

SESSION OF 2016

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2554**

As Amended by House Committee on  
Agriculture and Natural Resources

**Brief\***

HB 2554 would make numerous changes to the Kansas Pet Animal Act (Act). Among those changes are the addition and regulation of rescue networks as well as the issuance of rescue network manager licenses. The bill also would repeal several statutes, including the severability clause for the Act.

***Rescue Network Manager License and Animal Shelters***

The bill would make it unlawful to operate a rescue network without a rescue network manager license. The bill would require the Animal Health Commissioner (Commissioner) to adopt and implement rules and regulations concerning rescue networks.

Further, the bill would permit rescue networks and animal shelters to utilize pet animal foster homes and require the rescue networks and animal shelters to keep records of all pet animal foster homes housing animals and pay a \$20 annual fee for each subordinate pet animal foster home. The rescue networks and shelters would be responsible for ensuring pet animal foster homes comply with all applicable state laws. Once an animal shelter or rescue network manager license has been obtained, the animal shelter or the rescue network manager could host adoption events at locations other than the licensed premises after providing advanced notice of the event to the Commissioner.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Definitions***

The bill would modify the definition of “animal breeder premises” to be a place where three (current law permits six) or more litters of dogs or cats, or both, or 30 or more dogs or cats are sold, offered, or maintained for sale. This definition would apply whether the premise is licensed or not licensed by the U.S. Department of Agriculture (USDA). Further, the bill would clarify the definition of “adequate watering” and would eliminate the definitions for “hobby breeder,” “hobby breeder premises,” “retail breeder,” “retail breeder premises,” “retail,” and “wholesale.” Definitions for “rescue network,” “rescue network manager,” and “pet animal foster home” would be added.

The terms “pound” and “kennel” are stricken throughout the Act and replaced with “facility” and “premises.”

### ***Fees, Licenses, and Permits***

The bill would increase the fees permitted to be charged under the Act as follows:

- Animal distributors—Maximum \$400;
- Animal breeders—Maximum \$450;
- Pet shop—Maximum \$600;
- Out-of-state distributor permit—Maximum \$650;
- Research facility—Maximum \$300;
- Boarding or training premises license—Maximum \$200;
- Animal shelter—Maximum \$550;
- Rescue Network Manager License—\$125; and
- Late fee—\$100.

The bill would delete “temporary closing permit” from the schedule of permit and license fees. In addition, provisions in the bill would require premises, which are licensed under multiple license categories, to pay the most expensive license applicable and a \$50 fee for each additional applicable license. If the Commissioner determines a premises has been doing business without a license or permit, there may be a civil penalty imposed of up to three times the annual license fee. An additional provision of the bill would require licenses and permits to end on September 30 rather than June 30 each year. The bill also would change the name of the current Animal Dealers Fee Fund, where money received from license and permit fees is deposited, to the Animal Facilities Fee Fund.

#### ***Pet Animal Advisory Board Members***

The bill would amend provisions of the Act dealing with the Pet Animal Advisory Board as follows:

- Add a requirement that members would have to be residents of Kansas;
- Provide that the member representing research facilities could be an employee of an animal health research facility operated by a public educational institution in the state;
- Require of the two members representing animal breeders, one must hold an USDA license and the other must not hold an USDA license;
- Clarify the private citizen member cannot be licensed under the Act and can have no professional affiliation with any person or entity licensed under the Act;
- Eliminate the hobby breeder member; and

- Add a member who is a licensed rescue network manager.

### ***Records and Inspections***

Under the provisions of the bill, licensed animal breeders and animal distributors with USDA licenses would be permitted to use their veterinary care forms to meet the requirement of the Act as long as they are made available to the Kansas Department of Agriculture inspectors and are maintained for three years.

The bill would require the Commissioner to adopt an inspection frequency schedule, as well as require the inspection of all licensed and permitted entities under the Act. The inspection frequency schedule could take into account the performance history of a premises or the relative risk posed by the premises to the health, safety, and welfare of the animals. Language mandating that records of a deficiency or violation would not be maintained for more than three years would be repealed and new language would require such records be maintained according to new retention schedules.

The bill would make clear that the Commissioner could adopt only federal standards regarding facility operations and husbandry standards as applicable rules and regulations for federally licensed animal distributors and animal breeders. The bill would, however, permit the Commissioner to require those who are federally licensed to comply with state rules and regulations regarding maintenance and inspection of records, identification of animals, adequate veterinary care, and access to and inspection of premises.

### ***Spaying and Neutering***

The bill would clarify that no person could spay or neuter a dog or cat on behalf of an animal shelter or rescue network

unless the person is a licensed veterinarian or a veterinary student currently enrolled in an accredited college of veterinary medicine who has completed at least two years of study. The bill would require those spaying and neutering under this provision to comply with the Kansas Veterinary Practice Act.

## **Background**

This bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture.

At the hearing on the bill before the House Agriculture and Natural Resources Committee, proponents included a spokesperson for the Kansas Department of Agriculture, the Kansas Livestock Association, Kansas Pet Professionals, Great Plains, SPCA; and two individuals.

Neutral testimony was provided by Representative Garber.

Opponents included representatives of the Kansas Federation of Animal Owners, a private veterinarian, and three individuals.

The House Agriculture and Natural Resources Committee amended the bill to:

- Restore the definition of “ambient temperature” in the definition section;
- Amend the definition of “animal breeder premises” to change the number of litters from six to three;
- Restore and amend language dealing with animal breeder and animal distributors who are federally licensed to allow them to use certain federal forms and yet meet the requirements of the Act;

- Clarify that the Commissioner is to recognize federal regulations regarding facility operations and husbandry standards for animal breeders and animal distributors in the state; and
- Clarify that the Commissioner may require those with federal licenses to meet state requirements for maintenance and inspection of records, identification of animals, adequate veterinary care and access to and inspection of premises.

The fiscal note on the original bill indicates the Kansas Department of Agriculture estimates enactment of the bill would result in increased revenue to the agency fee funds of \$146,115 in FY 2017. This amount assumes licensee numbers will remain fairly consistent. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.