

Kansas State Senate – Agriculture Committee

Testimony submitted by: Courtney Thomas, President/CEO of Great Plains SPCA ; Founding board member and serving President of PACK (Pet Animal Coalition of Kansas)

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Testimony **supporting 2013 SB57** (an Act concerning agriculture, relating to animal health, etc.) **with amendments**

The Kansas Department of Agriculture staff is to be commended for their diligent efforts and collaborative approach to review and propose important changes to the Kansas Pet Animal Act.

With our region being known as the Animal Health Corridor, we have a tremendous opportunity before us to set the stage for progressive and innovative practices as it relates to the animal health industry. We are and will be viewed as the “region of experts” from leaders in animal health around the world. The work done by the department is helping to advance the care and welfare of animals in our state, creating more effective operations for the Animal Health Division, and ultimately creating a model that other states will aspire to model.

I stand in support of the revisions presented in SB57 with amendments.

**Inspections:** The department has proposed changing “may” inspect to “shall inspect.” I advocate that language be included to define an inspection frequency schedule. Specifically, each licensed facility should be inspected on an annual basis, until such facility passes two consecutive favorable inspections. At which point two positive inspections occur, the licensee can move to an eighteen month inspection schedule.

Creating regularity and consistency in the inspection schedule across all licensee categories, ensures that all licensees are held to the same standards and accountabilities. While risk-based inspections provide latitude for inspection frequency – which may mean more or fewer inspections – it is important that licensees are on a consistent, level playing field.

**Kansas Pet Animal Advisory Board** – The Governor should retain responsibility for appointing members of the Kansas Pet Animal Advisory Board. The Office of Appointments (<https://governor.ks.gov/serving-kansans/office-of-appointments>) says that the Governor appoints Kansans to serve in more than 1000 positions on Boards, Councils and Commissions. As the state’s highest elected official, the Governor’s appointment is essential for accountability to influence meaningful change.

All board members, excluding the private citizen, should be licensees in good standing with the Kansas Pet Animal Act.

Senate Agriculture Committee  
Date: 2-6-13  
Attachment # 9-1  
Courtney Thomas, CEO of Great  
Plains SPCA; PACK

The current composition of the Board does not represent all licensees, and does not provide proportional representation.

SB 57 Draft 2 as introduced 1-22-13 proposes the following positions on the Board:

- 1 seat for Shelters (233 licensees, plus their 500+ subordinate licensed foster homes)
- 1 seat for Research Facilities (5 licensees)
- 1 seat for Animal Breeders (151 licensees)
- 1 seat for Retail Breeders (151 licensees)
- 1 seat for Pet Shops (~100 licensees)
- 1 seat for Veterinarian (not a licensee)
- 1 seat for Private Citizen (not a licensee)
- 1 seat for Animal Distributors (~19 licensees)
- 1 seat for Hobby Breeders (102 licensees)
- 1 seat for Boarding/Training Kennel (145 licensees)
- 1 seat for Rescue Network "Member" (200+ licensees)

I advocate for addition of a second seat for Shelters. Shelters and their subordinate foster homes comprise more than 50% of the licensees under the KPAA, and are responsible for as many animals each year as commercial producers, who have 4 seats on the Board.

I advocate for retention of the current language in the KPAA requiring the Private Citizen to be someone NOT affiliated with the pet animal industry. This person in essence represents the CONSUMER.

I advocate for change of the proposed Rescue Network Member seat to be "a representative of a Rescue Network" who will represent the ~60 currently licensed Networks (now licensed as Group Foster and Rescue) AND their 200+ subordinate Members.

**License Fee Caps** – Proposed fee increases in SB 57 increase the license fee for animal shelters, many of which are non-profit agencies, by 250%. Currently the license fee is \$300 and it is being proposed to increase to \$750. Non-profit shelter licensees are actually taking on the burden – both financially and in shelter capacity – to take in and provide medical care to animals seized by the Department of Agriculture in hoarding, cruelty/neglect, or breeder seizures. We are serving as the support arm to the state to address non-compliance issues in the field. A 250% increase will be very impactful to shelters across the state. I ask that the Shelter license fee be capped at \$500.

In addition, it is of critical importance that foster license fees remain \$10. Foster families take animals into their homes when pets need rehabilitation from illness/injury, behavior remediation or are too young to be adopted. As volunteers, most foster families incur expenses related to the care and welfare of the animals they house. Increasing foster license fees to \$50 would prohibit many people from fostering and in return would result in more animals being euthanized statewide in animal shelters.

I propose that animal shelters and rescue networks be licensing agents of the State, and assume the responsibility to administer and collect foster home applications and the \$10 licensing fee – taking the administrative burden off of the Department. Both the application and the fee would be remitted to the State based by the licensing agent on a schedule of the department's preference.

It is important that foster homes continue to be licensed to ensure accountability and compliance. A license would prevent a foster home found not to be in compliance from continuing to serve in our state. Failure to provide a license would enable fosters not in compliance to continue to provide substandard care with no recourse.

**Carbon Monoxide (CO) Chambers** – I applaud SB 57's proposed end of the use of CO chambers for routine euthanasia of dogs and cats, recognizing that lethal injection as the most humane form of euthanasia.

**Access to Medical Records:** It is of critical importance that we provide Inspectors for the Department of Agriculture the appropriate tools to perform their jobs. Inspectors should have access to all medical records for pets in the possession of all licensees. Currently in the KPAA, Inspectors do not have access to medical records for USDA licensed facilities. Such records are essential for Inspectors to ensure that animals on premise are receiving adequate and appropriate medical care.

We have an opportunity to be a part of the foundation that helps us build a progressive model in our state statutes and I challenge you all to play an active role in helping us to reach a heightened level of success in the state we all call home.

## SB 57: Amendments to the Kansas Pet Animal Act Ensuring Healthy Pets in the Animal Health Corridor

### Background: Protecting Animals and the Animal Health Corridor

The largest concentration of animal health interests in the world is located between Columbia, Mo. and Manhattan, Kan. In 2009, the U.S. House of Representatives officially designated this region the "Kansas City Animal Health Corridor." This corridor attracts leaders in the animal health and nutrition industry, innovative educators and cutting-edge researchers. Collectively, they are a boon to the economic health of our region as they work to improve animal health worldwide.

The Kansas capitol also lies along this corridor, and the Kansas Legislature can play an influential role in the corridor's success or failure. Legislators and regulators should carefully evaluate the Kansas Pet Animal Act, being ever mindful that measures that strengthen our laws to prevent substandard facilities, stop outbreaks of infectious disease, and protect consumers reaffirm our commitment to be a world leader animal health.

### SUPPORT THESE KEY AMENDMENTS TO THE KANSAS PET ANIMAL ACT

► **Require Regular Inspections. Sec. 7 (b).** (page 7, lines 15, 17-19)

(b) The commissioner or the commissioner's authorized, trained representatives may *shall* inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto, *based upon an inspection frequency schedule adopted by rules and regulations. Such frequency schedule may take into account the relative risk posed by facilities to the health, safety and welfare of animals. where each premises that has passed two consecutive annual inspections without any violations of the Kansas pet animal act shall then be inspected once every 18 months. Any premises subject to an 18 month inspection schedule that subsequently commits a violation of the Kansas pet animal act shall return to annual inspection schedule.*

**Comments:** "Shall inspect" is consistent with other programs administered by the Department of Agriculture, including inspections under the Food Safety & Lodging Act (K.S.A. 65-691); the Meat & Poultry Inspection Act (K.S.A. 65-6a20); Dairy inspections (K.S.A. 65-773); and Feed & Seed inspections (K.S.A. 2-1423). Regular inspection is the key to ensuring that licensees are following the rules and that infractions, including contagious diseases, can be caught and remedied quickly.

► **Retain Governor to Make All Board Appointments and Fill Vacancies**

**Sec. 14 (a) and (c).** (page 12, lines 40-41; page 13, lines 7, 19)

Sec. 14. K.S.A. 2012 Supp. 47-1725 is hereby amended to read as follows: 47-1725. (a) There is hereby created the Kansas pet animal advisory board, consisting of ~~10~~ **12** members. Members shall be *licensees in good standing* appointed by the ~~secretary of agriculture~~ **governor** as follows: ...

(6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the ~~secretary governor~~ by the Kansas veterinary medical association; ...

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

**Comments:** The Governor should retain responsibility for appointing members of the Kansas Pet Advisory Board, including two additional members (see below). The Governor appoints most boards and commissions, including the Animal Health Board, the state Board of Agriculture, and the Kansas Agriculture Remediation Board. As the state's highest elected official, the Governor's appointment is essential for accountability and the ability to influence meaningful change. All board members, excluding the private citizen, should be licensees in good standing with the Kansas Pet Animal Act.

► **Expand KPAA Board Representation**

**Sec. 14 (c)** (page 12 lines 42-43; page 13, lines 9-10, 15, 17)

(1) ~~One member~~ Two members shall be representatives of licensed animal shelters ...

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

(11) one member shall be a licensed rescue network member; and

**Comments:** Since representatives of licensed shelters and rescue networks are responsible for licensing foster homes and have the largest constituent base, a second position for shelters should be added, for a total of 12 members. To ensure that the private citizen appointed to the board has no conflict of interest, the language “with no link to the industry” should be restored.

► **Make Animal Shelters and Rescue Networks Responsible for Issuing Foster Home Licenses & Collecting \$10 Fee**

**Sec. 6 (c)** (page 6, line 40)

(c) Animal shelters may utilize foster homes. ... Animal shelters shall keep records of all foster homes housing animals and pay annually a fee of not more than \$50 to the department of agriculture for each foster home.

(d) It shall be unlawful for any person to operate as a foster home unless such foster home has obtained a foster home license. Animal shelters and rescue networks shall be agents of the department of agriculture for the purpose of issuing foster home licenses. Application for such foster home license shall be on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. Each licensed foster home shall pay annually a fee of not more than \$10 to the animal shelter or rescue network that issued such foster home a license. Each animal shelter or rescue network that issues foster home licenses shall forward all approved foster home applications and remit all foster home license fees to the commissioner on a schedule established by the commissioner. The commissioner shall remit all moneys received by or for the commissioner under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal facilities fee fund. Animal shelters and rescue networks shall keep records of all foster homes housing animals and pay annually a fee of not more than \$50 \$10 to the department of agriculture for each foster home.

**Comments:** Currently, foster homes are used by licensed animal shelters and rescue networks to temporarily house animals. We recommend that foster home licenses be issued and managed by licensed animal shelters and rescue networks that, in turn, will forward all paperwork and fees collected to the commissioner. This will save the Department of Agriculture both time and money while enhancing accountability. The current fee for a foster license is and should remain \$10.

► **Adjust Licensing Fees For Animal Shelters**

**Sec. 12 (a) (5)** (page 11, line 16)

(5) for a license for an animal shelter, and amount not to exceed ~~\$300~~ \$500.

**Comments:** Animal shelter licenses should not exceed \$500, a \$200 increase from the current amount.

► **Other provisions in SB 57 to be amended:**

- Clarify the ban on inhumane carbon monoxide gas chambers (CO chambers).
- Sanitization: Include live water stream and disinfectant.
- Revoke license of anyone who is convicted of cruelty to animals or theft.
- Clarify that USDA breeder medical forms can be used to demonstrate that medical requirements are met under the Kansas Pet Animal Act.

**Pet Coalition of Kansas (PACK)**

Courtney Thomas, President

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**Members:** Great Plains SPCA, Merriam, Kansas; Lawrence Humane Society; Helping Hands Humane Society, Topeka, Kansas; Allen County Humane Society; Leavenworth County Humane Society; Humane Society of Greater Kansas City; Kansas City, Kansas Animal Control