

## TERRY HUMPHREY Public Affairs Group

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TO: Special Committee on Agriculture and Natural Resources

FROM: Terry Humphrey, Lobbyist for the Humane Society of the United States (HSUS) and American Society for the Prevention of Cruelty to Animals (ASPCA)

DATE: OCTOBER 11, 2013

RE: Support for Updating the Kansas Pet Animal Act

A recent report by the HSUS ranks Kansas third – behind only Missouri and Ohio – for the number of breeders with egregious, repeated violations of animal welfare laws. These non-compliant breeders, known as puppy mills, continue to operate despite serious violations and failed inspections. The dogs that survive these cruel and unhealthy conditions are then sold to pet stores or to unsuspecting consumers online. In the end, it is not only the animal and consumer who suffer but also the compliant breeders, the shelters and rescues, and the Kansas taxpayers who bear the burdens and cost of sick and unsocialized puppy mill dogs.

As Kansas works to promote its Animal Health Corridor, this report has placed a national spotlight on the state's outdated laws and lax enforcement programs. Without a doubt, failure to address Kansas puppy mills threatens our state's reputation and efforts to be a world leader in animal health.

The Kansas Legislature has an obligation to correct the state's puppy mill problem, which can be accomplished, in part, by updating the Pet Animal Act. The Act is 26 years old, virtually unchanged since its enactment, and it is not compliant with widely held industry standards. It is important to note that amendments to the Act introduced last session, SB 57 and SB 230, do not address the important animal welfare reforms needed to resolve the puppy mill crisis. Likewise, the regulations that guide the Animal Facility Inspection Program and the newly proposed revisions do not adequately address the welfare issues either.

Fortunately, there is model legislation that can be used to update Kansas laws. In 2010 the American Veterinary Medical Association (AVMA), which recommends standards for breeding,

retail and sheltering facilities, prepared a model act for states to use when updating their companion animal laws. Also in 2010, the Association of Shelter Veterinarians published "Guidelines for Standards of Care in Animal Shelters" that sets recommended minimum standards of care that pertain to housing, veterinary care, sanitation, and facility standards for housing and caring for animals in population settings. Using these standards as a guide, the Kansas Pet Animal Act can be responsibly updated and standards can be established that put an end to the cruel conditions documented so frequently in inspection reports. Clear standards will improve the enforcement program, making it easier to apply the laws consistently among all licensees.

To assist the committee, I am providing you with a list of recommended changes to the Kansas Pet Animal Act. These changes are based on a thorough review of the American Veterinary Medical Association's model act for states, the Association for Shelter Veterinarian's guidelines and the laws in other states. With that in mind, we recommend the following:

[See separate attachment]

In conclusion, I want to thank the committee for reviewing the Kansas Pet Animal Act and Animal Facility Inspection Program. HSUS and the ASPCA look forward to working with KDA and legislators to put an end to puppy mills in Kansas once and for all.

## Proposed Updates to the Kansas Pet Animal Act

Presented by

Terry Humphrey, lobbyist for the HSUS and ASPCA  
Midge Grinstead, Kansas State Director for HSUS

1. Require regular inspection: we recommend that the KPAA be amended to state that the KDA **shall** inspect each licensed facility and to state the frequency schedule in the statute.
2. Retain Governor to make KPPA board appointments.
3. Expand KPPA board representation to add a rescue network representative and a second shelter representative.
4. Maintain reasonable licensing fee cap for non-profit licensees.
5. Ban inhumane carbon monoxide gas chambers.
6. Require USDA breeders to meet KPAA standards (medical and welfare).
7. We recommend adoption of the following changes to the standards of care required by the KPAA, many of which are based on the *AVMA Model Bill* welfare guidelines, the Association of Shelter Veterinarian standards, and animal welfare acts from other states:
  - Potable water at all times, unless otherwise directed by a vet.
  - Temperature control shall range from 60F-80F, with 30-70% humidity; remove provision permitting maximum and minimum standards to be exceeded for up to four hours.
  - Primary enclosure shall provide at least partial solid flooring large enough for all animals housed in the enclosure to lie fully recumbent in a natural position.
  - Permit stacked cages in a manner that does not increase discomfort and stress, compromise ventilation or allow excreta to fall in below cages. *However, breeding facilities should be prohibited from stacking cages.*
  - Veterinary inspection: we recommend that the KPAA be amended to require an annual hands-on veterinary examination for all breeding dogs.
  - The cage size of primary enclosures should be two times the USDA minimum requirement.

## 8. Update Enforcement provisions:

- On application, USDA-licensed breeders should be required to:
  1. Certify their current compliance with all state and federal (Animal Plant Health Inspection Service (APHIS)) rules and regulations.
  2. Certify their good standing with the USDA and notify the KDA of any status change.
  3. Disclose any past revocation of a USDA license.
- Both those breeders holding a USDA license, and those licensed only under the KPAA must certify current compliance with all state laws and regulations.
- On application renewal, require total compliance at time of most recent inspection before license can be renewed.
- If a licensee fails an inspection, AFIP should:
  1. Prepare a written report outlining the violations and corrective plan.
  2. Institute a fee of \$250 for a re-inspection (\$350 for third re-inspection).
  3. Require re-inspection within 15 days.
  4. Authorize the department to suspend the license until violations are corrected.
  5. Revoke a license after failed third inspection in 12 months.
  6. Permit the director to order a licensee to cease operation for as long as necessary to correct serious health and welfare deficiencies.
- Suspension or revocation of USDA license should trigger an inspection and review of a Kansas licensee.
- Suspension or revocation of a license should be authorized if a licensee refuses to permit an inspection.
- If licensee fails to renew their license or the license is revoked, there will be a closing inspection and closing plan agreed to in writing with AFIP. KDA should be required to perform, and the licensee to allow, regular follow up inspections for a year to ensure that the former licensee is no longer doing business.
- Require high-volume breeders to provide financial assurance (through a surety or bond) to pay for animal care in case of a seizure or impoundment.
- Require mandatory license suspension or revocation for a conviction of cruelty to animals in *any* jurisdiction (local, state, or federal). The KPAA currently provides mandatory revocation or suspension only for a cruelty conviction that occurs in Kansas.