

**Testimony in Support of House Bill 2542  
to the House Committee on Agriculture and Natural Resources  
by Secretary of Agriculture Mike Beam  
Kansas Department of Agriculture  
February 13, 2024**

Good afternoon, Chairman Rahjes and members of the committee. I am Mike Beam, Secretary of the Kansas Department of Agriculture (KDA). Staff members from the Animal Facilities Inspection program are also present, including Dr. Sasha Thomason, program manager, and Nichole Costanzo, staff attorney. Together we thank you for scheduling today's hearing on House Bill 2542, which was requested by KDA. The primary purpose of this bill is to update and clarify the existing statutes of the Kansas Pet Animal Act and provide some changes intended to give us the authority to administer the program more effectively.

The Kansas Pet Animal Act is administered by the Animal Facilities Inspection (AFI) program, which is within KDA's Division of Animal Health and was first adopted by the Kansas Legislature in 1988. While there were pet breeders who were for and against the law when it was first introduced, many soon embraced it as the Act helped the community combat the negative perception about all Kansas breeders, often due to a small minority of actors. In fact, several leaders in the pet industry asked the Legislature to adopt a reasonable, yet effective, regulatory program that assured the public that the industry was meeting the high standards that consumers expect.

During my career, I have witnessed many hearings regarding the laws governing this program and have found there are often passionate feelings regarding the care and welfare of pets and how the state regulates those who raise, board, and care for these animals. It's my hope that today's hearing will focus on the provisions of this bill in an objective manner.

In recent years, there have been many changes with the pet industry and its consumers. According to an American Pet Products Associations national survey, "pet ownership in America has experienced unprecedented growth, with one survey showing 70% of households — or about 90.5 million homes — now own a pet." In addition, Euromonitor International reported that global dog and cat food sales amounted to over \$1.19 billion in 2021. Kansas ranks second in dog or cat food exports, representing approximately 10% of total U.S. dog or cat food exports.

Kansas agriculture has benefited from this growth as dog and cat food manufacturing, which uses meat products and grain, is now the fifth largest agricultural sector in Kansas. The pet food industry in Kansas has an estimated \$5.62 billion annual output and is responsible for 4,900 jobs in this state.

Simultaneous to this growth in interest in pets, the AFI staff have learned a great deal as they have administered this program under statutes that mostly have been in place for over 30 years. Last year, House Bill 2437 was opposed by many within the industry. Over the past year AFI staff have collaborated with the Pet Animal Advisory Board, the Kansas Pet Professionals, licensees, and industry

advocates to develop language that is widely supported. The changes proposed in HB 2542 reflect changes we believe improve and update the Kansas Pet Animal Act. I've attached a summary of the comparison between HB 2542 and last year's HB 2437. You'll see some similarities, but differences also exist.

I'll touch on a few of the changes noted in the attachment.

### **Providing Enforcement for Unlicensed and Closed Facilities**

AFI licensees take pride in the standards by which they are governed. However, licensed facilities are often disgruntled when it is discovered that similar businesses are operating without the appropriate license. It can be difficult for AFI to get compliance from these unlicensed businesses. KDA believes that clarifying the ability to cite unlicensed facilities will encourage those businesses to become licensed in a timely manner, thus maintaining a consistent business landscape for the pet industry. We believe this will help us to reduce the number of unlicensed facilities. The standards that we have in place in the program are intended to ensure basic animal health and welfare. For entities which knowingly operate without a license, the proposed fines will provide a financial incentive for the facility to become properly licensed.

Recent cases have also demonstrated that it is important for licensees to notify the agency when they are closing, and that the agency must ensure facilities have closed safely and effectively. Currently KDA conducts closing inspections for licensed facilities. HB 2542 incorporates new language to outline the closing inspection process. This language gives licensees guidance as to the timeline in which they are no longer subject to AFI regulatory oversight.

### **Ensuring Companion Animal Health and Welfare in Partnership with USDA**

Refining the definition of *adequate water* is an important update to ensure the health and welfare of companion animals by providing for updated water access language. During an inspection it is difficult to validate whether water has been provided within the current 12-hour increments set forth in the existing statute. KDA believes this language will remove the uncertainty as to when the companion animal last was provided water.

KDA struck existing provisions that created exemptions for certain types of licensees that are also licensed by the U.S. Department of Agriculture (USDA). For example, one exemption is that these licensees do not have to comply with the Kansas Pet Animal Act veterinary requirements. This is an issue because if an inspector discovers a seriously ill or injured animal during an inspection that has not received veterinary care while at a dual KDA-USDA licensed facility, we cannot cite it as a violation. Instead, KDA must inform the USDA who then must conduct their own inspection. Removing the exemptions which pertain to this subset of licensees will ensure an equal application of laws across license types.

### **Improving Partnership with Shelters and Rescues**

KDA has recently seized many dogs from unsafe licensees. Managing the cost of this action was made possible by the funding enhancement authorized by the legislature in 2022. With this funding, dogs were removed from an unhealthy setting and relocated to Kansas shelters who were willing to assist and care for the dogs. As a result of this experience, it was determined that the Kansas Pet Animal Act should further clarify the 10-day period for bonding, the possible transfer of animal ownership, and the role of shelters in the seizure process. HB 2542 utilizes agreed-upon language to clarify the role of a shelter and

not only allows for KDA to reimburse the shelters for the expenses but also allows shelters to recover expenses in their own right by filing a petition.

### **Standardizing Record Retention Practices**

The agency is also requesting a change to our records retention policy so that it is consistent with how long we need to maintain public records and that all records have the same timeline for retention. Based on the life of most cases, we believe that holding the records for 5 years should ensure adequate record keeping.

### **Pet Animal Advisory Board Representation for Animal Rescues**

This legislation adds one seat to the Pet Animal Advisory Board. This Board is intended to represent different licensee types. Over the years, one licensee type that has grown in extraordinary proportion to the other licensees are animal rescues. The work that rescues do has become much more popular and supported in Kansas since the Pet Animal Advisory Board was first established, and we think it would be good for them to have a seat at the table as the Board discusses issues important to the industry.

In drafting HB 2542, we have sought to limit amendments so that we are addressing specific gaps or needs within the agency and the industry and all are firmly supported by KDA. In addition, these updates will help us build on the success of the Animal Facilities Inspection program. I believe the updates to the Kansas Pet Animal Act with HB 2542 will further support the growing industry and guide KDA to ensure that pets bred, sold, rescued, or adopted within Kansas meet the highest standards of health, welfare, and safety.

Thank you for the opportunity to present testimony on HB 2542. I'm happy to stand for questions.

Attachment: Addendum to Beam Testimony on House Bill 2542