

2013 Animal Health Bill (SB 57) Timeline and Board Involvement

October 31, 2012 - The Kansas Pet Animal Advisory Board met in Salina.

Copies of the Kansas Pet Animal Act (KPAA) and Animal Facilities Inspection (AFI) program regulations were provided to the board. Dr. Brown presented about the AFI program funding situation highlighting that while the AFI program accounts for just 20% of the animal health budget, it utilizes 51% of the animal health state general fund (SGF) money. The board agreed some fee increase would likely be necessary but did not vote on an amount at this time. The board also agreed at this meeting that KDA should have access to veterinary records of USDA breeders and distributors. Other potential legislative issues discussed at this meeting were inspection frequency, mobile adoptions, and consolidating license categories.

November 2, 2012 – KDA sent board the KPAA and AFI regulations with track changes based on discussion at the October 31, 2012 meeting.

Two board members responded with questions or requests, both were addressed.

November 14, 2012 - The Kansas Pet Animal Advisory Board met via teleconference.

At this meeting, the Kansas Pet Animal Act was reviewed by the board. Areas of discussion and revisions included the definition section, consolidating license categories, the holding period for strays before disposal by an animal shelter, mobile adoptions, and the board statute. The board also discussed a fee increase more in depth. Dr. Faurot provided some information about a regulatory cost analysis which showed license fees were well below the regulatory cost of doing business and that some license categories were further away from paying for themselves than others.

December 8, 2012 - A copy of the Kansas Pet Animal Act with potential changes noted was sent to the board chair.

December 10, 2012 - KDA sent the board an agenda for the 12.12.12 meeting, a copy of the KPAA with potential changes, and an explainer of potential legislative issues.

December 12, 2012 - The Kansas Pet Animal Advisory Board met in Topeka.

Meeting minutes from the 10.31.12 and 11.14.12 meetings were approved. After an update on the budget situation, the majority of the board meeting was spent going through the KPAA statutes, proposing changes, reviewing KDA proposals, and voting on changes. Changes approved by board votes are noted in the attached chart.

December 19, 2012 - KDA staff met for final review of language with board changes.

December 28, 2012 - A copy of the proposed bill and meeting minutes from 12.12.12 meeting were sent to all board members.

Two board members responded with questions and suggestions. These were reviewed and some of the changes incorporated.

January 17, 2013 – A copy of bill from the Revisor was sent to all board members.

One board member responded with a question, which was answered.

January 25, 2013 - An updated copy of the bill from the Revisor sent to all board members.

One board member responded with a question, which was answered.

Senate Agriculture Committee

Date: 2-13-13

Attachment # 2-1

KDA, Pet Advisory board Involvement on SB57

Issue	Location in SB 57	Decision
Deleting KSA 47-1717 invalidity of part because already addressed in KSA 47-1737.	Repeal section	Suggested by board member and approved by unanimous board vote on 12.12.12
Making rescue networks part of the statutes	Sections 1, 8, and 16.	Board discussed favorably on 12.12.12. No vote was taken.
Adding civil penalty to cervid law, which previously included just criminal penalties.	Section 2	Discussed with Kansas Cervid Breeders Association on 11.27.12 and 12.7.12. Language approved on 1.14.13. Discussed with KDWPT on 11.6.12. Language approved on 12.17.12.
Reporting of CWD test results to stay consistent for the federal CWD herd certification program.	Section 3	Discussed with Kansas Cervid Breeders Association on 11.27.12 and 12.7.12. Language approved on 1.14.13. Language approved by KDWPT on 12.17.12.
Moving authority for implementing the National Poultry Improvement Plan to KDA.	Section 4	Animal Health began performing this function about 10 years ago at the request of K-State. However, the authority was never changed in statute.
Adequate watering definition	Section 5(b)	Board had significant discussions about language on 11.14.12 and passed by unanimous board vote 12.12.12
Change of Animal Breeder, Retail Breeder and Wholesale Breeder definitions	Section 5(f), (jj) & (kk)	KDA originally proposed getting rid of the retail breeder category and just including both retail and wholesale breeders under animal breeders. Instead, the board chose by unanimous vote on 12.12.12 to keep the retail and wholesale breeder definitions in the law as they are proposed in SB 57.
Removing word pound from pound and shelter	Throughout bill	Board discussed favorably on 12.12.12. No vote was taken.
Replacing word facility with premises.	Throughout bill	Board discussed favorably on 12.12.12. No vote was taken.

Narrowing definition of animal control officer.	Section 5(k)	KDA decision on 12.19.12 based on concerns definition was unintentionally broad. No negative feedback has been received.
Removing compartment and hutch from primary enclosure definition.	Section 5(v)	Board suggested and approved by unanimous board vote on 12.12.12.
Adding premise to sale definition	Section 5(x)	Board suggested and approved by unanimous board vote on 12.12.12
Adding holding out component to out-of-state distributor definition.	Section 5(bb)	Board suggested and approved by unanimous board vote on 12.12.12
Allowing KDA inspectors to view existing veterinary records of breeders dual licensed by KDA and USDA.	Section 5(dd)	Board discussed favorably and agreed this was needed on 10.31.12. Unanimous board approval in vote on 12.12.12
Allowing shelter licensees to host mobile adoptions	Section 6	Suggested by a shelter licensee not on the board. Discussed at 10.31.12 and 11.14.12 board meetings. Approved by unanimous board vote on 12.12.12
Changing inspection frequency to shall inspect based on a frequency set in rules and regulations.	Section 7	Discussed at 10.31.12 and 11.14.12 meetings. Approved by majority board vote on 12.12.12.
Sentence indicating the inspection frequency may take into account the relative risk posed by facilities to the health, safety, and welfare of animals.	Section 7	Board discussed risk-based inspections favorably on 12.12.12 but did not think sentence was necessary in order to set risk-based schedule. KDA chose to include sentence to make intention/authority to consider implementing a risk-based schedule clear.
Clarifying period shelters must hold strays before disposition.	Section 8	Suggested by board member. Was also discussed at 10.31.12 and 11.14.12 meetings. Passed by unanimous board vote on 12.12.12.
Clarifying that animal control officer may not have any KPAA license.	Section 9	Suggested by board member and passed by unanimous board vote on 12.12.12
Removing requirement to adopt USDA rules and regulations.	Section 10	Approved by unanimous board vote on 12.12.12

<p>Removing gas chambers as a euthanasia option.</p>	<p>Section 11</p>	<p>KDA AFI program manager and veterinary decision to remove on 1.18.13 after requests to do so by licensees, including a board member. Veterinarians noted the human health risk involved with the practice.</p>
<p>Fee Cap Increase</p>	<p>Section 12</p>	<p>KDA initially proposed reducing the fee caps to two categories (USDA licensed and non-USDA licensed) and setting the caps for these categories at \$650 and \$1,000.</p> <p>The fee caps were debated at length, suggested, and approved by the board on 12.12.12. The caps in the bill are those that the board approved and are lower than KDA's original proposal.</p> <p>Fees had been previously discussed on 10.31.12 when the board agreed an undefined increase would be necessary. They were discussed again on 11.14.12.</p> <p>The caps set in statute are not the actual fees. There will be board engagement, a 60 day comment period, and a public hearing before fees at or below these caps are set in regulations.</p>
<p>Removing exemption for multiple businesses on one premises.</p>	<p>Section 12</p>	<p>Board passed by a majority board vote on 12.12.12 to remove exemption for multiple operation types on one premises and deal with the fee for the second operation in rules and regulations.</p> <p>This decision was following a lengthy discussion about removing the exemption and charging a flat fee of \$50 for each license category.</p>

		After internal discussion on 12.19.12, KDA proposed a percentage instead of a flat fee as licenses vary in price. The percentage is meant to account for cost savings driving to premises while still paying for the cost of inspecting two different business types. KDA also chose to make this statutory so the intent is clear. With just a deletion, the full second fee could be charged.
Removing prorating of license fees.	Section 12	Suggested by board and approved by unanimous board vote on 12.12.12
Removing temporary closing permits.	Section 12	Suggested by board and approved by unanimous board vote on 12.12.12
Removing ability to be 45 days late licensing without a penalty and increasing fee for licensing late.	Section 12	Board voted unanimously on 12.12.12 to remove the ability to be 45 days late and increasing the penalty for being late to \$100. KDA decided on 12.19.12 to add "per month" to increase deterrent for being extremely late.
Changing boarding or training kennel to boarding or training premises.	Section 13 and throughout bill.	KDA decision on 12.19.12 based on feedback that kennel created confusion for some who associate the term with breeders. No negative feedback received on this piece.
Changing board to a secretary appointment and adding an additional position.	Section 14	KDA's recommendation was to reduce categories for board members and allow for a couple in each category. The board chose not to follow this recommendation. However, a majority of board voted on 12.12.12 to approve making the board secretary rather than governor appointed. One member abstained from the vote.

Adding a rescue network position to the board.	Section 14	Approved by majority board vote on 12.12.12.
Changing language for research facility and private citizen positions on the board.	Section 14(b)(2) and (7)	KDA determination on 12.19.12 based on confusion about interpretation of language and to reflect the history of the board.
Removing requirement that board members be affiliated with an organization.	Section 14(g)	KDA determination on 12.19.12 after board discussion about how there might not be organizations for all of the licensee groups board positions represent, for example pet shop operators.
Changing citation to Kansas Pet Animal Act.	Section 15	Revisor addition.
Amending cervid law to clarify KDA inspection authority, penalties, and fees.	Section 17	Discussed with Kansas Cervid Breeders Association on 11.27.12 and 12.7.12. Language approved on 1.14.13. Discussed with KDWPT on 11.6.12. Language approved on 12.17.12.
Repeal of outdated statutes.	Section 18	Repealed by the 2012 legislature and unintentionally reintroduced with technical amendments in the trailer bill for executive reorganization order 40.
Stating act takes effect at publication.	Section 19	Revisor addition.