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MEMORANDUM

To: House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 03/22/2023

Re: H.B. 2437; Updating certain terms, requirements and fees contained in the Kansas pet animal act.

Section 1 would amend the definitions section of the Kansas pet animal act. The definition of “adequate watering” would be amended to require, when species-appropriate, a continuously accessible water supply unless the attending veterinarian has approved otherwise for a medical reason. The definitions of “animal distributor premises” (pg. 3, line 30) and “out-of-state distributor” would be amended to include the selling of cats and dogs for resale instead of just the purchase thereof. “Animal distributor premises” would additionally be amended to exclude licensed pet shops unless such premises also sells animals at wholesale. “Out-of-state distributor premises” would be amended to include motor vehicles or a portion thereof used for such distributor’s business. Within the definition of “adequate veterinary medical care” (pg. 4, line 21) current language stating that the term shall not apply to United States department of agriculture licensed animal breeders or animal distributors would be stricken.

Sec. 2 (pg. 4, line 37) would clarify that no person shall operate an animal shelter without a license from the animal health commissioner except for a licensed veterinarian who operates such shelter from their veterinary premises.

Sec. 3 amends the statute that allows the commissioner to refuse to issue or renew or suspend or revoke a license or permit. New language would be inserted (pg. 5, line 29) stating that nothing in the act shall be construed as preventing any licensee from operating in such licensee's private home or residence if such home or residence complies with the requirements of the act.

Additionally, new subsections would be inserted (pg. 6, line 36) to authorize the commissioner to

enter into contracts or agreements with licensed animal shelters and rescue networks for the purpose of seizing, transporting, housing and providing care for seized pet animals. Such shelters or rescue networks could then seek recovery of their costs from the person from whom the pet animals were seized. Such person would be required to pay such costs before the animal could be returned to such person (pg. 7, line 4). If a bill is not paid within 10 days, the animal would be deemed to be abandoned and adopted by the shelter or rescue network if approved by a veterinarian (line 18).

Sec. 4 would be amended to add references to Sec. 3's new seizure and impoundment provisions.

Sec. 5 would amend the act's inspection requirements (pg. 8, line 37) to allow licensees to designate at least one representative to be present at the licensed premises during an inspection. Additionally, the section would be amended (pg. 9, line 19) to add requirements for licensees who cease their licensed activities, including 30-day notice to the commissioner and a closing inspection. Under current law, the commissioner is required to have training procedures for inspectors. Such requirement would be amended (pg. 10, line 26) to cover specific additional pet animal care practices.

Sec. 6 would require (pg. 11, line 26) rules and regulations to cover exercise and socialization, disease prevention, biosecurity and closing inspections. A current requirement that the commissioner only apply federal rules and regulations to USDA licensees would be stricken (line 38).

Sec. 7 (pg. 12, line 14) would amend the act's penalties statute to reference Sec. 3's new seizure and impoundment provisions.

Sec. 8 (pg. 13, line 1) would amend the fees section of the act. Except as otherwise listed in subsection (a), fees would be raised from \$450 to \$600. A new fee would be added (pg. 14, line 19) for unlicensed persons engaging in activities requiring a license. Such unlicensed facility fee would be in the amount of up to \$150 per day and \$500 per day for any subsequent violation of the act beginning from the date of non-compliance. Such fee would be in addition to any other fines or fees assessed under the act. Additionally, the commissioner would be required (line 43) to prepare an annual report on the finances of the animal facilities inspection program and submit

such report to the secretary of agriculture, the pet animal advisory board and the agriculture committees.

Sec. 9 would clarify (pg. 15, line 18) that no person shall operate a boarding or training kennel without a license except for a licensed veterinarian who operates such kennel from their veterinary premises.

Sec. 10 would state (pg. 15, line 34) that a licensee or permit holder who is in the process of ceasing business on September 30 may be issued a temporary closing permit. Current law lists the date as July 1.

H.B. 2437 would become effective upon publication in the statute book.