

SENATE BILL No. 437

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning the Kansas pet animal act; relating to inspection of
2 facilities; amending K.S.A. 47-1701 and K.S.A. 2011 Supp. 47-1709
3 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 47-1701 is hereby amended to read as follows: 47-
7 1701. As used in the Kansas pet animal act, unless the context otherwise
8 requires:

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

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

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

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

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

24 (e) "Animal breeder" means any person who operates animal breeder
25 premises.

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

30 (g) "Animal shelter" or "pound" means a facility which is used or
31 designed for use to house, contain, impound or harbor any seized stray,
32 homeless, relinquished or abandoned animal or a person who acts as an
33 animal rescuer, or who collects and cares for unwanted animals or offers
34 them for adoption. Animal shelter or pound also includes a facility of an
35 individual or organization, profit or nonprofit, maintaining 20 or more
36 dogs or cats, or both, for the purpose of collecting, accumulating, amassing

1 or maintaining the animals or offering the animals for adoption.

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

4 (i) "Commissioner" means the ~~livestock~~ *animal health* commissioner
5 appointed by the ~~Kansas animal health board~~ *secretary of agriculture*.

6 (j) "Dog" means any animal which is wholly or in part of the species
7 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
8 74-8802, and amendments thereto.

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

18 (l) "Euthanasia" means the humane destruction of an animal, which
19 may be accomplished by any of those methods provided for in K.S.A. 47-
20 1718, and amendments thereto.

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

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

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

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

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

36 (r) "License year" or "permit year" means the ~~12-month~~ *twelve-month*
37 period ending on June 30.

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

40 (t) (1) "Pet shop" means any premises where there are sold, or offered
41 or maintained for sale, at retail and not for resale to another:

42 (A) Any dogs or cats, or both; or (B) any other animals except those
43 which are produced and raised on such premises and are sold, or offered or

1 maintained for sale, by a person who resides on such premises.

2 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)
3 any premises where only fish are sold, or offered or maintained for sale; or
4 (C) any animal distributor premises, hobby breeder premises, retail breeder
5 premises or animal breeder premises.

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

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

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

12 (w) "Research facility" means any place, laboratory or institution,
13 except an elementary school, secondary school, college or university, at
14 which any scientific test, experiment or investigation involving the use of
15 any living animal is carried out, conducted or attempted.

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

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

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

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

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

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

34 (dd) (1) "Adequate veterinary medical care" means:

35 (A) A documented program of disease control and prevention,
36 euthanasia and routine veterinary care shall be established and maintained
37 under the supervision of a licensed veterinarian, on a form provided by the
38 commissioner, and shall include a documented on-site visit to the premises
39 by the veterinarian at least once a year; and

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

43 (2) As used in the Kansas pet animal act, "adequate veterinary

1 medical care" shall not apply to United States department of agriculture
2 licensed animal breeders or animal distributors.

3 (ee) "Ratites" means all creatures of the ratite family that *are* not
4 indigenous to this state, including, but not limited to, ostriches, emus and
5 rheas.

6 (ff) "Retail breeder" means any person who operates a retail breeder
7 premises.

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

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

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

16 (jj) *"Foster home shelter" means an animal shelter licensed to*
17 *provide care for one or more animals owned by another licensed animal*
18 *shelter for 365 days or less during the calendar year.*

19 Sec. 2. K.S.A. 2011 Supp. 47-1709 is hereby amended to read as
20 follows: 47-1709. (a) The commissioner or the commissioner's authorized,
21 trained representatives shall make an inspection of the premises for which
22 an application for an original license or permit is made under K.S.A. 47-
23 1701 *et seq.*, and amendments thereto, before issuance of such license or
24 permit. The application for a license shall conclusively be deemed to be
25 the consent of the applicant to the right of entry and inspection of the
26 premises sought to be licensed or permitted by the commissioner or the
27 commissioner's authorized, trained representatives at reasonable times
28 with the owner or owner's representative present. Refusal of such entry
29 and inspection shall be grounds for denial of the license or permit. Notice
30 need not be given to any person prior to inspection.

31 (b) (1) *Except as provided in subsection (b)(2), the commissioner or*
32 *the commissioner's authorized, trained representatives may shall make an*
33 *inspection of each premises for which a license or permit has been issued*
34 *under K.S.A. 47-1701 et seq., and amendments thereto, at least twice a*
35 *year. If such premises are premises of a person licensed or permitted under*
36 *public law 91-579 (7 U.S.C. § 2131 et seq.), such premises may shall be*
37 *inspected at least once each year. ~~Otherwise, the premises may be~~*
38 *~~inspected at least twice each year.~~* The acceptance of a license or permit
39 shall conclusively be deemed to be the consent of the licensee or permittee
40 to the right of entry and inspection of the licensed or permitted premises
41 by the commissioner or the commissioner's authorized, trained
42 representatives at reasonable times with the owner or owner's
43 representative present. Refusal of such entry and inspection shall be

1 grounds for suspension or revocation of the license or permit. Notice need
2 not be given to any person prior to inspection.

3 (b) (2) *Except as provided in subsection (c), the commissioner or the*
4 *commissioner's authorized, trained representatives shall not make any*
5 *inspection of any foster home shelter.*

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

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

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

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

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

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

33 (i) Records of inspections pursuant to this section shall be maintained
34 in the office of the Kansas ~~animal health~~ department of *agriculture*
35 *division of animal health*. Records of a deficiency or violation shall not be
36 maintained for longer than three years after the deficiency or violation is
37 remedied.

38 (j) The commissioner shall, in consultation with Kansas state
39 university college of veterinary medicine: (1) Continue procedures to
40 provide for pet animal training or updated training for authorized trained
41 representatives who inspect premises under the pet animal act and to allow
42 the owners of such facilities licensed or permitted under the pet animal act
43 to attend and participate at the training workshops for the authorized

1 trained representatives; and (2) make available to such owners and other
2 interested persons an inspection handbook describing the duties and
3 responsibilities of such authorized trained representatives.

4 Sec. 3. K.S.A. 47-1701 and K.S.A. 2011 Supp. 47-1709 are hereby
5 repealed.

6 Sec. 4. This act shall take effect and be in force from and after July 1,
7 2013, and its publication in the statute book.