

SENATE BILL No. 57

By Committee on Agriculture

Proposed Amendment # 3 by Senators Holmes, Abrams, Francisco
2/27/13
Senate Committee on Agriculture
Prepared by David Wiese
Office of Revisor of Statutes

Senate Agriculture Committee

Date: 2-27-13

Attachment # 4-1
Sen Holmes, Abrams, and Francisco
Billboard Amend. to SB57

1 AN ACT concerning agriculture; relating to animal health; poultry
2 improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712
3 and 47-1718 and K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-
4 1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-
5 2101 and repealing the existing sections; also repealing K.S.A. 47-
6 1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650,
7 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654,
8 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and
9 47-2101a.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) It shall be unlawful for any person to operate a
13 rescue network unless a rescue network license has been obtained from the
14 commissioner. Application for each such license shall be made in writing
15 on a form provided by the commissioner. The license period shall be for
16 the license year ending June 30 following the issuance date.

17 (b) Each rescue network shall designate a manager who carries out
18 the duties of:

- 19 (1) Approving the membership to the rescue network;
- 20 (2) supervising intake of animals into the rescue network;
- 21 (3) monitoring members of the rescue network to ensure they are
22 abiding by all relevant laws and rules and regulations; and
- 23 (4) maintaining on such rescue network manager's premises, records
24 pertaining to the adoption, placement or other disposition of each animal
25 receiving temporary care from the rescue network, membership of the
26 rescue network and any other records required by law or rules and
27 regulations.

licensed pet animal foster homes

licensed pet animal foster homes

28 (c) Once a rescue network license has been obtained, the rescue
29 network manager may host adoption events at a location other than the
30 rescue network members' premises so long as all rescue network laws and
31 rules and regulations are followed.

licensed pet animal foster homes'

32 (d) Rescue network managers are responsible for ensuring rescue
33 network members subordinate to them abide by all applicable Kansas pet
34 animal act statutes and regulations. Rescue network managers shall keep
35 records of all rescue network members housing animals and pay annually a
36 fee or not more than \$50 to the department of agriculture for each rescue

licensed pet animal foster homes

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1 (c) "Ambient temperature" means the temperature surrounding the
2 animal.
3 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman
4 primate, bird or other warm-blooded vertebrate or any fish, snake or other
5 cold-blooded vertebrate.
6 (2) Animal does not include horses, cattle, sheep, goats, swine,
7 rattes, domesticated deer or domestic fowl.
8 (e) "Animal breeder" means any person who operates an animal
9 breeder premises.
10 (f) "Animal breeder premises" means any premises where all or part
11 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or
12 both, are sold, or offered or maintained for sale, primarily at wholesale for
13 resale to another, retail or otherwise.
14 (g) "Animal shelter" or "pound" means a facility premises which is
15 used or designed for use to house, contain, impound or harbor any seized
16 stray, homeless, relinquished or abandoned animal or a person who acts as
17 an animal rescuer, or who collects and cares for unwanted animals or
18 offers them for adoption. Animal shelter or pound also includes a facility
19 premises of an individual or organization, profit or nonprofit, maintaining
20 20 or more dogs or cats, or both, for the purpose of collecting,
21 ~~acquiring, assessing or maintaining the animals or offering the animals~~
22 for adoption.
23 (h) "Cat" means an animal which is wholly or in part of the species
24 Felis domesticus.
25 (i) "Commissioner" means the animal health commissioner of the
26 Kansas department of agriculture.
27 (j) "Dog" means any animal which is wholly or in part of the species
28 Canis familiaris.
29 (k) "Animal control officer" means any person employed by,
30 contracted with or appointed by the state, or any political subdivision
31 thereof, for the primary purpose of aiding in the enforcement of this law
32 the Kansas pet animal act, or any other law or ordinance relating to the
33 licensing or permitting of animals, control of animals or seizure and
34 impoundment of animals, and includes any state, county or municipal law
35 enforcement officer, dog warden, constable or other employee, whose
36 duties in whole or in part include assignments which involve the seizure or
37 taking into custody of any animal.
38 (l) "Euthanasia" means the humane destruction of an animal, which
39 may be accomplished by any of those methods provided for in K.S.A. 47-
40 1718, and amendments thereto.
41 (m) "Hobby breeder premises" means any premises where all or part
42 of three, four or five litters of dogs or cats, or both, are produced for sale
43 or sold, offered or maintained for sale per license year. This provision

housings

1 applies only if the total number of dogs or cats, or both, sold, offered or
2 maintained for sale is less than 30 individual animals.

3 (n) "Hobby breeder" means any person who operates a hobby breeder
4 premises.

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

7 (p) "Boarding or training ~~kennel premises~~ operator" means any
8 person who operates an establishment where four or more dogs or cats, or
9 both, are maintained in any one week during the license year for boarding,
10 training or similar purposes for a fee or compensation.

11 (q) "Boarding or training ~~kennel premises~~ operator premises" means
12 the ~~facility premises~~ of a boarding or training ~~kennel premises~~ operator.

13 (r) "License year" or "permit year" means the 12-month period
14 ending on June 30.

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

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

19 (A) Any dogs or cats, or both; or (B) any other animals except those
20 which are produced and raised on such premises and are sold, or offered or
21 maintained for sale, by a person who resides on such premises.

22 (2) Pet shop does not include: (A) Any ~~pound or~~ animal shelter; (B)
23 any premises where only fish are sold, or offered or maintained for sale; or
24 (C) any animal distributor premises, hobby breeder premises, ~~retail breeder~~
25 ~~premises~~ *foster home, rescue network* or animal breeder premises.

pet animal

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

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

29 (v) "Primary enclosure" means any structure used or designed for use
30 to restrict any animal to a limited amount of space, such as a room, pen, *or*
31 ~~cage, compartment or hutch.~~

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

36 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
37 Maintaining animals for sale is presumed whenever 20 or more dogs or
38 cats, or both, are maintained by any person *or on one premises.*

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

42 (z) "Animal distributor" means any person who operates an animal
43 distributor premises.

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

5 (bb) "Out-of-state distributor" means any person residing in a state
6 other than Kansas, who is engaged in the business of buying for resale
7 dogs or cats, or both, within the state of Kansas, as a principal or agent, *or*
8 *who holds one's self out to be so engaged.*

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

12 (dd) "Adequate veterinary medical care" means:

13 (1) A documented program of disease control and prevention,
14 euthanasia and routine veterinary care shall be established and maintained
15 under the supervision of a licensed veterinarian, on a form provided by the
16 commissioner, and shall include a documented on-site visit to the premises
17 by the veterinarian at least once a year;

18 (2) that diseased, ill, injured, lame or blind animals shall be provided
19 with veterinary care as is needed for the health and well-being of the
20 animal, and such veterinary care shall be documented and maintained on
21 the premises; and

22 (3) all documentation required by subsections (dd)(1) and (dd)(2)
23 shall be made available to the commissioner or the commissioner's
24 authorized representative for inspection or copying upon request and shall
25 be maintained for three years after the effective date of the program or the
26 administration of such veterinary care.

27 (4) ~~As used in the Kansas pet animal act, "adequate veterinary~~
28 ~~medical care" shall not apply to United States department of agriculture~~
29 ~~licensed animal breeders or animal distributors. United States department~~
30 ~~of agriculture licensed breeders may use their United States department~~
31 ~~of agriculture vet care forms to meet the adequate veterinary medical care~~
32 ~~requirement in this subsection. These records shall be made available to~~
33 ~~Kansas department of agriculture inspectors for inspection or copying~~
34 ~~upon request and shall be maintained for three years after the effective~~
35 ~~date of the program or the administration of such veterinary care.~~

demonstrate that such licensed breeder has met

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

39 (ff) "Retail breeder" means any person who operates a retail breeder
40 premises.

41 (gg) "Retail breeder premises" means ~~any~~ *an animal breeder*
42 premises where all or part of six or more litters or 30 or more dogs or cats,
43 or both, are sold, or offered or maintained for sale, primarily at retail and

1 not for resale to another.

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

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

6 (jj) "Wholesale breeder" means any person who operates a wholesale
7 breeder premises.

8 (kk) "Wholesale breeder premises" means an animal breeder
9 premises where all or part of six or more litters of 30 or more dogs or cats,
10 or both, are sold or offered or maintained for sale, primarily at wholesale
11 for resale to another.

Pet animal foster

12 (ll) "~~Foster~~ home" means the premises of an individual or group of
13 individuals at one premises who have a written agreement to provide
14 temporary care for one or more animals owned by an animal shelter ~~that~~
15 is licensed by the state.

or rescue network

16 (nn) "Rescue network" means a network of two or more individuals
17 who provides temporary care for one or more animals not owned by an
18 animal shelter that is licensed by the state and not sponsored by a licensed
19 shelter that maintains a central facility for keeping animals.

20 (oo) "Rescue network manager" means the individual designated by
21 a licensed rescue network to carry out the management duties.

22 ~~(pp) "Rescue network member" means an individual who provides~~
23 ~~temporary care for one or more animals as part of a licensed rescue~~
24 ~~network through a written agreement with such rescue network.~~

25 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-
26 1704. (a) It shall be unlawful for any person to operate ~~a pound or an~~
27 animal shelter, except a licensed veterinarian who operates such ~~pound or~~
28 animal shelter from such licensed veterinarian's clinic, unless a license for
29 such ~~pound or~~ shelter has been obtained from the commissioner.
30 Application for such license shall be made on a form provided by the
31 commissioner. The license period shall be for the license year ending on
32 June 30 following the issuance date.

33 (b) Once a shelter license has been obtained, the shelter may host
34 adoption events at a location other than the shelter so long as all shelter
35 laws and rules and regulations are followed.

36 (c) Animal shelters may utilize ¹foster homes. Animal shelters are
37 responsible for ensuring ¹foster homes subordinate to them comply with the
38 Kansas pet animal act and all relevant rules and regulations. Animal
39 shelters shall keep records of all ¹foster homes housing animals and pay
40 annually a fee of not more than \$50¹ to the department of agriculture for
41 each foster home.

licensed pet animal

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42 Sec. 7. K.S.A. 2012 Supp. 47-1709 is hereby amended to read as
43 follows: 47-1709. (a) The commissioner or the commissioner's authorized,

1 immediately following the disposition of the animal. Such records shall be
2 made available to the commissioner or the commissioner's authorized
3 representative upon request.

4 Sec. 10. K.S.A. 47-1712 is hereby amended to read as follows: 47-
5 1712. ~~(a)~~ The commissioner is hereby authorized to adopt rules and
6 regulations for licensees and permittees. Such rules and regulations shall
7 include, but not be limited to, provisions relating to: ~~(1)~~ (a) Reasonable
8 treatment of animals in the possession, custody or care of a licensee or
9 permittee or being transported to or from licensed or permitted premises;
10 ~~(2)~~ (b) a requirement that each licensee and permittee file with the
11 commissioner evidence that animals entering or leaving the state are free
12 from any visible symptoms of communicable disease; ~~(3)~~ (c) identification
13 of animals handled; ~~(4)~~ (d) primary enclosures; ~~(5)~~ (e) housing facilities;
14 ~~(6)~~ (f) sanitation; ~~(7)~~ (g) euthanasia; ~~(8)~~ (h) ambient temperatures; ~~(9)~~ (i)
15 feeding; ~~(10)~~ (j) watering; ~~(11)~~ (k) adequate veterinary medical care; ~~(12)~~
16 (l) inspections of licensed or permitted premises, investigations of
17 complaints and training of persons conducting such inspections and
18 investigations; and ~~(13)~~ (m) a requirement that each licensee or permittee
19 keep and maintain, for inspection by the commission, such records as
20 necessary to administer and enforce the provisions of the Kansas pet
21 animal act.

22 ~~(b) The commissioner shall only adopt as rules and regulations for~~
23 ~~United States department of agriculture licensed animal distributors and~~
24 ~~animal breeders, and animal distributor and animal breeder premises the~~
25 ~~rules and regulations promulgated by the secretary of the United States~~
26 ~~department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to~~
27 ~~the provisions of the United States public law 91-579 (7 U.S.C. § 2131 et~~
28 ~~seq.), commonly known as the animal welfare act.~~

29 ~~(c) Notwithstanding any provision in subsection (b), the~~
30 ~~commissioner may adopt a requirement that each licensee and permittee~~
31 ~~file with the commissioner evidence that animals entering or leaving the~~
32 ~~state are free from any visible symptoms of communicable disease.~~

33 Sec. 11. K.S.A. 47-1718 is hereby amended to read as follows: 47-
34 1718. (a) No animal shall be euthanized by any animal control officer,
35 licensee, permittee, or officer of an animal shelter or officer of a pound by
36 any means, method, agent or device, or in any way, except through the
37 most current, approved euthanasia methods established by the American
38 veterinary medical association panel on euthanasia ~~with the exception of~~
39 ~~the use of carbon monoxide chambers for the purpose of euthanasia of~~
40 ~~dogs and cats which shall not be permitted.~~

except

prohibited

41 (b) This section shall be part of and supplemental to article 17 of
42 chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

43 Sec. 12. K.S.A. 2012 Supp. 47-1721 is hereby amended to read as

1 facilities fee fund may be expended only to administer and enforce K.S.A.
 2 47-1701 et seq., and amendments thereto. All expenditures from the
 3 animal ~~dealers~~ facilities fee fund shall be made in accordance with
 4 appropriation acts upon warrants of the director of accounts and reports
 5 issued pursuant to vouchers approved by the Kansas animal health
 6 commissioner or the commissioner's designee.

7 ~~(f) Premises required to be licensed under the Kansas pet animal act~~
 8 ~~shall not be required to pay for more than one license. If more than one~~
 9 ~~operation is ongoing at the premises, each operation shall comply with the~~
 10 ~~applicable statutes and rules and regulations pertaining to such operation.~~

11 ~~(g) Except as provided further, when a premises required to be~~
 12 ~~licensed or permitted under the Kansas pet animal act applies for an initial~~
 13 ~~license or permit, the commissioner shall prorate to the nearest whole~~
 14 ~~month the license or permit fee established in subsection (a). Premises~~
 15 ~~required to be licensed under the Kansas pet animal act under multiple~~
 16 ~~license categories shall be required to pay for the most expensive license~~
 17 ~~and 70 percent of the license fee for each additional applicable license.~~
 18 ~~Premises shall comply with the applicable law and rules and regulations~~
 19 ~~pertaining to each category. The commissioner shall have discretion to~~
 20 ~~determine whether the application is an initial application or an application~~
 21 ~~for a premises which has been doing business but is not licensed or~~
 22 ~~permitted. If the commissioner determines the premises has been doing~~
 23 ~~business without a license or permit, the commissioner is not required to~~
 24 ~~prorate the fee may assess a civil penalty in an amount of up to three times~~
 25 ~~the annual licensing fee.~~

26 ~~(h) (g)~~ This section shall be part of and supplemental to K.S.A. 47-
 27 1701 et seq., and amendments thereto.

28 Sec. 13. K.S.A. 2012 Supp. 47-1723 is hereby amended to read as
 29 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
 30 veterinarian, to act as or be a boarding or training ~~kennel premises~~ operator
 31 unless such person has obtained from the commissioner a boarding or
 32 training ~~kennel premises~~ operator license for each premises operated by
 33 such person. Application for such license shall be made in writing on a
 34 form provided by the commissioner. The license period shall be for the
 35 license year ending on June 30 following the issuance date.

36 (b) This section shall be part of and supplemental to K.S.A. 47-1701
 37 et seq., and amendments thereto.

38 Sec. 14. K.S.A. 2012 Supp. 47-1725 is hereby amended to read as
 39 follows: 47-1725. (a) There is hereby created the Kansas pet animal
 40 advisory board, consisting of ~~10~~ 11 members. Members shall be appointed
 41 by the ~~governor secretary of agriculture~~ as follows:

42 (1) One member shall be a representative of a licensed animal shelter
 43 ~~or pound;~~

governor

1 (2) one member shall be an employee of a licensed research facility
2 licensed by the state, federal government or international entity;

3 (3) one member shall be a licensed animal wholesale breeder;

4 (4) one member shall be a licensed retail breeder;

5 (5) one member shall be a licensed pet shop operator;

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

9 (7) one member shall be a private citizen with no link to the industry
10 who is not licensed under the Kansas pet animal act; with no link to the industry

11 (8) one member shall be a licensed animal distributor;

12 (9) one member shall be a licensed hobby breeder; and

13 (10) one member shall be a licensed boarding or training kennel-
14 boarding or training premises operator; ; and

15 (11) one member shall be a licensed rescue network member.

16 (b) Each member shall be appointed for a term of three years and
17 until a successor is appointed and qualified.

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

20 (d) The board shall meet at least once every calendar quarter
21 regularly or at such other times as the chairperson, animal health
22 commissioner or a majority of the board members determine. A majority of
23 the appointed members shall constitute a quorum for conducting board
24 business.

25 (e) The members of the board shall annually elect a chairperson.

26 (f) The board shall have the following duties, authorities and powers:

27 (1) To advise the Kansas animal health commissioner on hiring a
28 director to implement the Kansas pet animal act;

29 (2) to review the status of the Kansas pet animal act;

30 (3) to make recommendations on changes to the Kansas pet animal
31 act; and

32 (4) to make recommendations concerning the rules and regulations
33 for the Kansas pet animal act.

34 ~~(g) Board members who are required to be licensed, except retail
35 breeders, shall be affiliated with or a member of an organized pet animal
36 association which is representative of the position such person will hold on
37 the board.~~

38 Sec. 15. K.S.A. 2012 Supp. 47-1726 is hereby amended to read as
39 follows: 47-1726. K.S.A. ~~47-1701 through 47-1721~~, K.S.A. ~~47-1723~~
40 ~~through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736~~ The
41 provisions of article 17 of chapter 47 of the Kansas Statutes Annotated,
42 and amendments thereto, shall be known and may be cited as the Kansas
43 pet animal act. This act shall license, permit and regulate the conditions of

1 certain premises and facilities within the state of Kansas where animals are
2 maintained, sold or offered or maintained for sale. The provisions of this
3 act shall not apply to any farm, kennel or other premises registered with
4 and inspected by the national greyhound association which is used solely
5 for the purposes of breeding, maintaining, training or selling greyhound
6 dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto.
7 The commissioner shall have the authority to enter into agreements with
8 the national greyhound association pertaining to the aforementioned
9 greyhound premises. Notwithstanding any other provisions of this section,
10 any agreements between the commissioner and the national greyhound
11 association may contain terms allowing the commissioner to access
12 records, complete inspections of such premises and other related matters.

13 Sec. 16. K.S.A. 2012 Supp. 47-1731 is hereby amended to read as
14 follows: 47-1731. (a) No dog or cat may be transferred to the permanent
15 custody of a prospective owner by a ~~pound or~~ an animal shelter or rescue
16 network manager, as defined by K.S.A. 47-1701, and amendments thereto,
17 ~~or by a humane society~~, unless:

18 (1) Such dog or cat has been surgically spayed or neutered before the
19 physical transfer of the animal occurs; or

20 (2) the prospective owner signs an agreement to have the dog or cat
21 spayed or neutered and deposits with the ~~pound or~~ animal shelter or rescue
22 network manager funds not less than the lowest nor more than the highest
23 cost of spaying or neutering in the community. Any funds deposited
24 pursuant to such an agreement shall be refunded to such person upon
25 presentation of a written statement signed by a licensed veterinarian that
26 the dog or cat has been spayed or neutered. If such person does not reclaim
27 the deposit within six months after receiving custody of the animal, the
28 ~~pound or~~ animal shelter or rescue network manager shall keep the deposit
29 and may reclaim the unspayed or unneutered animal.

30 (b) No person shall spay or neuter any dog or cat for or on behalf of a
31 ~~pound or~~ an animal shelter unless such person is a licensed veterinarian or
32 a student currently enrolled in the college of veterinary medicine, Kansas
33 ~~state university~~, who has completed at least two years of study in the
34 veterinary medical curriculum and is participating in a spay or neuter
35 program and as part of the curriculum under the direct supervision of a
36 licensed veterinarian. Students shall only spay or neuter any dog or cat that
37 belongs to the ~~pound or~~ animal shelter, and shall not spay or neuter any
38 dog or cat that belongs to a member of the public. No ~~pound or~~ animal
39 shelter shall designate the veterinarian which a person must use, or a list
40 from which a person must select a veterinarian, to spay or neuter a dog or
41 cat transferred by such person from such ~~pound or~~ animal shelter. Any
42 premises located in the state of Kansas where the spaying, neutering or any
43 other practice of veterinary medicine occurs shall register such premises

a