

Testimony on SB 57
to
The Senate Agriculture Committee
By Dr. Bill Brown and Chelsea Good
Kansas Department of Agriculture
February 6, 2013

Good morning, Chairman Love, and members of the committee. I am Dr. Bill Brown, the Animal Health Commissioner with the Kansas Department of Agriculture. I am here to express KDA's support of Senate Bill 57, a bill that strengthens enforcement of cervid law, moves National Poultry Improvement Plan authority, repeals outdated statutes and makes a variety of improvements the Kansas Pet Animal Act.

The KDA Division of Animal Health provides value to Kansas citizens through oversight, regulation, prevention and control of infectious and zoonotic animal diseases and by focusing on the health of domestic animals in Kansas, including pet animals and livestock raised for food consumption.

Last year, we reviewed our animal health statutes and the legislature passed a substantial bill updating and improving animal health law in Kansas based on that review. We have a smaller bill this year making some of the final adjustments needed to those statutes. This is part of our big picture goal to serve Kansas agriculture through clear, common-sense requirements that protect animal health while also encouraging growth in Kansas agriculture. Our next step is moving forward with a review of animal health regulations to clean them up and remove outdated requirements. We appreciate your support of SB 57 as the next step in this process. KDA staff attorney Chelsea Good will explain some of the specifics of this bill and then we will both be available for questions.

Good morning, Chairman Love, and members of the committee. I am Chelsea Good, a staff attorney with the Kansas Department of Agriculture. I will start by overviewing the cervid enforcement, poultry authority, and repeal portions of this bill and then provide details about the different components relating to the Kansas pet animal act.

Captive cervids, or mammals in the deer family, present disease transmission issues with both wild cervids and domestic livestock, primarily cattle. Unfortunately, KDA lacks the ability to enforce the few captive cervid rules it has in place. KDA has worked with cervid producers to develop a plan to improve the current cervid program in the state. We support clarifying that KDA is allowed to inspect facilities and records annually and more often upon receipt of a complaint, which does not have to be written and signed. This bill also adds a civil penalty option for those breaking cervid laws. The bill also provides KDA needed access to Chronic Wasting Disease (CWD) test results in order for Kansas to maintain CWD consistent state status for the federal CWD Herd Certification Program.

Moving to the poultry authority portion of the bill, Kansas law gives the Kansas Poultry Improvement Association, which was historically housed at K-State, the authority to implement the National Poultry Improvement Plan (NPIP) in Kansas. NPIP was established to use diagnostic tests to eliminate Pullorum Disease caused by *Salmonella pullorum*, which was rampant in poultry and could cause upwards of 80 percent mortality in baby poultry. The program was later extended and refined to include testing and monitoring for diseases that affect bird populations. In response to a request from K-State, NPIP testing moved to the then Kansas Department of Animal Health, now the KDA Division of Animal Health, approximately 10 years ago. Despite NPIP testing being transferred from K-State, statutory authority was never changed. KDA supports giving NPIP testing authority to the Kansas Department of Agriculture.

In addition, a handful of outdated animal health statutes repealed by the 2012 legislature were unintentionally reintroduced with technical amendments in the trailer bill for executive reorganization order 40. These repeals of statutes no longer used by the animal health program are included in the 2013 bill.

The remaining portions of this bill deal with our Animal Facility Inspection (AFI) program. The AFI program licenses and inspects cat and dog breeders, shelters, and other pet animal businesses in order to help ensure the health, safety and welfare of pet animals in Kansas in accordance with the Kansas Pet Animal Act.

Some AFI licensed facilities are also required to obtain licenses from USDA as well. This has caused some challenges for KDA because USDA licensed animal breeders and distributors may be exempt from KDA's "adequate veterinary medical care" requirements. In the instance of pet animals being imported to Kansas and in situations with health, safety or welfare concerns, KDA inspectors should have access to USDA veterinary care records. However, requiring animal breeders and distributors to maintain two sets of veterinary care records would be duplicative and inefficient. KDA supports giving KDA inspectors access to USDA veterinary care records upon request by the Kansas Animal Health Commissioner. This will improve the ability of KDA inspectors to have access to necessary veterinary care records without causing increased regulatory burden on animal breeders and distributors.

Inspecting pet animal facilities to assure the health, safety and welfare of animals is an important responsibility for KDA. Current statute states the Animal Health Commissioner or the commissioner's authorized, trained representatives may inspect licensed premises. In an effort to establish inspection frequency standards that are necessary yet fiscally achievable, KDA supports legislation to state the commissioner or the commissioner's authorized, trained representative shall inspect licensed premises at a frequency established by the secretary through rules and regulations. This is in line with language used in other KDA programs.

It is incumbent upon us as public servants to be good stewards of all fiscal resources, including state general funds, fee funds or other financial resources, especially during times of tight budgetary situations. AFI makes up 20 percent of the animal health budget but receives 51 percent of the animal health state general fund (SGF) dollars. Other animal health programs earn fee revenue that funds 82 percent of their budget. AFI only funds 42 percent of its budget with fees. As we work to distribute SGF funds more proportionately within animal health, we have to look to other revenue sources to fund AFI programs. In order to meet our regulatory obligations, KDA supports fee increases to support the AFI program. These fees were suggested, voted on and approved by the Kansas Pet Animal Board, which is made up from representatives of AFI licensees. This fee increase is in addition to measures to cut costs and increase efficiencies, and is necessary to keep the level of oversight and service currently provided.

Agency wide, KDA continues efforts to streamline regulations, improve efficiency, and deliver high-quality service to our customers. KDA supports reducing AFI licensee categories to make the licensing structure more user-friendly and easier to understand. This legislation will clarify key distinctions between wholesale and retail breeders as well as between shelters, fosters, and rescue networks. It also increases accountability of animal shelters and rescue networks for individuals providing temporary care to animals under their supervision. To reflect these changes, KDA and the Kansas Pet Animal Board also supports adding on the board a position for rescue networks, which are not currently represented.

Finally, the AFI program licenses shelters by facility location and any pet adoptions must be completed at the licensed facility. This causes unnecessary challenges for mobile adoption events. To solve the issues of licensed shelters being forced to transport animals from a short term mobile adoption site, such as a cooperating businesses parking lot, back to the shelter to be picked up by the adoptees, KDA supports allowing licensed shelters to host mobile adoptions.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.