale breeders) and pet shops (retail breeders). Current law is based on the number of litters produced and sold. This bill would combine all three of these categories into one: animal breeder. Under this definition, anyone who maintains four or more sexually intact females and who sells, offers or maintains animals for sale, will fall into this license category. The four intact female rule has been the industry standard for people who sell dogs and cats at wholesale under federal law for many years. In addition to this change, two new license categories would be added: Animal wholesaler and out-of-state distributor.

1. Animal wholesaler is an individual who sells more than 20 animals, other than dogs, cats, fish or animals intended for food for other animals at wholesale during the license year. This license category would only cover those people who sell animals to pet stores or to research laboratories at wholesale.
2. Out-of-state distributor would require any person who does not reside in the state of Kansas to obtain a permit from the Animal Health Department to broker or distribute dogs or cats within the state. Several other states require our distributors to purchase permits to do business in their state. This permit would be a fee up to \$500.

The bill also:

- allows anyone required to be licensed under the act to obtain a temporary closing permit for \$75 rather than pay \$150 or \$300 to liquidate a kennel.
- makes it unlawful to threaten or harass an inspector carrying out his or her duties;
- establishes a late fee of \$50 for any license renewal that is more than 45 days late;
- codifies our policy that a premise only needs one license.
- defines adequate veterinary care and requires an on-site visit once a year and a program of disease control under the supervision of a veterinarian.
- expands the number of Advisory Board members to include representatives from all license categories.
- deletes the statutory definition of euthanasia and requires that all licensees and animal control officers comply with the guidelines promulgated by the AVMA Panel on Euthanasia.

As I mentioned, this bill exemplifies months of hard work from the nine members of the Advisory Board, all who represent different facets of the industry. I believe that this bill not only clarifies the law but treats all segments of the industry equitably.

Thank you for your consideration. I will be happy to answer any questions.

Deb Duncan
Animal Health
1/16/96

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808
Phone 913/296-2326 FAX 913/296-1765

The following is a section by section breakdown of House Bill 2607 which changes in the Kansas Animal Dealer Act:

New section 1. This section allows anyone required to be licensed under the act to obtain a temporary closing permit (\$75) to dispose of their dogs. Currently, to liquidate a kennel, the licensee must pay the full year's license fee (\$150 to \$300).

New section 2. This section makes it unlawful for a person to act as an animal wholesaler without a license. This is a new category of licensees and is intended to regulate people who supply pet shops with birds, reptiles, and other small pets. (Dog and cat wholesalers are already regulated under the law). Wholesaler is later defined as someone who sells, or offers for sale, 20 or more animals. Excluded from this definition are people who raise animals for food, (such as mice and rats fed to snakes) dogs, cats and fish.

New section 3. This section makes it unlawful for a person to act as an animal breeder without first obtaining a license from the state. This is the primary change in the bill. Instead of separately categorizing animal dealers, pet shop operators and hobby kennel operators, everyone who maintains four (4) or more intact females (dogs, cats or both) and who sells, offers or maintains dogs or cats, or both, for sale, will fall into one license category - animal breeder. People who distribute, or broker, dogs will now be referred to as animal distributors and licensed separately.

(Note: The fee structure will not change. Current law limits fees to \$300 for non USDA licensed facilities and \$150 for facilities with a current USDA license. These are maximum fees. Current law also allows the Department to establish fee categories. We anticipate having a pro-rated fee structure depending on the number of intact females maintained on the premise. Just as we have now, the lowest fee would be \$75; the highest \$150 (if USDA licensed) or \$300 (if not USDA licensed). Fees would no longer be based on the number of dogs sold or the number of litters sold.)

New section 4. This section makes it unlawful for an out-of-state animal distributor to broker or distribute dogs or

cats without a permit. This is a new category. Several other states require our distributors to purchase a permit to do business in their state. This category applies only to those distributors residing in a state other than Kansas.

New section 5. This section makes it unlawful to threaten, harass or hinder in any way a state official who is carrying out duties under the act.

Section 6. K.S.A. 17-1701 is the definition section. The following changes are proposed:

6(d)(2) makes it clear to the reader that ratites and domestic deer are excluded from the act. These animals are currently statutorily designated as livestock.

6(e) & (f) defines animal breeder and animal breeder premise. As discussed above, this change incorporates all breeder categories into one license. All dog and cat breeders who sell at retail or wholesale will fall into this category.

6(g) combines the definition of animal shelter or pound and clarifies the definitions. Also, for clarity, the definition of "no-kill" shelter (effective July 1, 1995) is moved to this section (Animal shelter 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.)

6(k) is a name change only. The term dog warden is changed to animal control officer.

old section 6(m)(1) & (n) deletes the hobby kennel definition from the statute.

old section 6(p)(1) clarifies the definition of kennel operator to specifically state that kennel operator includes training facilities. This is, and has always been, a boarding and training registration. The change is needed to make this more obvious to the reader.

old section 6(p)(2) is deleted.

old section (s) the definition of no-kill shelter is stricken. This definition has been included in the definition of animal shelter or pound. Language describing a no-kill shelter as a facility that does not prescribe to the euthanasia of unwanted animals was deleted as unnecessary.

6(r) & (s) clarifies the definition of pet shop. Language which used to allow breeding and sale of offspring of animals (other than dogs and cats) from an individuals' home is deleted because these individuals (if they sell 20 or more animals) would be classified as wholesalers (if they sell to pet shops or brokers) under the proposed bill.

old section 6(w) eliminates the definition of pound. Pounds will be included in the animal shelter or pound definition.

6(x) & (y) defines animal distributor. This is not a new license category. The language clarifies that these licensees are animal distributors, not breeders. These licensees are currently licensed as animal dealers. Distributor refers to animal brokers/distributors. Distributor is the terminology preferred within the industry.

6(z) & (aa) defines animal wholesaler. As discussed above, this category would license any person who sells more than 20 animals, other than dogs, cats or fish at wholesale during the license year. Animals, such as mice and rats, raised exclusively for food, are not included in this definition.

6(bb) defines out-of-state distributor as any person residing in a state other than Kansas, who buys or sells animals for resale within the state.

6(cc) defines food animals.

6(dd) (1) is a new definition which defines adequate veterinary care to include an on-site visit once a year and a program of disease control under the supervision of a veterinarian.

6(dd) (2) provides that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as needed for the health and well-being of the animal.

6(ee) defines intact female, with respect to a dog to mean a female dog between the ages of six (6) months and twelve (12) years of age which has not been surgically sterilized by a licensed veterinarian. With respect to a cat, it means a female cat between the ages of six (6) months and ten (10) years which has not been surgically sterilized by a licensed veterinarian. The law would require proof of sterilization be made available to the commissioner upon request.

6(ff) repeats the statutory definition of ratites. These birds, ostriches, rheas and emus, are considered livestock in Kansas and excluded from this act.

Section 7. This section amends current law requiring animal dealers to obtain a license. The proposed changes strike obsolete language and changes the word dealer to distributor.

Section 8. This section amends current law requiring pet shops to obtain a license. Changes are technical only and strike obsolete language.

Section 9. This section changes the existing statute requiring licensure of pounds and shelters. No-kill shelter language is being stricken. No-kill shelters are included in the pound and shelter definition, so a separate "No-kill" license is unnecessary.

Section 10 . K.S.A. 47-1706 states the grounds with which the commissioner may refuse to issue or renew or may suspend or revoke a license or permit. Proposed changes are technical with the exception one exception. Current law (subsection 4) provides that a license can be denied or suspended for "the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty" or relating to the theft of or cruelty to animals. This amendment strikes the language "an essential element of which is misstatement, fraud or dishonesty". Under the proposed change, the only crime that the commissioner could refuse or revoke a license for is a conviction of theft or cruelty to animals.

Section 11. K.S.A. 47-1707 relates to civil fines and penalties under the Act. Amendments to this section are technical only.

Section 12. This section addresses inspections and investigations. Language requiring inspections upon application for an original license is unchanged. Language requiring inspections of licensed facilities has been made permissive rather than mandatory, i.e., the word "shall" has been changed to "may". This change was necessary because the Department will not have the funds to inspect every licensed facility in the state. Right now, the Department does not inspect boarding kennels or small breeders. Because of both staff and funding concerns, we do not anticipate a change in this policy. All other changes are technical. All facilities will continue to be inspected upon complaint.

Section 13. K.S.A. 47-1710 governs the disposition of animals by pounds and shelters. Proposed changes include striking "no-kill" shelter language since these facilities

would be incorporated under the animal shelter definition. Clarifying language is added to guarantee pounds and shelters understand that animals must be held three full days of custody during which the public has clear access to inspect and (it currently says "or") recover the animal through time periods ordinarily accepted as usual business hours.

Section 14. This is a name change only. This amendment to K.S.A. 47-1711 changes the term dog warden to animal control officer and clarifies that an animal control officer cannot offer dogs or cats for sale. Language regarding no-kill shelters was deleted because the definition of no-kill will be included under animal shelter.

Section 15. This section would amend K.S.A. 47-1712 which empowers the Commissioner to promulgate rules and regulations. In section (a) changes to current law are technical only. Current law (in section b) requires the commissioner to adopt only rules and regulations promulgated by the USDA for jointly licensed state and USDA facilities. A section has been added to include animal wholesalers who are jointly USDA licensed and the types of animals sold by these licensees.

Section 16. Current law allows the Commissioner to prohibit the sale or gift of animals which constitute a hazard to human health or safety. The proposed amendment strikes the words "within the state" and the phrase "exotic pet animals" because it is redundant. The Commissioner already has the authority to ban "animals" which include exotic animals. The second paragraph, which requires a pet shop to produce a written instrument indicating the animal is in sound health is deleted from the law.

Section 17. Section 7 amends K.S.A. 47-1715 which addresses criminal penalties under the act. Changes are technical only.

Section 18. Current law spells out each approved way that a dog warden, officer of an animal shelter or officer of a pound may euthanize an animal. Proposed language would require all licensees to utilize the "the most current, approved method established by the American Veterinary Medical Association Panel on Euthanasia." The change, which would delete statutory language specifying each approved form of euthanasia, is proposed because the methods change (for instance T-61 which is in our statute, is no longer considered a humane method by the AVMA). Current statutory language requires the Department to promulgate rules and regulations pertaining to euthanasia. The Department would publish the approved current methods for euthanasia in the regulations.

Section 19. This section amends K.S.A. 47-1720 which requires the licensing of research laboratories. Changes are technical only (strikes outdated language).

Section 20 K.S.A. 47-1721 is the statute which establishes fees for licensees. Current law is unchanged with the following exceptions: Since we will no longer have certificates of registration, this language is deleted.

(a) (4) sets a maximum fees for a temporary closing permit, up to \$75. This would allow a facility which is trying to close at the beginning of the new license year to pay \$75, rather than purchase a full year license of \$150 or \$300.

(a) (5) establishes a fee, up to \$500, for an out-of-state distributor.

(a) (6) establishes a late fee of \$50 for any person whose renewal is more than 45 days late.

(f) provides that premises required to be licensed need obtain only one license. If more than one operation is ongoing at the premise, each operation shall comply with the applicable statutes and rules and regulations.

Section 21. Changes to current law are technical only.

Section 22. Makes it unlawful for a distributor or pet shop to knowingly purchase dogs or cats from a person required to obtain a license. Amendments to this section also make it unlawful for breeders to sell to animal distributors or pet shops who are unlicensed.

Section 23. Amendments to this section add three new representatives to the advisory board, increasing the membership from nine to twelve. Position 8 currently is an unaffiliated companion animal breeder or an unaffiliated companion animal broker. The proposed bill splits this into two separate positions, that of an unaffiliated animal breeder and an unaffiliated animal distributor. Two new board positions would be added: a representative of a licensed boarding or training kennel and a representative of a licensed animal wholesaler. This would allow all each category of licensees a representative on the board.

Sections 24 -26. Changes to existing law are technical only.

* technical changes were made to change the names of the act (from the Animal Dealers Act to the Pet Animal Act); rename all of the license and registration categories, and to add the word "permit", "permittee", or "permit holder".. when applicable.

Deb Duncan
Animal Hcs
1/14/96

Animal Dealers

<u>No. of Females</u>	<u>No. of Facilities</u>
3 - 10	40
11 - 15	50
16 - 20	38
21 - 30	50
31 - 40	49
41 - 50	38
51 - 100	46
> 100	28
	<hr/> 339

Hobby Kennels

<u>No. of Females</u>	<u>No. of Facilities</u>	<u>No. of Females</u>	<u>No. of Facilities</u>
1	4	12	6
2	17	13	2
3	44	14	2
4	28	15	2
5	20	16	1
6	9	17	0
7	13	18	1
8	9	19	0
9	6	20	0
10	2	21	1
11	4	22	1

Pet Shops **- Retail Breeders-**

Approximately 25
8-100 dogs
No breakdown on females available

1-10

The Companion Animal Quarterly

Fall 1995 Volume 1.2



The Newsletter of
The Kansas Animal
Health Department
712 Kansas Ave, Suite 4B
Topeka, KS 66603

In this issue:

- Proposed changes in the statute
- Number of license facilities in the state
- New Board members

Office Update

Who is that voice on the phone?

As most of you know, Royce Stubblefield, the program's office assistant, left the department to take another job. Royce worked with the program for three years, and we were sorry to see him leave.

We are lucky to have hired two new office staff: Michelle Dittman is a Secretary II assigned to work with the program and Deborah (Dee) Rhodd is an Office Assistant III hired for Royce's position.

Michelle and Deborah have assimilated quickly and are very knowledgeable about the program. Deborah handles licensing issues and is a direct line to the inspectors. Michelle works closely with the Director, handles most of the correspondence for the program. Both will be glad to answer any questions that you have.

Inspector news: Debbie Spezia, the Inspector for Northeast Kansas, and husband Dave, are new parents. Matthew Charles Spezia was born on August 9, 1995.

Board proposes changes to the Companion Animal Law

The Advisory Board met throughout the year to revise the Kansas Animal Dealer Act. These recommendations are being drafted and a bill will be submitted to the 1996 Legislature. The Advisory Board and the agency believe that these changes will make the law more equitable and user friendly. Most of the changes do not affect licensees; they merely clarify terminology. The primary change to the Act involves the dog and cat breeder categories. Currently, we have three separate categories of breeders: Hobby kennels, animal dealers, and pet shops (retail breeders). Current law is based on the number of litters produced and sold. Recommended changes to the law would combine all dog and cat breeder categories into one: Animal Breeder. (See new section 3). Under this definition, which is modeled after the USDA definition, only those breeders having four or more intact female dogs or cats (or both) would be licensed. Animal distributors who are currently

licensed as animal dealers would be required to obtain an animal distributor license.

Following is a summary of the recommended changes:

summary of changes- Kansas Animal Dealer Act* *name is changed throughout to Pet Animal Act

New section 1. This section allows anyone required to be licensed under the act to obtain a temporary closing permit (\$75) to dispose of their dogs. Currently, to liquidate a kennel, the licensee must pay the full year's license fee (\$150 to \$300).

New section 2. This section makes it unlawful for a person to act as an animal wholesaler without a license. This is a new category of licensees and is intended to regulate people who supply pet shops with birds, reptiles, and other small pets. (Dog and cat wholesalers are already regulated under the law). Wholesaler is later

(see STATUTE, page 2)

New board members appointed by Governor

Two new Board members have been appointed by Governor Graves to the Companion Animal Advisory Board.

•**Roger Lambert** replaces Sharon Munk as the APPDI Distributor representative: Roger can be reached as: 100 Pine Street, Mahaska, KS 66955. Phone 913/245-3231

•**Robert Koerperich** replaces Margaret Kerr as the unaffiliated breeder representative on the board. Robert's address is: Box 105, Selden, KS 67757. Phone 913/386-4242

Dr. Fortney has been reappointed to another three year term. We are excited to have our new members but will miss Sharon and Margaret. Both have been very active board members and have worked hard at representing their constituents.

Our last newsletter provided you with addresses but did not provide home/work/fax numbers for the board members:

•**Donna Poole** (proxy for Linda Clarke) (Humane Societies) home phone 913/486-3660.

•**William Fortney, DVM** (Research Facility) work 913/532-5690; home 913/776-6594; fax 913/532-34309.

•**Opal Featherstone** (APPDI Breeder) phone 913/873-3517, fax 913/843-3515.

•**Kirk Smith** (Pet Shop Operator) phone 913/831-9523.

•**Richard Barta, DVM** (Licensed Veterinarian) work 316/331/6327, home 316/331-6327.

•**Marge Bradshaw** (Private Citizen) phone 913/478-3297.

•**Candy Kramer** (Hobby Kennel Operator) work 913/592-7205, home 913/294-4471; fax 913/592-7270.

Statute

(continued from page 1)

defined as someone who sells, or offers for sale, 20 or more animals. Excluded from this definition are people who raise animals for food, (such as mice and rats fed to snakes) dogs, cats and fish.

New section 3. This section makes it unlawful for a person to act as an animal breeder without first obtaining a license from the state. This is the primary change in the bill. Instead of separately categorizing animal dealers, pet shop operators and hobby kennel operators, everyone who maintains four (4) or more intact females (dogs, cats or both) and who sells, offers or maintains dogs or cats, or both, for sale, will fall into one license category - animal breeder. People who distribute, or broker, dogs will now be referred to as animal distributors and licensed separately.

(Note: The fee structure will not change. Current law limits fees to \$300 for non-USDA licensed facilities and \$150 for facilities with a current USDA license. These are maximum fees. Current law also allows the Department to establish fee categories. We anticipate having a pro-rated fee structure depending on the number of intact females maintained on the premise. Just as we have now, the lowest fee would be \$75; the highest \$150 (if USDA licensed) or \$300 (if not USDA licensed). Fees would no longer be based on the number of dogs sold or the number of litters sold.)

New section 4. This section makes it unlawful for an out-of state animal distributor to broker or distribute animals in Kansas without a permit. This is a new category. Several other states require Kansas distributors to purchase a permit to do business in their state. This category applies only to those distributors residing in a state other than Kansas.

New section 5. This section makes it unlawful to threaten, harass or hinder in any way a state official who is carrying out duties under the act.

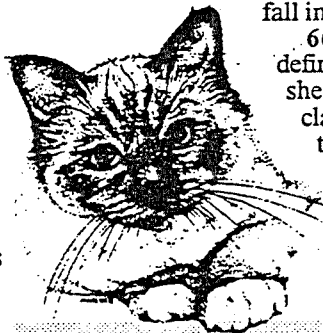
Section 6. K.S.A. 17-1701 is the definition section. The following changes are proposed:

6(d)(2) makes it clear to the reader

that raites and domestic deer are excluded from the act. These animals are currently statutorily designated as livestock.

6(e)& (f) defines animal breeder and animal breeder premise. As discussed above, this change incorporates all dog and cat breeder categories into one license. All breeders who sell at retail or wholesale will fall into this category.

6(g) combines the definition of animal shelter or pound and clarifies the definitions. Also, for clarity, the definition of "no-kill" shelter (effective July 1,



Number of licensed and registered facilities as of September 15, 1995:

Animal Dealers	357
Pet Shops	110
Hobby Breeders.....	177
Kennel Operators	88
Pounds/Shelters.....	129
Research Facilities	12
TOTAL.....	875

1995) is moved to this section (Animal shelter 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.)

6(k) is a name change only. The term dog warden is changed to animal control officer.

6(m)(1) & (n) deletes the hobby kennel definition from the statute.

6(p)(1) clarifies the definition of kennel operator to specifically state that kennel operator includes training facilities. This is, and has always been, a boarding and training registration. The change is needed to make this more obvious to the reader.

6(p) contains technical changes only.

On page 7, lines 20-25, the definition of no-kill shelter is stricken. This definition has been included in the definition of animal shelter or pound. Language describing a no-kill

shelter as a facility that does not prescribe to the euthanasia of unwanted animals was deleted as unnecessary.

6(r)&(s) clarifies the definition of pet shop. Language which used to allow breeding and sale of offspring of animals (other than dogs and cats) from an individual's home is deleted because these individuals (if they sell 20 or more animals) would be classified as wholesalers under the proposed bill.

6(t) the definition of pound is eliminated. Pounds will be included in the animal shelter or pound definition.

6(y)&(z) defines animal distributor. This is not a new license category. The language clarifies that these licensees are animal distributors, not breeders. These licensees are currently licensed as animal dealers.

Distributor refers to animal brokers/distributors. Distributor is the terminology preferred within the industry.

6(aa)&(bb) defines animal wholesaler. As discussed above, this category would license any person who sells more than 20 animals, other than dogs, cats, or fish, at wholesale during the license year. Animals, such as mice and rats, raised exclusively for food, are not included in the definition.

6(cc) defines out-of-state distributor as any person residing in a state other than Kansas, who buys or sells animals for resale within the state.

6(dd) defines food animals.

6(ee)(1) is a new definition which defines adequate veterinary care to include an on-site visit once a year and a program of disease control under the supervision of a veterinarian.

6(ee)(2) provides that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as needed for the health and well-being of the animal.

6(ff) defines intact female, with respect to a dog to mean a female dog between the ages of six (6) months and twelve (12) years of age which has not been surgically sterilized by a licensed veterinarian. With respect to a cat, it means a female cat between the ages of six (6) months and ten (10) years which has not been surgically sterilized by a licensed veterinarian. The law would require proof of sterilization be made available to the commissioner upon request.

6(gg) repeats the statutory definition of raites. These birds, ostriches, rheas and emus, are

(see STATUTE, page 3)

1-12

Statute

(continued from page 2)

considered livestock in Kansas and excluded from this act.

Section 7. This section amends current law requiring animal dealers to obtain a license. The proposed changes strike obsolete language and changes the word dealer to distributor.

Section 8. This section amends current law requiring pet shops to obtain a license. Changes strike obsolete language.

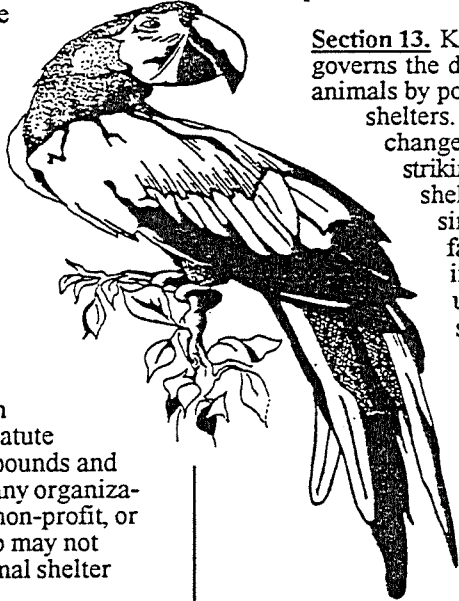
Section 9. This section changes the existing statute requiring licensure of pounds and shelters to clarify that any organization, whether profit or non-profit, or any individual or group may not operate a pound or animal shelter without a license.

Section 10. K.S.A. 47-1706 states the grounds with which the commissioner may refuse to issue or renew or may suspend or revoke a license or permit. Proposed changes are technical with one exception. Current law (subsection 4) provides that a license can be denied or suspended for "the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty" or relating to the theft of or cruelty to animals. This amendment strikes the language "an essential element of which is misstatement, fraud or dishonesty". Under the proposed change, the only crime that the commissioner could refuse or revoke a license for is a conviction of theft of or cruelty to animals.

Section 11. K.S.A. 47-1707 relates to civil fines and penalties under the Act. Amendments to this section are technical only.

Section 12. This section addresses inspections and investigations. Language requiring inspections upon application for an original license is unchanged. Language requiring inspections of licensed facilities has been made permissive rather than mandatory, i.e., the word "shall" has been changed to "may". This change was necessary because the Department will not have the funds to inspect every licensed facility in the state. Right now, the Department does not

inspect boarding kennels or small breeders. Because of both staff and funding concerns, we do not anticipate a change in this policy. All other changes are technical. All facilities will continue to be inspected upon complaint.



Section 13. K.S.A. 47-1710 governs the disposition of animals by pounds and shelters. Proposed changes include striking "no-kill" shelter language since these facilities would be incorporated under the animal shelter definition. Clarifying language is added to guarantee pounds and shelters understand that animals must be held three full days of custody

during which the public has clear access to inspect and (it currently says "or") recover the animal through time periods ordinarily accepted as usual business hours.

Section 14. This is a name change only. This amendment to K.S.A. 47-1711 changes the term dog warden to animal control officer and clarifies that an animal control officer cannot offer dogs or cats for sale. Language regarding no-kill shelters was deleted because the definition of no-kill will be included under animal shelter.

Section 15. This section would amend K.S.A. 47-1712 which empowers the Commissioner to promulgate rules and regulations. Current law (in section b) requires the commissioner to adopt only rules and regulations promulgated by the USDA for jointly licensed state and USDA facilities. Sections have been added to include animal wholesalers who are USDA licensed and the types of animals sold by these licensees.

Section 16. Current law allows the Commissioner to prohibit the sale or gift of animals which constitute a hazard to human health or safety. The proposed amendment strikes the words "within the state" and the phrase

"exotic pet animals" because it is redundant. The Commissioner already has the authority to ban "animals" which include exotic animals. The second paragraph, which requires a pet shop to produce a written instrument indicating the animal is in sound health is deleted from the law.

Section 17. Section 7 amends K.S.A. 47-1715 which addresses criminal penalties under the act. Changes are technical only.

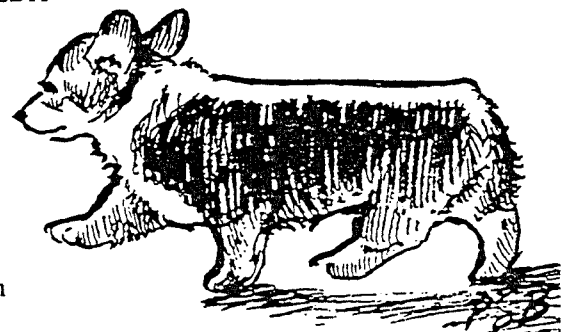
Section 18. Current law spells out each approved way that a dog warden, officer of an animal shelter or officer of a pound may euthanize an animal. Proposed language would require all licensees to utilize "the most current, approved method established by the American Veterinary Medical Association Panel on Euthanasia." The change, which would delete statutory language specifying each approved form of euthanasia, is proposed because the methods change (for instance T-61 which is in our statute, is no longer considered a humane method by the AVMA). Current statutory language requires the Department to promulgate rules and regulations pertaining to euthanasia. The Department would publish the approved current methods for euthanasia in the regulations.

Section 19. This section amends K.S.A. 47-1720 which requires the licensing of research laboratories. Changes are technical only (strikes outdated language).

Section 20 K.S.A. 47-1721 is the statute which establishes fees for licensees. Current law is unchanged with the following exceptions: Since we will no longer have certificates of registration, this language is deleted for each type of operation.

(a)(4) sets a maximum fee for a temporary closing permit, up to \$75. This would allow a facility which is trying to close at the beginning of the new license year to pay \$75, rather

(see STATUTE, page 4)



Bulk Permit
Postage Paid
Permit No. 157
Topeka, Kansas
66622

State of Kansas
Kansas Animal Health Department
George Teagarden, Livestock Commissioner
Debra Duncan, Director
913/296-2326
712 South Kansas Avenue, Suite 4-B
Topeka, Kansas 66603-3808

Statute

(continued from page 3)

than purchase a full year license of \$150 or \$300.

(a)(5) establishes a fee, up to \$500, for an out-of-state distributor.

(a)(6) establishes a late fee of \$50 for any person whose renewal is more than 45 days late.

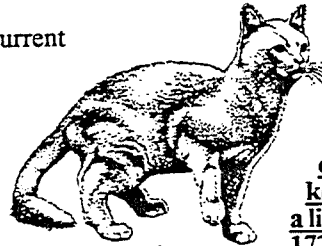
(f) provides that premises required to be licensed need obtain only one license. If more than one operation is ongoing at the premise, each operation shall comply with the applicable statutes and rules and regulations.



Section 21. Changes to current law are technical only.

Section 22. Current law makes it unlawful for a distributor or pet shop to knowingly purchase dogs or cats from a person required to obtain a license. Amendments to this section also make it unlawful for breeders to sell to animal distributors or pet shops who are unlicensed.

Section 23. Amendments to this section add three new representatives to the advisory board, increasing the membership from nine to twelve. Position 8 currently is an unaffiliated companion animal breeder or an unaffiliated companion animal broker. The proposed bill splits this into two separate positions, that of an unaffiliated animal breeder and an unaffiliated animal distributor. Two new board positions would be added: a representative of a licensed boarding or training kennel and a representative of a licensed animal wholesaler. This would allow each category of licensees representation on the board.



Sections 24 -26. Changes to existing law are technical only.

K.S.A. 47-1719 which currently requires hobby kennel operators to obtain a license and K.S.A. 47-1722 which contains old

language pertaining to the implementation of the act are hereby repealed.

* technical changes were made to change the names of the act (from the Animal Dealers Act to the Pet Animal Act); rename all of the license and registration categories, and to add the word "permit", "permittee", or "permit holder"... when applicable.

Bill drafts are available by calling the Kansas Animal Health Department (913) 296-2326. Public hearings will be held on these changes by the House Committee on Agriculture after the first of the year.

January 9, 1996

Honorable Joann Flower
426-S, Statehouse
Topeka, Ks

Dear Representative Flower:

This letter is in support of House Bill 2607, which revises the Kansas Animal Dealer Act. This act regulates dog and cat breeders and distributors, pounds and shelters, research facilities and boarding and training facilities.

The current Kansas Animal Dealer Act is confusing to the reader. H.B. 2607 clarifies the law and changes the definition of breeder from any person who breeds more than two litters of animals during the state fiscal year to any person who maintains four or more unspayed females and who breeds these animals during the state fiscal year. The four intact female rule conforms with USDA standards and is widely used in the industry. We believe a change to this standard would encourage compliance and relieve the small neighborhood breeders with two or three dogs or cats from the burden of financing the industry.


The Companion Animal Advisory Board was established by law in 1991 to review the status of the Kansas Animal Dealer Act (regulated by the Kansas Animal Health Department) and to make recommendations to changes on the act. A brief history of the act is enclosed with this letter.

The Kansas Animal Dealer Act has been in effect in Kansas since 1989. Because of the state's strong stance on regulating animal welfare, we have succeeded in prevailing over a national boycott of Kansas dogs by the Humane Society of the United States and have avoided the pervasive bad publicity this state received in the early 1990s through the national news media.

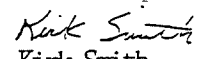
Indeed, the Kansas law has been used as a model by a number of other states as well as by a task force designated by the United States Animal Health Association to draft a uniform model law.

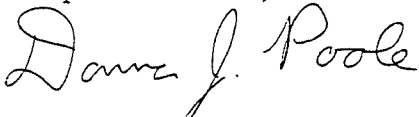
This committee is proud of our state and the measures that have been taken to regulate animal welfare. We feel, however, that it is time to revise the law to make it more equitable to all breeders and to ensure protection for both the animal industry and the public.

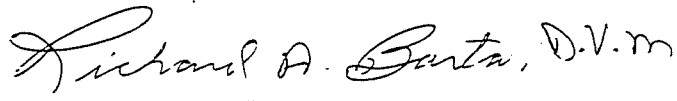
The Companion Animal Advisory Board is united in endorsement of this bill and asks for your support.

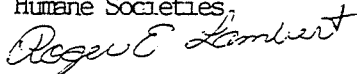

Opal Featherston, APPDI Broker



Marge Bradshaw,
Private Citizen

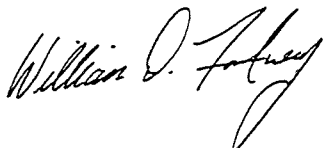

Kirk Smith
Pet Shop Operator

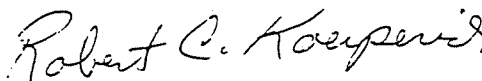

Donna Poole, Federation of
Humane Societies


Richard A. Barta, D.V.M. Licensed Veterinarian


Roger E. Lambert, APPDI Broker


Candace M. Kramer, Hobby Kennel Operator


William O. Fortney, Research Facility


Robert C. Koerperich, Unaffiliated breeder

House Agriculture
Attachment 2
1-16-96

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808
Phone 913/296-2326 FAX 913/296-1765

Kansas Animal Dealer Act - PROGRAM BACKGROUND

1988 H.B. 2219 established the regulation of the animal breeding and selling industry in Kansas. To implement the program the 1988 Legislature approved 6.0 new FTE and expenditures of \$99,415 from the Animal Disease Control Fund. No state general fund dollars were appropriated. At that time, the Legislature was informed that revenue was anticipated to total \$301,475 based on the estimated numbers of licensees.

Estimates far exceeded the actual number of kennels located in the state. Initially the Legislature recommended 4 kennel inspectors, a clerical position and a veterinarian intended for the program, however funding never permitted more than two inspectors to be hired. In November 1989, budget constraints mandated severe reductions in FTE. The veterinarian position was eliminated and the Livestock Commissioner assumed his duties, two facility inspectors inspected all kennels, pet shops, research facilities and pounds and shelters in the state and the clerical position was reduced to half-time.

1990 S.B. 776 established the Kansas Farm Animals and Research Facility Protection Act, which makes it illegal to control or damage a research animal facility without the owner's consent; makes it illegal to enter or remain concealed in a facility with the intent to damage the

enterprise or prohibits individuals entering a facility with the intent to take pictures.

This bill was widely construed by the national press, the Humane Society of the United States and, at least one vocal California legislator, to be prevent humane societies and the media from uncovering and documenting "puppy mills" in the state of Kansas. Connie Chung, on a national broadcast of Face to Face, also noted that the bill takes away the power to investigate and document cruelty to animals. This was refuted by then Attorney General Robert Stephen who wrote to Ms. Chung to express his opinion that the act applies only to animals used in food, fur or fiber productions, agriculture, testing or education at an animal facility. The controversy culminated in the summer of 1990 when the a group of Californians, advocating a boycott of Kansas dogs, shipped 15,000 pounds of dog bones to Attorney General Bob Stephen and held a rally on the grounds of the Kansas Statehouse. At the same time, the California Legislature was debating bills to restrict the sale of Kansas dogs in their state. After the release of the Attorney General's opinion on S.B. 776, and the passage of some token legislation in California, the controversy died down.

In December 1990, the Humane Society of the United States announced a boycott of pet stores selling puppies bred in seven states, including Kansas. In addition, an August 1990, Post Audit determined the Companion Animal Program had not been administered, managed, funded or staffed to the extent needed to efficiently and effectively carry out its responsibilities to regulate the Companion Animal Industry. Fees were not sufficient to support the Program in fiscal years 1989 and 1990, and were not sufficient to operate the program in fiscal year 1991, even at reduced staffing levels.

The agency responded by standardizing forms, increasing the statutory maximum for fees, hiring a third inspector and hiring a person to administer the program. The agency also began developing a system for complaints and inspection activities. Licensees are only allowed one 30-day extension to correct deficiencies without the approval of the livestock commissioner; inspectors were instructed to contact licensees the night before an inspection to set up an appointment, (these "announced" inspections were later criticized by the division of post audit and subsequently discontinued by the agency), inspectors were to stay on the road at least 2 nights a week and monthly training sessions were held for inspectors.

During the veto session, the Governor, through a GBA, added 2.0 FTE additional Companion Animal Inspectors for FY 1993. The 1992 Legislature concurred with the GBA. In addition, the Legislature added funding for the agency's Attorney (who was hired to prosecute violators of the kennel program). The Attorney position was eliminated after one year, on July 1, 1993.

CURRENT PROGRAM

The Animal Dealer Act regulates pet shops (which includes anyone who sells any kind of animals at retail), research facilities, boarding and training kennels, pounds, animal shelters and everyone in the state (except breeders of racing greyhounds) who sells more than 2 litters of dogs or cats during our license year (which runs from July 1 through June 30). It does not matter whether the animals are purebred or not - all people selling dogs and cats fall under the statute.

The license (or, in the case of a Hobby Breeder or Boarding and Training Facility, Registration) is for the premise, not the person. Consequently, our licensees and registrants must have a separate license or registration for each premise they own. However, they may conduct several different activities (such as boarding dogs and breeding dogs) under one license.

Unlike most programs, and the USDA, which base licensing requirements on the number of breeding animals, (USDA regulates wholesale breeders who have four or more unspayed females) Kansas bases its requirements on the number of litters offered or maintained for sale. We have three categories of dog and cat breeders:

- hobby kennel operator,
- animal dealer
- and pet shop.

A hobby kennel operator is someone who sells all or part of 3, 4 or 5 litters of dogs, cats (or both) and less than 30 animals. To qualify as a hobby kennel operator, the animals must be produced, raised and sold, or offered or maintained for sale, by a person residing on the premises. Hobby kennel premises are registered for a fee of \$75 a year. These premises are inspected only upon complaint.

Any person who sells 30 or more dogs or cats or animals from all or part of 6 or more litters during our license year, must obtain either an Animal Dealer License (if 51 percent or more of the sales are at wholesale) or a Pet Shop License (if 51 percent or more of the sales are at retail- thus, holders of pet shops licenses can be pet stores or individuals who raise animals and sell them at retail). License fees are \$150 if the facility is also currently licensed by the USDA and \$300 if it does not have a USDA

license. USDA licensed facilities are inspected once a year. State licensed facilities which do not have a USDA license are inspected twice a year.

Pet shops, pounds and shelters and no-kill shelters are inspected twice a year. No-kill shelters were added to the Act as of July 1, 1995, and are defined as: ... a facility where 20 or more dogs or cats, or both, are maintained for the purpose of collecting, accumulation, 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. No-kill shelters were added to the Act because many of these facilities pick up and keep or adopt animals to the public. Until they were placed under the Act's jurisdiction, no-kill shelters (or animal collectors) were not required to attempt to locate the owners of the animals that are brought to them; nor were they required to adhere to the spaying and neutering laws. Now that no-kill shelters are under the Kansas Animal Dealer Act, they must comply with the same laws, rules and regulations as pounds and shelters.

Research facilities are also inspected once a year. Boarding and training kennels are registered for a \$75 fee and are inspected only upon complaint.

If a license or certificate of registration is denied, suspended or revoked, or if the state livestock commissioner has reasonable grounds to believe the health, safety and welfare of the animals are endangered, the commissioner is required by the Act to seize and impound any animals in the care of the person who held the license.

Violation of the act is a class A misdemeanor. In addition, pending the outcome of an administrative hearing, violators may be subject to civil fines of up to \$1,000 for each violation.

The fee schedule for the program is as follows:

Animal Dealer - USDA licensed -	\$150	inspected annually
Animal Dealer - no USDA licen.-	300	inspected bi-annually
Pound or shelter	- 200	inspected bi-annually
Pet Shop - USDA licensed -	150	inspected annually
Pet Shop - no USDA licen.-	300	inspected bi-annually
Research fac. - USDA licensed -	150	inspected annually
Research fac. - no USDA licen.-	300	inspected bi-annually
Hobby kennel - Registration -	75	inspected on complaint
Boarding/train- Registration -	75	inspected on complaint

All fees are at the statutory maximum with the exception of pounds and shelters.

C:\winword\history

1-8-96



MARNAC CORGIS

Wayne and Candy Kramer
Route 1, Box 221 • Paola, Kansas 66071
(913) 294-4471

Candy Kramer
1/16
"Striving for soundness
in body and mind"

January 10, 1996

Representative Joann Flower
State Office 426-S
Topeka, Kansas 66603

Dear Representative Flower:

This letter is in preparation to the hearing scheduled on HB 2607 Kansas Pet Animal Act on Tuesday, January 16, 1996. I would appreciate you perusing the bill, the enclosed information, and urge you to consider this bill for passage.

I am on the Animal Dealers Board as the Hobby Breeder representative. I represent the small dog and cat breeding premises in the state who produce between 3 and 5 litters a year. This revised bill contains MUCH needed change and clarification to the current law. The hobby classification within this bill will be specifically impacted. Currently, the law specifies how many litters hobby breeders can produce within a Kansas fiscal year. This method of counting litters has proved to be a problem for breeders, the Animal Health Department and the inspectors. Consequently, some people who are producing larger numbers of litters than allowed in this category are not reporting correctly in order to stay at a smaller fee schedule and not be inspected annually. Some of these people are the ones who show up on television programs like 20/20 with dogs knee deep in mud (and feces) and grimmy matted little mother dogs with one eye. The new law provides that any premise with 4 or more "intact" (not spayed) females will be classified as a BREEDER. This simplifies the current law and will give Kansas breeders much more flexibility in breeding decisions. Additionally, it should help some breeders who are hiding feel confident about obtaining a license. We are simply breeders -- we do not have a contagious disease!

Hobby kennels are currently not inspected except upon complaint. The new law would provide inspections will be done to all new premises requesting a license and all facilities (large and small) MAY be inspected (instead of the wording SHALL). There would be no more automatic "you pay your money, you get a license" -- first you have to pass an inspection! You would not expect to eat a hamburger from a new restaurant who got licensed just because they are new; and we don't want people getting dogs/cats from facilities in the same manner. The inspectors will continue their annual inspection of larger facilities and will inspect the smaller facilities as time and location permit. Our inspection system is excellent and will be improved by this new law.

I am enclosing an article from the Philadelphia Inquirer so you can see that other states without kennel laws are still having problems. We do NOT want Kansas to return to the status seen on programs like 20/20. This bill simplifies the current law, clarifies inconsistencies, changes language to nationally accepted terminology, and makes Kansas the national leader in kennel reform laws.

I encourage you to read the enclosed newsletter from the Animal Health Department which is a summary of the changes in the law. If you need any additional information, please contact me. My day phone is 913-592-7205 and evening 913/294-4471.

Sincerely,

Candy Kramer
Candy Kramer

House Agriculture
Attachment 3
1-16-96

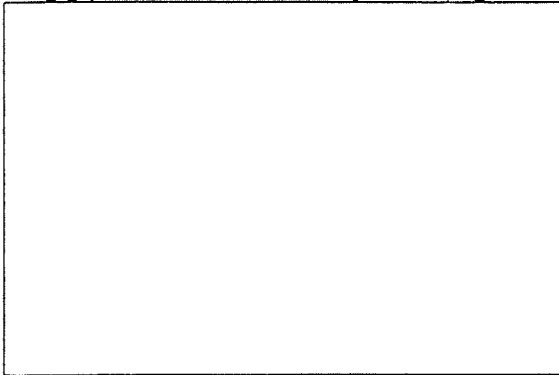
The Philadelphia Inquirer

Page One

Sunday, December 10, 1995

Breeding Dogs -- and Disease Pennsylvania's prolific kennels have spawned viruses and genetic defects. Some buyers get puppies that die within days.

Puppy mills ruin the family pet



By Karl Stark

INQUIRER STAFF WRITER

It was Christmas morning at the Krupinsky home in Shrewsbury, Pa., and the video camera was catching the exultant faces of Daniel, 6, and Mandy, 12, as their mother set out a last, climactic gift. Barks were coming from inside the box.

Mandy's mouth opened wide with wonder as the lid was lifted. Out bolted a tan Labrador puppy just like the one in a doggie calendar her mom had given her. The dog they named Cooper chased Daniel through the living room before he tuckered out and settled on Mandy's lap in a heap.

"Oh, Daddy, look," she's heard saying as she strokes its woolly head.

As sweet as that moment was, no one in the Krupinsky family has wanted to relive it. Cooper got diarrhea the next afternoon, then he started vomiting, and the dog died within the week at the local vet's.

All over the United States, people buy dogs for the holidays. They invest money -- and love. For thousands of them, the experience is wrenching when the puppy dies.

"We were all devastated," Sharon Krupinsky said. "What I thought was going to be a merry Christmas with the dog running in the snow turned out to be a total tragedy."

The Krupinskys' experience is a common one for people who deal with one of the state's great growth industries: dogs.

Pennsylvania now breeds more dogs than any state on the East Coast; it ranks seventh in the nation as a source of dogs.

"The breeding industry is basically ruining the pet dog," said Scott Barnes, chief humane agent at the Chester County Society for the Prevention of Cruelty to Animals.

An Inquirer investigation has found that many dogs are being poorly bred, or raised in unhealthy conditions that promote viruses. Some breeders do not properly vaccinate puppies for such fatal diseases as distemper and parvo.

The industry, centered in Lancaster County, has become so large and problem-plagued that State Sen. Stewart J. Greenleaf (R., Montgomery) calls Pennsylvania "the puppy-mill capital of the East Coast."

Thousands of puppies in Pennsylvania are crowded in locked buildings that used to be barns, chicken coops or trailers -- crudely converted into kennels.

The floors of many kennels are covered with urine and feces, and the kennels are sometimes contaminated with viruses. At times, waste is allowed to collect for days. The dogs' hair grows matted. The animals receive minimal human contact, which they need at an early age to make good pets.

State Sen. Gibson Armstrong, who represents part of Lancaster County, said of the unhealthy conditions: "It's a huge problem. . .

If you were running an operation for cows and you had them in these conditions, the milk people would shut you down."

"I think we should go in there and fine them," he added. "They're just getting away with it and they know it."

The three largest pet-shop chains in the country have stopped selling puppies and often have invited animal shelters to sell dogs at their shops. Some pet-shop owners say they are unfairly blamed for problems that breeders cause.

In California, a state-funded survey found that nearly half of 6,200 puppies sold by pet shops were sick or incubating diseases at the time of sale. In Connecticut, a survey of 165 veterinarians found a similar rate.

Other surveys -- including one by the Centers for Disease Control and Prevention -- had similar findings. There are no definitive figures on the number of sick dogs sold in Pennsylvania or New Jersey.

Over the last decade, a huge growth in the dog business has contributed to a deterioration in the quality of breeds. Many commercial breeders do virtually no genetic testing, which can detect serious conditions such as hip dysplasia, before they are passed to the next generation.

"They're not being careful," Barnes of the SPCA said. "They're not being selective in what dogs they breed. The idea of breeding a dog is to create a good example of that dog, not only physically but mentally. . . . A lot have been bred to the point where they don't do anything. The brain is gone. We're seeing nasty golden retrievers and Labs a lot more now. They used to be loving and easygoing, but it's changing."

Many dog dealers question the wisdom of mass breeding. "You can't mass-produce dogs on a grand scale and get quality animals," said Jeremy Belli, who with his brother runs Jack's Dog Farm in Bucks County. "It's not possible. This is a living, breathing animal. You can't be pumping out dogs and not expect problems."

Nowhere has the scale of dog breeding been as large as in the rolling hills and storybook homesteads of Lancaster County. In the heart of Amish and Mennonite country, where horse-drawn buggies jostle with cars, more dog breeders are operating than in any other county in America.

In interviews, farmers and kennel owners in Lancaster County say they breed and sell dogs to make money. For many, dog breeding has become more profitable than pig breeding and other farming business. And, several kennel owners say, they treat dogs as farm animals, not as pets.

Daniel H. Kauffman, a dog breeder in Chester County, said, "We country people do not look at dogs that much different from the other animals."

"When you have livestock, you have deadstock," Kauffman added.

Melvin Nolt, one of Lancaster County's longtime breeders, said he's mystified by the ideas that city people have about dogs.

"If a person gets emotional when his dog dies," Nolt said, "that seems crazy to us. Some people believe in a dog heaven. That's why they get so irrational with dogs dying."

"It's an animal. It's just like any crop that comes along."

Most kennel owners in Lancaster County do not allow visitors and prohibit photographs. Nolt, for example, would let Greenleaf and a reporter look at his facility only from a doorway; he did not permit photos.

Many Lancaster-bred dogs are sold to pet shops up and down the East Coast.

The Pet Industry Joint Advisory Council, which represents many of the nation's 12,000 pet stores, says surveys such as the ones in California and Connecticut are biased against pet shops. A study funded by the council found high percentages of sick dogs in pet shops but it concluded that most of those dogs were not seriously ill.

The council's spokeswoman said that in the last decade, the number of pet stores selling dogs has dropped from 6,000 to 3,000.

Some shop owners say conditions are improving. Veterinarians and dog inspectors say conditions vary greatly from kennel to kennel and from pet store to pet store.

For example, King Kennels, which sells puppies in Concordville, Delaware County, has a contract to accept stray dogs from the city of Chester and houses the strays in a facility near the kennel.

Peter F. Jezyk, a professor of genetics at the University of Pennsylvania School of Veterinary Medicine, said this setup invites trouble. Viruses in strays can be carried on people's clothing and infect the dogs for sale in the other building, he said.

Numerous customers said that King Kennels sold them sick dogs. Kennel owner Kathy Arroyo acknowledged that strays could infect her dogs. But it's not a major concern, she said; sick dogs represent only a small fraction of her sales.

Even well-known breeders sell puppies with genetic problems. Kimbertal Kennels in Kimberton, Chester County, is a nationally known breeder whose customers include Phillies pitchers Curt Schilling and Danny Jackson. Kimbertal customers don't complain of parvo or distemper or of unclean kennels. While there are satisfied customers, there have been numerous complaints about genetic problems.

John LePere of Swedesboro, Gloucester County, paid \$350 for a purebred rottweiler puppy from Kimbertal that was so wild LePere gave him away after six months. LePere said he later learned the dog's parents were brother and sister — inbreeding that experts say leads to genetic problems.

Kimbertal owner Robert G. Yarnall Jr. said the inbreeding was accidental.

No state or federal agency is charged with monitoring genetic problems. The state Department of Agriculture's Bureau of Dog Law Enforcement has responsibility to ensure that dogs are raised in good conditions. Agriculture officials and legislators say the agency has done little to stop problems.

The reason, they say, is that the department has conflicting responsibilities: to help farmers economically, and to inspect kennels. The department's priority is to support the economic health of farmers — which comes before protecting the health of dogs, inspectors say.

Agriculture Secretary Charles C. Brosius told a group of state senators at a hearing last April: "Dog-law enforcement is an embarrassment, not only to you, I'm sure, but certainly to me."

"They're supposed to regulate and fine the very industry they're supposed to foster," Greenleaf said in an interview. "It's clearly a conflict. . . . It's clear that they're not doing their job."

The Agriculture Department never has gone to court to close a kennel for bad conditions, state officials and inspectors say.

Brosius recently launched a 10-point plan to improve enforcement. It is too soon to say if it's working.

Christian Herr, deputy secretary of agriculture, says dog breeding helps keep farming viable in Lancaster County: "This little cottage industry keeps more of the Amish and Mennonite families in this area."

□

Sharon Krupinsky saw an ad for a dog seller called Puppy Love and was excited to learn over the phone that they were selling the breeds she wanted: yellow Labradors and golden retrievers.

Owner Joyce Stoltzfus was in a hurry when Krupinsky arrived at the kennel in southern Lancaster County three days before Christmas last year. The kennel had crates and crates of dogs, Krupinsky recalled, and people were milling about, eagerly snapping them up.

Krupinsky regrets not looking more carefully before paying \$265. "I was so caught up with getting a puppy for Christmas."

The day after the holiday, she took the dog to Elizabeth K. Ricklefs at Leader Heights Animal Hospital. "As soon as the vet looked at him, she knew something was wrong," Krupinsky said. "She asked me where I got it. Her first reaction was, 'Oh, no.' I said, 'What's wrong?' She said, 'That's a real puppy mill.'"

In an interview, Ricklefs said: "Puppy Love is a name that is known around here" and "these puppies are not well-bred." Many of Puppy Love's puppies come from Lancaster-area breeders, records show.

Federal inspectors found that Puppy Love was selling dogs to pet stores in 1985 and 1986 without the federal license required for wholesaling dogs. Stoltzfus then attempted to obtain a license but failed because of deficiencies including poor sanitation, lack of pest control and unsound kennel structures, according to inspection reports. Stoltzfus paid a \$10,000 fine in January 1991 to settle charges from the mid-1980s.

The Pennsylvania SPCA lists Puppy Love as one of the state's top three sources of dog complaints. State inspectors say some cages have been improved recently.

In an interview, Stoltzfus said she didn't know there had been so many complaints. "Nobody contacted me about it," she said.

Regarding the Krupinskys, she said she gave the family a refund. She said she has a policy that customers can return a sick dog and get a new one, or receive a refund.

In the Krupinsky case, the vet found that Cooper had "an overwhelming viral infection" and gave the dog antibiotics. The puppy's symptoms worsened. He was vomiting and lethargic.

Krupinsky tried to give him water with a dropper, but Cooper wouldn't take it. "He just lay in my lap," she said.

The vet put the puppy on intravenous feeding. He died five days after Christmas.

"The other night, when I watched the tape, I cried," Krupinsky said. "At the time, I was in tears. I was really, really upset.

"Even in that short a time, we bonded. It's the same as with a baby. It was just absolutely devastating."

Breeder Daniel H. Kauffman tilted back his straw hat and narrowed his gaze when asked about a visit by Richard F. Hess, director of dog-law enforcement, last September.

"They caught us with our pants down," Kauffman said. "I didn't clean out the kennel that day."

An affable Amishman, Kauffman has been a controversial breeder. He was convicted of cruelty to dogs in 1990. The American Kennel Club took away his privilege to register purebred dogs.

Kauffman has continued to work the dog trade. He had 54 dogs on the premises during the inspector's last visit in March, and reported selling 81 dogs the previous year.

Hess, the dog bureau's new director, who had no experience inspecting kennels, asked his inspectors to take him to some troublesome kennels. Inspector Paul R. Hallman chose Kauffman's place and that of a neighbor, Benue J. Stoltzfus.

"It was quite shocking," Hess said of both kennels. "It's got to be changed."

Hess said he saw several inches of feces under the cages and cramped conditions at the Stoltzfus kennel that could not be corrected without building a new facility. The kennel will be reinspected soon, he said.

Kauffman's farm and kennel sit just off Route 10 near Honey Brook amid a picturesque checkerboard of farms in western Chester County. The relatively small kennel is typical of the farmer who engages in breeding. Kauffman, 42, often employs his six children to clean the kennel, a long row of cages behind the barn.

The Kauffmans have difficulty keeping the cages clean. When Greenleaf and a reporter stopped by in September after Hess' visit, the kennel had a pervasive smell of feces and urine.

Much of the concrete flooring was smeared with waste. The cages were rusting, the paint was peeling. Several dozen animals were crowded together in cages.

In another cage, Greenleaf noticed a sickly Dalmatian with infected-looking eyes. Whenever Greenleaf approached, the dog cowered and whimpered in the corner. The dog showed signs of a vaginal discharge.

Kauffman acknowledged that he produces some sick puppies. Still, he said, he couldn't stay in business if his puppies were often ill. "I have to stand behind my dogs," he said.

Kauffman said he couldn't understand why city people worry so much about the treatment of dogs. "Why is this such a big issue?" he asked.

Fred Heller's converted barn kennel in Lititz is humble by Lancaster County standards. But his dogs are sold to dealers from Pittsburgh to Massachusetts.

In a visit by a reporter in September, feces had built up under the cages; cobwebs had grown in corners; some food was moldy; and several shelties had maggots beneath their coats. The odor was inescapable.

In an interview, Heller called the conditions that day "unusual." He said he had many other interests, from poultry production to pastor duties, that sometimes kept him from cleaning the kennel, which housed 40 dogs. "I have too many irons in the fire," he said.

Anne Marie and Jim Staskel held their Norwegian elkhound in their arms as the vet prepared to put him to sleep.

"He just closed his eyes," Anne Marie said. "We both were petting him and talking to him. We were just telling him it was OK. He wasn't going to hurt anymore."

"When he died," she said, "his eyes came back open and his tongue came out. It was like he was accepting the end. We had to stay in there for a few moments and compose ourselves."

It had been a long seven days for the Staskels, who lived in Jeffersonville. The couple bought the puppy from King Kennels on March 13, 1994, to celebrate their first wedding anniversary, and their dog -- Rockne, named for the legendary Notre Dame football coach -- lived up to his billing for a time. He was rambunctious for about a month until the Staskels noticed that he was twitching in his sleep.

They thought he might be dreaming, but the twitching worsened overnight. The puppy started crying in pain and could not lift his head by the following morning.

Tests eventually showed that Rockne was suffering from distemper, which had reached his brain. "It had gotten so far that we couldn't help him," Anne Marie said.

King Kennels owner Kathy Arroyo burst into tears upon hearing of the dog's death, Anne Marie said. The \$400 check Arroyo wrote to compensate the Staskels for vet bills and the dog's price bounced.

In an interview, Arroyo said the dog got sick because the Staskels let him run in the park. She said that the bounced check was a mistake and that she eventually paid the \$400.

After Rockne died, Arroyo offered another Norwegian elkhound to the Staskels. They chose Greta, in part, they now say, to rescue her. "Part of us didn't want to leave her there," Anne Marie Staskel said.

They were extra careful with their second puppy; they wouldn't let her run in the park for fear she might contract something.

Still, the dog soon got violently ill. Greta couldn't keep water down. Her temperature reached 106 degrees. She vomited until nothing but foam came up.

This time, parvo virus was the culprit, veterinarian Elizabeth L. Delomba found. Greta's white-cell count had dropped to 800, compared with a normal level of 10,000.

The Staskels couldn't take watching another dog die. They asked for a refund.

Arroyo again gave the Staskels a check, this one for \$692.50. That check bounced. Arroyo made good after the Staskels threatened to bring charges against her for writing a bad check.

After the Staskels arranged for Greta to be put to death, Delomba wrote to other vets, saying that two King Kennels dogs had died from preventable diseases. "I am concerned that the vaccination practices at King Kennels are not adequate," she wrote.

Fourteen people have won small claims-judgments against King Kennels since 1988; most involved sick dogs.

The Delaware County Consumer Affairs office placed King Kennels on a list of businesses that failed to cooperate with the agency. The Pennsylvania SPCA also identified King Kennels as one of the state's top three generators of dog complaints.

Arroyo said she could see nothing wrong with her vaccination program or with the way she cares for dogs in general.

She said that every year she sells 250 dogs, which come from out-of-town breeders. "If [complaints] were a big part, I wouldn't be in business," she said. "I'd be shut down."

□

Benuel Stoltzfus' kennel was so dirty when dog warden Paul R. Hallman showed up in September that he said the breeder's son quietly tried to tidy the place during the inspection.

"The damage was done already," Hallman said. "I did not imagine it was that bad."

Hallman toured the kennel just outside Honey Brook with his boss, Hess, who called the conditions "outrageous." Hess said he doubted Stoltzfus could come into compliance without rebuilding. "As nice a chap as he is, he's in trouble," Hess said.

In a brief interview, Stoltzfus praised the dog-law officers. "They're doing a great job," he said. When Greenleaf and a reporter asked to view the facility in September, the Stoltzfuses declined.

Most of Stoltzfus' dogs are held in a couple of converted trailers with holes for ventilation, Hallman said. An old chicken coop has been made into a birthing area. Some dogs are in elevated wire pens. The cages' wire-mesh bottom can injure dogs' paws.

When Hallman recently returned, he found that conditions had not improved. His main criticism was of a pervasive lack of sanitation. Stoltzfus had put down shredded paper in the birthing area; Hallman said two or three days' worth of dog feces had

built up there. State law requires that dog waste be removed daily. Hallman said the area had become soggy and unhygienic. "The place smelled like heck," he said.

Hallman found that dogs had chewed off the roofs of some cages. Dog cages must be water resistant, he said.

Stoltzfus had 216 dogs on the property — the highest he has ever had, Hallman said. "He just can't handle all these dogs," Hallman said. "He even admitted he was out in the field and he didn't have time. I said you've got to make time. If you want dogs, you have to follow the regulations."

Hallman cited Stoltzfus for 18 violations. Stoltzfus pleaded guilty last month and paid \$450 in fines.

John LePere said he didn't know the reason for his rottweiler's wild behavior until he got a copy of Buster's family background.

The papers showed what LePere and his vet had suspected: Buster was the product of close inbreeding. His parents were brother and sister; his two grandparents produced both his father and mother; his great-grandparents included a female bred to her father and a male bred to his half sister. LePere bought the dog for \$350 from Kimbertal Kennel, which assured him that the puppy was well-bred. "I could tell all along that he wasn't right," said LePere, who bought Buster on Feb. 17, 1990, and named him for James "Buster" Douglas, the heavyweight conqueror of Mike Tyson.

The dog was skittish, LePere said, and would flare up with no provocation. LePere said he gave up on Buster at six months of age when the 110-pound rottweiler bit his father-in-law in the hand.

"The dog knew my father-in-law," LePere said. "He was leaving, and all of a sudden Buster growls at him and bites him on the hand. He just freaked out."

LePere's vet, Mark F. Magazu, had suggested that inbreeding may be causing Buster's erratic behavior. For months, LePere pressed Kimbertal Kennels to send him the pedigree. LePere got it six months after he gave Buster to a shelter.

In an interview, Yarnall, Kimbertal's manager, said the inbreeding was "an accident." He said much of it occurred at Kimbertal before he became manager in 1984. Inbreeding used to be encouraged, he said, though it isn't considered good practice now. Kimbertal at first offered to exchange the dog for another. LePere refused because he believed Buster would be put to death. He said he also didn't want to have a similar experience with another Kimbertal dog.

"I've never seen an animal as hyper and wild as this one," LePere wrote in a complaint to the Tri-State Humane Associations. "I'm not seeking any compensation for my poor misjudgment of Kimbertal."

The Pennsylvania SPCA lists Kimbertal as one of the state's top three sources of dog complaints. The agency compiles its data by asking vets statewide to identify their clients' most serious complaints. Those customers fill out and return complaint forms.

Kimbertal, which rejects such criticism, styles itself as the nation's largest kennel of show-quality Dobermans and rottweilers.

Yarnall, a leader among kennel owners, said he has sold dogs to 274 celebrities, from boxer Muhammad Ali to singer Chubby Checker. Yarnall said complaint files don't show the majority of customers who are happy. Among Kimbertal's satisfied clients is Phillies pitcher Curt Schilling, who bought Slugger, now a 185-pound rottweiler. "He's been completely healthy," Schilling said.

Channel 6 reporter Dann Cuellar said his family has two dogs from Kimbertal, and both are healthy.

Kimbertal's critics say that while the kennel is clean, it breeds many dogs with genetic problems that end up in shelters. Sharon Schiele, president of Delaware Valley Doberman Pinscher Assistance, said at least 25 percent of dogs reaching the rescue group have been Kimbertal dogs or had Kimbertal bloodlines.

Barnes, of the Chester County SPCA, said of Kimbertal: "I see a lot of their animals with hip dysplasia, especially rottweilers."

Kimbertal raises its dogs by placing pregnant females with families; they get to keep the dog after giving the kennel two litters.

Kimbertal starts to breed females at 18 months -- too young to detect genetic problems such as hip dysplasia, experts say.

Yarnall said he does preliminary X-rays, which he considers reliable. He also said the breeder arrangement with families helps socialize puppies because they are raised in a home instead of a kennel.

"Those who condemn us happen to be our competitors," he said. "They'd give their right eye to own this place."

Aaron H. Zimmerman said it was unusual that his dogs were drinking slimy green water in leaky cages stained with feces.

"You ought to come visit when I have everything cleaned up," he cheerily told state agriculture officials and Greenleaf when they toured his kennel on Linden Grove Road in New Holland last summer.

The agriculture officials told Zimmerman he didn't have to allow any outsiders, including Greenleaf and a reporter, to see the kennel — only dog inspectors. Zimmerman agreed to admit the entire party.

He had 35 dogs that day. In the heart of Lancaster's dog-breeding country, Zimmerman is a relatively small breeder.

His kennel sits behind the horse-drawn buggy in the driveway, between the barn and house. It comprised fewer than a dozen wire-bottom cages in poor repair.

Several inches of waste had collected under the cages. Feces hung from most cages' wire bottoms. Much of the concrete was stained, officials said.

The dog bureau's then-acting director, Rick Burd, didn't mince words. "Get some scrubbing done," he told Zimmerman.

Sanitation wasn't Burd's only concern. The roofs were rickety and leaking. The wire was old. Some dogs' drinking water was green. Burd told Zimmerman to have his helper do a better job. "Have him get on that stuff," Burd said.

After Richard F. Hess became director Aug. 8, he visited Zimmerman's kennel. Hess said the breeder needed to further upgrade his cages, which he found had leaky roofs. Hess said Zimmerman would be given a chance to improve and would be cited only if violations continued.

By September, Zimmerman had erected some new cages.



One pet store in New Jersey, the Pet Depot in Point Pleasant, has been besieged repeatedly in the last decade by protesters waving placards with statements like "Ban Puppies From Pennsylvania."

Dogs sold in this Jersey Shore store often originate in Lancaster County.

"It's a matter of stopping the trade," said Bunny Riddick, who has protested against the store for seven years. "People who have had problems come back to protest. They're still upset, even from years back."

Authorities have fined the store's owners, Nat and Paula Sladkin, three times in the last nine years. The attorney general made them pay \$17,500 in fines and costs, and ordered them to put \$16,000 in special accounts to reimburse consumers.

In 1993, Superior Court Judge William H. Huber ordered the Sladkins to reimburse more than \$1,000 to four dog buyers and pay \$4,000 in fines and costs.

In an interview, Nat Sladkin said the legal actions were unwarranted. Sick dogs represent only a fraction of those he sells, he said. He called the protesters "sad people."

"They are just a bunch of vegetarians starved for a good steak," Sladkin said. "They all need mental help."

Sladkin said he personally buys dogs and has a vet check them. "We do what we have to do to take care of them," he said. "We try to be conscientious."

A review of 15 sales in which customers complained of sick dogs showed that all but one dog originated from Lancaster County.

Luis and Tammie Garcia of Paterson bought a rottweiler puppy from Pet Depot on July 5, 1991, for \$412. The dog soon grew to be testy. The rottweiler bit five people over the next two years, the Garcias said.

The 110-pound dog also started limping and yelped in pain when he tried to get up. A vet, Adel Hamdan, found that Zeus had hip dysplasia and would need hip replacement. Even then, he might not be pain-free.

So the Garcias decided that Zeus had to be put to death. The big dog had to be sedated before the vet could administer a lethal injection, the couple said.

"We were so heartbroken," Tammie said.

"People in the waiting room thought I was crazy," Luis said. "I cried like a baby when I walked out."

Bobka Garde
1/16/96



*"Caring People
Promoting and Celebrating
The Human-Animal Bond"*

16 January 1996

Representative Joann Flower, Chairperson
House Agriculture Committee

RE: House Bill 2607

Dear Chairperson Flower and members of the Committee,

I appear here today to offer supporting testimony regarding the proposed changes and clarifications for Kansas Animal Dealers Act. For the most part, the recommendations contained in this bill are simply clarifications or "cleaning up."

Section 4 which requires out-of-state dealers to obtain a Kansas permit to broker or distribute animals is good government. Maintaining some authority regarding the influx of animals into our state is crucial to protecting animal health as well as for continuing to further our image as a state that truly cares about animal welfare.

Section 6(ee)1 offers a more specific definition of adequate veterinary care for animal housing facilities. This is certainly useful for establishing consistent standards of care and sanitation.

Section 9 is particularly helpful in the sheltering industry, as this change clearly establishes the requirement for licensure of all sheltering facilities. It should be well understood that "private" individuals or groups who attempt to shelter animals are all too often the cases which grow out of control, resulting in genuine animal abuse and neglect. Clearly, any one who proposes to shelter animals should be subject to conformation to basic health and sanitation, record keeping, etc requirements which the licensing process enforces.

Section 13 is commendable in it's aim at eliminating confusion regarding the interpretation of the "three day hold" requirement.

*House Agriculture
Attachment 4
1-16-96*

The regulation of euthanasia procedures is an appropriate activity for the state. Promulgating these approved procedures through the use of regulations, rather than legislation, is much more effective. The technology regarding euthanasia is under constant review and development. This change will enable the state to respond to advances in this field in a more timely and less cumbersome manner.

Thank you for the opportunity to comment on these proposed changes. I urge you to accept this bill and report it to the house for passage.

Respectfully submitted,

Bob LaGarde
Executive Director

Sharon Munk
1/16/96



BJS & Guys

Paul & Sharon Munk
HC 1, Box 5
Menlo, Kansas 67753-0680
(013) 855-2251
FAX (013) 855-2252

1-16-96

TO: Members of the House Agriculture Committee

FROM: Sharon Munk - KANSAS Professional Pet Breeder
KANSAS License #005
USDA License #48-B-081
APPDI Certified#92-007-B

RE: HB #2607

As the owner and operator of one of the largest professional pet breeding facilities in the state of KANSAS, I am here, (300 miles from home), to stress the importance of the current KANSAS Animal Dealer Act, along with emphasizing the necessity of the additions and revisions to this law with House Bill #2607.

I'd like to thank those of you that may have been here in 1991 when we came to town and asked for your help. The current KANSAS Animal Dealer Act was revamped at that time. The Advisory Board was formed and appointed and this KANSAS industry has soared ever since.

The state of KANSAS has the honor throughout the United States and elsewhere, as having the "MODEL LAW", in this industry. That is quite a switch from the negative media we had to suffer throughout 1990. I'm proud to be a KANSAN raising quality pets.

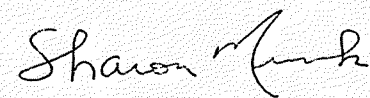
I'm a past Board of Director with the National Organization APPDI (American Professional Pet Distributors Incorporated). I held the breeder seat on the KANSAS Companion Animal Advisory Board at its inception, the secretary for this board in 91 and 92. I held the APPDI Distributor position for the past three years. My term expired in July last year. I am here today to let you know this bill contains three years of work by the advisory board. The advisory board consist of those involved in ALL aspects of pet animal care. Veterinarians, Humane Societies, Research facilities, Pet Retailers, Distributors, Professional Breeders, Show and Hobby Breeders, and even a person representing the general public.

It is so refreshing to be pro-active, instead of re-active when you happen to be part of an industry that is always under public scrutiny and the media eyes.

These additions and revisions are precisely what we need. I urge you to pass House Bill #~~260~~7 out of committee, onto the floor, and into the law books.

It is not time-efficient for me to explain these additions and revisions in detail, or the reasons why they are necessary, if you already have an understanding from earlier explanations or testimonies, but I will be glad to answer your questions concerning this industry and any portion of this bill you wish to discuss.

Thankyou,


Sharon Munk

House Agriculture
Attachment 5
1-16-96

January 16, 1996

Renee Harris
1/16/96

House of Representatives
House Committee of Agriculture

House Bill No. 2607

Chairperson and Committee Members:

My name is Renee Harris and I am presently the Shelter Manager of the Lawrence Humane Society. Our facility serves the City of Lawrence, as well as the counties of: Douglas, Jefferson, Leavenworth, Miami, Franklin, and Anderson. Our facility handles a minimum of five thousand animals annually. At this time I would like to thank you for the opportunity to speak before you this morning. House Bill No. 2607 represents a clearer definition of the requirements of all concerned in the companion animal industry in the State of Kansas. The Companion Advisory Board has taken considerable time to prepare the revision of the out-dated Animal Dealer's Act and in my professional opinion has completed the task well. As a representative of the Lawrence Humane Society I ask this committee to support House Bill 2607. Within the definitions and inspection requirements outlined in this proposed revision all individuals involved in the companion animal industry will be held accountable and responsible for the care of the animals in their custody. Also proposed in this revision are the standards in which euthanasia methods are to be used. Presently the State law allows for many out-dated and unacceptable methods for euthanasia including the usage of drugs that no longer available in the United States. With the revision the allowance is made to have current AVMA (American Veterinary Medical Association) euthanasia guidelines met. It is an unfortunate issue that tens of thousands of companion animals are euthanized across our state. At least with this bill the animals will be given the most humane euthanasia possible.

Again I thank you for your time and consideration to this particular bill, and hope it will be passed from the House Committee of Agriculture in the best interest of the companion animals.

Lawrence Humane Society
Renee Harris
1805 East 19th Street
Lawrence, KS 66046
(913) 843-6835

House Agriculture
Attachment 6
1-16-96

Donna Poole

1/16/96

THE KANSAS FEDERATION OF HUMANE SOCIETIES, INC.
ESTABLISHED 1952

The Kansas Federation of Humane Societies supports House Bill No. 2607 with one reservation.

As a member of the Companion Animal Advisory Board which reviews this act and recommends revisions, we appreciate the amount of work which has gone into this bill and the efforts made to make it more clear, concise and effective. The Federation believes that the proposed legislation generally accomplishes these goals. We agree with and support the proposed amendments with one exception.

We have reservations about the proposed amendments to Sec. 23 of K.S.A. 47-1725 regarding the Kansas pet animal advisory board. We advocate that a better balance should be created between those representing the commercial interests of the pet animal industry and those representing the public service/non-commercial interests of the industry. The proposed amendments which weight the balance even further toward the commercial interests on the board must be made more equitable.

The Federation proposes that an additional 13th position be created on the board to enable commercial and non-commercial interests to be more equally represented. This member shall be a representative of the Kansas Animal Control Association (KACA). *Care Professionals* KACA is a well established, professional organization of animal control officers which provides training and information in a statewide network for its members. ~~They are a branch of the National Animal Control Association.~~ We have communicated with KACA and find them agreeable to filling a position on the board. The Federation feels confident that this additional member to the board will promote a more equal representation of interests of those actually being regulated by these statutes.

With the aforementioned change in Sec. 23 of K.S.A. 47-1725, the Kansas Federation of Humane Societies would fully endorse House Bill No. 2607.

Respectfully submitted,

Donna Poole

Donna Poole
Vice President/Acting President
Kansas Federation of Humane Societies
Rt. 1 Box 59
Olsburg, KS 66520
(913) 468-3660

*House Agriculture
Attachment 7
1-16-96*

Larry Snyder
1/16/96

January 16, 1996
House Agriculture Committee
Kansas House of Representatives
Topeka, Kansas

Honorable Rep. Flower and members of the Agriculture Committee:

Testimony regarding House Bill No. 2607

I am a Veterinarian involved in private practice in the Topeka area and my clients have been actively involved with both the show and commercial aspects of raising dogs for nearly 20 years.

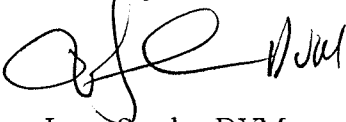
I have mixed feelings regarding the passage of HB 2607. I realize that many of the revisions of the existing law are for clarification and ease of interpretation and should be seriously considered.

The new Section 3 of this bill though, is a major expansion of the size and scope of the Kansas Animal Health Department and will broaden their jurisdiction over many people not currently affected by the law. Most of the dog show fancy that would be included under the new classification of an "Animal Breeder" have not bred or raised enough puppies to be previously licensed under the current Kansas Animal Dealer Act. With Governor Bill Graves comments during his State of the State message regarding limiting the size of government and restricting the intrusion of government into private citizens' lives, I feel this expansion of the Animal Dealer Act to be very ill timed and ill advised. Raising or imposing fees on taxpayers that are not contributing to the overall problems being addressed by the current law is unnecessary. If the current program cannot be funded from legitimate commercial kennel fees presently in effect, I feel it wrong to broaden the fee base onto innocent people that happen to have more than 3 intact females. Shortfalls in funding should be addressed by reductions of expenditures; possible elimination of double inspections by both State and USDA inspectors on USDA licensed kennels would be in order.

Show puppies are not sold at 8 weeks and are usually kept for a variable period of time before starting their show career. In many cases, some show females are 1-2 years old before being shown. While breeding an occasional litter of puppies for show prospects, show breeders do not continually breed their females for maximum production. Many females are left intact without ever being bred to leave the option open for a later breeding if warranted to improve the breed. The licensing requirements in the new Section 3 assumes that anyone with over 3 intact females is breeding commercially which is not the case in a majority of cases with show dogs.

I therefore request that the new Section 3 be removed from HB 2607 or the bill be revised to not impact innocent individuals unnecessarily.

Sincerely,



Larry Snyder, DVM.
University Animal Clinic
Box 4135
Topeka, Ks 66604

(313) 233-3185

House Agriculture
Attachment 8
1-16-96

Did not testify
1/16/96

Robert C. Koerperich
Box 105
Selden, KS 67757
January 4, 1996

Dear Member of Agriculture Committee,

I am writing this letter, asking for your support on the proposed changes to the Kansas Animal Dealer Act.

I am a member of the Companion Animal Advisory Board and we feel that the pet industry has come a long way since the implementation of the revisions of the Kansas Animal Act in 1991. After having the new laws in effect for four years we can still see some changes needed to clarify terminology and make it more equitable and user friendly.

A lot of time, effort, and thought has been spent on the new proposed changes to the Kansas Animal Act and I would appreciate your support in passing the new law.

Thank You.

Sincerely,

Robert C. Koerperich

Robert C. Koerperich
Member of Companion Animal Advisory Board

*House Agriculture
Attachment 9
1-16-96*