

2012 Kansas Statutes

47-1701a. Definitions. [See Revisor's Note] As used in the Kansas pet animal act, unless the context otherwise requires:

- (a) "Adequate feeding" means supplying, at suitable intervals not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.
- (b) "Adequate watering" means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.
- (c) "Ambient temperature" means the temperature surrounding the animal.
- (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.
- (2) Animal does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.
- (e) "Animal breeder" means any person who operates animal breeder premises.
- (f) "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.
- (g) "Animal shelter" or "pound" means a facility which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.
- (h) "Cat" means an animal which is wholly or in part of the species *Felis domesticus*.
- (i) "Commissioner" means the animal health commissioner appointed by the secretary of agriculture.
- (j) "Dog" means any animal which is wholly or in part of the species *Canis familiaris*, but does not include any greyhound, as defined by K.S.A. 74-8802, and amendments thereto.
- (k) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.
- (l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718, and amendments thereto.
- (m) "Hobby breeder premises" means any premises where all or part of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.
- (n) "Hobby breeder" means any person who operates a hobby breeder premises.
- (o) "Housing facility" means any room, building or area used to contain a primary enclosure or enclosures.
- (p) "Kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week for boarding, training or similar purposes for a fee or compensation.
- (q) "Kennel operator premises" means the facility of a kennel operator.
- (r) "License year" or "permit year" means the 12-month period ending on June 30.
- (s) "Person" means any individual, association, partnership, corporation or other entity.
- (t) (1) "Pet shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:
 - (A) Any dogs or cats, or both; or
 - (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.
- (2) Pet shop does not include: (A) Any pound or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.
- (3) Nothing in this section prohibits inspection of those premises which sell only fish to verify that only fish are being sold.
- (u) "Pet shop operator" means any person who operates a pet shop.
- (v) "Primary enclosure" means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.
- (w) "Research facility" means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.
- (x) "Sale," "sell" and "sold" include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.
- (y) "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.
- (z) "Animal distributor" means any person who operates an animal distributor premises.
- (aa) "Animal distributor premises" means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor's self out to be so engaged.
- (bb) "Out-of-state distributor" means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent.
- (cc) "Food animals" means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the sole purpose of being consumed as food by other animals.
- (dd) (1) "Adequate veterinary medical care" means:
 - (A) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year; and
 - (B) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal.

(2) As used in the Kansas pet animal act, "adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.

(ee) "Ratites" means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.

(ff) "Retail breeder" means any person who operates a retail breeder premises.

(gg) "Retail breeder premises" means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

(hh) "Retail" means any transaction where the animal is sold to the final consumer.

(ii) "Wholesale" means any transaction where the animal is sold for the purpose of resale to another.

History: L. 1972, ch. 201, § 1; L. 1974, ch. 226, § 1; L. 1980, ch. 157, § 2; L. 1988, ch. 189, § 1; L. 1991, ch. 152, § 22; L. 1995, ch. 244, § 5; L. 1996, ch. 151, § 6; L. 2012, ch. 140, § 95; July 1.

Revisor's Note:

Section was amended twice in the 2012 session, see also 47-1701.