

**SENATE BILL No. 230**

By Committee on Ways and Means

3-7

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1 AN ACT concerning agriculture; relating to the Kansas pet animal act;  
2 rescue networks and animal shelters as licensing agents for pet animal  
3 foster home licenses; inspection schedule; off-site adoption events;  
4 amending K.S.A. 47-1704 and K.S.A. 2012 Supp. 47-1701 and 47-  
5 1709 and repealing the existing sections; also repealing K.S.A. 2012  
6 Supp. 47-1701a and 47-1709a.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

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

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

16 (1) Approving licensed pet animal foster homes to the rescue  
17 network;

18 (2) supervising intake of animals into the rescue network;

19 (3) monitoring licensed pet animal foster homes of the rescue  
20 network to ensure they are abiding by all relevant laws and rules and  
21 regulations; and

22 (4) maintaining on such rescue network manager's premises, records  
23 pertaining to the adoption, placement or other disposition of each animal  
24 receiving temporary care from the rescue network, licensed pet animal  
25 foster homes of the rescue network and any other records required by law  
26 or rules and regulations.

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

31 (d) Rescue network managers are responsible for ensuring rescue  
32 network licensed pet animal foster homes subordinate to them abide by all  
33 applicable Kansas pet animal act statutes and regulations. Rescue network  
34 managers shall keep records of all rescue network licensed pet animal  
35 foster homes housing animals.

36 (e) Rescue networks shall be agents of the department of agriculture

1 for the purpose of issuing pet animal foster home licenses. Application for  
2 such pet animal foster home license shall be on a form provided by the  
3 commissioner. The license period shall be for the license year ending on  
4 June 30 following the issuance date. Each licensed pet animal foster home  
5 shall pay annually a fee of not more than \$10 to the rescue network that  
6 issued such pet animal foster home a license. Each rescue network that  
7 issues pet animal foster home licenses shall forward all approved pet  
8 animal foster home applications and remit all pet animal foster home  
9 license fees to the commissioner on a schedule established by the  
10 commissioner. The commissioner shall remit all moneys received by or for  
11 the commissioner under this subsection to the state treasurer in accordance  
12 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
13 each such remittance, the state treasurer shall deposit the entire amount in  
14 the state treasury to the credit of the animal facilities fee fund.

15 Sec. 2. K.S.A. 2012 Supp. 47-1701 is hereby amended to read as  
16 follows: 47-1701. As used in the Kansas pet animal act, unless the context  
17 otherwise requires:

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

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

26 (c) "Ambient temperature" means the temperature surrounding the  
27 animal.

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

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

33 (e) "Animal breeder" means any person who operates an animal  
34 breeder premises.

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

39 (g) "Animal shelter" or "pound" means a facility which is used or  
40 designed for use to house, contain, impound or harbor any seized stray,  
41 homeless, relinquished or abandoned animal or a person who acts as an  
42 animal rescuer, or who collects and cares for unwanted animals or offers  
43 them for adoption. Animal shelter or pound also includes a facility of an

1 individual or organization, profit or nonprofit, maintaining 20 or more  
2 dogs or cats, or both, for the purpose of collecting, accumulating, amassing  
3 or maintaining the animals or offering the animals for adoption.

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

6 (i) "Commissioner" means the animal health commissioner of the  
7 Kansas department of agriculture.

8 (j) "Dog" means any animal which is wholly or in part of the species  
9 *Canis familiaris*.

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

19 (l) "Euthanasia" means the humane destruction of an animal, which  
20 may be accomplished by any of those methods provided for in K.S.A. 47-  
21 1718, and amendments thereto.

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

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

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

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

35 (q) "Boarding or training kennel operator premises" means the  
36 facility of a boarding or training kennel operator.

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

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

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

43 (A) Any dogs or cats, or both; or (B) any other animals except those

1 which are produced and raised on such premises and are sold, or offered or  
2 maintained for sale, by a person who resides on such premises.

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

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

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

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

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

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

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

24 (z) "Animal distributor" means any person who operates an animal  
25 distributor premises.

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

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

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

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

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

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

1 animal, and such veterinary care shall be documented and maintained on  
2 the premises; and

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

8 (4) As used in the Kansas pet animal act, "adequate veterinary  
9 medical care" shall not apply to United States department of agriculture  
10 licensed animal breeders or animal distributors.

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

14 (ff) "Retail breeder" means any person who operates a retail breeder  
15 premises.

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

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

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

24 (jj) *"Pet animal foster home" means the premises of an individual or*  
25 *group of individuals at one premises who have a written agreement to*  
26 *provide temporary care for one or more animals owned by an animal*  
27 *shelter or rescue network that is licensed by the state.*

28 (kk) *"Rescue network" means a network of two or more individuals*  
29 *who provide temporary care for one or more animals not owned by an*  
30 *animal shelter that is licensed by the state and not sponsored by a licensed*  
31 *shelter that maintains a central facility for keeping animals.*

32 (ll) *"Rescue network manager" means the individual designated by a*  
33 *licensed rescue network to carry out the management duties.*

34 Sec. 3. K.S.A. 47-1704 is hereby amended to read as follows: 47-  
35 1704. (a) It shall be unlawful for any person to operate a pound or animal  
36 shelter, except a licensed veterinarian who operates such pound or animal  
37 shelter from such licensed veterinarian's clinic, unless a license for such  
38 pound or shelter has been obtained from the commissioner. Application for  
39 such license shall be made on a form provided by the commissioner. The  
40 license period shall be for the license year ending on June 30 following the  
41 issuance date.

42 (b) *Once a shelter license has been obtained, the shelter may host*  
43 *adoption events at a location other than the shelter so long as all shelter*

1 *laws and rules and regulations are followed.*

2 *(c) Animal shelters may utilize licensed pet animal foster homes.*  
3 *Animal shelters are responsible for ensuring licensed pet animal foster*  
4 *homes subordinate to them comply with the Kansas pet animal act and all*  
5 *relevant rules and regulations. Animal shelters shall keep records of all*  
6 *licensed pet animal foster homes housing animals.*

7 *(d) It shall be unlawful for any person to operate as a pet animal*  
8 *foster home unless such pet animal foster home has obtained a pet animal*  
9 *foster home license. Animal shelters shall be agents of the department of*  
10 *agriculture for the purpose of issuing pet animal foster home licenses.*  
11 *Application for such pet animal foster home license shall be on a form*  
12 *provided by the commissioner. The license period shall be for the license*  
13 *year ending on June 30 following the issuance date. Each licensed pet*  
14 *animal foster home shall pay annually a fee of not more than \$10 to the*  
15 *animal shelter that issued such pet animal foster home a license. Each*  
16 *animal shelter that issues pet animal foster home licenses shall forward all*  
17 *approved pet animal foster home applications and remit all pet animal*  
18 *foster home license fees to the commissioner on a schedule established by*  
19 *the commissioner. The commissioner shall remit all moneys received by or*  
20 *for the commissioner under this subsection to the state treasurer in*  
21 *accordance with the provisions of K.S.A. 75-4215, and amendments*  
22 *thereto. Upon each such remittance, the state treasurer shall deposit the*  
23 *entire amount in the state treasury to the credit of the animal facilities fee*  
24 *fund.*

25 Sec. 4. K.S.A. 2012 Supp. 47-1709 is hereby amended to read as  
26 follows: 47-1709. (a) The commissioner or the commissioner's authorized,  
27 trained representatives shall make an inspection of the premises for which  
28 an application for an original license or permit is made under K.S.A. 47-  
29 1701 et seq., and amendments thereto, before issuance of such license or  
30 permit. No license or permit shall be issued by the commissioner to an  
31 applicant described in this subsection until the premises for which  
32 application is made has passed a licensing or permitting inspection. The  
33 application for a license shall conclusively be deemed to be the consent of  
34 the applicant to the right of entry and inspection of the premises sought to  
35 be licensed or permitted by the commissioner or the commissioner's  
36 authorized, trained representatives at reasonable times with the owner or  
37 owner's representative present. Refusal of such entry and inspection shall  
38 be grounds for denial of the license or permit. Notice need not be given to  
39 any person prior to inspection.

40 (b) The commissioner or the commissioner's authorized, trained  
41 representatives ~~may~~ shall inspect each premises for which a license or  
42 permit has been issued under K.S.A. 47-1701 et seq., and amendments  
43 thereto, *based upon an inspection frequency schedule where each premises*

1 *is inspected annually, except that a premises that has passed two*  
2 *consecutive annual inspections without any violations of the Kansas pet*  
3 *animal act, or rules and regulations adopted thereunder, shall then be*  
4 *inspected once every 18 months. Any premises subject to an 18-month*  
5 *inspection schedule that subsequently commits a violation of the Kansas*  
6 *pet animal act, or rules and regulations adopted thereunder, shall return*  
7 *to an annual inspection schedule until such premises passes two*  
8 *consecutive annual inspections without any violations of the Kansas pet*  
9 *animal act or rules and regulations adopted thereunder. Notwithstanding*  
10 *the provisions of this subsection, a licensed pet animal foster home shall*  
11 *be inspected only upon receipt of a complaint to the commissioner. The*  
12 *acceptance of a license or permit shall conclusively be deemed to be the*  
13 *consent of the licensee or permittee to the right of entry and inspection of*  
14 *the licensed or permitted premises by the commissioner or the*  
15 *commissioner's authorized, trained representatives at reasonable times*  
16 *with the owner or owner's representative present. Refusal of such entry*  
17 *and inspection shall be grounds for suspension or revocation of the license*  
18 *or permit. Notice need not be given to any person prior to inspection.*

19 (c) The commissioner or the commissioner's authorized, trained  
20 representatives shall make inspections of the premises of a person required  
21 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments  
22 thereto, upon a determination by the commissioner that there are  
23 reasonable grounds to believe that the person is violating the provisions of  
24 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations  
25 adopted thereunder or that there are grounds for suspension or revocation  
26 of such person's license or permit.

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

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

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

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

41 (h) No person shall act as the commissioner's authorized  
42 representative for the purposes of making inspections and conducting  
43 investigations under this section if such person has a beneficial interest in

1 a person required to be licensed or permitted pursuant to K.S.A. 47-1701  
2 et seq., and amendments thereto.

3 (i) Records of inspections pursuant to this section shall be maintained  
4 in the office of the Kansas department of agriculture division of animal  
5 health. Records of a deficiency or violation shall not be maintained for  
6 longer than three years after the deficiency or violation is remedied.

7 (j) The commissioner, in consultation with Kansas state university  
8 college of veterinary medicine, shall: (1) Continue procedures to provide  
9 for pet animal training or updated training for authorized trained  
10 representatives who inspect premises under the pet animal act and to allow  
11 the owners of such facilities licensed or permitted under the pet animal act  
12 to attend and participate at the training workshops for the authorized  
13 trained representatives; and (2) make available to such owners and other  
14 interested persons an inspection handbook describing the duties and  
15 responsibilities of such authorized trained representatives.

16 (k) If the commissioner or the commissioner's authorized  
17 representative is denied access to any location where such access is sought  
18 for the purposes authorized under the Kansas pet animal act, the  
19 commissioner may apply to any court of competent jurisdiction for an  
20 administrative search warrant authorizing access to such location for such  
21 purposes. Upon such application and a showing of cause therefore, the  
22 court shall issue the search warrant for the purposes requested.

23 Sec. 5. K.S.A. 47-1704 and K.S.A. 2012 Supp. 47-1701, 47-1701a,  
24 47-1709 and 47-1709a are hereby repealed.

25 Sec. 6. This act shall take effect and be in force from and after its  
26 publication in the statute book.