

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on January 24, 1996, in Room 423-S of the Capitol.

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

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

Conferees appearing before the committee:

Others attending: See attached list

Discussion and possible action on: HB 2607 - Amendments to the Kansas animal dealer act; renaming the Kansas pet animal act.

Chairperson Flower opened discussion on **HB 2607** by calling the committee's attention to several letters she had received from humane societies concerning this bill (Attachments 1, 2, and 3), as well as a copy of the Fiscal Note for **HB 2607** (Attachment 4). Representative Yoh presented a letter with suggested changes for consideration. She felt the bill as written placed an undue hardship on hobbyist and other non-profit organizations and suggested structuring license fees based on amount of sales (Attachment 5). Bob LaGarde, Helping Hands Humane Society, Topeka, offered his suggestions for membership on the Kansas Companion Animal Advisory Board (Attachment 6).

After consulting with the Kansas Animal Health Department and several breeders, Representative Sloan offered a prepared comprehensive balloon amendment to **HB 2607**. Representative Sloan moved to pass his amendments as presented. It was seconded by Representative Feuerborn.

Representative Sloan stated that many of his suggested changes to **HB 2607** would return the bill to current law, but would use the new titles. Other changes would set \$75 as the maximum license fee for a hobby breeder or kennel operator; permit a pro-rated license fee for an initial license or permit; change the composition of the Pet Animal Advisory Board; and a new Section 28 would offer protection to maintain and inspect the pet animal industry if any provision of this act or application thereof should be held invalid. (Attachment 7)

Committee concerns regarding the amendments to **HB 2607** included pro-rating license fees and returning the definition of a premise to current law, as this was a major point in the bill. Debra Duncan, Director, Animal Facilities Inspection Program, stated that USDA does pro-rate their license fees, however, many states do not. The premise definition of "four intact females" is also a USDA standard. This is something the Department wanted to try, but acknowledged that there has been a lot of opposition from the industry. She stated that she was comfortable returning to the definition in current law. Members of the Advisory Board that she had been able to visit with concerning this section, thought clarification of the law was worth passage of this bill with or without this definition change. Ms. Duncan reported that she had received a fax this morning from a national bird organization that would like the words "for retail sale to the general public" added to the amendment on Page 5 of the bill.

Committee discussion and possible action on **HB 2607** will be continued next week.

Representative Bryant moved to accept the minutes of January 9, 10, 16, and 17 as presented. Representative Weiland seconded the motion. The motion carried.

The meeting adjourned at 9:55 a.m. The next meeting is scheduled for January 25, 1996.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1/24/96

NAME	REPRESENTING
Rep Dee Uoh	constituent request
Debra Duncan	Animal Health
Sara [unclear]	HERZOG HANDS
Tricia Reeb	Helping Hands
Freda Watts	CFA Topka Cat Fan
Kerri Ebert	Kansas Dairy Assn / KVMA
Uleed Carlson DVM	*KVMA
RICHARD HAZELL CAS	AVICULTURE
Debra Puckey	N.E. Kansas Cage/Bird Club
LARRY SPYDER DVM	TOPKA KNOWLEDGE CLUB
Lois McClinton	Topka Kennel Club
Tom Bruno	Allent Assoc
Carman Simon	Animal Health Dept
Pat Harrington	Animal Health Dept
Welda Spore	Animal Health Dept
Norathy McRae	Animal Health Dept



SALINE COUNTY HUMANE ASSOC.

Telephone 913/825-8652

P.O. Box 1544 — Salina, Kansas 67402-1544

746 Manchester Road
Salina, Ks. 67401
January 22, 1996

Representative Joann Flower
House Agriculture Committee
State Office 426-S 7684
State Capitol Building
Topeka, Ks. 66612-1590

Dear Representative Flower:

With one exception, the Saline County Humane Association supports HB2607, a bill which makes some changes in the Companion Animal Act. That exception is the composition of the Companion Animal Advisory Board. The bill proposes an increase in the number of members to that board, the increase coming from representatives of the pet-breeding industry. Our concern is a more equitable representation for the public service/noncommercial interests.

To that end, we believe that the inclusion of a representative from a group such as the Kansas Animal Control Association is advisable. We also support retention on that board of a representative from the Kansas Federation of Humane Societies, at present the only group in the state which seeks to unite humane societies in the interests of improved animal care.

We hope the committee will understand the importance of balancing the various interests on the board and will vote to preserve that diversity.

Sincerely yours,

A handwritten signature in cursive script that reads "Carol J. Brandert". The signature is written in black ink and includes a long horizontal flourish at the end.

Carol J. Brandert
Public Relations Chairperson
Education Committee
1-913-825-1696

*House Agriculture
Attachment 1
1-24-96*

*Riley County
Humane Society, Inc.*

Box 1202
Manhattan, Kansas 66502



January 21, 1996

Members of the House Agriculture Committee
State Capitol Building
Topeka, Kansas 66612

Dear Committee Member:

I am writing in support of HB2607, with one exception. As a member of the Riley County Humane Society, I have followed legislation affecting animal welfare for many years. HB2607 covers a number of important points, especially that concerning acceptable methods of euthanasia. My one reservation is about the proposed make-up of the pet animal advisory board. Of the 12 proposed members, 9 represent the commercial interests of the pet animal industry. That leaves only 3 members whose interest is in the welfare of animals--a member of the Kansas Federation of Humane Societies, a veterinarian, and (hopefully) a private citizen. This seems heavily weighted on the side of commercial interests. To create a more balanced representation, the KFHS proposes that a 13th position be added to the board, to be filled by a representative of the Kansas Animal Control Association.

I understand that another bill, HB2644, would provide for a representative of either KACA or KFHS as a member of the 12-person board. Such a provision could result in there being no representation whatever for the many humane societies in Kansas which are vitally interested in all decisions pertaining to animals. I would strongly oppose such a measure.

I would appreciate your consideration of amending HB2607 by adding a 13th position to the board, to be filled by a representative of Kansas Animal Control Association.

Respectfully yours,

Julia Cleland

Julia Cleland
3035 Conrow Drive
Manhattan, KS 66503
(913) 776-1099

*House Agriculture
Attachment 2
1-24-96*

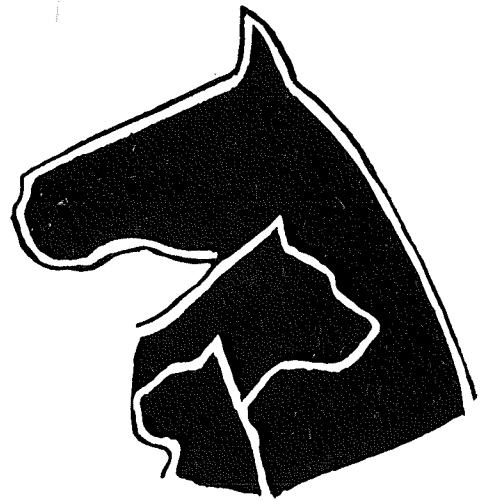
*Riley County
Humane Society, Inc.*

Box 1202
Manhattan, Kansas 66502

January 22, 1996

Rep. Joann Flower
Capitol Building 426-S
Topeka, Kansas 66612

Dear Rep. Flower,



The Riley County Humane Society has been informed by Donna Poole, acting president of the Kansas Federation of Humane Societies, that your committee will be discussing HB 2607 in the near future. Our Humane Society supports your efforts on behalf of companion animals and we support most of the changes included in the bill.

However, we believe the Companion Animal Advisory Board needs more balance. We understand HB 2644 has been introduced, allowing the Kansas Federation of Humane Societies (KFHS) or Kansas Animal Control Association (KACA) to be represented on the board. We feel that both KFHS and KACA should be represented. KACA and humane societies have entirely different functions and responsibilities. The vast majority of humane societies are made up of volunteers whose only obligation is to the welfare of animals. KFHS is a statewide organization representing a diverse cross section of humane societies and a large number of volunteers.

Please give consideration to the volunteer segment of the companion animal industry as you re-work bills 2607 and 2644.

Sincerely,

Gwen Kropf

Gwen Kropf, President
Riley County Humane Society
2828 Sargent Lane
Manhattan, Kansas 66502
(913) 539-2114

*House Agriculture
Attachment 3
1-24-96*

STATE OF KANSAS



DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Bill Graves
Governor

Gloria M. Timmer
Director

January 12, 1996

The Honorable Joanne Flower, Chairperson
House Committee on Agriculture
Statehouse, Room 426-S
Topeka, Kansas 66612

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2607 by ~~Representative Flower~~

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2607 is respectfully submitted to your committee.

HB 2607 makes several changes to the Kansas Animal Dealers Act, including changing the title to the Kansas Pet Animal Act. The primary change to the Act involves the dog and cat breeder categories. Currently, there are three separate categories of breeders: Hobby kennels, animal dealers, and pet shops (also known as retail breeders). Current law is based on the number of litters produced and sold. HB 2607 would combine all dog and cat breeder categories into one license: animal breeder. Under this definition, which is modeled after the USDA definition, only those breeders having four or more sexually intact female dogs or cats (or both) which also produce puppies or kittens, would be licensed.

In addition to this change, the law adds two new categories of licensees. An Animal Wholesaler is someone who sells or offers for sale 20 or more animals other than dogs, cats, fish or food animals (such as mice or rats fed to snakes). The other new category of licensee is an Out-of-State Distributor is someone who resides in a state other than Kansas but who buys Kansas dogs for resale to another person. Finally, the bill expands the number of representatives on the Animal Health Advisory Board from nine to 12. This change will allow a position on the board for all license categories. Most of the other revisions in the bill are technical in nature with the purpose of attempting to make the law more clear.

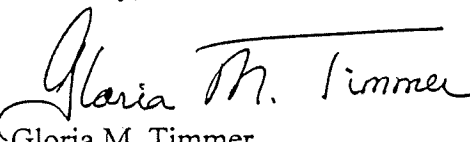
*House Agriculture
Attachment 4
1-24-96*

Estimated State Fiscal Impact				
	FY 1996 SGF	FY 1996 All Funds	FY 1997 SGF	FY 1997 All Funds
Revenue	--	--	--	\$4,100
Expenditure	--	--	--	7,500
FTE Pos.	--	--	--	--

The agency would expect to license 50 animal wholesalers under this law. Based on a fee of \$150 per inspection, the agency would expect the cost of regulation to be offset by the fees. In the dog and cat breeder categories, 66 currently licensed and registered people will no longer require licensing, resulting in a revenue loss of \$5,025. The agency anticipates that this loss will be made up in new licenses.

The bill would impose a new license fee on the out-of-state distributors who broker dogs and cats. The agency was not able to determine how many exactly how many distributors would fall under this category, but the estimate is 10 distributors at \$500 each, resulting in an increase in fees of \$5,000.

Finally, the bill allows facilities to purchase a \$75 closing permit. Under current law, these facilities would have to purchase a \$300 license to dispose of their animals. The agency anticipates 10 to 20 facilities per year to utilize this provision. Revenue loss would be negligible and the agency anticipates that any reductions would most likely be offset by income derived from late fees.

Sincerely,

 Gloria M. Timmer
 Director of the Budget

cc: Deb Duncan, Animal Health Dept.

DEE YOH
REPRESENTATIVE, SECOND DISTRICT
2802 E. 12TH
PITTSBURG, KANSAS 66762

STATE CAPITOL
RM 174-W
TOPEKA, KANSAS 66612-1504
913-296-7655



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
GOVERNMENTAL ORGANIZATION AND ELECTIONS
HEALTH AND HUMAN SERVICES
JUDICIARY

re: HB2607

After reviewing HB2607 I believe that the bill, as proposed, places an undue hardship on hobbyist and other non-profit organizations. When working the bill I would appreciate it if you would take the follow suggestions into consideration.

1. Language changes in HB2607 to require a certain amount of sales to be reached before a license would be required. According to current language, a person could earn \$100, but be required to pay a \$300 license fee.
2. Language changes in HB2607 to structure license fees in relation to sales figures and not to exceed \$150. After researching several other licensing fees the proposed \$300 fee appears to be disproportionate to licensing fees in other areas. Example 65-1645(1) states that the license fee for pharmacies is to be not more than \$150. 74-7009 sets the fee for licensing an architect from \$25 to not more than \$150. If the intent of the bill is not to regulate people like this then perhaps the language of the bill could be altered to exclude these individuals.
3. Language changes to include representation on the board for small animal breeders (birds, reptiles, etc.). Currently the hobby breeder is not represented.
4. Language changes to distinguish between breeders/hobbyist/non-profit organizations (4H, bird clubs).
5. Clarification of HB2607 as it pertains to birds.

Thank you for your consideration

A handwritten signature in cursive script, appearing to read 'Dee Yoh'.

Representative Dee Yoh

House Agriculture
Attachment 5
1-24-96

Bob LaGarde, Executive Director
Helping Hands Humane Society
Topeka, Kansas

Sec. 23 K.S.A. 47-1725 is hereby amended to read as follows: 47-1725. (a) There is hereby created the Kansas companion *pet* animal advisory board, consisting of ~~nine~~ *twelve* members. Members shall be appointed by the governor as follows:

- (1) One member shall be a representative of the ~~from a~~ *from a* Kansas federation of humane *society* societies;
- (2) one member shall be an employee of a research facility licensed under K.S.A. 47-1720, and amendments thereto;
- (3) one member shall be a companion animal breeder, actively engaged in the breeding of companion animals, licensed under the Kansas *pet* animal dealer act and shall be selected from a list of three names presented to the governor by the American professional pet distributors, inc.;
- (4) one member shall be a ~~companion~~ an animal *control officer actively engaged in performing animal control services in the state of Kansas* broker distributor, actively engaged in buying and selling companion animals, licensed under the Kansas pet animal dealer act and shall be selected from a list of three names presented to the governor by the American professional pet distributors, inc.;
- (5) one member shall be a pet shop operator, licensed under the Kansas *pet* animal dealer act and shall be selected from a list of three names presented to the governor by the pet industry joint advisory council;
- (6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas Veterinary Medical Association;
- (7) one member shall be a private citizen with no link to the industry;
- (8) one member shall be a ~~companion animal breeder, actively engaged in the breeding of companion animals, or a companion animal broker, actively engaged in the buying or selling of~~ companion animal broker, actively engaged in the buying or selling *of* companion animals, licensed under the Kansas *pet* animal dealer act and shall not be affiliated with an organized companion animal association; and

House Agriculture
Attachment 6
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(9) one member shall be a hobby kennel operation, registered under the Kansas animal dealer act, *an animal breeder, licensed under the Kansas pet animal act and who is actively engaged in the showing of purebred dogs or cats;*

(10) one member shall be a kennel operator, licensed under the Kansas pet animal act;

(11) one member shall be an animal wholesaler licensed under the Kansas pet animal dealer act;

(12) one member shall be an employee of a municipally operated animal impoundment facility.

HOUSE BILL No. 2607

By Representative Flower

12-20

9 AN ACT concerning the Kansas animal dealers act; renaming the act the
 10 Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1706,
 11 47-1707, 47-1709, 47-1711, 47-1713, 47-1715, 47-1718, ~~47-1720~~, 47-
 12 1721, 47-1723, 47-1724, 47-1725, 47-1726 and 47-1727 and K.S.A.
 13 1995 Supp. 47-1701, 47-1704, 47-1710, 47-1712 and 47-1731 and re-
 14 pealing the existing sections; also repealing K.S.A. ~~47-1710 and~~ 47-
 15 1722.

47-1719

16
 17 *Be it enacted by the Legislature of the State of Kansas:*
 18 New Section 1. (a) Any licensee or permit holder required to be
 19 licensed or obtain a permit under the Kansas pet animal act, who is in
 20 the process of ceasing to do business on July 1, may be issued a temporary
 21 closing permit at the discretion of the commissioner.
 22 (b) Application for such permit shall be made in writing on a form
 23 provided by the commissioner.
 24 (c) The permit will be effective for 30 days. During the 30-day period,
 25 the licensee or permit holder shall be required to comply with the Kansas
 26 pet animal act and all rules and regulations adopted thereunder. By ac-
 27 cepting such permit, the licensee or permit holder agrees to allow an
 28 inspection of the facility at the end of the 30-day period to certify that
 29 the operation has ceased business. The licensee or permit holder shall
 30 provide records as to the disposition of the animals to the commissioner
 31 upon request.
 32 (d) The permit may be renewed, at the discretion of the commis-
 33 sioner, for an additional 30-day period.
 34 (e) This section shall be part of and supplemental to the Kansas pet
 35 animal act.
 36 New Sec. 2. (a) It shall be unlawful for any person to act as or be an
 37 animal wholesaler unless such person has obtained from the commis-
 38 sioner an animal wholesaler license for each animal wholesaler premises
 39 operated by such person. Application for each such license shall be made
 40 in writing on a form provided by the commissioner. The license period
 41 shall be for the license year ending on June 30 following the issuance
 42 date.
 43 (b) This section shall be part of and supplemental to the Kansas pet

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1 animal act.

2 New Sec. 3. (a) It shall be unlawful for any person to act as or be an
 3 animal breeder unless such person has obtained from the commissioner
 4 an animal breeder license for each animal breeder premises operated by
 5 such person. Application for each such license shall be made in writing
 6 on a form provided by the commissioner. The license period shall be for
 7 the license year ending on June 30 following the issuance date.

8 (b) This section shall be part of and supplemental to the Kansas pet
 9 animal act.

10 New Sec. 4. (a) It shall be unlawful for any person to act as or be an
 11 out-of-state distributor of dogs or cats, or both, within the state of Kansas
 12 unless such person has obtained from the commissioner an out-of-state
 13 distributor permit. Application for each such permit shall be made in
 14 writing on a form provided by the commissioner. The permit period shall
 15 be for the permit year ending on June 30 following the issuance date.

16 (b) This section shall be part of and supplemental to the Kansas pet
 17 animal act.

18 New Sec. 5. (a) A licensee or permit holder or applicant for a license
 19 or permit shall not interfere with, hinder, threaten, abuse, including ver-
 20 bal abuse, or harass any representative or employee of the animal health
 21 department who is carrying out such representative's or employee's duties
 22 under the provisions of the Kansas pet animal act.

23 (b) This section shall be part of and supplemental to the Kansas pet
 24 animal act.

25 Sec. 6. K.S.A. 1995 Supp. 47-1701 is hereby amended to read as
 26 follows: 47-1701. As used in the Kansas *pet animal dealers* act, unless the
 27 context otherwise requires:

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

32 (b) "Adequate watering" means a supply of clean, fresh, potable wa-
 33 ter, supplied in a sanitary manner and either continuously accessible to
 34 each animal or supplied at intervals suitable for the animal species, not
 35 to exceed intervals of 12 hours.

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

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

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

43 (e) "Animal ~~dealer~~ breeder" means any person who operates animal

New Sec. 6. (a) It shall be unlawful for any person to act
 as or be a retail breeder unless such person has obtained from the
 commissioner a retail breeder license for each retail breeder
 premises operated by such person. Application for each such
 license shall be made in writing on a form provided by the
 commissioner. The license period shall be for the license year
 ending on June 30 following the issuance date.

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

Renumber the remaining sections accordingly.

1 dealer breeder premises.

2 (f) ~~(1)~~ "Animal dealer breeder premises" means any premises where
3 ~~at which four or more intact female dogs or cats, or both, are maintained~~
4 ~~and from which premises dogs or cats, or both, are produced or sold, or~~
5 ~~offered or maintained for sale, primarily at wholesale for resale to another.~~

where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for ~~retail~~ to another.

(Sale)

6 (2) Animal dealer premises does not include: (A) Any pound, no-kill
7 shelter or animal shelter; or (B) any premises described in subsection
8 (m)(1).

9 (g) "Animal shelter" or "pound" means a facility which is used for
10 the purpose of impounding or harboring or designed for use to house,
11 contain, impound or harbor any seized stray, homeless, relinquished or
12 abandoned animal and which is owned, operated or maintained by a duly
13 incorporated humane society, animal welfare society, society for the pre-
14 vention of cruelty to animals or other nonprofit corporate organizations
15 devoted to the welfare, protection and humane treatment of animals or
16 a person who acts as an animal rescuer, or who collects and cares for
17 unwanted animals or offers them for adoption. Animal shelter or pound
18 also includes a facility of an individual or organization, profit or non-
19 profit, maintaining 20 or more dogs or cats, or both, for the purpose of
20 collecting, accumulating, amassing or maintaining the animals or offering
21 the animals for adoption.

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

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

26 (j) "Dog" means any animal which is wholly or in part of the species
27 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
28 74-8802 and amendments thereto.

29 (k) ~~"Dog warden"~~ "Animal control officer" means any person em-
30 ployed by, contracted with or appointed by the state, or any political
31 subdivision thereof, for the purpose of aiding in the enforcement of this
32 law, or any other law or ordinance relating to the licensing or permitting
33 of animals, control of animals or seizure and impoundment of animals,
34 and includes any state, county or municipal law enforcement officer, an-
35 ~~imal control officer~~ dog warden, constable or other employee, whose du-
36 ties in whole or in part include assignments which involve the seizure or
37 taking into custody of any animal.

38 (l) "Euthanasia" means the humane destruction of an animal, which
39 may be accomplished by any of those methods provided for in K.S.A. 47-
40 1718 and amendments thereto.

41 (m) ~~(1)~~ "Hobby kennel" means any premises where only dogs or cats,
42 or both, which are produced and raised on such premises are sold, or
43 offered or maintained for sale, by a person who resides on such premises,

7-4

1 but only if the total number of dogs or cats, or both, which are produced
2 and raised on such premises and are sold during the registration year is
3 fewer than all or part of six litters of animals or 30 individual animals,
4 whichever is less, whether such animals are dogs or cats, or both.

5 (2) Hobby kennel does not include: (A) Any pound, no-kill shelter or
6 animal shelter, or (B) any premises where fewer than all or part of three
7 litters of animals, whether dogs or cats, or both, are sold during the reg-
8 istration year.

9 (n) "Hobby kennel operator" means any person who operates a
10 hobby kennel.

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

13 (p) (1) (n) "Kennel operator" means any person who operates an
14 establishment where animals four or more dogs or cats, or both, are main-
15 tained in any one week for boarding, training or similar purposes for a
16 fee or compensation.

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

20 (q) (o) "Kennel operator premises" means the facility of a kennel
21 operator.

22 (r) (p) "License year" or "registration year" "permit year" means the
23 12-month period ending on June 30.

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

29 (t) (q) "Person" means any individual, association, partnership, cor-
30 poration or other entity.

31 (u) (r) (1) "Pet shop" means any premises where there are sold, or
32 offered or maintained for sale, at retail and not for resale to another: (A)
33 Any dogs or cats, or both, or (B) any other animals except those which
34 are produced and raised on such premises and are sold, or offered or
35 maintained for sale, by a person who resides on such premises animals
36 are bought, sold, exchanged or offered for retail sale to the general public.

37 (2) Pet shop does not include: (A) Any pound, no-kill shelter or animal
38 shelter; (B) any premises where only fish are sold, or offered or
39 maintained for sale; or (C) any animal dealer distributor premises, or any
40 premises described in subsection (m)(1), where the only animals, other
41 than dogs or cats, which are sold, or offered or maintained for sale, are
42 animals which are produced and raised on such premises and are sold,
43 or offered or maintained for sale, by a person residing on such animal

(m) "Hobby breeder premises" means any premises where
all or part of 3, 4 or 5 litters of dogs or cats, or both, are
produced for sale or sold, offered or maintained for sale. This
provision applies only if the total number of dogs or cats, or both,
sold, offered or maintained for sale is less than 30 individual
animals.

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

Reletter remaining sections accordingly

hobby breeder premises,

S-7

1 breeder premises or animal wholesaler premises. ~~Nothing in this section~~
2 ~~prohibits inspection of those premises which sell only fish to verify that~~
3 ~~only fish are being sold.~~

4 ~~(*)~~ (s) "Pet shop operator" means any person who operates a pet
5 shop.

6 ~~(w)~~ "Pound" means a facility which is used for the purpose of im-
7 pounding or harboring any seized stray, homeless or abandoned animal
8 and which is operated:

9 (1) ~~By the state or a political subdivision of the state; or~~

10 (2) ~~under contract with any municipality or incorporated society for~~
11 ~~the prevention of cruelty to animals.~~

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

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

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

22 ~~(aa)~~ (w) "Sanitize" means to make physically clean and to remove and
23 destroy, to a practical minimum, agents injurious to health, at such inter-
24 vals as necessary.

25 (x) "Animal distributor" means any person who operates an animal
26 distributor premises.

27 (y) "Animal distributor premises" means the premises of any person
28 engaged in the business of buying for resale dogs or cats, or both, as a
29 principal or agent, or who holds such distributor's self out to be so en-
30 gaged.

31 (z) "Animal wholesaler" means any person who operates an animal
32 wholesaler premises.

33 (aa) "Animal wholesaler premises" means any premises where 20 ~~an-~~
34 ~~imals, other than fish, dogs, cats, food animals or any combination thereof,~~
35 ~~are sold or offered or maintained for sale, primarily at wholesale for resale~~
36 ~~to another.~~

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

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

(dd) "Adequate veterinary medical care" means:

; or (D) any private home not normally operated as a business.
Operation of a business is presumed whenever 20 or more female
animals, other than fish, dogs, cats, food animals or any
combination thereof, are owned, maintained or housed on a
premises for the primary purpose of breeding.

(3)

or more female
are owned, maintained or housed primarily for the purpose of
breeding and where such animals

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

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

9 ~~(ee) "Intact female" means, with respect to a dog, a female dog be-
10 tween the ages of six months and 12 years of age which has not been
11 surgically sterilized by a licensed veterinarian; and with respect to a cat,
12 a female cat between the ages of six months and 10 years which has not
13 been surgically sterilized by a licensed veterinarian. Proof of sterilization
14 must be made available upon request to the commissioner or the com-
15 missioner's authorized, trained representative.~~

16 ~~(ff) "Ratites" means all creatures of the ratite family that not indige-
17 nous to this state, including, but not limited to, ostriches, emus and rheas.~~

(gg)

18 Sec. 7. K.S.A. 47-1702 is hereby amended to read as follows: 47-
19 1702. ~~Except as otherwise provided by K.S.A. 47-1722, it shall be unlawful~~
20 ~~for any person, other than a person licensed under public law 91-579 (7~~
21 ~~U.S.C. § 2131 et seq.), to act as or be an animal dealer unless such person~~
22 ~~has obtained from the commissioner an animal dealer license for each~~
23 ~~animal dealer premises operated by such person. Except as otherwise~~
24 ~~provided by K.S.A. 47-1722, on and after January 1, 1980, It shall be~~
25 ~~unlawful for any person licensed under public law 91-579 (7 U.S.C. §~~
26 ~~2131 et seq.) to act as or be an animal dealer distributor unless such~~
27 ~~person has obtained from the commissioner an animal dealer distributor~~
28 ~~license for each animal dealer distributor premises operated by such per-~~
29 ~~son. Application for such license shall be made in writing on a form pro-~~
30 ~~vided by the commissioner. The license period shall be for the license~~
31 ~~year ending on June 30 following the issuance date.~~

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

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

32 Sec. 8. K.S.A. 47-1703 is hereby amended to read as follows: 47-
33 1703. ~~Except as otherwise provided by K.S.A. 47-1722, It shall be unlaw-~~
34 ~~ful for any person to act as or be a pet shop operator unless such person~~
35 ~~has obtained from the commissioner a pet shop operator license for each~~
36 ~~pet shop operated by such person. Application for each such license shall~~
37 ~~be made in writing on a form provided by the commissioner. The license~~
38 ~~period shall be for the license year ending on June 30 following the is-~~
39 ~~ssuance date.~~

40 Sec. 9. K.S.A. 1995 Supp. 47-1704 is hereby amended to read as
41 follows: 47-1704. It shall be unlawful for any person to operate a pound;
42 ~~no-kill shelter~~ or animal shelter, except a licensed veterinarian, unless a
43 license for such pound; ~~no-kill shelter~~ or shelter has been obtained from

1 the commissioner. Application for such license shall be made on a form
2 provided by the commissioner. The license period shall be for the license
3 year ending on June 30 following the issuance date.

4 Sec. 10. K.S.A. 47-1706 is hereby amended to read as follows: 47-
5 1706. (a) The commissioner may refuse to issue or renew or may suspend
6 or revoke any license or ~~certificate of registration~~ *permit* required under
7 K.S.A. 47-1701 *et seq.* and amendments thereto for any one or more of
8 the following reasons:

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

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

16 (3) permitting any license or ~~certificate of registration~~ *permit* issued
17 hereunder to be used by an unlicensed or ~~unregistered~~ *unpermitted* per-
18 son or transferred to unlicensed or ~~unregistered~~ *unpermitted* premises;

19 (4) the conviction of any crime; ~~an essential element of which is mis-~~
20 ~~statement, fraud or dishonesty;~~ or relating to the theft of or cruelty to
21 animals;

22 (5) substantial misrepresentation;

23 (6) misrepresentation or false promise, made through advertising, sa-
24 lespersons, agents or otherwise, in connection with the operation of busi-
25 ness of the licensee or ~~registrant~~ *permittee*;

26 (7) fraudulent bill of sale;

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

28 (9) the feeding, watering, sanitizing and housing practices at the li-
29 censee's or ~~registrant's~~ *permittee's* premises are not consistent with the
30 Kansas *pet animal dealer* act or the rules and regulations adopted her-
31 eunder.

32 (b) Any refusal to issue or renew a license or ~~certificate of registration~~
33 *permit*, and any suspension or revocation of a license or ~~certificate of~~
34 ~~registration~~ *permit*, under this section shall be in accordance with the
35 provisions of the Kansas administrative procedure act and shall be subject
36 to review in accordance with the act for judicial review and civil enforce-
37 ment of agency actions.

38 (c) Whenever the commissioner denies, suspends or revokes a license
39 or ~~certificate of registration~~ *permit* under this section, the commissioner
40 or the commissioner's authorized, trained representatives shall seize and
41 impound any animals in the possession, custody or care of the person
42 whose license or ~~certificate of registration~~ *permit* is denied, suspended
43 or revoked if there are reasonable grounds to believe that the animals'

1 health, safety or welfare is endangered. Except as provided by K.S.A. 21-
2 4311, and amendments thereto, such animals may be returned to the
3 person owning them if there is satisfactory evidence that the animals will
4 receive adequate care by that person or such animals may be sold, placed
5 or euthanized, at the discretion of the commissioner. Costs of care and
6 services for such animals while seized and impounded shall be paid by
7 the person from whom the animals were seized and impounded, if that
8 person's license or ~~certificate of registration~~ *permit* is denied, suspended
9 or revoked. Such funds shall be paid to the commissioner for reimburse-
10 ment of care and services provided during seizure and impoundment. If
11 such person's license or ~~certificate of registration~~ *permit* is not denied,
12 suspended or revoked, the commissioner shall pay the costs of care and
13 services provided during seizure and impoundment.

14 Sec. 11. K.S.A. 47-1707 is hereby amended to read as follows: 47-
15 1707. (a) In addition to or in lieu of any other civil or criminal penalty
16 provided by law, the commissioner, upon a finding that a person has
17 violated or failed to comply with any provision of the Kansas *pet* animal
18 ~~dealer~~ act or any rule and regulation adopted hereunder, may impose on
19 such person a civil fine not exceeding \$1,000 for each violation.

20 (b) Any imposition of a civil fine pursuant to this section shall be only
21 upon notice and a hearing conducted in accordance with the Kansas ad-
22 ministrative procedure act and shall be subject to review in accordance
23 with the act for judicial review and civil enforcement of agency actions.

24 (c) Whenever the commissioner has reasonable grounds to believe
25 that a person or premises required to be licensed or ~~registered~~ *permitted*
26 under the Kansas *pet* animal ~~dealer~~ act has failed to comply with or has
27 violated any provision of the Kansas *pet* animal ~~dealer~~ act or any rule and
28 regulation adopted hereunder and that the health, safety or welfare of
29 animals in such person's possession, custody or care is endangered
30 thereby, the commissioner shall seize and impound such animals using
31 emergency adjudicative proceedings in accordance with the Kansas ad-
32 ministrative procedure act. Except as provided by K.S.A. 21-4311, and
33 amendments thereto, such animals may be returned to the person owning
34 them if there is satisfactory evidence that the animals will receive ade-
35 quate care by that person or such animals may be sold, placed or euthan-
36 ized, at the discretion of the commissioner. Costs of care and services for
37 such animals while seized and impounded shall be paid by the person
38 from whom the animals were seized and impounded, if that person is
39 found to be in violation of the Kansas *pet* animal ~~dealer~~ act or any rules
40 and regulations adopted hereunder. Such funds shall be paid to the com-
41 missioner for reimbursement of care and services provided during seizure
42 and impoundment. If such person is not found to be in violation of the
43 Kansas *pet* animal ~~dealer~~ act or any rules and regulations adopted

1 hereunder, the commissioner shall pay the costs of care and services pro-
2 vided during seizure and impoundment.

3 Sec. 12. K.S.A. 47-1709 is hereby amended to read as follows: 47-
4 1709. (a) The commissioner or the commissioner's authorized, trained
5 representatives shall make an inspection of the premises for which an
6 application for an original license *or permit* is made under K.S.A. 47-1701
7 et seq., and amendments thereto, before issuance of such license *or per-*
8 *mit*. The application for a license *or permit* shall conclusively be deemed
9 to be the consent of the applicant to the right of entry and inspection of
10 the premises sought to be licensed *or permitted* by the commissioner or
11 the commissioner's authorized, trained representatives at reasonable
12 times with the owner or owner's representative present. Refusal of such
13 entry and inspection shall be grounds for denial of the license *or permit*.
14 Notice need not be given to any person prior to inspection.

15 (b) The commissioner or the commissioner's authorized, trained rep-
16 resentatives ~~shall~~ *may* make an inspection of each premises for which a
17 license *or permit* has been issued under K.S.A. 47-1701 et seq., and
18 amendments thereto. If such premises are premises of a person licensed
19 *or permitted* under public law 91-579 (7 U.S.C. § 2131 et seq.), such
20 premises ~~shall~~ *may* be inspected at least once each year. Otherwise, the
21 premises ~~shall~~ *may* be inspected at least twice each year. The acceptance
22 of a license *or permit* shall conclusively be deemed to be the consent of
23 the licensee *or permittee* to the right of entry and inspection of the li-
24 censed *or permitted* premises by the commissioner or the commissioner's
25 authorized, trained representatives at reasonable times with the owner or
26 owner's representative present. Refusal of such entry and inspection shall
27 be grounds for suspension or revocation of the license *or permit*. Notice
28 need not be given to any person prior to inspection.

29 (c) The commissioner or the commissioner's authorized, trained rep-
30 resentatives shall make inspections of the premises of a person required
31 to be licensed or ~~registered~~ *permitted* under K.S.A. 47-1701 et seq., and
32 amendments thereto, upon a determination by the commissioner that
33 there are reasonable grounds to believe that the person is violating the
34 provisions of K.S.A. 47-1701 et seq., and amendments thereto, or rules
35 and regulations adopted thereunder or that there are grounds for sus-
36 pension or revocation of such person's license or ~~certificate of registration~~
37 *permit*.

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

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

43 (f) The commissioner may request a licensed veterinarian to assist in

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1 any inspection or investigation made by the commissioner or the com-
2 missioner's authorized representative under this section.

3 (g) Any person acting as the commissioner's authorized representa-
4 tive for purposes of making inspections and conducting investigations
5 under this section who knowingly falsifies the results or findings of any
6 inspection or investigation or who intentionally fails or refuses to make
7 an inspection or conduct an investigation pursuant to this section shall be
8 guilty of a class A *nonperson* misdemeanor.

9 (h) No person shall act as the commissioner's authorized represen-
10 tative for the purposes of making inspections and conducting investiga-
11 tions under this section if such person has a beneficial interest in a person
12 required to be licensed or ~~registered~~ *permitted* pursuant to K.S.A. 47-
13 1701 et seq., and amendments thereto.

14 (i) Records of inspections pursuant to this section shall be maintained
15 in the office of the Kansas animal health department. Records of a defi-
16 ciency or violation shall not be maintained for longer than three years
17 after the deficiency or violation is remedied.

18 Sec. 13. K.S.A. 1995 Supp. 47-1710 is hereby amended to read as
19 follows: 47-1710. (a) The governing body of a political subdivision regu-
20 lating the operation of a pound shall determine the method of disposition
21 of any animal released from such pound. Any proceeds derived from the
22 sale or other disposition of such animals shall be paid directly to the
23 treasurer of the political subdivision, and no part of such proceeds shall
24 accrue to any individual.

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

31 ~~(c) The board of directors of any incorporated no-kill shelter oper-~~
32 ~~ating a no-kill shelter as a pound, under contract with a municipality, shall~~
33 ~~determine the method of disposition of any animal released from its no-~~
34 ~~kill shelter. Any proceeds derived from such sale or disposition shall be~~
35 ~~paid directly to the treasurer of the no-kill shelter and no part of such~~
36 ~~proceeds shall accrue to any individual.~~

37 ~~(d)~~(c) An animal shall not be disposed of by an ~~animal dealer~~ operator
38 of a pound; ~~operator of a no-kill shelter as a pound~~ or operator of an
39 animal shelter as a pound until after expiration of a minimum of three
40 ~~full~~ days of custody during which the public has clear access to inspect ~~or~~
1 ~~and~~ recover the animal through time periods ordinarily accepted as usual
42 business hours. During such time of custody, any owner or operator of
43 such facility shall attempt to notify the owner or custodian of any animal

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1 maintained or impounded by such facility if such owner or custodian is
2 known or reasonably ascertainable. Such an animal may at any time be
3 released to the legal owner, moved to a veterinary hospital for treatment
4 or observation, released in any manner, if such animal was a gift animal
5 to an animal shelter, or euthanized by a duly incorporated humane society
6 or by a licensed veterinarian if it appears to an officer of such humane
7 society or to such veterinarian that the animal is diseased or disabled
8 beyond recovery for any useful purpose.

9 Sec. 14. K.S.A. 47-1711 is hereby amended to read as follows: 47-
10 1711. ~~A dog warden~~ *An animal control officer* shall not be granted an
11 animal ~~dealer's distributor's, animal breeder's~~ *(or a pet shop operator's*
12 license. Each application for an animal ~~dealer's license distributor's, ani-~~
13 ~~mal breeder's~~ *or a pet shop operator's license shall include a statement*
14 *that neither the applicant nor any of his the applicant's employees is a*
15 ~~dog warden an animal control officer. A dog warden An animal control~~
16 *officer, upon taking custody of any animal in the course of his such offi-*
17 *cer's official duties, shall immediately make a record which shall include*
18 *the color, breed, sex, approximate weight and other description of the*
19 *animal, the reason for seizure, the location of seizure, the owner's name*
20 *and address, if known, the animal license number, and any other identi-*
21 *fication number. Complete information relating to the disposition of the*
22 *animal shall be shown on the record; this shall be added immediately*
23 *following the disposition of the animal.*

, retail breeder, hobby breeder

24 Sec. 15. K.S.A. 1995 Supp. 47-1712 is hereby amended to read as
25 follows: 47-1712. (a) The commissioner is hereby authorized to adopt
26 rules and regulations for ~~hobby kennels, kennel operators, pounds, no-~~
27 ~~kill shelters, animal shelters, pet shops and research facilities licensees~~
28 *and permittees*. Such rules and regulations shall include, but not be lim-
29 ited to, provisions relating to: (1) Reasonable treatment of animals in the
30 possession, custody or care of a licensee or ~~registrant~~ *permittee* or being
31 transported to or from licensed or ~~registered~~ *permitted* premises; (2) a
32 requirement that each licensee and ~~registrant~~ *permittee* file with the com-
33 missioner evidence that animals entering or leaving the state are free from
34 any visible symptoms of communicable disease; (3) identification of ani-
35 mals handled; (4) primary enclosures; (5) housing facilities; (6) sanitation;
36 (7) euthanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11)
37 adequate veterinary medical care; (12) inspections of licensed or ~~regis-~~
38 ~~tered~~ *permitted* premises, investigations of complaints and training of
39 persons conducting such inspections and investigations; and (13) a re-
40 quirement that each licensee *or permittee* keep and maintain, for inspec-
41 tion by the commission, such records as necessary to administer and en-
42 force the provisions of the Kansas *pet animal dealer* act.

43 (b) The commissioner shall only adopt as rules and regulations for

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1 ~~animal dealers and animal dealer~~ *United States department of agriculture*
 2 *licensed animal distributors and animal breeders, and animal distributor*
 3 *and animal breeder* premises the rules and regulations promulgated by
 4 the secretary of the United States department of agriculture, cited at 9
 5 C.F.R. 3.1 through 3.12, pursuant to the provisions of the United States
 6 public law 91-579 (7 U.S.C. § 2131 et seq.), commonly known as the
 7 animal welfare act ~~and~~

8 (c) *The commissioner shall only adopt as rules and regulations for*
 9 *United States department of agriculture licensed animal wholesalers and*
 10 *animal wholesaler* premises the rules and regulations promulgated by the
 11 secretary of the United States department of agriculture, cited at 9 C.F.R.
 12 3.25 through 3.66, 9 C.F.R. 3.75 through 3.92 and 9 C.F.R. 3.125 through
 13 3.142 pursuant to the provisions of the United States public law 91-579
 14 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare act.

15 (d) *Notwithstanding any provision in section (b) or (c), the commis-*
 16 *sioner may adopt a requirement that each* ~~animal dealer distributor, an-~~
 17 ~~imal wholesaler and animal breeder~~ *file with the commissioner evidence*
 18 *that animals entering or leaving the state are free from any visible symp-*
 19 *toms of communicable disease.*

20 Sec. 16. K.S.A. 47-1713 is hereby amended to read as follows: 47-
 21 1713. The commissioner may prohibit the sale or gift ~~within the state~~ of
 22 animals ~~or exotic pet animals~~ which constitute a hazard to human health
 23 or safety or to animal health or safety.

24 ~~Any animal or exotic pet animal sold by a pet shop operator licensed~~
 25 ~~pursuant to the provisions of this act shall be accompanied by a written~~
 26 ~~instrument issued by such pet shop operator on a form prescribed by the~~
 27 ~~commissioner certifying that such animal is in sound health.~~

28 Sec. 17. K.S.A. 47-1715 is hereby amended to read as follows: 47-
 29 1715. (a) Any violation of or failure to comply with any provision of the
 30 Kansas ~~pet animal dealer~~ act, or any rule and regulation adopted hereun-
 31 der, shall constitute a class A *nonperson* misdemeanor. Continued oper-
 32 ation, after a conviction, shall constitute a separate offense for each day
 33 of operation.

34 (b) Upon a conviction of a person for any violation of the Kansas *pet*
 35 *animal dealer* act, or any rule and regulation adopted hereunder, the court
 36 shall order the commissioner to seize and impound any animals in the
 37 convicted person's possession, custody or care if there are reasonable
 38 grounds to believe that the animals' health, safety or welfare is endan-
 39 gered. Except as provided by K.S.A. 21-4311, and amendments thereto,
 40 such animals may be returned to the person owning them if there is
 41 satisfactory evidence that the animals will receive adequate care by that
 42 person or such animals may be sold, placed or euthanized, at the discre-
 43 tion of the commissioner. Costs of care and services for such animals

licensee and permittee

1 while seized and impounded shall be paid by the convicted person. Such
2 funds shall be paid to the commissioner for reimbursement of care and
3 services provided during seizure and impoundment. If the person is not
4 convicted, the commissioner shall pay the costs of care and services pro-
5 vided during seizure and impoundment.

6 Sec. 18. K.S.A. 47-1718 is hereby amended to read as follows: 47-
7 1718. (a) No animal shall be euthanized by any ~~dog warden licensee,~~
8 ~~permittee, animal control officer,~~ officer of an animal shelter or officer of
9 a pound by any means, method, agent or device, or in any way, except as
10 follows:

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

14 ~~(A) Intravenous or intra-cardial injection of a lethal solution;~~

15 ~~(B) oral ingestion by animals of powdered sodium pentobarbital in~~
16 ~~capsules mixed with food, with the animal remaining in its individual cage~~
17 ~~until dead (suited for use with vicious or intractable animals);~~

18 ~~(C) intraperitoneal or intra-cardial injection in animals when location~~
19 ~~of and injection into the vein is difficult or impossible;~~

20 ~~(D) use of an undamaged hypodermic needle of a size suitable for~~
21 ~~the size and species of animal;~~

22 ~~(E) administration to be only by or under the supervision of a licensed~~
23 ~~veterinarian.~~

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

26 ~~(A) Internal lighting and viewport providing direct visual observation~~
27 ~~of any animal within the chamber;~~

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

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

34 ~~(D) a means of cooling the gas, if from an internal combustion gas-~~
35 ~~oline engine, to a temperature not exceeding one hundred fifteen (115)~~
36 ~~degrees fahrenheit at point of entry into the chamber and to one hundred~~
37 ~~(100) degrees at any point within the chamber, as determined by tem-~~
38 ~~perature gauges permanently installed at point of entry and inside the~~
39 ~~chamber;~~

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

42 ~~(F) if an internal combustion engine is used for gas generation, a~~
43 ~~means of substantially deadening the sound and vibration transmission~~

1 from the engine to the chamber, by placing them in separate rooms or
2 soundproof compartments and connecting them with a flexible tubing or
3 pipe at least twenty-four (24) inches in length, so that the noise level
4 within the chamber shall not exceed seventy (70) dBA;

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

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

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

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

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

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

26 (D) the animal must remain in the chamber or bag until rigor mortis
27 has set in;

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

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

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

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

(B) a weapon and ammunition of suitable caliber and other charac-
41 teristics are used so as to produce death with a single shot to the brain,
42 with the bullet entering the skull at a point approximately at the point
43

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1 where two lines drawn diagonally from each eye to the back of the op-
2 posite ear cross;

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

5 (D) a captive-bolt pistol may be substituted for gun and ammunition;
6 to provide instantaneous unconsciousness by penetration of the skull and
7 brain; to be followed by any suitable method of producing death if the
8 animal is not dead as a result of such penetration through the most cur-
9 rent, approved euthanasia methods established by the American veteri-
10 nary medical association panel on euthanasia.

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

13 Sec. 19. K.S.A. 47-1720 is hereby amended to read as follows: 47-
14 1720. (a) ~~On and after January 1, 1989;~~ It shall be unlawful for any person
15 to operate a research facility unless such person has obtained from the
16 commissioner a research facility license. Application for such license shall
17 be made in writing on a form provided by the commissioner. The license
18 period shall be for the license year ending on June 30 following the is-
19 suance date.

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

22 Sec. 20. K.S.A. 47-1721 is hereby amended to read as follows: 47-
23 1721. (a) Each application for issuance or renewal of a license or certifi-
24 cate of registration permit required under K.S.A. 47-1701 et seq. and
25 amendments thereto shall be accompanied by the fee prescribed by the
26 commissioner under this section. Such fees shall be as follows:

27 (1) ~~For a license for premises of a person licensed under public law~~
28 ~~91-579 (7 U.S.C. § 2131 et seq.), an amount not to exceed \$150.~~

Except as provided in paragraph (5),

29 (2) ~~For a license for any other premises, an amount not to exceed~~
30 ~~\$300.~~

Except as provided in paragraph (5),

31 (3) ~~For a certificate of registration, an amount not to exceed \$75.~~

32 (3) For a temporary closing permit, an amount not to exceed \$75.

(5) For a hobby breeder license or a kennel operator license an amount not to exceed \$75.

33 (4) For an out-of-state distributor permit, an amount not to exceed
34 \$500.

(6)

35 (5) A late fee of \$50 shall be assessed to any person whose permit or
36 license renewal is more than 45 days' late.

37 (b) The commissioner shall determine annually the amount necessary
38 to carry out and enforce K.S.A. 47-1701 et seq. and amendments thereto
39 for the next ensuing fiscal year and shall fix by rules and regulations the
40 license and registration permit fees for such year at the amount necessary
41 for that purpose, subject to the limitations of this section. In fixing such
42 fees, the commissioner may establish categories of licenses and registra-
43 tions permits, based upon the type of license or registration permit, size

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1 of the licensed or ~~registered~~ *permitted* business or activity and the prem-
2 ises where such business or activity is conducted, and may establish dif-
3 ferent fees for each such category. The fees in effect immediately prior
4 to the effective date of this act shall continue in effect until different fees
5 are fixed by the commissioner as provided by this subsection.

6 (c) If a licensee, ~~registrant~~ *permittee* or applicant for a license or
7 ~~registration permit~~ requests an inspection of the premises of such li-
8 censee, ~~registrant~~ *permittee* or applicant, the commissioner shall assess
9 the costs of such inspection, as established by rules and regulations of the
10 commissioner, to such licensee, ~~registrant~~ *permittee* or applicant.

11 (d) No fee or assessment required pursuant to this section shall be
12 refundable.

13 (e) The commissioner shall remit all moneys received by or for the
14 commissioner under this section to the state treasurer at least monthly.
15 Upon receipt of each such remittance, the state treasurer shall deposit
16 the entire amount in the state treasury and shall credit it to the animal
17 dealers fee fund, which is hereby created in the state treasury. Moneys
18 in the animal dealers fee fund may be expended only to administer and
19 enforce K.S.A. 47-1701 *et seq.*, and amendments thereto. All expenditures
20 from the animal dealers fee fund shall be made in accordance with ap-
21 propriation acts upon warrants of the director of accounts and reports
22 issued pursuant to vouchers approved by the Kansas livestock commis-
23 sioner or the commissioner's designee.

24 (f) *Premises required to be licensed under the Kansas pet animal act*
25 *shall not be required to pay for more than one license. If more than one*
26 *operation is ongoing at the premises, each operation shall comply with*
27 *the applicable statutes and rules and regulations pertaining to such op-*
28 *eration.*

29 (f) ~~(g)~~ This section shall be part of and supplemental to K.S.A. 47-
30 1701 *et seq.* and amendments thereto.

31 Sec. 21. K.S.A. 47-1723 is hereby amended to read as follows: 47-
32 1723. (a) ~~On and after June 30, 1991,~~ It shall be unlawful for any person,
33 except a licensed veterinarian, to act as or be a kennel operator unless
34 such person has obtained from the commissioner a kennel operator cer-
35 tificate of ~~registration~~ *license* for each premise operated by such person.
36 Application for such ~~certificate~~ *license* shall be made in writing on a form
37 provided by the commissioner. The ~~registration~~ *license* period shall be
38 for the ~~registration~~ *license* year ending on June 30 following the issuance
39 date.

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

42 Sec. 22. K.S.A. 47-1724 is hereby amended to read as follows: 47-
43 1724. (a) It shall be unlawful for any person to knowingly purchase a dog

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

(h)

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1 or a cat for the purpose of resale to another from a person required to
2 be licensed or ~~registered~~ *permitted* under public law 91-579, 7 U.S.C.
3 2131 *et seq.*, or K.S.A. 47-1701 *et seq.*, and amendments thereto, or both,
4 if that person is not so licensed or ~~registered~~ *permitted*.

5 (b) *It shall be unlawful for licensees to knowingly sell to animal dis-*
6 *tributors or pet shops operating within the state who are not licensed in*
7 *accordance with the Kansas pet animal act.*

8 Sec. 23. K.S.A. 47-1725 is hereby amended to read as follows: 47-
9 1725. (a) There is hereby created the Kansas ~~companion~~ *pet animal* ad-
10 visory board, consisting of ~~nine~~ *12* members. Members shall be appointed
11 by the governor as follows:

12 (1) One member shall be a representative of the Kansas federation
13 of humane societies;

or Kansas animal control association

14 (2) one member shall be an employee of a research facility licensed
15 under K.S.A. 47-1720, and amendments thereto;

16 (3) one member shall be a ~~companion~~ *an animal breeder*, actively
17 engaged in the breeding of ~~companion~~ animals, licensed under the Kansas
18 *pet animal dealer* act and shall be selected from a list of three names
19 presented to the governor by the American professional pet distributors,
20 inc.;

21 (4) one member shall be a ~~companion~~ *an animal broker distributor*,
22 actively engaged in buying and selling ~~companion~~ animals, licensed under
23 the Kansas *pet animal dealer* act and shall be selected from a list of three
24 names presented to the governor by the American professional pet dis-
25 tributors, inc.;

26 (5) one member shall be a pet shop operator, licensed under the
27 Kansas *pet animal dealer* act and shall be selected from a list of three
28 names presented to the governor by the pet industry joint advisory coun-
29 cil;

30 (6) one member shall be a licensed veterinarian and shall be selected
31 from a list of three names presented to the governor by the Kansas vet-
32 erinary medical association;

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

34 (8) one member shall be a ~~companion~~ *an animal breeder*, actively
35 engaged in the breeding of ~~companion~~ animals; ~~or a companion animal~~
36 ~~broker, actively engaged in buying and selling companion animals~~, li-
37 censed under the Kansas *pet animal dealer* act and shall not be affiliated
38 with an organized ~~companion~~ animal association; ~~and~~

or retail breeder

39 (9) one member shall be a ~~hobby kennel operator, registered under~~
40 ~~the Kansas animal dealer act~~ ~~(an animal breeder, licensed under the Kan-~~
41 ~~sas pet animal act and who is actively engaged in the showing of purebred~~
42 ~~dogs or cats;~~

a hobby

43 (10) one member shall be a kennel operator, licensed under the Kan-

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1 *pet animal act;*
 2 (11) *one member shall be an animal wholesaler licensed under the*
 3 *Kansas pet animal act; and*

4 (12) *one member shall be an animal distributor actively engaged in*
 5 *buying and selling animals, licensed under the Kansas pet animal act and*
 6 *shall not be affiliated with an organized animal association.*

7 (b) Of the ~~three~~ *members first* appointed to the board on July 1, 1996,
 8 the governor shall designate ~~three~~ *one* whose ~~terms~~ *term* shall expire June
 9 30, ~~1992~~ 1997; ~~three~~ *one* whose ~~terms~~ *term* shall expire June 30, ~~1993~~
 10 1998; and ~~three~~ *one* whose ~~terms~~ *term* shall expire June 30, ~~1994~~ 1999.
 11 After the expiration of such terms, each member shall be appointed for
 12 a term of three years and until a successor is appointed and qualified.

13 (c) A vacancy on the board of a member shall be filled for the unex-
 14 pired term by appointment by the governor.

15 (d) The board shall meet at least once every calendar quarter regu-
 16 larly or at such other times as the chairperson or a majority of the board
 17 members determine. A majority of the members shall constitute a quo-
 18 rum for conducting board business.

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

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

21 (1) To advise the Kansas livestock commissioner on hiring a director
 22 to implement the Kansas *pet animal dealer* act;

23 (2) to review the status of the Kansas *pet animal dealer* act;

24 (3) to make recommendations on changes to the Kansas *pet animal*
 25 *dealer* act; and

26 (4) to make recommendations concerning the rules and regulations
 27 for the Kansas *pet animal dealer* act.

28 Sec. 24. K.S.A. 47-1726 is hereby amended to read as follows: 47-
 29 1726. K.S.A. 47-1701 through ~~47-1722~~ and 47-1721, K.S.A. 47-1723
 30 through 47-1727, and sections 1 through ~~5~~ and amendments thereto, shall
 31 be known and may be cited as the Kansas *pet animal dealers* act. This act
 32 shall license, register permit and regulate the conditions of certain prem-
 33 ises and facilities within the state of Kansas where animals are maintained,
 34 sold or offered or maintained for sale.

35 Sec. 25. K.S.A. 47-1727 is hereby amended to read as follows: 47-
 36 1727. Notwithstanding the existence or pursuit of any other remedy,
 37 when it appears to the commissioner, as head of the licensing and reg-
 38 istering permitting agency, that any person is violating any provisions of
 39 the Kansas *pet animal dealer* act, the commissioner may in that capacity
 40 bring an action in a court of competent jurisdiction or other process
 41 against such person to enjoin, restrain or prevent such person from con-
 42 tinuing operation in violation of the Kansas *pet animal dealer* act without
 43 regard to whether administrative proceedings have been or may be in-

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1 stituted or whether criminal proceedings may be or have been instituted.

2 Sec. 26. K.S.A. 1995 Supp. 47-1731 is hereby amended to read as
 3 follows: 47-1731. (a) No dog or cat may be released for adoption from
 4 any pound; ~~no-kill shelter~~ or animal shelter, as defined by K.S.A. 47-1701
 5 and amendments thereto, or from any duly incorporated humane society,
 6 unless:

- 7 (1) Such dog or cat has been first surgically spayed or neutered; or
- 8 (2) the adopting party signs an agreement to have the dog or cat
 9 spayed or neutered and deposits with the pound; ~~no-kill shelter~~ or animal
 10 shelter funds sufficient to ensure that the dog or cat will be sterilized.
 11 Any funds deposited pursuant to such an agreement shall be refunded to
 12 the adopting party upon presentation of a written statement signed by a
 13 licensed veterinarian that the adopted dog or cat has been spayed or
 14 neutered.

15 (b) No person shall spay or neuter any dog or cat for or on behalf of
 16 a pound, ~~no-kill shelter~~, animal shelter or humane society unless such
 17 person is a licensed veterinarian or a student currently enrolled in the
 18 college of veterinary medicine, Kansas state university, who has com-
 19 pleted at least two years of study in the veterinary medical curriculum
 20 and is participating in a spay or neuter program as part of the curriculum
 21 under the direct supervision of a licensed veterinarian who is a faculty
 22 member at the Kansas state university veterinary medical center. The spay
 23 or neuter program shall only be conducted at the surgery clinic at the
 24 Kansas state university medical center in Manhattan, Kansas. No pound,
 25 ~~no-kill shelter~~, animal shelter or humane society shall designate the vet-
 26 erinarian which a person must use, or a list from which a person must
 27 select a veterinarian, to spay or neuter a dog or cat adopted by such person
 28 from such pound, ~~no-kill shelter~~, animal shelter or society, nor shall such
 29 pound, ~~no-kill shelter~~, animal shelter or society in any way penalize a
 30 person for such person's selection of a veterinarian to spay or neuter a
 31 dog or cat adopted from such pound, ~~no-kill shelter~~, animal shelter or
 32 society.

33 (c) Nothing in this section shall be construed to require sterilization
 34 of a dog or cat which is being held by a pound; ~~no-kill shelter~~ or animal
 35 shelter and which may be claimed by its rightful owner.

36 Sec. 27. K.S.A. 47-1702, 47-1703, 47-1706, 47-1707, 47-1709, 47-
 37 1711, 47-1713, 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-1722,
 38 47-1723, 47-1724, 47-1725, 47-1726 and 47-1727 and K.S.A. 1995 Supp.
 39 47-1701, 47-1704, 47-1710, 47-1712 and 47-1731 are hereby repealed.

40 Sec. 28. This act shall take effect and be in force from and after its
 publication in the statute book.

Section 27. KSA 47-1719 is hereby amended to read as follows:

(a) ~~On and after January 1, 1989,~~ it shall
 be unlawful for any person to act as or be a
 hobby ~~kennel operator~~ breeder unless such person has
 obtained from the commissioner a hobby ~~kennel~~
 ~~operator certificate of registration~~ breeder
 license. Application for such ~~certificate~~ license
 shall be made in writing on
 a form provided by the commissioner. The
 ~~registration~~ license
 period shall be for the ~~registration~~ license
 year ending on June 30 following the issuance
 date.

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

Sec. 28. If any provision of this act or the application thereof
 to any person or circumstance is held invalid, the invalidity does
 not affect other provisions or applications of the act which can be
 given effect without the invalid provision or application, and to
 this end the provisions of this act are severable.