

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:08 a.m. on February 7, 1996 in Room 423-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:

Darrell Montei, Wildlife and Parks
Dr. William C. Skaer, Wichita, KS
Mark Reed, Director, Sedgwick County Zoo
Ellen Querner, Past President of the Wichita Humane Society, and Kansas Animal Control Assn. (KACA)
Dr Virginia Skinner, Peabody, KS
Mike LaRue, Director, Topeka Zoo
Kelli Larkins, President, Kansas Animal Control Association
Wendell E. Maddox, Jr., Director Midwest Regional Office, The Humane Society of the United States
Mike Cargill, Director Public Lands for city of Great Bend
Clay Walker, Mulvane
Frank Ciatania, Kansas City, KS
Jim Fouts, Goddard

Others attending: See attached list

SB 558 - concerning animals; relating to licensing wildlife such as tigers, wolves and bears.

Chairperson Corbin opened the hearing on **SB 558** and called on Darrell Montei from Wildlife and Parks to discuss the impact the legislation would have on that department.

Darrell Montei said the Department has concerns regarding their role in enforcement and appropriations to adequately fund their increased responsibilities (Attachment 1).

Dr. William C. Skaer showed slides of some exotic animals. He said there are only two states nationwide that have not addressed the problem of inherently dangerous exotic animals. He urged the committee to take action to regulate these animals before a tragedy occurs (Attachment 2).

Ellen Querner urged the passage of **SB 558**, as these animals are not domestic. To protect the public they should be licensed and meet specific standards for their housing and care (Attachment 3).

Virginia Skinner, DVM, representing herself and other citizens from Marion County told the Committee her county is waiting to see if the Legislature passes legislation before they make a decision to pass a county resolution similar to Sedgwick Counties resolution. It is her hope that **SB 558** will be passed and provide uniform guidelines for possession of inherently dangerous animals (Attachment 4).

Mike LaRue a proponent of the legislation stressed two important issues. He wanted to ensure citizens of Kansas are afforded some level of protection from hazards that have been documented, but not provided to potential owners, and to ensure that exotic animals are cared for properly (Attachment 5).

Kelli Larkins said their organization is concerned about these animals living in our jurisdictions with no regulations for owning, maintenance, or for the housing of these animals. This legislation would put in place an organization to uphold the law (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on February 7, 1996.

Mike Cargill requested that zoological facility providing environmental education operating under a valid USDA Animal Welfare License should be exempt from an application fee or annual renewal fees (Attachment 7).

Wendell E. Maddox, Jr. opposed the legislation, as his organization strongly discourages the ownership of wild canis hybrids under any circumstance (Attachment 8).

Clay Walker, owner of Walker Exotic, opposed the legislation, as the fees are exorbitant and will drive the exotic animal dealers underground. His testimony also is endorsed by Chris McDonald, Eugene Newfield, and Lloyd Frederick (Attachment 9).

Frank M. Catania opposed the legislation. He posed several questions regarding the wolf dogs being included in the legislation, and asked that they be stricken from the bill (Attachment 10).

Jim Fouts, Tanganyika Wildlife Co., his business supplies birds and animals for zoological collections. He believes **SB 558** punishes all owners of such animals rather than those who commit irresponsible acts. He would support regulations at the state level such as Sedgwick County adopted. He offered his services to serve as a representative of the industry (Attachment 11). Responding to a question Mr. Fouts stated he would support a fee per facility, rather than per animal as stated in the bill.

Renee Harris's written testimony was distributed (Attachment 12), also written testimony from The Kansas Humane Society of Wichita, Kansas (Attachment 13).

Mark Reed reviewed the differences between **SB 558** and Sedgwick Counties resolution. Darrell Montei stated there probably were some ligament exemptions, however the Department has not had an opportunity to review what the rules and regulations would be.

The Chairperson closed the hearing on **SB 558**.

The next meeting is scheduled for February 8, 1996. The meeting was adjourned at 11:02 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-7-96

NAME	REPRESENTING
Dr. William C. Sears	self
Jim Fouts	Tanganyika Wildlife Co.
Mike LaKue	Topeka Zoo
Duan Wakarusa	Division of the Budget
Debra Duncan	Ks Animal Health Dept
George Teagarden	"
Bence Morris	Lawrence Humane Society
KELLI LARKINS	Kansas Animal Control Association
ELLEN QUERNER	Citizen, Wichita, Ks.
Virginia Skinner, DVM	Citizen of Marion Co.
Mike Cargill	City of Great Bend
Wendell E. Maddox Jr.	The Humane Society, U.S.
Bill Craven	Sierra Club / KNRC
E. DeEtte Huffman	Ks. Sierra Club
Bary Phillips	SELF
CHAG WALKER	ANIMAL BREEDER
Paul Andrews	self
John E. Shively	Animal Breeder
CHAVA McKeel	Senator Downey
LARRY SOROKA	SELF



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
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S.B. 558

Testimony Presented To: Senate Agriculture Committee

Provided By: Kansas Department of Wildlife and Parks

February 7, 1996

S.B. 558 would require any person who owns, maintains or who has caged an "inherently dangerous mammal" to license the animal with the Secretary. Inherently dangerous mammal is defined as a member of the canidae (dog), felidae (cat) or ursidae (bear) families or hybrids within the family. Domestic dogs and cats are excluded.

A license application, with fee, would be submitted to the Secretary for each inherently dangerous mammal. The fee would be set by the Secretary at not more than \$500. Renewal of annual licenses would require a fee of not more than \$250, also to set by the Secretary. The Secretary would be required to adopt regulations for the care, caging, maintenance and health standards for the animals and other regulations as necessary. Violations of the act or adopted regulations would be a class C misdemeanor. It is assumed the license fees would be deposited into the Wildlife Fee Fund, but it is not specified in the bill.

The issue of possessing certain animals that pose potential dangers to humans has received increased attention during the past several years. Direct attacks on humans have occurred, and generally can be traced back to improper holding or caging facilities, negligence or failure to accept responsibilities that accompany ownership of these animals. Lesser known are the problems which result from lack of knowledge on the part of some owners and more prevalent---what to do with the animal when it is no longer a cute little pup, cub or kitten.

While this bill, if passed, and resulting regulations would address some of the more problems, there should be several other

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items considered. Spur of the moment decisions to purchase an animal often are made without full knowledge of the demands which will result. It is suggested that individuals should first develop proper facilities, exhibit awareness of the animal's many requirements and secure a license before purchasing an animal. Consideration of changing the effective date to January 1, 1997 should occur.

In past discussions with this committee and with other members of the legislature, the Department has expressed sincere concern regarding responsibility for this type of activity. Wildlife efforts of the Department and particularly law enforcement, are directed at management of our native wildlife species and associated recreational activities. Attention to "exotic" wildlife species has been limited to those steps necessary to offer protection to our native species through prohibiting certain imports and prohibiting releases to the wild.

The issues addressed by S.B. 558 are directly related to human health and safety and to animal welfare. Certainly, these are important issues, but are not within the Department's mission as it is articulated. Although funds are generated under this bill, additional appropriations will be required and some redirecting of administrative staff and law enforcement effort would be necessary. If adequate fee revenues cannot be generated to fund the effort, then the hunting and fishing license buyers would likely have to make up the difference, which is not fair and probably not acceptable to that constituency. Many of that constituency already voice complaints that there is not enough law enforcement personnel now and would be reluctant to see that effort further reduced and moneys redirected to other purposes.

These expressed concerns are real and are not considered lightly by the Department, the Commission and many of our constituencies during discussions involving "exotics" and what role, if any, the Department should play. The problems addressed by S.B. 558 are also real, but the Department respectfully questions if our administration of the solution is a proper role for the Department.

Mr. Chairman and Members of the Committee:

My name is Dr. William C. Skaer. I'm a veterinarian in Wichita and I've been directly involved with the issue of dangerous exotic animals for some time. Some of you may remember my testimony in front of this committee last year.

(Slide 1) "Of all the things a mother worries about, she doesn't even remotely think of her son being mauled by an African lion." These comments by the mother of an eleven-year old boy who was attacked by a lion tied to a chain in a trailer park in Leon Kansas in 1994 says it all about the current situation with inherently dangerous exotic animals in our state. You may remember that mother came before you last year to plead for regulations concerning these kinds of animals.

(Slide 2) I want to point out that what we are clearly talking about are wild animals that are inherently dangerous to humans. These are primarily the large carnivores such as lions, tigers, cougars, wolves and wolf-hybrids, and bears (slides 3, 4, 5, and 6). (Slide 7) These kinds of animals present a real and present danger to the safety of the public. (Slide 8) Yet, as the mother of that eleven-year old boy found out, it is perfectly legal to own an African lion in Kansas without any consideration for the safety of the public or the welfare to the animal (Slides 9 and 10).

Another incident occurred just this past September when a 500-pound male African lion escaped from its owners yard in south Sedgwick County and terrorized a neighbor. (Slide 11) That neighbor has provided written testimony of that harrowing event specifically for this committee beginning on page three of your packet. I encourage you to read his account of that early morning. I've high-lighted a few of the salient points of his comments.

(Slide 12) If those two incidents aren't enough to convince you that we need state regulation of inherently dangerous exotic animals, then perhaps the report from the Wichita/Sedgwick County Health Department on page five of your packet will change your mind. The number of bite incidents involving these kinds of animals even surprise those of us who have worked for years to help solve the problem. We have been extremely lucky that a death has not occurred from one of those attacks.

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Kansas is one of two states nationwide that has not addressed the problem of inherently dangerous exotic animals. (Slide 13) Because of that fact, Kevin Couillard, the Director of Law Enforcement for the Kansas Department of Wildlife and Parks said in a letter to me dated December 6 of 1995, and on page six of your packet, that "I anticipate an influx of inherently dangerous animals and exotics into Kansas in the next few years". Must we wait until a tragedy occurs to do something about such animals?

(Slide 14) Finally, strong standards for the caging and care of these animals must be adopted to protect the public safety and provide for their welfare. But please, and I don't mean to offend the USDA, don't be misled into thinking that you can adopt USDA standards and provide the protection to the public. Their standards are just not good enough. Page seven of your packet gives the current USDA standards in CFR 9. In the last section of your handout, we have provided you and the Department of Wildlife and Parks with some proposed strong standards for the caging and care of inherently dangerous exotic animals. Those standards, which were adopted by our Sedgwick County commission recently, come from a number of authoritative sources, including the Association of Zoos and Aquariums (AZA).

In conclusion, we have proven there is a need for the state of Kansas to regulate inherently dangerous exotic animals. We have shown you how this can be done. (Slide 15) I hope that you will take action this session so that Kansas mothers will have one less thing to worry about. Thank you!

William C. Skaer, DVM, MS

Wildlife Inherently Dangerous to Humans

"Of all the things a mother worries about, she doesn't even remotely think of her son being mauled by an African lion."

Mother of eleven-year old boy attacked by a lion tied to a chain in the yard of a mobile home in Leon, Kansas in 1994.

STATEMENT REGARDING THE CONTROL OF EXOTIC PETS

Because of recent incidents involving exotic pets, one of which I personally was involved, I have decided to make a public statement in the interest of public safety and education. Presently there are few laws regarding this matter. These laws appear to be insufficient, in that they fail to establish realistic rules and regulations that protect both the public and these animals.

The public should have the right to feel safe in their homes and neighborhoods.

On September 18th, 1995, at 5:00 AM, I went out on my back porch to investigate why my bird-dogs were barking and growling. The dogs were very aggravated and were looking toward my neighbor's back yard. After turning on my yard lights, I was unable to find the cause of the excitement. I then returned to the house and began getting ready for work. As I prepared to enter the shower, my wife came into the bathroom and asked if I had heard all the noise my dogs were making. I replied that I had but had been unable to find the cause. She responded that "something must be out there" as the dogs normally did not act that way. Hearing this, I put my pants and shoes on, picked up a loaded 22 CAL. pistol that is kept in my farm bag (We have a farm in eastern Kansas and I frequently go there. Therefore, I keep a suitcase of clothes, toilet articles, and a handgun.) and again went to the back porch, turned on the yard lights and found only my dogs, barking and growling. I proceeded through my garage, which was dark and had doors on both ends (the rear door was open) to my back drive. I stepped out to look in my neighbor's yard and saw nothing. I stepped into my garage and turned on the lights that include outside lights. After turning on these lights, I again stepped onto my back drive to see if I could find whatever was causing the excitement. As I looked into my neighbor's yard, I saw motion in my garage out of my left eye. I turned to look into my garage and saw a very large African lion (505 lbs) jump from the back of my pickup and run directly toward me. I instantly began moving backward and firing the gun. After several shots, the lion was hit in the forehead. He was approximately three feet from me when he fell dead. After he fell, he slid by me, striking my right pant leg. I can't begin to describe the fear I

experienced or the questions that were going through my mind. I immediately went into the house and asked my wife to call 911. She asked what happened (she had heard the shots) and I explained I had just shot a very large African lion in the garage. After the call, we waited for the deputy to arrive. Upon his arrival he stated, "You shot an African lion, huh?" I replied, "Yes, I did." He very obviously didn't believe me. Upon seeing the lion, he exclaimed, "Where the hell did he come from?" I responded, "That's why I called you." After several calls (radio) another officer reported that he had heard of a pet lion being kept on 83rd street. After about 70 minutes, the owner was found and notified that his animal had been shot. The owner came to my residence. Upon hearing what had happened, he told me that he understood and that if the rolls were reversed he would have done the same thing. I was then told that he had a \$350.00 permit and a one million dollar liability insurance policy. Investigation had revealed that I had also shot my wife's car and my other garage door. (Total damage was \$2,000.00) The owner began telling me the lion was a pet and it had been his son's companion and playmate. Upon hearing this, I felt very bad because I had killed a young man's pet.

In conclusion, I firmly believe that both myself and the lion were victims. Me, because someone had a potentially dangerous animal in my neighborhood of which I was unaware and the lion, because he was kept in a pen which was inadequate. I suffered financial and mental stress and the lion, loss of life.

If these animals are to be kept, there must be realistic rules and regulations to govern their control in order to prevent incidents like this or worse from happening.

D. F. McHone

I N T E R O F F I C E M E M O R A N D U M

Printed by: Roger Smith
Date: 30-Nov-1995 08:03am CST
From: Roger Smith
SMITH, ROGER
Dept: Health
Tel No: 268-8351

TO: Remote Addressee

(ihart@cnty)

CC: Jack Brown

(BROWN_J)

Subject: Exotic Animals We Have Known...

Our staff has compiled a list of exotic animals involved in bites over the past five years. I was somewhat surprised by the number. We typically receive bite notifications only when the victim seeks medical attention, or calls our office. In the case of exotic animals (as with cats and dogs) we probably don't receive reports on all the bites that occur. The actual number of animals maintained is no doubt vastly larger than our list of confirmed bites.

We are unable to ascertain which of the following occurred in Wichita or other cities, and which occurred in the unincorporated area of the County. It is probably reasonable to assume that most of the large carnivores were in the unincorporated County or cities other than Wichita, due to Wichita's ordinance and the difficulty in hiding these types of animals. (We did once find a cougar in Riverside, however.)

Exotic Animals Involved in Bites 11/90 through 11/95:

8 wolf hybrids
6 cougars
6 snakes (constrictor types: boas, pythons, anacondas, etc.)
5 foxes
5 monkeys
3 coyotes
2 African lions
2 Bengal tigers
2 coati mundi
2 rattlesnakes
2 wolves
1 Canadian lynx
1 copperhead snake
1 lynx
monitor lizard



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

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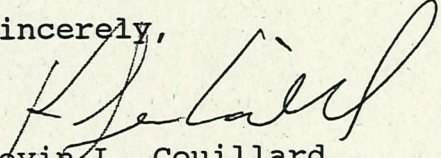
6 December, 1995

Dr. Bill Skaer
603 N. Edgemoor
Wichita, KS 67208

Dear Dr. Skaer:

FYI - Texas has finally produced and passed legislation and regulations restricting the ownership and sale of dangerous animals. This leaves only Oklahoma and Kansas with less restrictive laws and regulations. I anticipate an influx of inherently dangerous animals and exotics into Kansas in the next few years. I also anticipate action on Kansas laws and regulations restricting possession and sale of inherently dangerous animals in the very near future.

Sincerely,


Kevin L. Couillard
Director of Law Enforcement

KLC:js

holding area at the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun and such marine mammals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (85° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes.

(2) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for marine mammals when the outdoor air temperature falls below 10° C. (50° F.) and such marine mammals shall not be subjected to surrounding air temperatures which fall below 7.2° C. (45° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.112(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the marine mammal contained therein.

(c) Primary enclosures used to transport any marine mammal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

[44 FR 36874, June 22, 1979, as amended at 49 FR 26686, June 28, 1984]

Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals

AUTHORITY: Secs. 3, 5, 6, 10, 11, 12, 16, 17, 21, 80 Stat. 351, 352, 353, as amended; 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2146, 2147, 2151.

SOURCE: 36 FR 24925, Dec. 24, 1971, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

FACILITIES AND OPERATING STANDARDS

§ 3.125 Facilities, general.

(a) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

[36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, June 22, 1979, and amended at 44 FR 63492, Nov. 2, 1979]

§ 3.126 Facilities, indoor.

(a) *Ambient temperatures.* Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) *Lighting.* Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) *Drainage.* A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

§ 3.127 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(c) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations

relating to pollution control or the protection of the environment.

§ 3.128 Space requirements.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.129 Feeding.

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

§ 3.130 Watering.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

§ 3.131 Sanitation.

(a) *Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease

with a maximum of one hundred and fifty dollars (\$150.00) per address,

and a current inspection, submission of current information as prescribed in Sec. 5-229 (a) (1) through (3), inclusive, as required by the director.

(c) The animal control department shall notify the licensee not less than one month before the expiration of the license that the renewal fee and annual inspection are due.

(d) Any condition imposed on the approval or renewal of the license shall be strictly adhered to by the applicant/licensee and failure to do so constitutes cause for non-issuance, non-renewal, or immediate revocation of the license.

(e) The animal control department shall maintain a record of the date of issuance of, the conditions imposed on, and the name and address of the person to whom a license has been issued pursuant to this article.

(f) **Violations.**

1. *Fail to renew an annual license: inherently dangerous mammal.* It shall be a violation of this chapter for any person to fail to renew an annual license for an inherently dangerous mammal. *Fail to renew an annual license: inherently dangerous mammal* shall be a class H violation.
2. *Fail to renew an annual license: inherently dangerous reptile.* It shall be a violation of this chapter for any person to fail to renew an annual license for an inherently dangerous reptile. *Fail to renew an annual license: inherently dangerous reptile* shall be a class H violation.

DIVISION 3. STANDARDS FOR HOUSING AND CARE

Sec. 5-231. Housing and care of *Canidae* and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *canidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

- (1) **Enclosure dimensions.** A single small canid, or hybrid thereof, weighing less than thirty-five (35) pounds shall have an enclosure measuring at least eight feet (8') by twelve feet (12') or ninety-six (96) square

feet. For each additional small canid (or hybrid thereof), the enclosure shall be increased by fifty percent (50%). A single large canid, or hybrid thereof, weighing thirty-five (35) pounds or more shall have an enclosure measuring at least ten feet (10') by fifteen feet (15') or one hundred fifty (150) square feet. For each additional large canid, or hybrid thereof, the enclosure shall be increased by fifty percent (50%). Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure materials.** Enclosures for canids and hybrids thereof shall be constructed of not less than 11-gauge chain link or its equivalent for mammals of an adult weight less than 35 pounds and 9-gauge chain link or its equivalent for animals of an adult weight of 35 pounds or more. Perimeter barriers shall be at least eight feet (8') high and include an inward-facing overhang of no less than eighteen inches (18") at an angle of forty-five (45) degrees. In addition to vertical barriers, all perimeters shall also have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape through digging. All enclosures shall have double doors between the animal and possible escape, one being a primary access door and the second being a safety door.

(3) **Temperatures and shelter.** All *canidae* and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(4) **Water.** Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(5) **Food.** All canids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(6) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(7) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the canid(s) or hybrid(s) in a healthy condition.

(8) **Transportation.** At no time shall a canid or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle, said canid or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(9) **Animal restricted to Owner's property.** At no time shall a canid or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-subsection (8), above.

Sec. 5-232. Housing and care of *Felidae* and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *felidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions and materials for very large pantherids.**

Very large pantherids, including lions (*P. leo*), tigers (*P. tigris*), and any hybrids thereof shall be maintained in barred or heavily wired cages. A cage for a single animal shall measure at least twenty-four feet (24') wide by twelve feet (12') deep (288 square feet). It should be either a minimum of eight (8) feet high with a covered top or a minimum of fourteen feet (14') high with either an inward-facing overhang of no less than eighteen inches (18'') and at an angle of forty-five (45) degrees or have a 110 volt electric wire to prevent the animals from escaping. Cages shall be fifty percent (50%) larger for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure dimensions for other large felids.** Other large felids, including jaguars (*P. onca*), leopards or panthers (*P. pardus*), pumas, cougars or mountain lions (*P. concolor*), snow leopards (*P. uncia*), clouded leopards (*Neofelis nebulosa*), and any subspecies or hybrids thereof shall be maintained in a cage with minimum cage dimensions for a single large felid equal to at least

twenty feet (20') wide by ten feet deep (10') or two hundred (200) square feet by eight (8) feet high and have covered tops. Cages shall be fifty percent (50%) larger for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(3) **Enclosure dimensions for smaller felids.** Small felids, those having an adult body weight of less than forty-four (44) pounds but more than fifteen (15) pounds, including any hybrids but excluding the domestic cat (*Felis catus*) shall be maintained in a cage with minimum cage dimensions for a single small felid equal to seven feet (7') wide by ten feet deep (10') or seventy (70) square feet by eight feet (8') high and have covered tops. Floor space shall be increased by fifty percent (50%) for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(4) **Barrier and enclosure materials; general.** Enclosures for very large and large felids shall be constructed of bars or not less than 9-gauge chain link fencing or its equivalent. Enclosures for smaller felids shall be constructed of bars or not less than 11-gauge chain link fencing or its equivalent. In addition, all perimeters must have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape by digging. All enclosures shall have double doors between the animals and possible escape, one being the primary access door and the second being a safety door.

(5) **Temperatures and shelter.** All *felidae* and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(6) **Water.** Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(7) **Food.** All felids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(8) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall

be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(9) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the felid(s) or hybrid(s) in a healthy condition.

(10) **Transportation.** At no time shall a felid or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle, said felid or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(11) **Animal restricted to Owner's property.** At no time shall a felid or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-section (10), above.

Sec. 5-233. Housing and care of Ursidae and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *ursidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions.** All enclosures for a solitary adult bear or hybrid thereof shall measure at least twenty-four feet (24') by twelve feet (12') or two hundred and eighty-eight (288) square feet with a ten foot (10') high covered top. Cages shall be increased fifty percent (50%) per each additional bear. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure materials.** Enclosure material shall be constructed of welded bars or not less than 9-gauge chain link appropriately secured, or its equivalent. In addition, all perimeters shall have either concrete footing or horizontal protective matting around the entire perimeter to prevent escape by digging. All enclosures shall have two doors between the animal and possible escape, one being the primary access door and the second being a safety door.

(3) **Water.** Fresh clean water for drinking shall be available at all times. Built-in watering devices may be used for larger bears or hybrids thereof; sturdy containers may be suitable for smaller animals. All watering devices and containers shall be cleaned and disinfected daily.

(4) **Temperatures and shelter.** All bear or hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(5) **Food.** Bears and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(6) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(7) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the bear(s) or hybrid(s) in a healthy condition.

(8) **Transportation.** At no time shall a bear or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle for said purpose said bear or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(9) **Animal restricted to Owner's property.** At no time shall a bear or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-section (8), above.

Sec. 5-234. Housing and care of inherently dangerous reptiles.

(a) **General.** An harborer and/or owner of any inherently dangerous reptile shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions and other requirements for**

February 7, 1996

RE: SENATE BILL 558

Mr. Chairman and members of the Committee,

My name is Ellen Querner, I reside in Wichita, Kansas. I am here to speak in favor of Senate Bill 558.

Last year I was here testifying on a similar bill. I showed a video tape of an exotic animal auction held at a public fair grounds in Kansas. Since that time, another auction was held at the same place. More young, cute, seemingly innocent "PET" lions, tigers, cougars etc. were offered to the highest bidder and carried off to various places through out Kansas, with no concern as to the new owners ability to care for the animal as it matures. Last years bill never got out of committee, it was too confusing and encompassed more than was needed. This year, Senate Bill 558 is before you, it encompasses only what is needed...the regulation of inherently dangerous exotic mammals.

The important thing to remember about this bill is that it DOES NOT BAN OWNERSHIP OF SUCH ANIMALS, IT ONLY REQUIRES THAT THE OWNERS BE RESPONSIBLE, TO THE PUBLIC AROUND THEM AND TO THE ANIMALS THAT THEY OWN.

Over the past several months I have been involved with getting a similar resolution passed in Sedgwick County. I sit on their animal care advisory committee, as does Dr. Skaer. We sat down with individuals in the business, such as Jim Fouts owner of a USDA exotic animal facility in Sedgwick County and drafted similar legislation which would enable Sedgwick county to deal with the increasing number of dangerous exotics being kept as pets.

If every county in the state would or could pass similar legislation there would be no need for this bill to be before you. But the facts are that not every county will address this issue or have the resources to do so. Therefore here we sit, with good responsible laws while the individual living just over the county line has no requirements on how he houses or cares for his dangerous exotic, thus still putting the public in danger both in his county and in ours.

Other States have seen the need to draft similar legislation. Kansas is one of the few that has not addressed this issue. This Bill would enable the State to assure its people that it will not allow them to be placed in jeopardy because a neighbor insists on having a 550 pound African lion on a chain in his back yard, or in a cage so flimsy that the neighbor finds it in his garage one morning. It does not take away the right of the person to own that lion, it just qualifies what is needed to protect the public and the animal from a careless owner, and allows the state to inspect that animal.

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As I testified last year, the enforcement of this bill should rest with those that are most familiar with these type of animals. The Wildlife and Parks Department has skilled, trained employees in the field of wildlife. These are not domestic dogs, cats or livestock the are and always will be wild animals.

I do understand one thing that might be of concern for a very few owners of such animals. I will use Jim Fouts as an example. He is licensed by the USDA because he breeds and sells exotics, he will now be licensed by the county as an owner of dangerous exotic mammals. If this bill is passed he will then be asked to have a third license. In the Sedgwick County law we acknowledged such a person by a smaller license fee, which would not make Mr. Fouts pay an overall higher fee because he was also licensed by the USDA. I would propose that license fees for people who already are licensed by both the USDA and their county pay a lesser State license fee. Very few counties have enacted any exotic animal laws, therefore the number of people that would be both USDA licensed and county licensed will be very small. In fact, we have only one USDA licensed facility in our county, the majority of individuals owning these types of animals bought them for "pets".

I know that some of the arguments you will hear is that people who are USDA licensed should not have to be state licensed, and that if they must the standards for care should be those standards accepted by the USDA. The USDA standards do not insure proper housing, care and inspections. A USDA license can not assure the people of Kansas that they will not have an African lion chained or insecurely housed next door to them, or down the street from them.

I urge you to pass Senate Bill 558. Reality tells you that no matter what the owners of such animals say, they are not domestic, they are not pets, they are wild and dangerous. And, they are unfortunately being sold and bought by many people who live in a dream world which have and will continue to place the public in danger unless required by the state to be licensed and meet specific standards on their housing and care.

SENATE BILL #558

Testimony by

Virginia Skinner, DVM
302 N. Maple
Peabody, Kansas 66866
(Marion County)

February 7, 1996

As a veterinarian in Marion County, I represent hundreds of citizens who would like to see stricter regulations placed on possession of inherently dangerous animals. In our county there are several individuals who own a significant number of tigers, lions, cougars, wolves, etc. At least two of these people are presently licensed by USDA. They are fond of pointing to the 110-page USDA Animal Welfare Act, subchapter A, as proof that they are being adequately regulated. In actuality, only two pages of this act apply to them. (I have attached copies of those pages to my testimony.) You will note that of those two pages there are only two sentences that address structural requirements for caging. The remainder of the two pages establishes very vague standards for food, water, waste disposal, etc. In effect, to be licensed by USDA means very little.

Sedgwick County, with the help of the Sedgwick County Zoo, passed a resolution last month which establishes specific guidelines for the housing and care of each group of inherently dangerous animals. I know from personal observation, as well as from second-party observation, that at least two of the "USDA-approved" facilities in Marion County would not meet these standards. They, along with many other facilities in the state, are accidents just waiting to happen.

I have presented a similar resolution to the Marion County Commissioners. They are awaiting a decision from the Kansas Legislature before they proceed. It is my hope that with the passage of Senate Bill #558 we will be able to provide the citizens of all the counties in Kansas with uniform guidelines for possession of inherently dangerous animals.

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loading area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun and such marine mammals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (85° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes.

(2) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for marine mammals when the outdoor air temperature falls below 10° C. (50° F.) and such marine mammals shall not be subjected to surrounding air temperatures which fall below 7.2° C. (45° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.112(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the marine mammal contained therein.

(c) Primary enclosures used to transport any marine mammal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

44 FR 36874, June 22, 1979, as amended at 49 FR 26686, June 28, 1984

Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals

AUTHORITY: Secs. 3, 5, 6, 10, 11, 12, 16, 17, 21, 80 Stat. 351, 352, 353, as amended; 7 S.C. 2133, 2135, 2136, 2140, 2141, 2142, 46, 2147, 2151.

SOURCE: 36 FR 24925, Dec. 24, 1971, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

FACILITIES AND OPERATING STANDARDS

§ 3.125 Facilities, general.

(a) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, June 22, 1979, and amended at 44 FR 63492, Nov. 2, 1979

§ 3.126 Facilities, indoor.

(a) *Ambient temperatures.* Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) *Lighting.* Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) *Drainage.* A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

§ 3.127 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(c) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations

relating to pollution control or the protection of the environment.

§ 3.128 Space requirements.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.129 Feeding.

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

§ 3.130 Watering.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

§ 3.131 Sanitation.

(a) *Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease

hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

(b) *Sanitation of enclosures.* Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(d) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.132 Employees.

A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care.

§ 3.133 Separation.

Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

§§ 3.134—3.135 [Reserved]

TRANSPORTATION STANDARDS

AUTHORITY: Secs. 3, 5, 6, 10, 11, 14, 16, 17, 21; 80 Stat. 353; 84 Stat. 1561, 1562, 1563, 1564; 90 Stat. 418, 419, 420, 423; (7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2144, 2146, 2147, 2151); 37 FR 28464, 28477, 38 FR 19141.

SOURCE: Sections 3.136 through 3.142 appear at 42 FR 31589, June 21, 1977, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

§ 3.136 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, of any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live animal in a primary enclosure which conforms to the requirements set forth in § 3.137 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.137 of the standards, unless such primary

Remarks on Senate Bill No. 558

7 Feb. 1996 - Michael D. LaRue

My name is Mike LaRue. I am director of the Topeka Zoological Park, Topeka, Kansas. I am a proponent of legislation that will license individuals that hold inherently dangerous mammals.

There are two important issues this bill addresses. The first is to ensure that the citizens of Kansas are afforded some level of protection from hazards that are documented but either are not provided to the potential owner or are ignored. Many people are not aware of the hazards that exist when "inherently dangerous mammals" are allowed to be bought and sold and be kept as pets because the seller does not disclose that information. Some people know the hazards and choose to ignore them.

The second issue is to ensure the animals this bill covers are cared for properly. Animals held in captive environments require proper care for both their physical and psychological well being. Few people are born with the innate ability to provide this care. Zoos spend an enormous amount of time researching this very issue and constantly update care standards to ensure the best care possible for their animal collections.

Both issues in this bill are appropriate. Citizens deserve protection from hazards when possible and the animals deserve our care and concern.

In the Topeka Zoo, these issues are of utmost concern and we are required by Federal law to address them. These laws regulate Zoos but I would guess there are more "inherently dangerous mammals" in private hands in the State of Kansas than there are in the state's Zoos. These animals in private hands are essentially unregulated creating potential hazards to state citizens and the possibility of improper animal care.

The propagation of these animals for pets serves no useful purpose and is simply another way to exploit animals for profit. Endangered species propagated for pets actually detract from the planned, scientifically managed populations that are necessary for global conservation programs. This bill does not stop these activities but at least gives species managers a tool to assist in keeping track of animals, especially those whose species is endangered. This tracking allows species managers to find where individual animals originated and account for them in management plans.

Both regional and international studbooks generally discount individual animals held as pets but occasionally one or more enter an institution or collection where the species is tracked by a studbook. It is extremely important that the entire history of the animal be available to the studbook keeper to effect appropriate conservation management.

Standards of care for the types of animals covered in this bill are established and available for inclusion in the rules and regulations that will implement this bill. A lot of the work this bill requires has been completed.

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The hazards of persons keeping "inherently dangerous mammals" are well documented. We know enough to prevent a tragedy by acting now and not reacting later.

We know enough about the care necessary for these animals to establish those standards now and not be burdened with the knowledge we have failed to properly care for some of nature's most precious resources.

I urge you to recommend this bill to the Senate for approval.



P.O. Box 446, Olathe, Kansas 66061

February 7, 1996

re: Senate Bill No. 558

Dear Chairman & Committee Members,

My name is Kelli Larkins and I am from Olathe, Kansas and I am the President of the Kansas Animal Control Association (KACA). I am here in support of Senate Bill No. 558.

The Kansas Animal Control Association is a not-for-profit organization representing over 30 animal care & control agencies across the state of Kansas.

Our organization has concerns about these animals living in our jurisdictions with no regulations for owning, maintenance, or for the housing of these animals. It will be our animal control officers, humane society workers and law enforcement personnel who will be called upon to control these animals if they are caught running loose or have been involved in some type of incident. This has already happened. In Sedgwick County last fall there was a Cougar running loose for approximately 3 days when a citizen saw the Cougar in his neighborhood and called the Sheriff's Department who called Sedgwick County Animal Control, who then transported the cougar back to it's owner. Last November, also in Sedgwick County, a 500 lb. Male, African Lion escaped from his owners property and made his way into the neighbors garage. The neighbor then shot the animal dead before the animal control officers arrived. *As you can see this Bill will effect us in animal care & control directly.*

It's important for you to pass this bill and start setting the standards for the animals care and housing and allow those standards to be define by the Secretary of Wildlife & Parks.

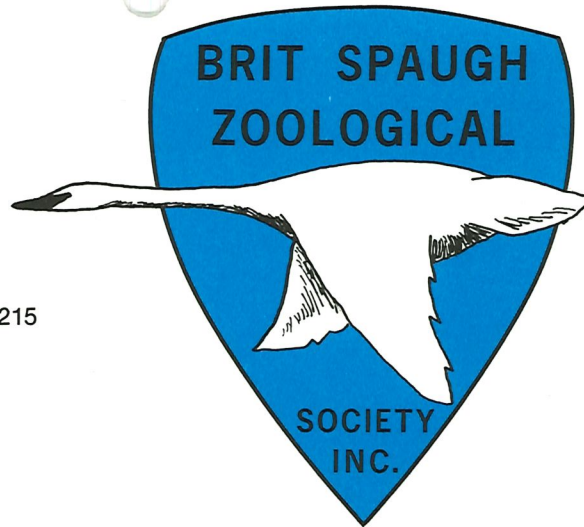
We, in animal care and control, will have to deal with these animals one way or another and it's far better to deal with them with a law in place and an organization to uphold the law than to run the risk of someone being seriously injured.

Sincerely,

Kelli Larkins, President
Kansas Animal Control Association
PO Box 446
Olathe, KS 66051

"Promoting Performance & Professionalism"

*Senate Ag Co
2-7-96
attachment 6*



P. O. Box 215

Telephone
(316) 793-4160

GREAT BEND, KANSAS 67530

We agree that large mammals can present a hazardous situation when in inappropriate hands and that all animals deserve adequate housing. However, we feel that any zoological facility providing environmental education, operating under a valid USDA Animal Welfare License should be exempt for an application fee as well as annual renewal fees. We feel the fees of \$500.00 and \$250.00 per animal are extraordinarily high for those attempting to teach environmental respect. Please consider an exemption for those that care for and utilize animals in an appropriate manner.

Mike Cargill

Mike Cargill
Director of Public Lands
City of Great Bend

*Senate Ag. Co.
2-7-96
Attachment 7*

TESTIMONY PREPARED FOR
THE KANSAS SENATE
AGRICULTURE COMMITTEE

LICENSING OF WILDLIFE --TIGERS, WOLVES, and BEARS
SENATE BILL 558

PRESENTED BY
THE HUMANE SOCIETY OF THE UNITED STATES

Wendell E. Maddox, Jr.
Regional Director
Department of Field Services
Kansas City, Missouri

February 7, 1996

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My name is Wendell E. Maddox. I am Regional Director for the Humane Society of The United States (HSUS), based in our regional office in Kansas City, Missouri. The HSUS is a national non-profit organization dedicated to the prevention and elimination of cruelty to animals. The HSUS is the largest national humane organization in the country with a constituency of more than two million persons, including over 15,000 residents of Kansas. I am appearing here today on behalf of the HSUS and our constituents in opposition to S.B. 558.

I will base the majority of my testimony on the wild canid hybrid issue for which my organization has investigated, researched, and tabulated data for a number of years. It is the position of The Humane Society of the United States, that private ownership of wild canid hybrids and wild felid hybrids must be strongly discouraged primarily because it often results in serious problems of animal welfare and also presents risks to the safety of people, pets, and other domestic animals. It is also the position of The Humane Society of the United States that for these reasons, and for reasons of liability that animal shelters, which have wild canid and felid hybrids surrendered to them, should not place these animals for adoption. If no suitable refuge is available that can safely and humanely care for these animals, it is our recommendation that they be euthanized.

The keeping of wild canid and felid hybrids does little or nothing to enhance the protection of these animals in nature, or improve the quality or treatment of dogs and cats. On the contrary, ignorant and abusive handling of such animals frequently creates situations that turn public sentiment against the animals.

All of our domestic species, including pets and farm animals, began as some wild form. Over the years these wild animals were first tamed, meaning they would allow humans to come close to them or handle them, and then went through a period of domestication in which humans intentionally bred together those animals that had desirable traits such as size or productivity. These domestic animals then came to fit human needs, rather than the needs of nature, and often diverged greatly from their wild ancestors. I will base the remainder of my testimony on the wild canid issue which I am more familiar and comfortable with.

Most biologists believe that all dog breeds that exist today are the descendants of wolves. More than one type of wolf may have been involved and the process of domestication may have gone on independently in several locations in the Middle, Near and Far East. This process has gone on for at least 15,000 years. Despite the wide range in dogs, the number of genetic

differences between breeds, and between wolves and dogs, is actually quite small. All dog breeds can potentially interbreed, and all dogs can, potentially, produce fertile offspring when bred to wolves and coyotes.

Humans have made several basic changes in the wolf in the process of domestication. First, we have altered their reproductive behavior. Dogs breed more often and generally have larger litters than wolves. Since we feed and care for puppies, the parental behavior that is so strong in wolves is often reduced in dogs and is generally lacking in male dogs. Second, we have altered their social behavior. Dogs view us as members of their packs, and ideally we are the leaders of their pack. Finally, and most important, from the standpoint of this legislation, humans have selected dogs to generally be more aggressive than wolves. Wolves, like most social predators, are usually quite timid and show great restraint in the use of force to avoid injuring their young and the pack mates who must help them hunt every day. Dogs, on the other hand, have been bred to use their aggression to protect us, and have even been bred to fight each other to the death. People have selectively bred dogs that lack the enormous restraint on aggression that we see in wolves.

Let me specifically address the kinds of problems that arise from breeding wolf hybrids. Under natural conditions, hybrids of related species often die out because they have physical or behavioral characteristics that don't fit the world, they are trapped between two worlds and can't function well in either one. This is exactly what has happened to the majority of wolf hybrids. We have spent at least 15,000 years transforming the wolf from a social predator that travels great distances in pursuit of large prey, into the dog, which can live peacefully in a small area surrounded by other small animals and children. The breeding of hybrids is, I feel, a big step backwards, since it produces an animal that usually cannot live safely and humanely in human society, and yet is not really a wild animal either.

Wolf hybrids tend to have several characteristics that make them unsuitable as pets:

- 1) **SIZE:** Wolf hybrids often show "hybrid vigor," reaching sizes much larger than any wolves, which rarely exceed 110 pounds. Hybrids in excess of 150 pounds are common. This makes any misbehavior on their part potentially more serious.
- 2) **INTELLIGENCE:** One appeal of hybrids is that they can share the enormous intelligence to seek its prey and explore its world. A hybrid, confined in a home,

cage, or at the end of chain, can easily become bored, unbalanced, and destructive.

- 3) **EXERCISE REQUIREMENT:** Wolves are on the move for most of they year, often covering 30 or more miles a day. 'A household "pet" with this inclination will become bored and frustrated and will often seek to escape. Virtually, all hybrids at some time escape. These animals can dig rapidly and can jump at least six feet from a standstill.
- 4) **SOCIAL NEEDS:** Wolves and thus hybrids are pack animals, requiring the almost constant companionship of members of their group. Wolves and hybrids are easily disturbed by separation from others, and again may seek to escape, or become ill as a result of their isolation from human or animal companions.
- 5) **PREDATION:** Wolves are among the most intelligent and efficient predators on the plan Their pursuit of prey is often triggered by whatever is running from them. Many dog breeds continue to prey on deer and even other pets, and many of the more than 3 million reported dog attacks on people each year start with a child attempting to run from a dog Hybrids generally preserve the predatory nature of the wolf, and many have been implicated in attacks on pets and livestock.
- 6) **AGGRESSION:** As mentioned above, wolves show great control over their use of aggression, while many dogs have specifically been bred for guarding and fighting. Over the years wolves and high percentage hybrids have been bred with German shepherds, Rottweilers, and pit bulls. Most wolf hybrids are not intrinsically aggressive. They are generally the result of mixes with malamutes or Siberian huskies, neither of which are noted for aggressiveness to humans. However, such animals are often very timid, yet are placed in situations where they cannot flee and thus can show "fear-biting." In addition, if they fail to recognize an infant or child as a small human being, their predatory instincts can lead to severe or fatal attacks. Although such instances are rare, they do occur about once a year. Of the 15-20 fatal attacks by dogs The HSUS has investigated each Year for the last 10 Years, usually at least one or two of these has been a fatal attack on an infant or toddler by a pet wolf hybrid. These incidents are on the rise (see enclosed NACA NEWS).

Only two issues really matter in this debate, the welfare of the animals involved and the safety of the public. We feel that both are compromised by the keeping of wolf hybrids. From the perspective of animal welfare, we must first consider who is producing these animals. Hybrids have become a popular "cash crop" at a time when great concern has been raised about the millions of surplus dogs that must be destroyed in shelters each year and the physical and behavioral problems caused by excessive breeding of dogs. We know that a rapid rise in popularity often leads to an equally rapid decline in the physical and temperamental quality of dog breeds, and the same is even more true for hybrids. Many breeders are producing these animals to get rich quick, and are advertising them to an ill-informed and largely irresponsible public. In nature, few wolves breed, usually only one pair in a pack, yet the producers of hybrids often feel that they can sell any animal with any wolf complement to this genetic heritage.

We are also concerned about the people who acquire these animals. Some seek to own such animals out of respect for wolves or a desire to somehow be closer to the wild, and there is no question that many hybrid owners truly love their animals. However, in my experience, the majority of people who seek to own such an animal do so for primarily selfish reasons. They want something exotic that will be status symbol and source of conversation, yet they are unprepared to take on the special responsibilities in keeping such a creature. Many of these people are seeking to use their animals to make some statement about themselves, and many are the same individuals who have been irresponsible owners of German shepherds, Dobermans, pit bulls, Akitas, and Rottweilers.

Few individuals have the resources that are required to allow these animals to be kept happily, humanely, and safely. Horror stories abound. Many animals escape and are hit by cars or killed attacking pets or livestock. Many more hybrids must live out lives of solitary confinement. However, the few sanctuaries that are equipped to house these animals humanely must turn down hundreds a year.

The keeping of hybrids is not in the interests of the animals, or of their wild ancestors.

It is the view of The **HSUS**, that there is no legitimate reason for private ownership of either wild canids or felid hybrids. The joys that the small number of happy, healthy, and well-behaved animals can bring can be provided by a wide variety of dogs and cats that have

been bred to fit in with human society.

Thank you for giving me the opportunity to testify here today on regarding this very important humane issue.

WOLF HYBRIDS

1. What is a wolf hybrid?

A wolf hybrid is any animal resulting from the breeding of a wolf with a domestic dog. The most common wolf-dog hybrids result from breeding wolves with malamutes, Siberian huskies, or German shepherds, but many breeds of dogs have been crossed with wolves including collies, standard poodles, Rottweilers, and pit bulls. Hybrids can be bred to other hybrids, pure dogs, or pure wolves, to produce offspring whose genetic contribution from wolves will vary widely.

2. Why do people want them?

For most people it is simply the "prestige" of owning something different or exotic. For others it is a desire to see themselves as somehow in touch with the wild nature of the wolf. Some mistakenly think that they are getting an animal that will be a good watch dog or guard dog, when in fact most hybrids are extremely timid. For an increasing number of people these animals are simply a "cash crop". A few hybrid owners mistakenly feel that they are helping wolves or dogs by raising hybrids.

3. How do people get such animals?

The HSUS has identified many wolf-hybrid breeders and even large scale wolf-hybrid puppy mills throughout the US. Animals may sell for as little as \$100 or as much as \$1,500. Many of these breeders advertise in local and national magazines and newspapers and routinely ship animals as young as one or two weeks old around the country. In addition, many owners, burdened by the expense of keeping these animals, begin to breed and sell them to support their own animals.

4. How many wolf-dog hybrids are there?

Although no definitive census exists, various wolf-hybrid organizations have estimated that there are at least 100,000 to 300,000 such animals in the U.S. Based on reports from animal control agencies around the country, the number of hybrids is growing.

5. What's wrong with keeping wolf hybrids as pets?

More than 12,000 years of domestication have transformed the wild wolf into the dog. Like many hybrids in nature, the wolf-dog hybrid cannot adapt well to the environments of either parent. They cannot live as wild animals and their size, strength, and often unstable temperament make them generally unsuitable for life as companion animals. Wolf-dog hybrids are frequently unpredictable, destructive, rarely trainable, and very adept at escaping from confinement. Many are hit by cars or killed while attacking livestock or pets. Many others are forced to live out their lives chained or confined in basements or small cages.

8-7

6. Are these animals dangerous to people?

Too often the answer is "yes". For thousands of years humans have bred dogs to be far more aggressive than wild wolves. Many people use dogs for purposes other than companionship, including attack, protection, and dogfighting. This potential for aggressiveness can make wolf-dog hybrids unpredictably aggressive. In addition, hybrids living in close proximity to people sometimes fail to make the distinction between people and prey, responding to children as they might respond to a small animal. Although there are no documented accounts of fatal attacks by healthy wild wolves on people in North America, severe and fatal attacks by wolf-dog hybrids have been disturbingly common. At least seven children have been killed by pet wolf-dog hybrids since 1986. Several severe maulings in 1991 have led many communities to seek restrictions on these animals.

7. Are there other public health problems associated with pet wolves and wolf hybrids?

Currently there is no rabies vaccine approved for use in wild canids or hybrids. Even though vaccinated hybrids might be protected from rabies, any animal involved in a bite incident is considered to be unvaccinated. As a result, bite victims must undergo rabies treatment or biting animals must be destroyed for rabies testing.

8. What happens when animal control agencies or humane societies receive wolf hybrids?

Nearly all local humane societies and animal control agencies have policies against placing any wolf hybrids for adoption. The few organizations that have the space, finances, and expertise to safely and humanely keep hybrids are already harboring all the animals they can. Recently some of these sanctuaries have reported receiving thousands of calls every month from hybrid owners seeking to get rid of problem animals. Thus many hybrids are euthanised or abandoned when their owners can no longer keep them.

9. What is the impact of the keeping of wolf-dog hybrids on wild wolf populations?

Contrary to the claims of hybrid owners, wolf biologists and wolf conservation advocates agree that the proliferation of wolf-dog hybrids has actually hurt wild wolf populations. Attacks on humans by hybrids serve to perpetuate mistaken notions of wolf aggression. In addition, the release of hybrids and subsequent attacks on pets and livestock have seriously undermined projects aimed at reintroducing wild wolves into habitats they once occupied. The genetic integrity of recovering wild wolf populations is also threatened by the potential for breeding with wolf hybrids that escape or are intentionally released into the wild.

10. Doesn't federal law restrict the ownership of wolves?

Yes. However these federal laws do not apply to animals resulting from any breeding with domestic dogs.

11. What other restrictions already exist?

A growing number of states and local governments are restricting ownership of wolf-dog hybrids (see HSUS summary). Measures range from outright bans to permit systems. In the past, enforcement of such restrictions has been lax, but public health and animal control agencies are now taking the problem more seriously.

12. Isn't it difficult to distinguish between wolf-dog hybrids and other mixed-breed dogs?

While there are no definitive biological tests that can completely distinguish between wolves, dogs, and wolf-dog hybrids, there are a number of characteristics such as size, conformation and behavior that can be used to help identify hybrids. Since a major cause of recent problems with hybrids has been the rampant breeding and sale of these animals, it is also useful, for the purposes of legislation, to define hybrids as "any animal that is represented as a wolf hybrid by its owner."

13. What steps can be taken to deal with wolf-dog hybrids?

The HSUS believes that the ownership of wolf hybrids must be strongly discouraged and, through attrition, eliminated. This can be approached by restricting the sale, trade, release, import, or export of animals across state or local boundaries. Owners of animals already in the state or locality should be required to house animals in humane ways that meet the animals' physical and behavioral needs and that also protect public health and safety. Governments should impose licensing fees adequate to cover the costs of inspecting containment facilities and other expenses associated with implementing regulations. Existing animals should be neutered or spayed. Owners of wolf hybrids should also be held civilly liable for damages or injuries caused by their animals.

SUMMARY OF STATE REGULATIONS PERTAINING TO WOLVES AND WOLF HYBRIDS

Contact state wildlife agencies for details and interpretation.
Local ordinances may be more restrictive

STATE	WOLVES AS PETS	CLASSIFICATION OF HYBRIDS	HYBRIDS AS PETS
ALABAMA	not regulated	not regulated	not regulated
ALASKA	prohibited ¹	uncertain	should need permit
ARIZONA	prohibited	not regulated	not regulated
ARKANSAS	requires permit	not regulated	not regulated
CALIFORNIA	prohibited ¹	F1 are wolves	F1 requires permit ²
COLORADO	requires permit	F1 are wolves	F1 sale needs permit
CONNECTICUT	prohibited	considered wild	prohibited
DELAWARE	prohibited	not regulated	not regulated
DIST. OF COLUMBIA	prohibition pending	pending	prohibition pending
FLORIDA	requires permit	> 75% wolf is wolf	> 75% wolf needs permit
GEORGIA	requires permit	considered wild	may require permit
IDAHO	requires permit	up to authorities	prohibited
ILLINOIS	prohibited ¹	considered wild	prohibited ¹
INDIANA	requires permit	> 75% wolf is wolf	> 75% wolf needs permit
IOWA	requires permit	considered wild	restricted ³
KANSAS	not regulated	considered domestic	not regulated
KENTUCKY	prohibited ¹	not regulated	not regulated
LOUISIANA	requires permit	permitted as wolves	requires permit
MAINE	not regulated	considered domestic	not regulated
MARYLAND	prohibited	considered wild	prohibited
MASSACHUSETTS	prohibited	considered domestic	declassified
MICHIGAN	prohibited	considered domestic	not regulated
MINNESOTA	requires permit	not regulated	not regulated
MISSISSIPPI	not regulated	not regulated	not regulated
MISSOURI	requires permit	up to authorities	not regulated
MONTANA	requires permit	> 50% wolf is wolf	> 50% wolf needs permit
NEBRASKA	prohibited	up to authorities	prohibited if judged wolf
NEVADA	not regulated	not regulated	not regulated
NEW HAMPSHIRE	prohibited	wild	prohibited
NEW JERSEY	prohibited	considered domestic	not regulated
NEW MEXICO	importation prohibited	considered wild	importation prohibited ⁴
NEW YORK	prohibited ¹	considered wild	prohibited ¹
NORTH CAROLINA	requires permit	considered domestic	not regulated
NORTH DAKOTA	requires permit	not regulated	not regulated
OHIO	not regulated	not regulated	not regulated
OKLAHOMA	not regulated ⁵	considered domestic	not regulated ⁵
OREGON	requires permit	not regulated	not regulated
PENNSYLVANIA	requires permit	considered wild	requires permit
RHODE ISLAND	prohibited ¹	> 1% wolf is wolf	prohibited ¹
SOUTH CAROLINA	prohibited	not regulated	not regulated
SOUTH DAKOTA	restricted ⁶	not regulated	not regulated ⁶
TENNESSEE	requires permit	> 75% wolf is wolf	> 75% wolf needs permit
TEXAS	prohibited	not regulated	not regulated
UTAH	prohibited	up to authorities	usually prohibited
VERMONT	prohibited ¹	considered wild	prohibited ¹
VIRGINIA	prohibited	considered wild	prohibited ¹
WASHINGTON	requires permit	not regulated	not regulated
WEST VIRGINIA	requires permit	not regulated	not regulated
WISCONSIN	prohibited ¹	not regulated	not regulated
WYOMING	prohibited ¹	considered wild	prohibited

¹Scientific or educational permits may be issued

²F refers to first generation hybrids

³Animals without approved rabies vaccination prohibited

⁴Possession of wolves (except MexiGan wolo and hybrids from within state is permitted

⁵Dog breeder's license required for more than one animal
⁶Wolves and hybrids less than three generations removed from wild are prohibited

CAPTIVE EXOTIC & WILD ANIMALS

1. Should individuals keep wild or exotic animals as pets?

No. Wild and exotic (non-native) animals are unsuitable for home rearing and handling. They have complex needs that are difficult to meet. Most individuals have neither the finances nor the experience to care for them properly. It has been estimated that ninety percent are dead within the first two years of captivity. Many wild animals forced into a domestic situation cause injury to humans, especially children. Others, if released into the environment, can cause irreversible and costly damage to our ecosystem.

2. When is captivity justified?

Wild animals should only be kept in captivity by professional zoological facilities. The only individuals who should be allowed to have wild animals are licensed wildlife rehabilitators and certain breeders. In both cases, they should demonstrate a thorough knowledge of their field and an ability to care for the animal humanely.

3. Why are public health and safety a concern?

Every year, privately owned wild animals seriously injure or kill human beings. Pet snakes have suffocated babies, raccoons have killed children, and lions have mauled their owners, to name just a few examples of tragedies occurring in private homes. Individuals legitimately concerned about wild animals being kept in their neighborhoods regularly seek assistance in dealing with this problem.

Animals involved in travelling acts also present considerable danger to the public. One particularly notorious act involved a wrestling bear that, though muzzled and declawed, managed to bite off fingers and break bones.

Furthermore, wild and exotic animals carry a number of diseases that are transmissible to humans, including, but not limited to, polio, rabies, tuberculosis, hepatitis, rickets, tularemia, leptospirosis, salmonella, and ringworm and other parasites.

4. How does the exotic wild animal trade cause environmental damage?

Wild animals often do escape; others are abandoned by their owners. If they survive and become established in an environment where they do not belong, they compete with the resident animals for the limited resources of the area, in some cases completely overtaking and displacing the native animals, much to the serious detriment of the ecosystem. A classic example is the introduction of the Indian mongoose into Hawaii to eradicate rats in the sugarcane fields. The mongoose itself soon turned to feasting on other crops and on other animals, thereby pushing a number of native species to near-extinction.

8-10

These wild animals also bring diseases to which domestic or native wild animals have no immunity such as deadly Newcastle disease, rabies, anthrax, and brucellosis.

5. What does the future hold for a wild/exotic animal in captivity?

Most owners are totally ignorant of a wild animal's needs. Their local veterinarian can neither properly diagnose nor effectively treat health problems. The animal's behavior is usually misunderstood and often radically altered in captivity as a result of inappropriate care; in order to "domesticate" the animal, the owner resorts to such "corrective measures" as defanging, declawing, and castration. When at last the owner decides to get rid of the animal, it is usually impossible to find it a new home. Obviously, other individuals are no better equipped than the original owner to care for it; reputable zoos, for a variety of reasons, generally do not accept such animals, and facilities that will take them must be regarded with suspicion. The few "wildlife

ornaments" that exist are often stretched to the breaking point, and local animal shelters are equipped to handle anything other than the occasional raccoon.

6. Is there a problem with traveling wildlife?

Yes, it is twofold. First, these animals are often brought into a community without the knowledge of local officials. Escapes have occurred and physical injuries have resulted. Without prior notification and time for proper planning, local officials are unprepared to deal with such emergencies and have often been forced to expend much money and manpower responding to problems. Second, these animals are often transported in an inhumane manner. Their cages are inadequate; they are allowed little or no opportunity for exercise; they do not receive proper veterinary attention, and other elements of their care usually are deficient.

7. Doesn't the federal Animal Welfare Act protect wild animals?

This law, even if fully enforced, only provides protection to those animals in the custody of USDA permit holders, i.e., research facilities, dealers, exhibitors, and operators of auctions. Thus, this law provides no protection for wild animals kept strictly as pets. Furthermore, USDA has failed to apply the law properly with regard to "performing" animals such as wrestling bears. States should take advantage of the opportunity to enact laws to end abuse of all wild animals. This action would complement the federal law rather than contradict it.

8. Who would be adversely affected by a ban on possession of wild animals?

Most legislation would only affect those persons, businesses, or groups who want to sell or keep wild animals and those who wish to exploit animals for "entertainment" purposes. The bill does not attempt to regulate laboratory activities or government-sponsored field studies. Legitimate possession of wild animals would continue with the welfare of the animals safeguarded. Such bills are not intended to criminalize purely unintentional or momentary captures of wild animals (e.g., a child picking up a toad in the woods). The specific intent required for possessory crimes, precautions written into the legislative history, and prosecutorial discretion are all safeguards against absurd applications of the statute.

9. How much can it cost a government to have such a law?

How much can it cost not to have one?

A government, state or local, does not have to incur much, if any cost to enact and enforce this type of law. It can, however, incur great expense if it fails to control the private ownership of wild and exotic animals in some way. Local communities with such ordinances report that costs involved are negligible.

10. Do any states have this kind of law?

Yes. Georgia and California, for example, have two of the toughest laws in the country. The Georgia statute relies on a very strict permit system which, in operation, resembles a ban in that the private ownership of virtually all wild animals as pets does not qualify for a permit. Relatively few state laws already on the books apply to all wild animals; many prohibit or restrict the private ownerships of wild animals native to that state through their hunting and trapping regulations, or they involve just one or two species such as skunks, raccoons, or venomous snakes. A few, unfortunately, have the same shortcoming as some local laws; i.e., they either totally ignore or at best address only adequately the humane considerations of such ownership. Some of the newer ones, however, seem more conscious of this aspect of the problem. Few states make any provision for performing animals and other travelling exhibits or roadside menageries.

11. Would the pet industry support this type of legislation?

Usually not. Remember, the pet industry is composed of people running businesses whose goal is to make a profit. They have shown little concern over the source of their animals or who will care for them after they are purchased. Dealing in exotic wild animals as pets is a big business.

**WALKER EXOTICS
R# 1 Box 297
Mulvane, Ks 67110**

**Senator Corbin
Committee Members**

Committee Members,

I'm Clay Walker, my wife Sandy and I are a successful exotic animal breeder. Currently we have 4 Bengal tigers, 2 African lions, 4 Leopards and 5 Bobcats.

After reading Senate Bill #558, the only thing it deals with is an exorbitant license fee. Which is unnecessary and will drive the exotic animals underground.

To me the issue we have is proper caging and handling. A quicker notification to Wildlife and Parks when there is an animal transaction. Educate the public that an exotic animal is not a pet, it is a companion. Tell the public how a person can be hurt. We can't inform the public about exotic animals by making owners hide their companions.

Clay Walker

*Clay Walker
Chris McDonald
Eugene Newfield
Lloyd ^{JR} Frederick*

*Senate Ag Co.
2-7-96
attachment 9*

SENATE AGRICULTURE COMMITTEE
MEETING

2/7/96

By: Frank M. Catania

*Senate Ag Co
2-7-96
Attachment 10
10-1*

SENATE AGRICULTURE COMMITTEE

2/7/96

1. Does this law affect the existing wolf owners?
2. What about the wolves that are used in canine research and Kansas Trade Schools that train Animal Control Officers that are in need of this type of animal to distinguish animal behavior.
3. You are literally endangering the lives of Animal Control Officers in the State of Kansas that attend school to learn the proper way to handle wolves and exotic animals. How is the State going to enforce laws that will regulate the wolf when Kansas Fish & Game and the City Animal Control Divisions throughout the State of Kansas cannot adequately or professionally determine whether a dog is a wolf, purebred, mixed breed or hybrid? A lot of dogs will die needlessly because of mistaken identity.
4. The Smithsonian Institute in Washington, D.C. no longer calls the dog "Canis Familiaris," but "Canis Lupus Familiaris." There is a book out called Mammal Species of the World which will help clarify what you are dealing with.
5. The U.S.D.A. says all hybrid crosses between wild and domestic animals such as wolf x dog are considered to be domestic animals. This U.S.D.A. document is enclosed.
6. To make the wolf part of this bill gives the impression in the eyes of all Kansas youths that the wolf is something evil and the truth of the matter is the wolf is afraid of people and is the great ancestor of the dog. This bill will increase the myth that was branded in the minds of the European children that came across into the United States. You are eventually causing the extinction of the wolf species itself.
7. A cross-bred Husky can look like a hybrid or pure wolf. If this bill passes, a lot of innocent animals will be destroyed because of untrained, unskilled personnel. Even the wolf and dog specialists in the country cannot guarantee you whether an animal is wolf or dog.
8. Kansas Fish & Wildlife's ultimate goal is to license all hybrids and wolves, but they have given this very little research and this would create a countless amount of unnecessary lawsuits throughout the State of Kansas. Genetically, the DNA is identical in the wolf and in the dog, so who do you think is going to win in court?
9. I would like to refer the Committee to the enclosed article, Canine Good Citizen Close-Up, written by Dog World magazine, the largest subscription of its kind. Please pay special attention to the highlighted areas.

Thank you for your attention and time.

Frank M. Catania
Court Pet Expert
Former President of Humane Society of Greater Kansas City
Author of Army War Dog Manual, 1967 issue, FM 20-20, Military Dog Training and Employment

*Senate Ag Co.
2-7-96
Attachment 10*

YOUR DOG IS A WOLF!

submitted by RAFT, Inc.

Federal ID #25-1665017, a Non-Profit 501(c)(3) Organization

Nearly two and a half centuries ago all dogs were classified as a distinct and separate species from the wolf. Finally in 1993, that error was corrected. The term *Canis familiaris* (dog) is no longer valid as a species designation. The corrected nomenclature is now *Canis lupus familiaris*. This means that all dogs are first of the *lupus* (wolf) species and then of the *familiaris* subspecies. This is confirmed in the 1993 revision of MAMMAL SPECIES OF THE WORLD: A Taxonomic and Geographic Reference from the Smithsonian Institution. This clarification is in association with the American Society of Mammologists and adheres to the Code as called for by the International Commission on Zoological Nomenclature. This text reflects the current state of knowledge of experts from the world scientific community.

All knowledgeable veterinarians know that rabies vaccines were tested on and licensed for certain species, in this case the "dog" species (whatever that was). However, the species has been determined to be *lupus*. The USDA, NASPHV, AVMA, [state]VMAs, etc. should promptly announce that the present rabies vaccine is licensed for the entire *lupus* species, i.e. To protect the animals and the public from increased exposure to the rabies virus and to insure humane treatment of all members of the dog family, the "dog" label on the presently licensed rabies vaccines includes all members of the *lupus* species that have frequent contact with humans.

The public must realize that vaccines are species specific, as per USDA, APHIS Federal Regulations. The subjective and unscientific term "domestic" has been improperly used in the past to specify which animals may or may not receive a rabies vaccine. Thus, an unvaccinated population of millions of "non-domestic" dogs that interact daily with humans has been created in this country. Current U.S. regulations and guidelines allege that the public is not protected when these dogs are vaccinated against rabies and therefore they should not be vaccinated at all. This determination is non sequitur and very dangerous. It is a recipe for a public health disaster via a rabies epidemic. The effectiveness of a rabies vaccine does NOT depend on the degree of domesticity, the pedigree of the canine or whether it has graduated from obedience school. The efficacy of a vaccine depends only on whether the species or genetics are the same, which they are.

The sole purpose of RAFT, Inc. is to have these canines officially approved for the current rabies vaccines that are licensed for all other dogs. Send all inquiries to: RAFT, Inc., P.O. Box 1471, Washington, PA 15301, U.S.A. All comments or materials sent will be forwarded to the appropriate agencies.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

Cy-APHF 2

Subject: Clarification of Hybrid Animal Crosses—
Animal Welfare

Date: FEB 21 1935

To: Area Veterinarians in Charge, VS
Directors, VS Regions
Animal Care Specialists, VS

Several years ago a memorandum clarifying the status of hybrid crosses between wild and domestic animals under the Animal Welfare Act was issued. The memorandum is apparently no longer available and did not receive wide distribution. This memorandum is therefore being issued in order to clarify the status of hybrid crosses.

All hybrid crosses between wild and domestic animals, such as wolf x dog, cat x jungle cat, buffalo x domestic cattle, etc., are considered to be domestic animals. Thus, a wolf x dog cross is considered to be a dog and must be maintained under the dog standards if it is a regulated animal. Any cross between two wild animals is still considered to be a wild animal (i.e., wolf x coyote, tiger x lion, etc.). This distinction should be kept in mind when applying the standards during inspection or determining if licensing is required or not.

R. L. Rissler
Assistant Director
Animal Health Programs
Veterinary Services

10-4



COMMONWEALTH of VIRGINIA

Department of Game and Inland Fisheries

George Allen
Governor
Becky Norton Duniop
Secretary of Natural Resources

William L. Woodfin, Jr.
Director

11/14/95

Dear Wolf Hybrid Permit Applicant:

Thank you for you application for a wolf hybrid permit. On October 12, 1995, the Department of Game and Inland Fisheries Board of Directors voted to delete wolf hybrids as a wild animal from our regulations. We are currently going through the Administrative Process and it should be finalized by January 1, 1996. Since the wolf hybrid will now be considered a domestic animal, you may wish to reconsider your application and so we are returning it with your check.

Thank you and if you have any questions, you may contact me at 804-367-1076.

Sincerely:

Diane S. Davis
Permits and Lifetime Licenses

Sherry Carpenter
R.D. #2 , Box 71
Bloomsburg, PA. 17815

October 20, 1995

RE: " Canine Good Citizenship Close-Up ", Dog World, January 1995

Dear Sherry Carpenter,

I agree with your statement, "If dog owners had to meet similar requirements before obtaining dog licenses we might not only level the playing field, but make owning a dog as great a responsibility as owning a wolf or wolf hybrid." I hope you meant it and I might add that if similar requirements were met for dogs, we could quite probably prevent nearly 20 human deaths by **DOGS** per year. Most of the dog 'bite' fatalities are young children left unsupervised with canines. It should be considered child endangerment to leave a 'child' (definition to be determined!) alone with a dog of any size. Instead of blaming the individual dog/canine, banning the breed-type, killing the dog, and consoling the parents/caretakers; I suggest we charge the parents/caretakers with child endangerment. That should open some eyes and draw attention to adult responsibility!

I must, however, point out numerous 'errors' that you made in your discussion/ 'evaluation' of wolf 'hybrids'. (References enclosed.)

1. Wolf 'hybrids' (wolf cross dog) are not considered 'wild' animals by the 1995 Rabies Compendium of the National Association of State Public Health Veterinarians (NASPHV).
2. Wolf 'hybrids' (wolf cross dog) are considered **dogs** by the United States Department of Agriculture (USDA) Department of Animal Welfare since 1986.
3. Wolves and dogs are genetically indistinguishable! There is no DNA or blood test that can tell them apart! Cells and blood samples from a poodle cannot generally be distinguished from that of a wolf, making all 'legislation' that treats the two groups differently meaningless and unenforceable!
4. There is no such thing (scientifically) as a wolf/dog 'hybrid'! Hybrids are the result of a cross between two separate species that most often are not fertile. Wolves and dogs are the same species according to the American Society of Mammalogists and the International Commission on Zoological Nomenclature's Mammal Species of the World (October 1994). Groups and entities that continue to refer to an entity called a wolf/dog 'hybrid' are using an oxymoron.

5. All dogs are 'wolfdogs'! The only difference between them is the number of generations away from a 'pure' wolf the individual canine is. The original German Shepherd studbook, Zuchtbuch für Deutsche Schäferhunde (SZ), shows several pure wolves were used to 'create' the breed and this was only 90 years ago! Similar events can be uncovered for Alaskan Malamutes, Siberian Huskies, Belgian Shepherd types, and many rarer-breed 'dogs'. German Shepherds were recently the most popular AKC breed! Imagine that -- a 'wolfdog' is the most popular working/companion dog!

6. In the past 10 years, there have been 7 rabies vaccine 'failures' on **dogs**, one on 'wolfdogs', and zero on wolves! According to the Code of Federal Regulations Nine (CFR 9), rabies vaccines only have to be 86% 'successful' to be considered effective. According to this regulation, it would seem that the rabies vaccine is doing quite well, in spite of the fact that **dogs** are 'leading the pack' for the most number of rabies vaccine 'failures'!

I hope you address these points (or at least print my letter regarding them). If you represent Animal-Vues (to the public) as an organization that presents unbiased educational information and is dedicated to the dissemination of such, you certainly should set an outstanding example of 'responsible' journalism yourself. I offer below 'alternative' sources of information on canines of 'recent' wolf descent to 'balance' that, that you (and hence your readers) have apparently already acquired:

- a) United States American Wolfdog Association, Inc. (USAWA)
P.O. Box 663
Williamstown, N.J. 08094
- b) Rabies Acknowledgment Fund Total (RAFT)
760 Clare Drive
Washington, PA. 15301
- c) Native American Indian Dog Association (NADA)
511 Cannon Road
Silver Spring, MD. 20904
- d) American Tundra Shepherd Society, Inc. (ATSS)
10201 West 69th Street
Shawnee Mission, KS. 66203

I quote from your article, "Canine Good Citizenship Close-Up ", Dog World, October 1993:
"History is the fiction we invent to persuade ourselves that events are knowable and life has order and direction. We need new versions of history to allow for our current prejudices." I suggest that our history/myths need to be 'updated' to reflect the modern scientific world, and that once this is done, we will see our 'current' canines, the wolf, and 'recent' wolf descendents in a new light -- a light that illuminates all 'dog' behavior as a subset of wolf behavior; a light that reveals that understanding of the dog comes from first studying the wolf (especially the adolescent wolf).

I also quote from the same article: " To ascribe the Canine Good Citizenship (CGC) program to a limited group would be like building a bridge that only spans two-thirds of the river!" Need I say more?

Sincerely,

Ann Dresselhaus

TANGANYIKA WILDLIFE CO.

*Suppliers of birds and animals for zoological collections
Collection • Importation • Transportation • Propagation*

6 February 1996

Kansas State Senate
Committee on Agriculture
Chairman: Dave Corbin
(913) 296-7388

Re: Senate Bill 558

Mr. Chairman:

For the state of Kansas to consider the adoption of rules and regulations addressing the problems of inherently dangerous mammals being kept as pets is a wise and prudent decision. These regulations, however, should only be drafted to effect irresponsible animal owners, with minimal, or no impact, on legitimate businesses and responsible animal owners.

It is both unfair and unconstitutional to unduly burden responsible businesses and citizens who own such animals with layers of unnecessary bureaucracy. It is beyond comprehension why government insists on punishing the entire populace for the infractions of a few individuals. To assess exorbitant permit fees on all animal owners (page 1, line 39-43) is just as wrong as permitting those owners whose animals irresponsibly endanger or injure the public to go unchallenged.

Rules should be drafted to ensure both public safety and animal welfare without infringing upon legitimate business and responsible animal owners.

The currently proposed Senate Bill 558 punishes all owners of such animals rather than those who commit irresponsible acts.

Tanganyika Wildlife Company has been engaged in the zoo and exotic industry since 1972. Our facilities have been located in Goddard since 1985, where our breeding farm is located. We are currently regulated by the United States Department of Agriculture (USDA), the United States Department of Interior, U.S. Fish and Wildlife Service (USDI), and soon by Sedgwick County. It is preposterous to add a fourth licensing authority. Under the currently proposed Bill 558 I will have to pay several thousand dollars yearly to license my facility and animals. This is certainly unfair.

If the committee wishes to address the problem of irresponsible ownership, I would suggest the adoption of the recently adopted regulations for Sedgwick County. The Sedgwick County Commission satisfied the need to regulate ownership only to the point of addressing animal welfare and public safety without penalizing business and legitimate ownership.

I would support similar legislation at the state level as I did in Sedgwick County, and offer to serve on any committee as a representative of industry.

However, I will vehemently oppose any attempt to regulate beyond the scope of the Sedgwick County regulations which will place regulatory and/or financial hardship on business and legitimate ownership.

Sincerely,


Jim Routs

encl: Sedgwick County Resolution

P.O. Box 12084
Wichita, Kansas 67277
U.S.A.

(316) 794-8305
(316) 794-2208
FAX (316) 794-8470

*Senate Ag Co
2-7-96
Attachment 11*
Dares Salaam
Tanzania
East Africa

11-1

Final
DRAFT
1/15/96

RESOLUTION

NO. _____

DATE EFFECTIVE: March 1, 1996

A RESOLUTION AMENDING CHAPTER 5 OF THE *SEDGWICK COUNTY CODE*, "ANIMALS", ADDING THERETO ADDITIONAL DEFINITIONS INTO ARTICLE 1 AND ADDING ALL OF ARTICLE VII., "INHERENTLY DANGEROUS ANIMALS"; REGULATING THE HARBORING OR OWNING THEREOF AS OF MARCH 1, 1996, REQUIRING THE LICENSING OF SAID INHERENTLY DANGEROUS ANIMALS AND REGULATING THE CONTAINMENT, CONTROL, AND CARE OF THE SAME; DEFINING VIOLATIONS THEREOF AND PROVIDING PENALTIES THEREFOR; ALL IN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS

WHEREAS, an uncontrolled and unregulated inherently dangerous animal population constitutes a nuisance and a hazard to the public health, safety, and welfare of the citizens of Sedgwick County, Kansas; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, has previously enacted Chapter 5, "Animals", of the *Sedgwick County Code*, which provides for the control and regulation of the general animal population of Sedgwick County; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, did, at the time of the adoption of said Chapter 5, recognize and acknowledge a future need for regulation of inherently dangerous animals and reserved Article VII of Chapter 5 for the addition of such rules and regulations: and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, did, in anticipation of the need for such rules and regulations, instruct and request its duly appointed Animal Care Advisory Board to study the issues of harboring and ownership of said inherently dangerous animals and to make recommendations to the Board regarding the same; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, has been advised by its Animal Care Advisory Board that it is in the best interest of public health, safety, and welfare to adopt rules and regulations relating to the harboring and ownership of said animals, providing for the licensing of such animals as are harbored and owned as of the effective date hereof; all within the unincorporated area of Sedgwick County, Kansas; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, has authority to enact and provide procedures for the enforcement of general animal control in the unincorporated area of Sedgwick County as provided in K.S.A. 19-101, et seq.; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, desires to amend Chapter 5, "Animals", of the *Sedgwick County Code*, to regulate the harboring and ownership of inherently dangerous animals, the licensing of such animals as are owned and harbored as of the effective date of this resolution and to provide regulations for their containment, control and care; all in the unincorporated area of Sedgwick County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the following resolution is hereby adopted:

SECTION 1.

Sec. 5-1. Definitions. Sec. 5-1. Definitions, is amended by adding the following:

Inherently dangerous mammal is any live member of the *canidae*, *felidae*, or *ursidae* families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which include:

(1) *Canidae*, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).

(2) *Felidae*, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

(3) *Ursidae*, including any member of the bear family, or any hybrids thereof.

Inherently dangerous reptile is any live member of the class *reptilia* which:

(1) is venomous, including, but not necessarily limited to, all members of the following families: *Helodermidae*; *Viperidae*; *Crotalidae*; *Atractaspidae*; *Hydrophilidae*; and *Elapidae*.

(2) is a "rear fanged" snake of the family *Colubridae* that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus*; *Thebtonis kirtlandii*; and *Rhabdophis spp.*

(3) is of the family *Boidae* (boas and pythons); specifically the following species: *Python reticulatus*; *Eunectes sp.*; *Python sebae*; and *Molurus*.

(4) is a member of the order *Crocodylia* (crocodiles, alligators, and caiman).

Sec. 5-5. Animal pickup fees; violation; penalty., is amended as follows:

Sec. 5-5. Animal pickup/take up fees; violations; penalty.

(a) **Fees.** Pursuant to the authority of the animal control officer enumerated at section 5-37, pickup/take up fees for services provided by the animal control department shall be assessed as follows:

- (1) \$5.00 per animal for pickup of a dead animal, except an inherently dangerous mammal or inherently dangerous reptile, when said dead animal is located on private property, to be paid by either the animal's owner or by the person requesting the pickup, which fee shall be paid to county animal control within ten (10) days of the pickup.
- (2) \$5.00 per animal for pickup of a living animal, except an inherently dangerous mammal or inherently dangerous reptile, for euthanasia and disposal if requested by the owner, which fee shall be paid to county animal control within ten (10) days of the pickup.
- (3) \$20.00 per animal for pickup of a dead animal, except an inherently dangerous mammal or inherently dangerous reptile, if requested by a veterinarian, which fee shall be billed to the veterinarian by the director on a monthly basis, and paid to county animal control within ten (10) days.
- (4) Twenty-Five Dollars (\$25.00) per animal for the take up of any nuisance, dangerous, or biting animal, except an inherently dangerous mammal or inherently dangerous reptile, to be paid by the animal's owner to county animal control. This fee shall be paid prior to the animal's release.
- (5) One Hundred Dollars (\$100.00) minimum per animal for the take up of each inherently dangerous mammal or inherently dangerous reptile, to be paid by the animal's owner to county animal control. This fee shall be paid regardless of whether the animal is returned to the owner and shall be paid prior to the

animal's release to the owner subject to the director's decision to release the animal.

The director shall have the authority to determine the size of animals which the county will pickup/take up of based upon the capabilities, equipment and facilities available for use.

(b) *Fail to pay pickup/take up fees.* It shall be a violation of this chapter for any person to fail to pay the pickup/take up fee as required in subsections (a) (1) through (4), inclusive, of this section. *Fail to pay pickup/take up fees* is a class F violation.

(c) *Fail to pay pickup/take up fees: inherently dangerous mammal/reptile.* It shall be a violation of this chapter for any person to fail to pay the pickup/takeup fee as required in subsections (a) (5), of this section. *Fail to pay pickup/take up fees: inherently dangerous mammal/reptile* is a class H violation.

Sec. 5-37. Director's duties., is amended by adding the following:

- (11) To cause the pickup/take up of any inherently dangerous mammal or inherently dangerous reptile for purposes of impoundment, veterinary care or euthanasia, and to determine the disposition thereof.
- (12) to inspect the premises where any inherently dangerous mammal or inherently dangerous reptile is harbored at any time between 7:00 a.m. and 9:00 p.m. daily for the purpose of determining whether the harborer is in compliance with the provisions of this chapter.

CHAPTER 5, ANIMALS, is amended by adding the following article:

ARTICLE VII. INHERENTLY DANGEROUS ANIMALS

DIVISION 1. HARBORING/OWNING

Sec. 5-226. Harboring/owning prohibited; exceptions; violations.

(a) Harboring and/or owning any inherently dangerous mammal is prohibited except by:

1. Owners or operators of any facility which is or may obtain a valid Animal Welfare License issued by the United States Department of Agriculture (USDA) and have obtained and maintained an annual license from the county allowing that owner or operator to continue to own and possess inherently dangerous mammals pursuant to Division 2 of this article

2. Owners who have:

achieved the age of eighteen (18) years, and

obtained and maintained an annual license from the county allowing that person to continue to own and possess such inherently dangerous mammal pursuant to Division 2 of this article.

(b) Harboring and/or owning any inherently dangerous reptile is prohibited except by:

1. Owners or operators of any facility which is or may become licensed by the State of Kansas Animal Health Department as a pet shop and have obtained and maintained an annual license from the county allowing that owner or operator to continue to own and possess such inherently dangerous reptiles pursuant to Division 2 of this article

2. Owners who have:

achieved the age of eighteen (18) years, and

obtained and maintained an annual license from the county allowing that person to continue to own and possess such inherently dangerous reptile pursuant to Division 2 of this article.

(c) Violations.

1. Harbor and/or own an inherently dangerous mammal w/o required county license. It shall be a violation of this chapter for any:

(a) owner or operator of any facility which has a valid Animal Welfare License issued by the USDA to fail to obtain and maintain from the county an annual license for harboring or owning inherently dangerous mammals after February 29, 1996,

(b) person eighteen years of age or over to harbor and/or own an inherently dangerous mammal which was harbored and/or owned by that person on February 29, 1996, if that person fails to obtain a county license on or before May 1, 1996,

(c) person eighteen years of age or over to harbor and/or own an inherently dangerous mammal after February 29, 1996, if that person fails to

obtain the required county license immediately upon receipt of the mammal by the person.

Harbor and/or own an inherently dangerous mammal w/o required county license is a class H violation.

2. *Harbor and/or own an inherently dangerous mammal by underage person. It shall be a violation of this chapter for any:*

- (a) *person under the age of eighteen (18) years to own or possess any inherently dangerous mammal.*

Harbor and/or own an inherently dangerous mammal by underage person is a class H violation.

3. *Harbor and/or own an inherently dangerous reptile w/o required county license. It shall be a violation of this chapter for any:*

- (a) *Owner or operator of any facility which is or may become licensed by the State of Kansas Animal Health Department as a pet shop to fail to obtain and maintain an annual license from the county allowing that owner or operator to continue to harbor and/or own inherently dangerous reptiles after February 29, 1996,*

- (b) *person eighteen years of age or over to harbor and/or own an inherently dangerous reptile which was harbored and/or owned by that person on February 29, 1996, if that person fails to obtain a county license on or before May 1, 1996,*

- (c) *person eighteen years of age or over to harbor and/or own an inherently dangerous reptile after February 29, 1996, if that person fails to obtain the required county license immediately upon receipt of the reptile by the person.*

Harbor and/or own an inherently dangerous reptile w/out required county license is a class H violation.

4. *Harbor and/or own an inherently dangerous reptile by underage person. It shall be a violation of this chapter for any:*

- (a) *person under the age of eighteen (18) years to own or possess any inherently dangerous*

reptile.

Harbor and/or own an inherently dangerous reptile by underage person is a class H violation.

Sec. 5-227. Exemptions.

The following are exempted from the provisions of this article:

- (1) The Sedgwick County Zoo
- (2) The Kansas Wildlife Exhibit
- (3) Any facility accredited by the Association of Zoos and Aquariums (AZA)
- (4) Licensed or accredited medical institutions
- (5) Licensed or accredited educational institutions
- (6) Veterinary clinics in possession of inherently dangerous mammals or inherently dangerous reptiles for treatment or rehabilitation purposes.
- (7) Traveling circuses or carnivals
- (8) Persons temporarily transporting inherently dangerous mammals or inherently dangerous reptiles through the county provided that the transit time shall not be more than three (3) days.

DIVISION 2. LICENSING AND INSPECTION

Sec. 5-228. Licensing and inspections required; inherently dangerous mammals.

- (a) **License application form: inherently dangerous mammal.**

To obtain a license to harbor and/or own an inherently dangerous mammal within the county, a person shall annually make a written and completed application which shall include the following:

- (1) all information requested on the application form required by the director as deemed necessary thereby to assist in determining whether the license should be issued, and
- (2) attach to the completed application form evidence of a current surety bond, issued to the applicant, in

the amount of fifty thousand dollars (\$50,000.00), or proof of liability insurance in the amount of fifty thousand dollars (\$50,000.00), either of which shall be written to cover any acts of the inherently dangerous mammal, which surety bond or certificate of insurance shall be immediately submitted by the director to the county counselor's office for approval or disapproval, and which surety bond or proof of liability insurance shall list thereon both the county counselor and the county clerk as the entities to be notified ten (10) days in advance of the cancellation of the surety bond or liability insurance for any reason, and

- (3) attach and/or enclose a non-refundable license application fee of:
 - a. one hundred dollars (\$100.00) per address for those owners or operators who have valid USDA Animal Welfare License,
 - b. one hundred dollars (\$100.00) per mammal per address, with a maximum of three hundred dollars (\$300.00) per address, and
- (4) submit to an initial inspection of the premises where the inherently dangerous mammal is proposed to be harbored prior to the license being issued, and to additional inspections, announced or unannounced at the director's discretion, at any other time deemed necessary by the director between the hours of 7:00 a.m. and 9:00 p.m. daily during the life of the mammal; said inspection to be performed by the director, any animal control officer, or any person designated by the director to assist in the performance of the inspection which is to be performed in accordance with division 3 of this article.

No license shall be issued by the director unless and until the applicant is in compliance with all of the above and foregoing provisions.

(b) **Due date of license application, form.** Any harborer and/or owner of any inherently dangerous mammal as of February 29, 1996, shall have until May 1, 1996, to comply with the license application provisions in Sec. 5-228 (a), (1) through (4), inclusive, above, in order to obtain the required license.

(c) **Subsequently acquired inherently dangerous mammals.** Any harborer and/or owner of any inherently dangerous mammal acquired on or after March 1, 1996, except validly licensed USDA owners

and/operators, shall be required to make completed application for and obtain a county license immediately upon receipt of said inherently dangerous mammal.

(d) **License not transferable.** Any license to harbor and/own any inherently dangerous mammal is not transferable to any other subsequent owner/harbinger or to any other location within the jurisdiction of Sedgwick County, provided that, a licensed harbinger/owner who re-locates within Sedgwick County shall advise the director immediately of the change of address of the harbinger/owner and of the mammal.

Sec. 5-229. Licensing and inspections required; inherently dangerous reptiles.

(a) **License application form: inherently dangerous reptile.** To obtain a license to harbor and/or own an inherently dangerous reptile within the county, a person shall make a written and completed application which shall include the following:

- (1) all information requested on the application form required by the director as deemed necessary thereby to assist in determining whether the license should be issued, and
- (2) attach and/or enclose a non-refundable license application fee of:
 - a. fifty dollars (\$50.00) per address for those owners or operators who have a valid pet shop license issued by the State of Kansas Animal Health Department,
 - b. fifty dollars (\$50.00) per reptile per address with a maximum of one hundred and fifty dollars (\$150.00) per address, and
- (3) submit to an initial inspection of the premises where the inherently dangerous reptile is proposed to be harbored prior to the license being issued, and, to additional inspections, announced or announced, at the director's discretion, at any other time deemed necessary by the director between the hours of 7:00 a.m. and 9:00 p.m. daily during the life of the reptile; said inspection to be performed by the director, any animal control officer, or any person designated by the director to assist in the performance of the inspection which is to be performed in accordance with division 3 of this article.

No license shall be issued by the director unless and until

the applicant is in compliance with all of the above and foregoing provisions.

(b) **Due date of license application form.** Any harborer and/or owner of any inherently dangerous reptile as of February 29, 1996, shall have until May 1, 1996, to comply with the license application provisions in Sec. 5-229 (a), (1) through (3), inclusive, above, in order to obtain the required license.

(c) **Subsequently acquired inherently dangerous reptiles.** Any harborer and/or owner of any inherently dangerous reptile, acquired on or after March 1, 1996, except validly licensed Kansas pet shop owners and/or operators, shall be required to make completed application for and obtain a county license immediately upon receipt of said inherently dangerous reptile.

(d) **License not transferable.** Any license to harbor and/own any inherently dangerous reptile is not transferable to any other subsequent owner/harborer or to any other location within the jurisdiction of Sedgwick County, provided that, a licensed harborer/owner who re-locates within Sedgwick County shall advise the director immediately of the change of address of the harborer/owner and of the reptile.

Sec. 5-230. Renewal of licenses.

(a) The license to keep an inherently dangerous mammal shall be renewed annually on or before the date of issue upon the submission of an annual renewal fee of:

1. one hundred dollars (\$100.00) per address for those owners or operators who have valid USDA Animal Welfare License, or
2. one hundred dollars (\$100.00) per mammal per address, with a maximum of three hundred dollars (\$300.00) per address,

and a current inspection, submission of current information as prescribed in Sec. 5-228 (a) (1) through (4), inclusive, as required by the director.

(b) The license to keep an inherently dangerous reptile shall be renewed annually on or before the date of issue upon the submission of an annual renewal fee of:

1. fifty dollars (\$50.00) per address for those owners or operators who have a valid pet shop license issued by the State of Kansas Animal Health Department, or
2. fifty dollars (\$50.00) per reptile per address

with a maximum of one hundred and fifty dollars (\$150.00) per address,

and a current inspection, submission of current information as prescribed in Sec. 5-229 (a) (1) through (3), inclusive, as required by the director.

(c) The animal control department shall notify the licensee not less than one month before the expiration of the license that the renewal fee and annual inspection are due.

(d) Any condition imposed on the approval or renewal of the license shall be strictly adhered to by the applicant/licensee and failure to do so constitutes cause for non-issuance, non-renewal, or immediate revocation of the license.

(e) The animal control department shall maintain a record of the date of issuance of, the conditions imposed on, and the name and address of the person to whom a license has been issued pursuant to this article.

(f) **Violations.**

1. *Fail to renew an annual license: inherently dangerous mammal.* It shall be a violation of this chapter for any person to fail to renew an annual license for an inherently dangerous mammal. *Fail to renew an annual license: inherently dangerous mammal* shall be a class H violation.
2. *Fail to renew an annual license: inherently dangerous reptile.* It shall be a violation of this chapter for any person to fail to renew an annual license for an inherently dangerous reptile. *Fail to renew an annual license: inherently dangerous reptile* shall be a class H violation.

DIVISION 3. STANDARDS FOR HOUSING AND CARE

Sec. 5-231. Housing and care of *Canidae* and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *canidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

- (1) **Enclosure dimensions.** A single small canid, or hybrid thereof, weighing less than thirty-five (35) pounds shall have an enclosure measuring at least eight feet (8') by twelve feet (12') or ninety-six (96) square

feet. For each additional small canid (or hybrid thereof), the enclosure shall be increased by fifty percent (50%). A single large canid, or hybrid thereof, weighing thirty-five (35) pounds or more shall have an enclosure measuring at least ten feet (10') by fifteen feet (15') or one hundred fifty (150) square feet. For each additional large canid, or hybrid thereof, the enclosure shall be increased by fifty percent (50%). Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure materials.** Enclosures for canids and hybrids thereof shall be constructed of not less than 11-gauge chain link or its equivalent for mammals of an adult weight less than 35 pounds and 9-gauge chain link or its equivalent for animals of an adult weight of 35 pounds or more. Perimeter barriers shall be at least eight feet (8') high and include an inward-facing overhang of no less than eighteen inches (18") at an angle of forty-five (45) degrees. In addition to vertical barriers, all perimeters shall also have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape through digging. All enclosures shall have double doors between the animal and possible escape, one being a primary access door and the second being a safety door.

(3) **Temperatures and shelter.** All *canidae* and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(4) **Water.** Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(5) **Food.** All canids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(6) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(7) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the canid(s) or hybrid(s) in a healthy condition.

(8) **Transportation.** At no time shall a canid or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle, said canid or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(9) **Animal restricted to Owner's property.** At no time shall a canid or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-subsection (8), above.

Sec. 5-232. Housing and care of *Felidae* and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *felidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions and materials for very large pantherids.**

Very large pantherids, including lions (*P. leo*), tigers (*P. tigris*), and any hybrids thereof shall be maintained in barred or heavily wired cages. A cage for a single animal shall measure at least twenty-four feet (24') wide by twelve feet (12') deep (288 square feet). It should be either a minimum of eight (8) feet high with a covered top or a minimum of fourteen feet (14') high with either an inward-facing overhang of no less than eighteen inches (18'') and at an angle of forty-five (45) degrees or have a 110 volt electric wire to prevent the animals from escaping. Cages shall be fifty percent (50%) larger for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure dimensions for other large felids.** Other large felids, including jaguars (*P. onca*), leopards or panthers (*P. pardus*), pumas, cougars or mountain lions (*P. concolor*), snow leopards (*P. uncia*), clouded leopards (*Neofelis nebulosa*), and any subspecies or hybrids thereof shall be maintained in a cage with minimum cage dimensions for a single large felid equal to at least

twenty feet (20') wide by ten feet deep (10') or two hundred (200) square feet by eight (8) feet high and have covered tops. Cages shall be fifty percent (50%) larger for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(3) **Enclosure dimensions for smaller felids.** Small felids, those having an adult body weight of less than forty-four (44) pounds but more than fifteen (15) pounds, including any hybrids but excluding the domestic cat (*Felis catus*) shall be maintained in a cage with minimum cage dimensions for a single small felid equal to seven feet (7') wide by ten feet deep (10') or seventy (70) square feet by eight feet (8') high and have covered tops. Floor space shall be increased by fifty percent (50%) for each additional animal. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(4) **Barrier and enclosure materials; general.** Enclosures for very large and large felids shall be constructed of bars or not less than 9-gauge chain link fencing or its equivalent. Enclosures for smaller felids shall be constructed of bars or not less than 11-gauge chain link fencing or its equivalent. In addition, all perimeters must have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape by digging. All enclosures shall have double doors between the animals and possible escape, one being the primary access door and the second being a safety door.

(5) **Temperatures and shelter.** All *felidae* and hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(6) **Water.** Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; such devices or containers shall be cleaned and disinfected daily.

(7) **Food.** All felids and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(8) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall

be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(9) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the felid(s) or hybrid(s) in a healthy condition.

(10) **Transportation.** At no time shall a felid or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle, said felid or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(11) **Animal restricted to Owner's property.** At no time shall a felid or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-section (10), above.

Sec. 5-233. Housing and care of *Ursidae* and hybrids thereof.

(a) **General.** An harborer and/or owner of any inherently dangerous *ursidae* and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions.** All enclosures for a solitary adult bear or hybrid thereof shall measure at least twenty-four feet (24)' by twelve feet (12') or two hundred and eighty-eight (288) square feet with a ten foot (10') high covered top. Cages shall be increased fifty percent (50%) per each additional bear. Enclosures shall have a secondary barrier of at least six feet (6') in height to prevent access to the area by the general public.

(2) **Enclosure materials.** Enclosure material shall be constructed of welded bars or not less than 9-gauge chain link appropriately secured, or its equivalent. In addition, all perimeters shall have either concrete footing or horizontal protective matting around the entire perimeter to prevent escape by digging. All enclosures shall have two doors between the animal and possible escape, one being the primary access door and the second being a safety door.

(3) **Water.** Fresh clean water for drinking shall be available at all times. Built-in watering devices may be used for larger bears or hybrids thereof; sturdy containers may be suitable for smaller animals. All watering devices and containers shall be cleaned and disinfected daily.

(4) **Temperatures and shelter.** All bear or hybrids thereof shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall have access to shade.

(5) **Food.** Bears and hybrids thereof shall have access to food which shall maintain the animal's proper weight, nutrition, and health.

(6) **Sanitation.** All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable state, county, and local laws and regulations.

(7) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the bear(s) or hybrid(s) in a healthy condition.

(8) **Transportation.** At no time shall a bear or hybrid thereof be transported away from the Owner's premises by use only of a leash, except for transportation to and from a veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle for said purpose said bear or hybrid thereof shall be appropriately and effectively contained in a locked portable enclosure.

(9) **Animal restricted to Owner's property.** At no time shall a bear or hybrid thereof be located other than on the licensed Owner's premises, except during transportation as described in sub-section (8), above.

Sec. 5-234. Housing and care of inherently dangerous reptiles.

(a) **General.** An harborer and/or owner of any inherently dangerous reptile shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

(1) **Enclosure dimensions and other requirements for**

venomous and large constricting snakes. For up to two specimens, a cage having a perimeter one and one-half times (1 1/2x) the length of the longest confined snake. For each additional snake over two, the cage floor area shall be increased by twenty-five percent (25%).

(2) **Enclosure materials for venomous snakes.** Cages shall be fronted with three-sixteenths inch (3/16") thick plexiglass or tempered glass. Ventilation openings shall be covered with one-eighth inch (1/8") mesh. For venomous snakes, double walls of mesh sufficient to prevent penetration of fangs to outside of enclosure shall be installed. Cages must be structurally sound and may be constructed of waterproofed plywood at least one-quarter inch (1/4") thick, concrete plastered over wire, sheet metal, fiberglass, or a minimum of one-quarter inch (1/4") thick molded plastic. Construction shall be sturdy and escape proof. Doors are to close securely and be key locked.

(3) **Enclosure materials for large constricting snakes.** Cages shall be fronted with three-sixteenths inch (3/16") thick or larger plexiglass or tempered glass. Ventilation openings shall be covered with one-eighth inch (1/8") mesh. Cages must be structurally sound and may be constructed of waterproofed plywood at least one-quarter inch (1/4") thick, concrete plastered over wire, sheet metal, fiberglass, or a minimum of one-quarter inch (1/4") thick molded plastic. Construction shall be sturdy and escape proof. Doors are to close securely and be key locked.

(4) **Enclosure dimensions and other requirements for gila monsters and beaded lizards.** For each lizard, minimum cage length shall be one and one-half times (1 1/2x) the length of the longest confined lizard and minimum cage width shall be four (4) times the width of the largest confined lizard. Cages must have adequate ventilation, fresh water, and access to sunlight or full spectrum fluorescent lighting with appropriate shade also available. For each additional lizard, the cage floor area shall be increased one hundred percent (100%). Doors are to close securely and be key locked.

(5) **Enclosure dimensions and other requirements for crocodylians.** For one crocodylian, minimum cage size must permit moving and turning both on land and in a pool. For additional crocodylians, the combined area covered by their bodies shall not exceed fifty percent (50%) of cage area. Pool must be of sufficient depth to permit entire body submersion and must be readily accessible to caretakers either by securing ramps into

and out of the water or by building a sunken pool with a sloped interior. Enclosures for crocodilians greater than five (5) feet in length must have shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages shall measure at least eight (8) feet by five (5) feet.

(a) In addition, indoor facilities shall be equipped with full spectrum fluorescent lighting and heat lamps for basking. Cages must be secure and escape proof. Doors to cages must be key locked.

(b) In addition, the floors of outdoor cages shall be of concrete or masonry construction. Walls shall be a minimum height of four (4) feet and constructed of wire mesh no smaller than 11.5-gauge. The cage is to be completely roofed by mesh wire. Crocodilians shall have access to shade and heated indoor facilities during cold weather. Entrance doors accessible to the public shall be kept key locked.

(6) **Temperatures and shelter.** Species appropriate temperature, lighting, and shelter shall be provided at all times.

(7) **Food and water.** Reptiles are to be fed and watered at a rate at which proper weight, nutrition, and health are maintained.

(8) **Sanitation.** All cages and enclosures are to be kept sanitary and in good repair. Feces and uneaten food shall be removed promptly. Crocodilian pools are to be full at all times and the water replaced weekly or continuously filtered.

(9) **Medical attention.** Proper medical attention must be provided when and as necessary to maintain the reptile(s) in a healthy condition.

(10) **Transportation.**

(a) **Venomous reptiles.** At no time shall a venomous reptile be transported away from the Owner's premises, except for transportation to and from said veterinarian's office or for transfer of ownership of said animal. When in or on the Owner's vehicle, said venomous reptile shall be appropriately and effectively contained in a locked portable container that meets the caging specifications described in sub-section (a) (1) and (2) of Sec. 5-234.

(b) **Reptiles other than venomous reptiles.** At no time shall an inherently dangerous reptile be transported away from the Owner's premises, except for transportation to and from said veterinarian's office, or to and from an approved educational program or exhibit, or for transfer of ownership of said animal. When in or on the Owner's vehicle, said reptile shall be appropriately and effectively contained in a locked portable container.

(11) **Animal restricted to Owner's property.** At no time shall a reptile be located other than on the licensed Owner's premises, except during transportation as described in subsection (10), above.

DIVISION 4. ENFORCEMENT PROVISIONS

Sec. 5-235. Revocation of license.

(1) A license issued pursuant to this article may be revoked by the director after a hearing, for failure of the licensee to comply with any license conditions or any other provisions of this article, or for the animal becoming a nuisance as defined in Sec. 5-161 of this chapter.

(2) If a license is revoked, the owner of the animal(s) which is/are the subject of the license shall transfer ownership of the animal(s) by sale or gift to another person who already is in compliance with this article, with the written approval of the director, and provided the other person has or can obtain a the license required by this article. In the alternative and with the written approval of the director, the animal(s) can be permanently removed from the county.

(3) All other provisions of this chapter relating to the harboring, owning and possessing of animals shall apply, except in the circumstance where the provisions of this article are more specific, they shall apply, and except in the circumstance of a licensed owner appealing any order of the director after a hearing, said appeal shall be made to the county court in lieu of the board of county commissioners.

Sec. 5-236. Impoundment; disposition of impounded animals.

(1) Any inherently dangerous mammal or inherently dangerous reptile which is kept by any person in contravention of this article may be taken up and impounded by a code enforcement officer, an animal control officer, or a law enforcement officer for the protection and health of the animal and/or for the protection of the health, safety and welfare of the public. Cost

of take-up, impoundment, and care of the animal will be charged to its owner or harborer regardless of whether the animal is claimed by or returned to said owner or harborer.

(2) If an animal cannot be taken up safely or if proper and safe housing cannot be found for the animal, the director can immediately cause the animal to be destroyed.

(3) The owner or harborer of the animal can reclaim the animal only if the person is in compliance with this article and only after all fines and costs have been paid by the owner or harborer. Any other intended disposition of the animal requires the approval of the director.

(4) If no owner or harborer can be located or will claim the animal within three (3) days after impoundment, the director may cause the sale, adoption, donation, or euthanization of the animal.

Sec. 5-237. Sale and transfer of inherently dangerous mammals and inherently dangerous reptiles.

(a) Any person who sells, gives, or in any way transfers possession or ownership of an inherently dangerous mammal or inherently dangerous reptile shall maintain records reflecting the name, address, and telephone number of the receiver of the animal; the state and county in which the receiver lives; and, a complete and accurate description of the animal transferred to the receiver. If the receiver is a resident of this county, the records shall also reflect information sufficient to show the receiver possesses a current county license pursuant to this article. Such records shall be made available to the animal control department for inspection upon request. Such records shall be maintained for a minimum of seven (7) years.

Sec. 5-238. Agreements. The Board of County Commissioners of Sedgwick County, Kansas may enter into agreements with any veterinarian, governmental agency, city, township, improvement district, corporation or individual it deems necessary to carry out the provisions of this article.

SECTION II: Severability. If any section, sentence, subdivision or clause of this resolution shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this resolution.

SECTION III: Effective Date. This resolution shall become effective March 1, 1996.

SECTION IV. Publication. This resolution shall be published once in the official county newspaper prior to March 1, 1996.

Lawrence Humane Society
Renee Harris, Shelter Manager
1805 E. 19th Street
Lawrence, KS 66046
(913) 843-6835 Phone
(913) 843-6369 FAX

Senate Committee of Agriculture
Senate Bill 558

Members of the Committee:

My name is Renee Harris and am presently the Shelter Manager of the Lawrence Humane Society. I would like to thank you for the opportunity to testify before you this morning. As a representative of The Lawrence Humane Society we are in support of Bill 558 and hope the committee will pass the bill to the next stage. We have had concerns in the past in regards to the lack of regulations relating to inherently dangerous animals. In the past years we have seen an increase to the complaints involving such animals as black bear, cougars, lions, and wolf, wolf-cross. This law would allow for the proper regulations and licensing to have these particular animals. I would encourage that the standards of the rules and regulations be of a higher level however than the USDA guidelines. They are more suited for companion animals whether than the exotic end. Again thank you for the opportunity to be here before you this morning.

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2-7-96
attachment 12*



THE KANSAS HUMANE SOCIETY
OF WICHITA KANSAS

February 5, 1996

Senator David Corbin
Chair, Senate Agriculture Committee

Dear Senator Corbin:

I am writing in support of Senate Bill 558, and the positive impact that such legislation will have on animal welfare and public safety in Kansas. I am the executive director of the Kansas Humane Society in Wichita, Kansas. Though I cannot be there to speak in person today, I hope you will consider these comments.

Our agency operates an animal shelter, taking in 10,000 unwanted animals (mostly dogs and cats) every year. We often refer to dogs and cats as "companion animals." These are domesticated animals, who have been living with humans for thousands of years. They have come to depend on us for their very survival.

Owners often relinquish their "companion animals" to us because they made poor or impulsive decisions about getting pets in the first place. People state many reasons: "this cat keeps having kittens" or "the dog keeps running away." Apparently, solutions like spaying, or fenced yards, have not occurred to them. In spite of our long history of living with dogs and cats, and in spite of the wealth of common knowledge and available information about dog and cat care, many people still cannot or do not take good care of pets. **Should we expect anything different for lions, tigers and bears?**

Some people will tell you that they are educated and responsible owners of exotic animals. You will hear that their animals have never caused any problem, and that "a few bad apples have spoiled the barrel." These arguments should not be allowed to cloud the fact that private ownership of wild and exotic animals defies common sense, causes physical and emotional damage to animals meant to live free, and jeopardizes the health and safety of our citizens.

I would like to share with you a quote from the American Humane Association...

When wild or exotic animals are kept as pets, the result is usually tragic for the animal and often negative for the owner. Lack of knowledge about behavioral traits, social needs, and proper nutrition leads to inadvertent abuse. For many of the larger wild or exotic species, the cost of feed, veterinary care, handling equipment and confinement facilities may be prohibitive for most owners and leads to negligence and suffering or death of the animal.

4218 SOUTHEAST BLVD.

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Senate Ag. Co.
2-7-96
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Furthermore, individuals exposed to captive wild or exotic animals may suffer injury or death. This occurs when owners become overconfident with a wild animal, either assuming it will remain as affectionate as an adult as it was when young, or believing they have tamed and trained the animal well enough to defuse its dangerous instincts. When a person is attacked, the animal is usually destroyed. In addition, when appropriate precautions are not taken, some species are potential transmitters of diseases to humans.

Wild animals are those not specifically bred over many generations to adapt to human confinement, company or control. Exotic animals are wild animals not native to North America.

American Humane opposes the deliberate capture and confinement or the breeding or hybrid breeding of wild or exotic animals as pets.

(The American Humane Association; Englewood, Colorado; (800) 227-4645).

In our society, we enjoy tremendous individual liberties. However, these liberties must be tempered with responsibility, and restricted according to public safety, compassion, and plain good sense. Your committee has an opportunity to send a message to Kansans that compassion and understanding for our fellow creatures is practiced in policy and legislation, and that our government will protect the vast majority of citizens from the whims of a few.

I encourage you to regulate the ownership of wild and exotic animals in our state. Thank you for your time and consideration.

Sincerely,



Sheri Canfield
Executive Director
Kansas Humane Society of Wichita