

SENATE BILL No. 97

By Committee on Natural Resources

1-28

1 AN ACT concerning animals; relating to contact with dangerous regulated
2 animals; amending K.S.A. 2014 Supp. 32-1301, 32-1306 and 32-1308
3 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 32-1301 is hereby amended to read as
7 follows: 32-1301. As used in this act:

8 (a) "Person" means any individual, firm, partnership, corporation,
9 association, municipality or other business entity.

10 (b) "Wildlife sanctuary" means a not-for-profit organization exempt
11 from federal income taxation pursuant to section 501 (c)(3) of the internal
12 revenue code of 1986, as in effect on July 1, 2006, that:

13 (1) Operates a place of refuge where abused, neglected, unwanted,
14 impounded, abandoned, orphaned or displaced dangerous regulated
15 animals are provided care for such animal's lifetime;

16 (2) does not conduct any commercial activity with respect to any
17 dangerous regulated animal possessed by the organization;

18 (3) does not sell, trade, auction, lease or loan dangerous regulated
19 animals, or parts thereof, which the organization possesses;

20 (4) does not breed any dangerous regulated animal of which the
21 organization possesses, except as an integral part of the species survival
22 plan of the American zoo and aquarium association;

23 (5) does not conduct any activity that is not inherent to the dangerous
24 regulated animal's nature;

25 (6) does not use the dangerous regulated animal for any type of
26 entertainment purposes; and

27 (7) operates a refuge in compliance with regulations promulgated by
28 the United States department of agriculture for dangerous regulated
29 animals, except non-native, venomous snakes, under the animal welfare
30 act, public law 89-544, as amended and in effect on July 1, 2006, and the
31 regulations and standards adopted under such act in effect on July 1, 2006,
32 relating to operations, animal health and husbandry. All dangerous
33 regulated animals shall be caged in compliance with the provisions set
34 forth in K.S.A. 2014 Supp. 32-1306, and amendments thereto.

1 (c) "Possess" means to own, care for, have custody of or control.

2 (d) "Dangerous regulated animal" means a live or slaughtered parts
3 of:

4 (1) Lions, tigers, ~~leopards~~, jaguars, ~~cheetahs~~ and mountain lions *and*
5 *leopards, not including clouded leopards, {cheetahs}* or any hybrid
6 thereof;

7 (2) bears or any hybrid thereof; and

8 (3) all non-native, venomous snakes.

9 (e) "Local animal control authority" means an agency of the county
10 or city that is responsible for animal control operations in such
11 governmental entity's jurisdiction and includes the animal control officer,
12 as defined by K.S.A. 47-1701, and amendments thereto, of such county or
13 city. If the county or city does not have an animal control officer, for cities
14 of the first class, the chief law enforcement officer shall have the local
15 animal control authority duties and responsibilities pursuant to this act and
16 for all other cities and counties, the county sheriff shall have the local
17 animal control authority duties and responsibilities pursuant to this act.

18 (f) "Registered designated handler" means a person who is registered
19 or would be required to be registered pursuant to K.S.A. 2014 Supp. 32-
20 1310, and amendments thereto.

21 (g) *"Full contact" means a situation in which an exhibitor or handler*
22 *maintains control, ~~possession~~ and supervision of an animal while*
23 *temporarily surrendering physical possession or custody of such animal to*
24 *another person.*

25 (h) *"Incidental contact" means a situation in which an exhibitor or*
26 *handler maintains control, possession and supervision of an animal while*
27 *permitting the public to come into contact with it.*

28 **{(i) "Control" means keeping an animal in a harness and**
29 **connected to a leash.}**

30 Sec. 2. K.S.A. 2014 Supp. 32-1306 is hereby amended to read as
31 follows: 32-1306. (a) ***Except as provided in subsection (e)***, All dangerous
32 regulated animals shall be confined within a cage of sufficient strength and
33 design for the purposes of maintaining and housing or transporting the
34 animal. The requirements for sufficient caging shall be established by rules
35 and regulations adopted by the secretary of wildlife, parks and tourism.
36 Any cage or confinement structure shall be constructed in such a manner
37 that prohibits physical contact with any person other than such persons
38 listed in subsection (d).

39 ~~(b) *To prevent injuries to members of the public, all Dangerous*~~
40 ~~*regulated animals shall be maintained under strict supervision and*~~
41 ~~*control. No dangerous regulated animal shall be allowed to be removed*~~
42 ~~*from confinement shall not be allowed to run at large or be tethered,*~~
43 ~~*leashed or chained outdoors, or allowed to run at large unsupervised.*~~

1 (c) A dangerous regulated animal shall not be mistreated, neglected,
2 abandoned or deprived of necessary food, water and sustenance.

3 (d) A dangerous regulated animal shall ~~not~~ be allowed to come into
4 physical contact with ~~any person other than~~ the person possessing the
5 animal, the registered designated handler or a veterinarian administering
6 medical examination, treatment or care.

7 (e)(1) A dangerous regulated animal ~~shall not be brought to any~~
8 ~~public property or commercial or retail establishment, except to bring the~~
9 ~~animal to a licensed veterinarian or veterinarian clinic, not including bears~~
10 ~~or any hybrid thereof and non-native, venomous snakes, shall be permitted~~
11 ~~to come into full-physical contact with members of the public if such~~
12 ~~animal weighs-25 {10} pounds or less.~~

13 (2) A dangerous regulated animal, not including bears or any hybrid
14 thereof and non-native, venomous snakes, shall be permitted incidental
15 physical contact with members of the public if such animal weighs 40
16 pounds or less.

17 (3) A dangerous regulated animal may only be used for contact with
18 the public if the exhibitor:

19 (A) Evaluates such animal and ensures compatibility with the
20 intended uses of such animal;

21 (B) takes reasonable sanitary precautions to minimize the possibility
22 of disease or parasite transmission which could adversely affect the health
23 or welfare of members of the public or wildlife; and

24 (C) exhibits such animal in a manner that prevents injuries to
25 members of the public or wildlife.

26 (4) Handling intervals or physical contact, full or incidental, by
27 members of the public with dangerous regulated animals shall be limited
28 in frequency, intensity and duration to protect the health, welfare and
29 safety of the animals and to prevent injury to members of the public.

30 **{(5) Before a member of the public handles or otherwise comes into**
31 **physical contact with a dangerous regulated animal weighing between**
32 **10 and 40 pounds, not including bears or any hybrid thereof and non-**
33 **native venomous snakes, such member of the public shall read and sign**
34 **a statement that shall contain substantially the following:**

35 **"The handling or petting of a dangerous regulated animal is**
36 **inherently dangerous and may result in scratches, bites or other**
37 **injuries."**

38 Sec. 3. K.S.A. 2014 Supp. 32-1308 is hereby amended to read as
39 follows: 32-1308. Exemptions to the provisions set forth in this act are as
40 follows:

41 (a) Institutions accredited by the ~~American zoo and aquarium~~
42 ~~association of zoos and aquariums~~ or the zoological association of
43 America shall be exempt from K.S.A. 2014 Supp. 32-1302 ~~and~~, 32-1303

1 *and 32-1310*, and amendments thereto.

2 (b) A wildlife sanctuary registered with the local animal control
3 authority shall be exempt from K.S.A. 2014 Supp. 32-1302, and
4 amendments thereto.

5 (c) The Kansas department of wildlife, parks and tourism, or a person
6 issued a permit by the secretary pursuant to K.S.A. 32-952, and
7 amendments thereto, shall be exempt from this act.

8 (d) A licensed or accredited research or medical institution shall be
9 exempt from K.S.A. 2014 Supp. 32-1302 and 32-1303, and amendments
10 thereto.

11 (e) A United States department of agriculture licensed exhibitor of
12 dangerous regulated animals while transporting or as part of a circus,
13 carnival, rodeo or fair shall be exempt from this act.

14 Sec. 4. K.S.A. 2014 Supp. 32-1301, 32-1306 and 32-1308 are hereby
15 repealed.

16 Sec. 5. This act shall take effect and be in force from and after its
17 publication in the statute book.