

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 1, 1996, in Room 423-S of the Capitol.

All members were present except: Representative Crabb - 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 asked staff to again brief the committee and guests on **HB 2607**. Discussion continued on Representative Sloan's balloon amendment to **HB 2607** that was offered at the January 24 meeting.

Representative Sloan, with Representative Feuerborn's consent, moved to withdraw his balloon amendment to HB 2607. The motion passed.

Representative Sloan offered a Substitute for HB 2607 for committee discussion. Representative Feuerborn seconded the motion. The motion carried. (Attachment 1)

Representative Sloan explained **Substitute HB 2607** and its changes from current law as outlined by Debra Duncan, Director of the Animal Facilities Inspection Program for the Kansas Animal Health Department. (Attachment 2) He stated that the substitute bill significantly modifies the original bill and addresses most concerns and objections. Admitting that the original bill was very controversial, he reminded the committee that the Companion Animal Advisory Board had worked three years to develop the bill in an effort to clarify the statutes. He stated that his substitute bill is an attempt to return to current law as much as possible and still clarify the statutes. Representative Sloan and Ms. Duncan answered committee questions.

Representative Weiland had prepared a balloon amendment to **HB 2607** clarifying that in the Kansas pet animal act, "adequate veterinary medical care" shall not apply to United States Department of Agriculture licensed animal breeders, animal distributors or animal wholesalers. Representative Sloan, with the concurrence of Representative Feuerborn, stated that he was willing to include Representative Weiland's amendment in **Substitute HB 2607**. There were no objections from the committee. (Attachment 3)

Jill Wolters, Revisor of Statutes, said that nothing was specifically stated in **Substitute HB 2607** about filling vacancies on the Pet Animal Advisory Board. The committee instructed staff to make this correction.

Representative Weiland moved to pass Substitute HB 2607, including the modifications, out favorably. It was seconded by Representative Hutchins. By a show of hands the motion passed 8 to 6. Representatives Ballou, Howell, and Powers requested that their no votes be recorded.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-1-96

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NAME	REPRESENTING
Tam Withy	Kans. Kennel Club Assn.
Sally Neelon	Johnson County Farm Bureau
Deb Miller	Johnson County F.B.
Maitha Leonard	Butler Co. F.B.
Ken & Elkin	Morton Co. Farm Bureau
Jean Elkin	Morton Co. Farm Bureau
Neil Kueser	Anderson Co. Farm Bureau
Debbie Kueser	Anderson Co. Farm Bureau
Wyatt Furman	Atchison Co. Farm Bureau
Ruth Ryan	Leav. Co. Farm Bureau
Bill Bolan	Meade Co. Farm Bureau
Quentin Herring	Douglas County Farm Bureau
Eileen McChirtock	Topeka Kennel Club
Arland Stephens	King Co. F.B.
Ray Hammarlund	Wab. Co. Farm Bureau
Carl Reiser	Meade Co. F.B.
Richard Hazel	Aviculture
Rep. Harrison	Johnson Co. Farm Bureau
Carl Premer	Johnson Co. Farm Bureau



## Substitute for HOUSE BILL NO. 2607

By Committee on Agriculture

AN ACT concerning the Kansas animal dealer act; renaming the act the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1706, 47-1707, 47-1709, 47-1711, 47-1713, 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-1723, 47-1724, 47-1725, 47-1726 and 47-1727 and K.S.A. 1995 Supp. 47-1701, 47-1704, 47-1710, 47-1712 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1722.

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

New Section 1. (a) Any licensee or permit holder required to be licensed or obtain a permit under the Kansas pet animal act, who is in the process of ceasing to do business on July 1, may be issued a temporary closing permit at the discretion of the commissioner.

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

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

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

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

New Sec. 2. (a) It shall be unlawful for any person to act as or be an animal wholesaler unless such person has obtained from the commissioner an animal wholesaler license for each

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animal wholesaler 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.

New Sec. 3. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal 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.

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

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

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

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

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.

Sec. 7. K.S.A. 1995 Supp. 47-1701 is hereby amended to read as follows: 47-1701. As used in the Kansas pet animal ~~dealers~~ act, unless the context otherwise requires:

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

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

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

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

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

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

(f) ~~(1)~~ "Animal ~~dealer~~ breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

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

(g) "Animal shelter" or "pound" means a facility which is used ~~for-the-purpose-of-impounding-or-harboring~~ or designed for

use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal and--which--is--owned, operated--or--maintained--by--a--duly--incorporated--humane--society, animal-welfare-society, society-for-the-prevention-of-cruelty--to animals-or-other-nonprofit-corporate-organizations-devoted-to-the welfare,--protection--and-humane-treatment-of-animals or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

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

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

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

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

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

(m) ~~{}~~ "Hobby ~~kennel~~ breeder premises" means any premises where ~~only~~ all or part of 3, 4 or 5 litters of dogs or cats, or both, which are produced and-raised-on-such-premises-are for sale or sold, or offered or maintained for sale, ~~by-a-person-who~~

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

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

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

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

(p) ~~(1)~~ "Kennel operator" means any person who operates an establishment where animals four or more dogs or cats, or both, are maintained in any one week for boarding, training or similar purposes for a fee or compensation.

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

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

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

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

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

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



~~resale to another: (A) Any dogs or cats, or both, or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises~~ animals are bought, sold, exchanged or offered for retail sale to the general public.

(2) Pet shop does not include: (A) Any pound, ~~no-kill~~ shelter or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal dealer premises, ~~or any premises described in subsection (m)(1), where the only animals, other than dogs or cats, which are sold, or offered or maintained for sale, are animals which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person residing on such premises~~ distributor premises, hobby breeder premises, animal breeder premises or animal wholesaler premises; 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 and where such animals are sold, offered or maintained for sale, primarily at retail sale to the general public.

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

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

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

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

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

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

~~(y)~~ (w) "Research facility" means any place, laboratory or

institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.

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

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

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

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

(bb) "Animal wholesaler" means any person who operates an animal wholesaler premises.

(cc) "Animal wholesaler premises" means any premises where 20 or more female animals, other than fish, dogs, cats, food animals or any combination thereof, are owned, maintained or housed primarily for the purpose of breeding and where such animals or their offspring are sold or offered or maintained for sale, primarily at wholesale for resale to another.

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

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

(ff) "Adequate veterinary medical care" means:

(1) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented

on-site visit to the premises by the veterinarian at least once a year; and

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

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

(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.

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

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

Sec. 8. K.S.A. 47-1702 is hereby amended to read as follows:  
~~47-1702. Except as otherwise provided by K.S.A. 47-1722, it shall be unlawful for any person, other than a person licensed under public law 91-579 (7 U.S.C. 2131 et seq.), to act as or be an animal dealer unless such person has obtained from the commissioner an animal dealer license for each animal dealer premises operated by such person.~~ Except as otherwise provided by K.S.A. 47-1722, on and after January 17, 1989, It shall be unlawful for any person licensed under public law 91-579 (7 U.S.C. 2131 et seq.) to act as or be an animal dealer distributor unless such person has obtained from the commissioner an animal dealer distributor license for each animal dealer distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 9. K.S.A. 47-1703 is hereby amended to read as follows:  
~~47-1703. Except as otherwise provided by K.S.A. 47-1722, It shall~~

be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop 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.

Sec. 10. K.S.A. 1995 Supp. 47-1704 is hereby amended to read as follows: 47-1704. It shall be unlawful for any person to operate a pound, ~~no-kill-shelter~~ or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian's clinic, unless a license for such pound, ~~no-kill-shelter~~ or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 11. K.S.A. 47-1706 is hereby amended to read as follows: 47-1706. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or ~~certificate-of-registration permit~~ required under K.S.A. 47-1701 et seq. and amendments thereto for any one or more of the following reasons:

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

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

(3) permitting any license or ~~certificate-of-registration permit~~ issued hereunder to be used by an unlicensed or ~~unregistered unpermitted~~ person or transferred to unlicensed or ~~unregistered unpermitted~~ premises;

(4) 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;

(5) substantial misrepresentation;

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

(7) fraudulent bill of sale;

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

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

(b) Any refusal to issue or renew a license or certificate of registration permit, and any suspension or revocation of a license or certificate-of-registration permit, under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner denies, suspends or revokes a license or certificate-of-registration permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or certificate--of--registration permit is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that

person's license or ~~certificate-of-registration~~ permit is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or ~~certificate--of--registration~~ permit is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

Sec. 12. K.S.A. 47-1707 is hereby amended to read as follows: 47-1707. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal dealer act or any rule and regulation adopted hereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation.

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

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or ~~registered~~ permitted under the Kansas pet animal dealer act has failed to comply with or has violated any provision of the Kansas pet animal dealer act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be

in violation of the Kansas pet animal dealer act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal dealer act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

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

(b) The commissioner or the commissioner's authorized, trained representatives ~~shall~~ may make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. If such premises are premises of a person licensed or permitted under public law 91-579 (7 U.S.C. § 2131 et seq.), such premises ~~shall~~ may be inspected at least once each year. Otherwise, the premises ~~shall~~ may be inspected at least twice each year. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or

revocation of the license or permit. Notice need not be given to any person prior to inspection.

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

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

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

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

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

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



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

Sec. 14. K.S.A. 1995 Supp. 47-1710 is hereby amended to read as follows: 47-1710. (a) The governing body of a political subdivision regulating the operation of a pound shall determine the method of disposition of any animal released from such pound. Any proceeds derived from the sale or other disposition of such animals shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

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

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

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

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

Sec. 15. K.S.A. 47-1711 is hereby amended to read as follows: 47-1711. ~~A-dog-warden~~ An animal control officer shall not be granted an animal ~~dealer's~~ distributor's, retail breeder's, hobby breeder's or a pet shop operator's license. Each application for an animal dealer's license or a pet shop operator's license shall include a statement that neither the applicant nor any of ~~his~~ the applicant's employees is ~~a-dog warden~~ an animal control officer. ~~A-dog-warden~~ An animal control officer, upon taking custody of any animal in the course of ~~his~~ such officer's official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete information relating to the disposition of the animal shall be shown on the record; this shall be added immediately following the disposition of the animal.

Sec. 16. K.S.A. 1995 Supp. 47-1712 is hereby amended to read as follows: 47-1712. (a) The commissioner is hereby authorized to adopt rules and regulations for ~~hobby-kennels, kennel--operators, pounds, no-kill-shelters, animal-shelters, pet-shops-and-research facilities~~ licensees an permittees. Such rules and regulations shall include, but not be limited to, provisions relating to: (1) Reasonable treatment of animals in the possession, custody or care of a licensee or ~~registrant~~ permittee or being transported to or from licensed or ~~registered~~ permitted premises; (2) a requirement that each licensee and ~~registrant~~ permittee file with the commissioner evidence that animals entering or leaving the

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

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

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

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

Sec. 17. K.S.A. 47-1713 is hereby amended to read as follows: 47-1713. The commissioner may prohibit the sale or gift

~~within---the---state~~ of animals or ~~exotic---pet---animals~~ which constitute a hazard to human health or safety or to animal health or safety.

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

Sec. 18. K.S.A. 47-1715 is hereby amended to read as follows: 47-1715. (a) Any violation of or failure to comply with any provision of the Kansas pet animal dealer act, or any rule and regulation adopted hereunder, shall constitute a class A nonperson misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(b) Upon a conviction of a person for any violation of the Kansas pet animal dealer act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

Sec. 19. K.S.A. 47-1718 is hereby amended to read as follows: 47-1718. (a) No animal shall be euthanized by any dog warden animal control officer, licensee, permittee, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except ~~as follows~~:

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

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

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

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

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

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

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

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

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

(C) a suitable gauge or gas concentration indicator or recording device making possible easy and instantaneous visual determination of the carbon monoxide concentration in the chamber;

(D) a means of cooling the gas, if from an internal combustion gasoline engine, to a temperature not exceeding one hundred fifteen (115) degrees Fahrenheit at point of entry into the chamber and to one hundred (100) degrees at any point within the chamber, as determined by temperature gauges permanently installed at point of entry and inside the chamber;

(E) means of removing or filtering out all noxious fumes;

irritating--acids--and--carbon--particles--from--the--gas--before--it enters--the--chamber;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. K.S.A. 47-1719 is hereby amended to read as follows: 47-1719. (a) ~~On and after January 17, 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. 21. K.S.A. 47-1720 is hereby amended to read as follows: 47-1720. (a) ~~On and after January 17, 1989,~~ It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on 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. 22. K.S.A. 47-1721 is hereby amended to read as follows: 47-1721. (a) Each application for issuance or renewal of a license or certificate-of-registration permit required under K.S.A. 47-1701 et seq. and amendments thereto shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

(1) Except as provided in paragraph (5), for a license for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), an amount not to exceed \$150.

(2) Except as provided in paragraph (5), for a license for any other premises, an amount not to exceed \$300.

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

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

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

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

(6) A late fee of \$50 shall be assessed to any person whose



permit or license renewal is more than 45 days' late.

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

(c) If a licensee, registrant permittee or applicant for a license or registration permit requests an inspection of the premises of such licensee, registrant permittee or applicant, the commissioner shall assess the costs of such inspection, as established by rules and regulations of the commissioner, to such licensee, registrant permittee or applicant.

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

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

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

(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.

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

Sec. 23. K.S.A. 47-1723 is hereby amended to read as follows: 47-1723. ~~(a) On-and-after-June-30,---1991,~~ It shall be unlawful for any person, except a licensed veterinarian, to act as or be a kennel operator unless such person has obtained from the commissioner a kennel operator ~~certificate-of-registration license~~ license for each premises operated by such person. 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. 24. K.S.A. 47-1724 is hereby amended to read as follows: 47-1724. (a) It shall be unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from a person required to be licensed or ~~registered~~ permitted under public law 91-579, 7 U.S.C. 2131 et seq., or K.S.A. 47-1701 et seq., and amendments thereto, or both, if that person is not so licensed or ~~registered~~ permitted.

(b) It shall be unlawful for licensees to knowingly sell to out-of-state distributors, animal distributors or pet shops operating within the state who are not permitted or licensed in accordance with the Kansas pet animal act.

Sec. 25. 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 10 members. Members shall be appointed by the governor as follows:

(1) One member shall be a representative of ~~the-Kansas federation-of-humane--societies~~ a licensed animal shelter or pound;

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

(3) one member shall be a companion licensed animal breeder, ~~actively-engaged-in-the-breeding-of-companion--animals,-licensed under--the--Kansas-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 licensed animal broker, ~~actively--engaged--in--buying--and--selling--companion--animals,- licensed-under-the-Kansas-animal-dealer-act-and-shall-be-selected from--a--list--of--three--names--presented-to-the-governor-by-the American-professional-pet-distributors,-inc. wholesaler;~~

(5) one member shall be a licensed pet shop operator, ~~licensed-under-the-Kansas-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 licensed animal breeder, ~~actively-engaged-in-the--breeding--of--companion--animals,-or--a companion--animal--broker,-actively-engaged-in-buying-and-selling companion-animals,-licensed-under-the-Kansas--animal--dealer--act~~

~~and shall not be affiliated with an organized companion animal association~~ distributor; and

(9) one member shall be a licensed hobby kennel ~~operator~~, ~~registered under the Kansas animal dealer act~~, breeder; and

(10) one member shall be a licensed kennel operator.

(b) Of the members first appointed to the board, the governor shall designate three whose terms shall expire June 30, 1992; three whose terms shall expire June 30, 1993; and three whose terms shall expire June 30, 1994. After the expiration of such terms, each member shall be appointed for a term of three years and until a successor is appointed and qualified.

(c) A vacancy on the board of a member shall be filled for the unexpired term by appointment by the governor.

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

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

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

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

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

(3) to make recommendations on changes to the Kansas animal dealer act; and

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

(g) Board members who are required to be licensed shall be affiliated with an organized pet animal association.

Sec. 26. K.S.A. 47-1726 is hereby amended to read as follows: 47-1726. K.S.A. 47-1701 through ~~47-1722~~ and 47-1721, K.S.A. 47-1723 through 47-1727, and sections 1 through 7 and amendments thereto, shall be known and may be cited as the Kansas pet animal dealers act. This act shall license, register permit and regulate the conditions of certain premises and facilities

within the state of Kansas where animals are maintained, sold or offered or maintained for sale.

Sec. 27. K.S.A. 47-1727 is hereby amended to read as follows: 47-1727. Notwithstanding the existence or pursuit of any other remedy, when it appears to the commissioner, as head of the licensing and ~~registering~~ permitting agency, that any person is violating any provisions of the Kansas pet animal dealer act, the commissioner may in that capacity bring an action in a court of competent jurisdiction or other process against such person to enjoin, restrain or prevent such person from continuing operation in violation of the Kansas pet animal dealer act without regard to whether administrative proceedings have been or may be instituted or whether criminal proceedings may be or have been instituted.

Sec. 28. K.S.A. 1995 Supp. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be released for adoption from any pound, ~~no-kill-shelter~~ or animal shelter, as defined by K.S.A. 47-1701 and amendments thereto, or from any duly incorporated humane society, unless:

(1) Such dog or cat has been first surgically spayed or neutered; or

(2) the adopting party signs an agreement to have the dog or cat spayed or neutered and deposits with the pound, ~~no-kill shelter~~ or animal shelter funds sufficient to ensure that the dog or cat will be sterilized. Any funds deposited pursuant to such an agreement shall be refunded to the adopting party upon presentation of a written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

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

direct supervision of a licensed veterinarian who is a faculty member at the Kansas state university veterinary medical center. The spay or neuter program shall only be conducted at the surgery clinic at the Kansas state university medical center in Manhattan, Kansas. No pound, ~~no-kill-shelter~~, animal shelter or humane society shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat adopted by such person from such pound, ~~no-kill--shelter~~, animal shelter or society, nor shall such pound, ~~no-kill-shelter~~, animal shelter or society in any way penalize a person for such person's selection of a veterinarian to spay or neuter a dog or cat adopted from such pound, ~~no-kill-shelter~~, animal shelter or society.

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

New Sec. 29. 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.

Sec. 30. K.S.A. 47-1702, 47-1703, 47-1706, 47-1707, 47-1709, 47-1711, 47-1713, 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-1722, 47-1723, 47-1724, 47-1725, 47-1726 and 47-1727 and K.S.A. 1995 Supp. 47-1701, 47-1704, 47-1710, 47-1712 and 47-1731 are hereby repealed.

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

## Substitute H.B. 2607 - Changes from current law:

- the bill allows kennels and catterys to obtain a closing permit for \$75. Currently, they must pay either \$150 or \$300 to sell off their breeding stock.
- the bill more clearly defines, but does not change, current breeder definitions. Fees do not change.
- the bill combines animal shelters, animal pounds and no-kill shelter definitions into one definition.
- the bill contains a new category of licensee - animal wholesaler - to regulate those people who have 20 or more female birds, reptiles and small mammals (other than dogs, cats, fish, or animals raised for food) who sell to pet shops or brokers.
- the bill contains a new category of licensee - out of state distributor - to require people residing in another state who buy Kansas dogs and cats for resale in their state to obtain a permit.
- the bill changes the definition of pet shop. Current law exempts people who sell only the offspring of birds, small mammals, and reptiles that they raise from their home. The bill would require anyone operating a retail business from their home to obtain a pet shop license. If they breed 20 or more female birds, reptiles and small mammals, and sell their offspring at retail sale, there is a presumption that they are operating a business.
- the bill defines adequate veterinary care and requires an on-site visit to each kennel or cattery by a licensed veterinarian at least once a year. It also states that diseased, ill, lame or blind animals should receive whatever care is necessary for their health and well-being. This definition does not apply to USDA licensed facilities.
- the bill eliminates the category "registration" and calls everyone a licensee. All licensees will be inspected upon initial application. (Right now, hobby breeders and boarding kennels are inspected only upon complaint; they are not inspected when they first apply).
- the bill changes the euthanasia statute to require all licensees to follow the AVMA guidelines on euthanasia when euthanizing their animals.
- the bill makes it clear to pounds and shelters that animals must be held three full days before they can be adopted out or euthanized.
- The bill allows the agency to assess a late fee of \$50 for any application that is more than 45 days late. (This would not apply to new applicants).
- The bill restructures the advisory board so there are 10 members - one each for each license category.
- The bill requires the agency to pro-rate fees for new applicants.
- The bill makes it clear that veterinarians who operate a pound or shelter which is unrelated to their veterinary clinic are required to have a pound license.

*House Agriculture  
Attachment 2  
2-1-96*

# 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. 47-1719 and 47-  
 15 1722.

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

*Honor Agriculture  
Attachment 3  
2-1-96*



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 (v) (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  
 the prevention of cruelty to animals.

12 (x) (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  
 42 of being consumed as food by other animals.

43 (dd) "Adequate veterinary medical care" means:

3-3

1 (1) A documented program of disease control and prevention, eutha- (A)  
 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 (B)  
 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.

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, 1989, 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.

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 suance 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

(2) As used in the Kansas pet animal act,  
 "adequate veterinary medical care" shall not apply  
 to United States department of agriculture licensed  
 animal breeders, animal distributors or animal  
 wholesalers.