

**SENATE BILL No. 57**

By Committee on Agriculture

1-22

Proposed Amendment #2 by Senators Abrams, Francisco and Holmes  
2/27/13  
Senate Committee on Agriculture  
Prepared by David Wiese  
Office of Revisor of Statutes

Senate Agriculture Committee  
Date: 2-27-13  
Attachment # 3-1  
Sen Abrams, Francisco, and Holmes  
Balloon Amendment to SB57

1 AN ACT concerning agriculture; relating to animal health; poultry  
2 improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712  
3 and 47-1718 and K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-  
4 1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-  
5 2101 and repealing the existing sections; also repealing K.S.A. 47-  
6 1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650,  
7 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654,  
8 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and  
9 47-2101a.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*  
12 New Section 1. (a) It shall be unlawful for any person to operate a  
13 rescue network unless a rescue network license has been obtained from the  
14 commissioner. Application for each such license shall be made in writing  
15 on a form provided by the commissioner. The license period shall be for  
16 the license year ending June 30 following the issuance date.  
17 (b) Each rescue network shall designate a manager who carries out  
18 the duties of:  
19 (1) Approving the membership to the rescue network;  
20 (2) supervising intake of animals into the rescue network;  
21 (3) monitoring members of the rescue network to ensure they are  
22 abiding by all relevant laws and rules and regulations; and  
23 (4) maintaining on such rescue network manager's premises, records  
24 pertaining to the adoption, placement or other disposition of each animal  
25 receiving temporary care from the rescue network, membership of the  
26 rescue network and any other records required by law or rules and  
27 regulations.  
28 (c) Once a rescue network license has been obtained, the rescue  
29 network manager may host adoption events at a location other than the  
30 rescue network members' premises so long as all rescue network laws and  
31 rules and regulations are followed.  
32 (d) Rescue network managers are responsible for ensuring rescue  
33 network members subordinate to them abide by all applicable Kansas pet  
34 animal act statutes and regulations. Rescue network managers shall keep  
35 records of all rescue network members housing animals and pay annually a  
36 fee or not more than \$50 to the department of agriculture for each rescue

1 member.

2 (f)(e) This section shall be part of and supplemental to the Kansas pet  
3 animal act.

4 New Sec. 2. In addition to or in lieu of any other civil or criminal  
5 penalty provided by law, the animal health commissioner, upon a finding  
6 that a person has violated or failed to comply with any provision of article  
7 21 of chapter 47 of the Kansas Statutes Annotated, and amendments  
8 thereto, or any rule and regulation adopted thereunder, may impose on  
9 such person a civil fine not exceeding \$1,000 for each violation. Each day  
10 any provision of article 21 of chapter 47 of the Kansas Statutes Annotated,  
11 and amendments thereto, or any rule and regulation adopted pursuant  
12 thereto is violated shall constitute a separate offense.

13 New Sec. 3. (a) All tests for chronic wasting disease must be  
14 conducted in laboratories in a method approved by the animal plant health  
15 inspection service of the United States department of agriculture.

16 (b) All results of testing for chronic wasting disease shall be reported  
17 to the animal health commissioner.

18 Sec. 4. K.S.A. 2012 Supp. 2-907 is hereby amended to read as  
19 follows: 2-907. The Kansas ~~poultry improvement association of~~  
20 ~~Manhattan, Kansas, whose articles of incorporation are recorded in the~~  
21 ~~office of the secretary of state, department of agriculture~~ is hereby  
22 designated and declared to be the official state agency for the state of  
23 Kansas, for the purpose of carrying out the national poultry improvement  
24 plan. The Kansas ~~poultry improvement association shall~~ department of  
25 ~~agriculture may~~ cooperate with the United States department of  
26 ~~agriculture, and Kansas state university of agriculture and applied science,~~  
27 ~~Kansas department of agriculture and the Kansas animal health~~  
28 ~~commissioner~~ for the purpose of promoting the poultry industry and its  
29 allied branches and shall supervise and administer the national  
30 improvement plan in this state.

31 Sec. 5. K.S.A. 2012 Supp. 47-1701 is hereby amended to read as  
32 follows: 47-1701. As used in the Kansas pet animal act, unless the context  
33 otherwise requires:

34 (a) "Adequate feeding" means supplying at suitable intervals, not to  
35 exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal  
36 species and age, and sufficient to maintain a reasonable level of nutrition  
37 in each animal.

38 (b) "Adequate watering" means a supply of clean, fresh, potable  
39 water, supplied in a sanitary manner and in adequate amounts at intervals  
40 suitable for animal species and either continuously accessible to each  
41 animal or supplied at intervals suitable for the animal species, not to  
42 exceed intervals of 12 hours to maintain the health and well-being of such  
43 animals.

(e) Rescue networks shall be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses. Application for such pet animal foster home license shall be on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. Each licensed pet animal foster home shall pay annually a fee of not more than \$10 to the rescue network that issued such pet animal foster home a license. Each rescue network that issues pet animal foster home licenses shall forward all approved pet animal foster home applications and remit all pet animal foster home license fees to the commissioner on a schedule established by the commissioner. The commissioner shall remit all moneys received by or for the commissioner under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal facilities fee fund.

1 applies only if the total number of dogs or cats, or both, sold, offered or  
2 maintained for sale is less than 30 individual animals.

3 (n) "Hobby breeder" means any person who operates a hobby breeder  
4 premises.

5 (o) "Housing facility" means any room, building or area used to  
6 contain a primary enclosure or enclosures.

7 (p) "Boarding or training ~~kennel premises~~ operator" means any  
8 person who operates an establishment where four or more dogs or cats, or  
9 both, are maintained in any one week during the license year for boarding,  
10 training or similar purposes for a fee or compensation.

11 (q) "Boarding or training ~~kennel premises~~ operator premises" means  
12 the ~~facility premises~~ of a boarding or training ~~kennel premises~~ operator.

13 (r) "License year" or "permit year" means the 12-month period  
14 ending on June 30.

15 (s) "Person" means any individual, association, partnership,  
16 corporation or other entity.

17 (t) (1) "Pet shop" means any premises where there are sold, or offered  
18 or maintained for sale, at retail and not for resale to another:

19 (A) Any dogs or cats, or both; or (B) any other animals except those  
20 which are produced and raised on such premises and are sold, or offered or  
21 maintained for sale, by a person who resides on such premises.

22 (2) Pet shop does not include: (A) Any ~~pound or~~ animal shelter; (B)  
23 any premises where only fish are sold, or offered or maintained for sale; or  
24 (C) any animal distributor premises, hobby breeder premises, ~~retail breeder~~  
25 ~~premises foster home, rescue network~~ or animal breeder premises.

26 (3) Nothing in this section prohibits inspection of those premises  
27 which sell only fish to verify that only fish are being sold.

28 (u) "Pet shop operator" means any person who operates a pet shop.

29 (v) "Primary enclosure" means any structure used or designed for use  
30 to restrict any animal to a limited amount of space, such as a room, pen, ~~or~~  
31 ~~cage, compartment or hutch~~.

32 (w) "Research facility" means any place, laboratory or institution,  
33 except an elementary school, secondary school, college or university, at  
34 which any scientific test, experiment or investigation involving the use of  
35 any living animal is carried out, conducted or attempted.

36 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.  
37 Maintaining animals for sale is presumed whenever 20 or more dogs or  
38 cats, or both, are maintained by any person *or on one premises*.

39 (y) "Sanitize" means to make physically clean and to remove and  
40 destroy, to a practical minimum, agents injurious to health, at such  
41 intervals as necessary.

42 (z) "Animal distributor" means any person who operates an animal  
43 distributor premises.

1 (aa) "Animal distributor premises" means the premises of any person  
2 engaged in the business of buying for resale dogs or cats, or both, as a  
3 principal or agent, or who holds such distributor's self out to be so  
4 engaged.

5 (bb) "Out-of-state distributor" means any person residing in a state  
6 other than Kansas, who is engaged in the business of buying for resale  
7 dogs or cats, or both, within the state of Kansas, as a principal or agent, *or*  
8 *who holds one's self out to be so engaged.*

9 (cc) "Food animals" means rodents, rabbits, reptiles, fish or  
10 amphibians that are sold or offered or maintained for sale for the sole  
11 purpose of being consumed as food by other animals.

12 (dd) "Adequate veterinary medical care" means:

13 (1) A documented program of disease control and prevention,  
14 euthanasia and routine veterinary care shall be established and maintained  
15 under the supervision of a licensed veterinarian, on a form provided by the  
16 commissioner, and shall include a documented on-site visit to the premises  
17 by the veterinarian at least once a year;

18 (2) that diseased, ill, injured, lame or blind animals shall be provided  
19 with veterinary care as is needed for the health and well-being of the  
20 animal, and such veterinary care shall be documented and maintained on  
21 the premises; and

22 (3) all documentation required by subsections (dd)(1) and (dd)(2)  
23 shall be made available to the commissioner or the commissioner's  
24 authorized representative for inspection or copying upon request and shall  
25 be maintained for three years after the effective date of the program or the  
26 administration of such veterinary care.

27 (4) ~~As used in the Kansas pet animal act, "adequate veterinary~~  
28 ~~medical care" shall not apply to United States department of agriculture~~  
29 ~~licensed animal breeders or animal distributors. United States department~~  
30 ~~of agriculture licensed breeders may use their United States department of~~  
31 ~~agriculture vet care forms to meet the adequate veterinary medical care~~  
32 ~~requirement in this subsection. These records shall be made available to~~  
33 ~~Kansas department of agriculture inspectors for inspection or copying~~  
34 ~~upon request and shall be maintained for three years after the effective~~  
35 ~~date of the program or the administration of such veterinary care.~~

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

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

41 (gg) "Retail breeder premises" means ~~any~~ *an animal breeder*  
42 premises where all or part of six or more litters or ~~30~~ *or* more dogs or cats,  
43 or both, are sold, or offered or maintained for sale, primarily at retail and

1 not for resale to another.

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

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

6 (jj) "Wholesale breeder" means any person who operates a wholesale  
7 breeder premises.

8 (kk) "Wholesale breeder premises" means an animal breeder  
9 premises where all or part of six or more litters of 30 or more dogs or cats,  
10 or both, are sold or offered or maintained for sale, primarily at wholesale  
11 for resale to another.

12 (ll) "Foster home" means the premises of an individual or group of  
13 individuals at one premises who have a written agreement to provide  
14 temporary care for one or more animals owned by an animal shelter that  
15 is licensed by the state.

16 (nn) "Rescue network" means a network of two or more individuals  
17 who provides temporary care for one or more animals not owned by an  
18 animal shelter that is licensed by the state and not sponsored by a licensed  
19 shelter that maintains a central facility for keeping animals.

20 (oo) "Rescue network manager" means the individual designated by  
21 a licensed rescue network to carry out the management duties.

22 (pp) "Rescue network member" means an individual who provides  
23 temporary care for one or more animals as part of a licensed rescue  
24 network through a written agreement with such rescue network.

25 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-  
26 1704. (a) It shall be unlawful for any person to operate ~~a pound or an~~  
27 animal shelter, except a licensed veterinarian who operates such ~~pound or~~  
28 animal shelter from such licensed veterinarian's clinic, unless a license for  
29 such ~~pound or~~ shelter has been obtained from the commissioner.  
30 Application for such license shall be made on a form provided by the  
31 commissioner. The license period shall be for the license year ending on  
32 June 30 following the issuance date.

33 (b) Once a shelter license has been obtained, the shelter may host  
34 adoption events at a location other than the shelter so long as all shelter  
35 laws and rules and regulations are followed.

36 (c) Animal shelters may utilize foster homes. Animal shelters are  
37 responsible for ensuring foster homes subordinate to them comply with the  
38 Kansas pet animal act and all relevant rules and regulations. Animal  
39 shelters shall keep records of all foster homes housing animals ~~and pay~~  
40 ~~annually a fee of not more than \$50 to the department of agriculture for~~  
41 ~~each foster home.~~

42 Sec. 7. K.S.A. 2012 Supp. 47-1709 is hereby amended to read as  
43 follows: 47-1709. (a) The commissioner or the commissioner's authorized,

(d) It shall be unlawful for any person to operate as a pet animal foster home unless such pet animal foster home has obtained a pet animal foster home license. Animal shelters shall be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses. Application for such pet animal foster home license shall be on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. Each licensed pet animal foster home shall pay annually a fee of not more than \$10 to the animal shelter that issued such pet animal foster home a license. Each animal shelter that issues pet animal foster home licenses shall forward all approved pet animal foster home applications and remit all pet animal foster home license fees to the commissioner on a schedule established by the commissioner. The commissioner shall remit all moneys received by or for the commissioner under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal facilities fee fund.

1 trained representatives shall make an inspection of the premises for which  
 2 an application for an original license or permit is made under K.S.A. 47-  
 3 1701 et seq., and amendments thereto, before issuance of such license or  
 4 permit. No license or permit shall be issued by the commissioner to an  
 5 applicant described in this subsection until the premises for which  
 6 application is made has passed a licensing or permitting inspection. The  
 7 application for a license shall conclusively be deemed to be the consent of  
 8 the applicant to the right of entry and inspection of the premises sought to  
 9 be licensed or permitted by the commissioner or the commissioner's  
 10 authorized, trained representatives at reasonable times with the owner or  
 11 owner's representative present. Refusal of such entry and inspection shall  
 12 be grounds for denial of the license or permit. Notice need not be given to  
 13 any person prior to inspection.

14 (b) The commissioner or the commissioner's authorized, trained  
 15 representatives ~~may~~ shall inspect each premises for which a license or  
 16 permit has been issued under K.S.A. 47-1701 et seq., and amendments  
 17 thereto, *based upon an inspection frequency schedule adopted by rules*  
 18 *and regulations. Such frequency schedule may take into account the*  
 19 *relative risk posed by facilities to the health, safety and welfare of animals*  
 20 The acceptance of a license or permit shall conclusively be deemed to be  
 21 the consent of the licensee or permittee to the right of entry and inspection  
 22 of the licensed or permitted premises by the commissioner or the  
 23 commissioner's authorized, trained representatives at reasonable times  
 24 with the owner or owner's representative present. Refusal of such entry  
 25 and inspection shall be grounds for suspension or revocation of the license  
 26 or permit. Notice need not be given to any person prior to inspection.

27 (c) The commissioner or the commissioner's authorized, trained  
 28 representatives shall make inspections of the premises of a person required  
 29 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments  
 30 thereto, upon a determination by the commissioner that there are  
 31 reasonable grounds to believe that the person is violating the provisions of  
 32 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations  
 33 adopted thereunder or that there are grounds for suspension or revocation  
 34 of such person's license or permit.

35 (d) Any complaint filed with the commissioner shall be confidential  
 36 and shall not be released to any person other than employees of the  
 37 commissioner as necessary to carry out the duties of their employment.

38 (e) Any person making inspections under this section shall be trained  
 39 by the commissioner in reasonable standards of animal care.

40 (f) The commissioner may request a licensed veterinarian to assist in  
 41 any inspection or investigation made by the commissioner or the  
 42 commissioner's authorized representative under this section.

43 (g) Any person acting as the commissioner's authorized

Notwithstanding the provisions of this subsection, a licensed pet animal foster home shall be inspected only upon receipt of a complaint to the commissioner.

1 *facilities* fee fund may be expended only to administer and enforce K.S.A.  
 2 47-1701 et seq., and amendments thereto. All expenditures from the  
 3 animal ~~dealers~~ *facilities* fee fund shall be made in accordance with  
 4 appropriation acts upon warrants of the director of accounts and reports  
 5 issued pursuant to vouchers approved by the Kansas animal health  
 6 commissioner or the commissioner's designee.

7 ~~(f) Premises required to be licensed under the Kansas pet animal act~~  
 8 ~~shall not be required to pay for more than one license. If more than one~~  
 9 ~~operation is ongoing at the premises, each operation shall comply with the~~  
 10 ~~applicable statutes and rules and regulations pertaining to such operation.~~

11 ~~(g) Except as provided further, when a premises required to be~~  
 12 ~~licensed or permitted under the Kansas pet animal act applies for an initial~~  
 13 ~~license or permit, the commissioner shall prorate to the nearest whole~~  
 14 ~~month the license or permit fee established in subsection (a). Premises~~  
 15 ~~required to be licensed under the Kansas pet animal act under multiple~~  
 16 ~~license categories shall be required to pay for the most expensive license~~  
 17 ~~and 20 percent of the license fee for each additional applicable license.~~  
 18 ~~Premises shall comply with the applicable law and rules and regulations~~  
 19 ~~pertaining to each category. The commissioner shall have discretion to~~  
 20 ~~determine whether the application is an initial application or an application~~  
 21 ~~for a premises which has been doing business but is not licensed or~~  
 22 ~~permitted. If the commissioner determines the premises has been doing~~  
 23 ~~business without a license or permit, the commissioner is not required to~~  
 24 ~~prorate the fee may assess a civil penalty in an amount of up to three times~~  
 25 ~~the annual licensing fee.~~

26 ~~(h) (g)~~ This section shall be part of and supplemental to K.S.A. 47-  
 27 1701 et seq., and amendments thereto.

28 Sec. 13. K.S.A. 2012 Supp. 47-1723 is hereby amended to read as  
 29 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed  
 30 veterinarian, to act as or be a boarding or training  ~~kennel premises~~ operator  
 31 unless such person has obtained from the commissioner a boarding or  
 32 training  ~~kennel premises~~ operator license for each premises operated by  
 33 such person. Application for such license shall be made in writing on a  
 34 form provided by the commissioner. The license period shall be for the  
 35 license year ending on June 30 following the issuance date.

36 (b) This section shall be part of and supplemental to K.S.A. 47-1701  
 37 et seq., and amendments thereto.

38 Sec. 14. K.S.A. 2012 Supp. 47-1725 is hereby amended to read as  
 39 follows: 47-1725. (a) There is hereby created the Kansas pet animal  
 40 advisory board, consisting of ~~10~~ 11 members. Members shall be appointed  
 41 by the ~~governor~~ *secretary of agriculture* as follows:

42 (1) One member shall be a representative of a licensed animal shelter  
 43 ~~or pound;~~