

HOUSE BILL No. 2397

By Committee on Federal and State Affairs

3-13

1 AN ACT concerning public health and safety; relating to dangerous
2 regulated animals; amending K.S.A. 2018 Supp. 32-1301, 32-1302, 32-
3 1303, 32-1306 and 32-1308 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 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~~ *October 1, 2006 2019*, 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~~ *that* the organization possesses;

20 (4) does not breed any dangerous regulated animal ~~of which~~ *that* 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~~ *7 U.S.C. § 2133 et seq.*, as amended and in effect on
31 ~~July~~ *October 1, 2006 2019*, and the regulations and standards adopted
32 under such act in effect on ~~July~~ *October 1, 2006 2019*, relating to
33 operations, animal health and husbandry. All dangerous regulated animals
34 shall be caged in compliance with the provisions set forth in K.S.A. 2018
35 Supp. 32-1306, and amendments thereto.

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

1 (d) "Dangerous regulated animal" means ~~a live or slaughtered parts~~
2 ~~of~~.

3 (1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or
4 any hybrid thereof;

5 (2) bears or any hybrid thereof; ~~and~~

6 (3) *nonhuman primates*;

7 (4) *wolves, excluding any hybrid thereof*; and

8 (5) 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. 2018 Supp. 32-
20 1310, and amendments thereto.

21 Sec. 2. K.S.A. 2018 Supp. 32-1302 is hereby amended to read as
22 follows: 32-1302. (a) Except as provided in this section, it is unlawful for a
23 person to possess, slaughter, sell, purchase or otherwise acquire a
24 dangerous regulated animal *or to possess, sell, purchase or otherwise*
25 *acquire any part of a slaughtered dangerous regulated animal*.

26 (b) ~~On and after October 1, 2006,~~ a Any person who possesses a
27 dangerous regulated animal shall be in compliance with regulations
28 promulgated by the United States department of agriculture for dangerous
29 regulated animals, except non-native, venomous snakes, under the animal
30 welfare act, ~~public law 89-544~~ 7 U.S.C. § 2133 *et seq.*, as amended and in
31 effect on ~~July~~ *October 1, 2006* 2019, and the regulations and standards
32 adopted under such act in effect on ~~July~~ *October 1, 2006* 2019, relating to
33 operations, animal health and husbandry; and to provide adequate
34 veterinary care for dangerous regulated animals. All dangerous regulated
35 animals shall be caged in compliance with the provisions set forth in
36 K.S.A. 2018 Supp. 32-1306, and amendments thereto.

37 (c) Except as provided in subsection (d), a person shall not take
38 possession of a dangerous regulated animal or allow dangerous regulated
39 animals in such person's possession to breed.

40 (d) A person who possesses a valid United States department of
41 agriculture license; ~~is in compliance with the United States department of~~
42 ~~agriculture animal welfare act, regulations and standards on July 1, 2006,~~
43 ~~and, within 10 years preceding July 1, 2006,~~ 7 U.S.C. § 2133 *et seq.*, as in

1 *effect on October 1, 2019, and any rules and regulations promulgated*
2 *thereunder; as in effect on October 1, 2019; and has not been convicted of*
3 *a felony under the laws of Kansas or a crime under a law of another*
4 *jurisdiction—~~which~~ that is substantially the same as a felony, may breed,*
5 *purchase or otherwise acquire new dangerous regulated animals—~~after July~~*
6 *1, 2006, in order to:*

7 (1) Maintain the operating inventory of dangerous regulated animals
8 possessed on ~~July October 1, 2006~~ 2019;

9 (2) sell dangerous regulated animals to other United States
10 department of agriculture licensed and compliant facilities within Kansas
11 for replacement purposes as provided in paragraph (1); and

12 (3) sell dangerous regulated animals outside Kansas.

13 Sec. 3. K.S.A. 2018 Supp. 32-1303 is hereby amended to read as
14 follows: 32-1303. (a) ~~On and after September 1, 2006,~~ a *Any* person who
15 possesses a dangerous regulated animal shall notify, in writing, and
16 register the dangerous regulated animal with the local animal control
17 authority.

18 (b) The notification shall include the person's name, address,
19 telephone number and a complete inventory of each dangerous regulated
20 animal that the person possesses. The inventory shall include the following
21 information: Number and species of each dangerous regulated animal; the
22 microchip identification number and manufacturer of such microchip for
23 each dangerous regulated animal, if available; the exact location where
24 each dangerous regulated animal is kept; the age, sex, color, weight, scars
25 and any distinguishing marks of each dangerous regulated animal; and the
26 name of any person who is a registered designated handler.

27 (c) When a person who possesses a dangerous regulated animal has a
28 microchip implanted in such animal for identification, the name of the
29 microchip manufacturer and the microchip identification number shall be
30 provided to the local animal control authority. If a dangerous regulated
31 animal is sedated for any reason and such animal does not have a
32 microchip implanted, a microchip shall be implanted in such animal.
33 Within 30 days after the microchip is implanted, the name of the microchip
34 manufacturer and the microchip identification number shall be provided to
35 the local animal control authority. Within 30 days of acquisition, a person
36 acquiring ownership of an offspring with a microchip implanted shall
37 comply with microchip information reporting requirements of this
38 subsection.

39 (d) A local animal control authority may inspect the premises where
40 dangerous regulated animals are physically located.

41 Sec. 4. K.S.A. 2018 Supp. 32-1306 is hereby amended to read as
42 follows: 32-1306. (a) All dangerous regulated animals shall be confined
43 within a cage of sufficient strength and design for the purposes of

1 maintaining and housing or transporting the animal. The requirements for
2 sufficient caging shall be established by rules and regulations adopted by
3 the secretary of wildlife, parks and tourism. Any cage or confinement
4 structure shall be constructed in such a manner that prohibits physical
5 contact with any person other than such persons listed in subsection (d).

6 (b) No dangerous regulated animal shall be allowed to be tethered,
7 leashed or chained outdoors, or allowed to run at large.

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

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

14 (e) A dangerous regulated animal shall not be brought to any public
15 property or commercial or retail establishment, except to bring the animal
16 to a licensed veterinarian or veterinarian clinic.

17 (f) *A dangerous regulated animal shall not be allowed to be in
18 proximity to members of the public, including, but not limited to, offering
19 photographic opportunities next to dangerous regulated animals of any
20 age or size, without sufficient distance and protective barriers.*

21 Sec. 5. K.S.A. 2018 Supp. 32-1308 is hereby amended to read as
22 follows: 32-1308. Exemptions to the provisions set forth in this act are as
23 follows:

24 (a) Institutions accredited by the American zoo and aquarium
25 association or the zoological association of America shall be exempt from
26 K.S.A. 2018 Supp. 32-1302 and 32-1303, and amendments thereto. *Such
27 institutions shall be exempt from K.S.A. 2018 Supp. 32-1306(d) and (f),
28 and amendments thereto, when providing supervised encounters with
29 lemurs to members of the public.*

30 (b) A wildlife sanctuary registered with the local animal control
31 authority shall be exempt from K.S.A. 2018 Supp. 32-1302, and
32 amendments thereto.

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

36 (d) A licensed or accredited research or medical institution shall be
37 exempt from K.S.A. 2018 Supp. 32-1302 and 32-1303, and amendments
38 thereto.

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

42 (f) *A motion picture or television production company employing or
43 contracting with a dealer or exhibitor licensed under 7 U.S.C. § 2133, as*

1 *in effect on October 1, 2019, or with a carrier, intermediate handler, or*
2 *unlicensed exhibitor registered under 7 U.S.C. § 2136, as in effect on*
3 *October 1, 2019, for the transportation, purchase, exhibition or use of*
4 *dangerous regulated animals in its motion picture or television production*
5 *shall be exempt from this act.*

6 Sec. 6. K.S.A. 2018 Supp. 32-1301, 32-1302, 32-1303, 32-1306 and
7 32-1308 are hereby repealed.

8 Sec. 7. This act shall take effect and be in force from and after
9 October 1, 2019, and its publication in the statute book.