

## HOUSE BILL No. 2737

By Committee on Appropriations

2-24

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1 AN ACT concerning wildlife; relating to dangerous regulated animals;  
2 pertaining to the sale, slaughter and acquisition of such animals;  
3 amending K.S.A. 2013 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-  
4 1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the  
5 existing sections; also repealing K.S.A. 2013 Supp. 32-1309.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2013 Supp. 32-1301 is hereby amended to read as  
9 follows: 32-1301. As used in this act:

10 (a) "Person" means any individual, firm, partnership, corporation,  
11 association, municipality or other business entity.

12 (b) "Wildlife sanctuary" means a not-for-profit organization exempt  
13 from federal income taxation pursuant to section 501-(c)(3) of the internal  
14 revenue code of 1986, as in effect on July 1, 2006, that:

15 (1) Operates a place of refuge where abused, neglected, unwanted,  
16 impounded, abandoned, orphaned or displaced dangerous regulated  
17 animals are provided care for such animal's lifetime;

18 (2) does not conduct any commercial activity with respect to any  
19 dangerous regulated animal possessed by the organization;

20 (3) does not sell, trade, auction, lease or loan dangerous regulated  
21 animals, or parts thereof, which the organization possesses;

22 (4) does not breed any dangerous regulated animal of which the  
23 organization possesses, except as an integral part of the species survival  
24 plan of the ~~American zoo and aquarium~~ association of zoos and  
25 aquariums;

26 (5) does not conduct any activity that is not inherent to the dangerous  
27 regulated animal's nature;

28 (6) does not use the dangerous regulated animal for any type of  
29 entertainment purposes; and

30 (7) operates a refuge in compliance with regulations promulgated by  
31 the United States department of agriculture for dangerous regulated  
32 animals, except non-native, venomous snakes, under the animal welfare  
33 act, public law 89-544, as amended and in effect on July 1, 2006, and the  
34 regulations and standards adopted under such act in effect on July 1, 2006,  
35 relating to operations, animal health and husbandry. All dangerous  
36 regulated animals shall be caged in compliance with the provisions set

1 forth in K.S.A. 2013 Supp. 32-1306, and amendments thereto.

2 (c) "Possess" means to own, care for, have custody of or control.

3 (d) "Dangerous regulated animal" means a live or slaughtered parts  
4 of:

5 (1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or  
6 any hybrid thereof;

7 (2) bears or any hybrid thereof; ~~and~~

8 (3) *any nonhuman primate*;

9 (4) *any wolf, excluding hybrids*; *and*

10 (5) all non-native, venomous snakes.

11 (e) "Local animal control authority" means an agency of the county  
12 or city that is responsible for animal control operations in such  
13 governmental entity's jurisdiction and includes the animal control officer,  
14 as defined by K.S.A. 47-1701, and amendments thereto, of such county or  
15 city. If the county or city does not have an animal control officer, for cities  
16 of the first class, the chief law enforcement officer shall have the local  
17 animal control authority duties and responsibilities pursuant to this act and  
18 for all other cities and counties, the county sheriff shall have the local  
19 animal control authority duties and responsibilities pursuant to this act.

20 (f) "Registered designated handler" means a person who is registered  
21 or would be required to be registered pursuant to K.S.A. 2013 Supp. 32-  
22 1310, and amendments thereto.

23 Sec. 2. K.S.A. 2013 Supp. 32-1302 is hereby amended to read as  
24 follows: 32-1302. ~~(a) Except as provided in this section,~~ It is unlawful for  
25 a person to possess, slaughter, sell, purchase or otherwise acquire a  
26 dangerous regulated animal.

27 ~~(b) On and after October 1, 2006, a person who possesses a~~  
28 ~~dangerous regulated animal shall be in compliance with regulations~~  
29 ~~promulgated by the United States department of agriculture for dangerous~~  
30 ~~regulated animals, except non-native, venomous snakes, under the animal~~  
31 ~~welfare act, public law 89-544, as amended and in effect on July 1, 2006,~~  
32 ~~and the regulations and standards adopted under such act in effect on July~~  
33 ~~1, 2006, relating to operations, animal health and husbandry; and to~~  
34 ~~provide adequate veterinary care for dangerous regulated animals. All~~  
35 ~~dangerous regulated animals shall be caged in compliance with the~~  
36 ~~provisions set forth in K.S.A. 2013 Supp. 32-1306, and amendments~~  
37 ~~thereto.~~

38 ~~(c) Except as provided in subsection (d), a person shall not take~~  
39 ~~possession of a dangerous regulated animal or allow dangerous regulated~~  
40 ~~animals in such person's possession to breed.~~

41 ~~(d) A person who possesses a valid United States department of~~  
42 ~~agriculture license, is in compliance with the United States department of~~  
43 ~~agriculture animal welfare act, regulations and standards on July 1, 2006,~~

1 and, within 10 years preceding July 1, 2006, has not been convicted of a  
2 felony under the laws of Kansas or a crime under a law of another  
3 jurisdiction which is substantially the same as a felony, may breed,  
4 purchase or otherwise acquire new dangerous regulated animals after July  
5 1, 2006, in order to:

6 (1) Maintain the operating inventory of dangerous regulated animals  
7 possessed on July 1, 2006;

8 (2) sell dangerous regulated animals to other United States  
9 department of agriculture licensed and compliant facilities within Kansas  
10 for replacement purposes as provided in paragraph (1); and

11 (3) sell dangerous regulated animals outside Kansas.

12 Sec. 3. K.S.A. 2013 Supp. 32-1303 is hereby amended to read as  
13 follows: 32-1303. (a) On and after September 1, 2006, a person who  
14 possesses a dangerous regulated animal shall notify, in writing, and  
15 register the dangerous regulated animal with the local animal control  
16 authority.

17 (b) The notification shall include the person's name, address,  
18 telephone number and a complete inventory of each dangerous regulated  
19 animal that the person possesses. The inventory shall include the following  
20 information: Number and species of each dangerous regulated animal; the  
21 microchip identification number and manufacturer of such microchip for  
22 each dangerous regulated animal, if available; the exact location where  
23 each dangerous regulated animal is kept; the age, sex, color, weight, scars  
24 and any distinguishing marks of each dangerous regulated animal; and the  
25 name of any person who is a registered designated handler.

26 (c) When a person who possesses a dangerous regulated animal has a  
27 microchip implanted in such animal for identification, the name of the  
28 microchip manufacturer and the microchip identification number shall be  
29 provided to the local animal control authority. If a dangerous regulated  
30 animal is sedated for any reason and such animal does not have a  
31 microchip implanted, a microchip shall be implanted in such animal.  
32 Within 30 days after the microchip is implanted, the name of the microchip  
33 manufacturer and the microchip identification number shall be provided to  
34 the local animal control authority. Within 30 days of acquisition, a person  
35 acquiring ownership of an offspring with a microchip implanted shall  
36 comply with microchip information reporting requirements of this  
37 subsection.

38 (d) *The prohibitions in K.S.A. 32-1302, and amendments thereto,*  
39 *shall not apply to persons 21 years of age or older who lawfully possessed*  
40 *a dangerous regulated animal prior to July 1, 2013, provided that:*

41 (1) *Such person shall maintain veterinary records, acquisition*  
42 *papers, or other documents or records that establish that the person*  
43 *possessed the dangerous regulated animal prior to July 1, 2013;*

1       (2) *such person shall not acquire any additional dangerous regulated*  
2 *animals after the effective date of this act, whether by purchase, donation*  
3 *or breeding;*

4       (3) *such person shall not have been convicted of or found responsible*  
5 *for an offense involving the abuse or neglect of any animal pursuant to*  
6 *any state, local or federal law, and has not within the past 10 years been*  
7 *convicted of any felony;*

8       (4) *such person shall not have had a license or permit regarding the*  
9 *care, possession, exhibition, breeding or sale of animals revoked or*  
10 *suspended by any state, local or federal agency;*

11       (5) *the facility and the conditions in which each dangerous regulated*  
12 *animal are kept comply with the husbandry, caging and care standards*  
13 *adopted pursuant to K.S.A. 32-1305 and 32-1306, and amendments*  
14 *thereto;*

15       (6) *such person shall have an identification number placed in the*  
16 *dangerous regulated animal via subcutaneous microchip, at the expense of*  
17 *the owner, unless a veterinarian determines such implantation would be*  
18 *harmful to the dangerous regulated animal's wellbeing; and*

19       (7) *such person must submit an application for registration within 60*  
20 *days of the effective date of this act, and annually thereafter, to the local*  
21 *animal control authority, including the person's name, address, telephone*  
22 *number and a complete inventory of each dangerous regulated animal that*  
23 *the person possesses. The inventory shall include a photograph of each*  
24 *dangerous regulated animal and the following information:*

25       (A) *Number and species of each dangerous regulated animal; the*  
26 *microchip identification number and manufacturer of such microchip for*  
27 *each dangerous regulated animal, if available;*

28       (B) *the exact location where each dangerous regulated animal is*  
29 *kept;*

30       (C) *the age, sex, color, weight, scars and any distinguishing marks of*  
31 *each dangerous regulated animal;*

32       (D) *the name of any person who is a registered designated handler;*  
33 *and*

34       (E) *the name and address of the person from whom the applicant*  
35 *obtained the dangerous regulated animal, if known.*

36       (b) A local animal control authority may inspect the premises where  
37 dangerous regulated animals are physically located.

38       Sec. 4. K.S.A. 2013 Supp. 32-1304 is hereby amended to read as  
39 follows: 32-1304. (a) The local animal control authority may charge the  
40 following annual fees:

41       (1) Premises inspection fee *of* not more than \$100.

42       (2) Dangerous regulated animal registration fee, per animal, *of* not  
43 more than \$50. The maximum amount charged for such animal registration

1 per person is \$500.

2 (3) Additional ~~premise~~*premises* inspection fee, ~~if the person acquires~~  
3 ~~and possesses another type of dangerous regulated animal,~~ *of not more*  
4 *than \$100.*

5 (b) A certificate of registration ~~shall~~ *may* be issued by the local  
6 animal control authority to the person for each dangerous regulated animal  
7 ~~and upon~~ inspection ~~upon~~, payment of the fee *and in compliance with*  
8 *K.S.A. 32-1303(a), and amendments thereto.*

9 (c) Any person who possesses a dangerous regulated animal shall  
10 maintain liability insurance coverage or secure a bond in an amount of not  
11 less than \$250,000 for each occurrence for liability damages for  
12 destruction of or damage to property and death or bodily injury to a person  
13 caused by the dangerous regulated animal. The person possessing the  
14 animal shall provide a copy of the policy for liability insurance or proof of  
15 the bond to the local animal control authority. Any insurer shall notify the  
16 local animal control authority, in writing, of any expiration, reduction or  
17 cancellation of liability insurance, furnished as required by this subsection,  
18 not later than 10 days before the expiration, reduction or cancellation takes  
19 effect. Any surety company who secures the performance of the bond shall  
20 notify the local animal control authority, in writing, of any expiration,  
21 reduction or cancellation of the bond, furnished as required by this  
22 subsection, not later than 10 days before the expiration, reduction or  
23 cancellation takes effect.

24 (d) Any fees charged and collected shall be retained by the local  
25 animal control authority to be used to implement the provisions of this act.

26 Sec. 5. K.S.A. 2013 Supp. 32-1305 is hereby amended to read as  
27 follows: 32-1305. (a) A person who possesses a dangerous regulated  
28 animal shall meet the requirements set forth in this section.

29 (b) A person who possesses a dangerous regulated animal shall  
30 maintain health and ownership records on each dangerous regulated  
31 animal and shall maintain the records for the life of the animal. If  
32 possession of the dangerous regulated animal is transferred to another  
33 person, a copy of the health and ownership records shall accompany the  
34 animal.

35 (c) A person who possesses a dangerous regulated animal shall  
36 maintain an ongoing program of veterinary care which includes a  
37 veterinary visit to the premises at least annually.

38 (d) A person who possesses a dangerous regulated animal shall notify  
39 the local animal control authority in writing within 10 days of a change in  
40 address or location where the dangerous regulated animal is kept.

41 (e) A person with a United States department of agriculture license  
42 for dangerous regulated animals shall forward a copy of such person's  
43 United States department of agriculture inspection report to the local

1 animal control authority within 30 days of receipt of the inspection report.

2 (f) A person who possesses a dangerous regulated animal shall  
3 prominently display a sign on the structure where the animal is housed  
4 indicating that a dangerous regulated animal is on the premises.

5 (g) A person who possesses a dangerous regulated animal shall  
6 immediately notify local law enforcement officials of any escape of a  
7 dangerous regulated animal. The person who possesses the dangerous  
8 regulated animal is liable for any costs incurred by any person, city, county  
9 or state agency resulting from the escape of a dangerous regulated animal  
10 unless the escape is due to a criminal act by another person or a natural  
11 event.

12 (h) A person who possesses a dangerous regulated animal shall  
13 maintain a written recovery plan in the event of the escape of a dangerous  
14 regulated animal. The person shall maintain live traps or other equipment  
15 necessary to assist in the recovery of the dangerous regulated animal.

16 (i) ~~If requested by the local animal control authority,~~ A person may  
17 not move a dangerous regulated animal from such animal's location unless  
18 the person notifies the local animal control authority prior to moving the  
19 animal. The notification shall include the date and the location where the  
20 animal is moved. This subsection shall not apply to a dangerous regulated  
21 animal transported to a licensed veterinarian.

22 (j) If a person who possesses a dangerous regulated animal can no  
23 longer care for the animal, the person shall take the appropriate steps to  
24 find long-term placement for the dangerous regulated animal *in a facility*  
25 *exempted under K.S.A. 32-1308, and amendments thereto.*

26 Sec. 6. K.S.A. 2013 Supp. 32-1306 is hereby amended to read as  
27 follows: 32-1306. (a) All dangerous regulated animals shall be confined  
28 within a cage of sufficient strength and design for the purposes of  
29 maintaining and housing or transporting the animal. The requirements for  
30 sufficient caging shall be established by rules and regulations adopted by  
31 the secretary of wildlife, parks and tourism. Any cage or confinement  
32 structure shall be constructed in such a manner that prohibits physical  
33 contact with any person other than such persons listed in subsection (d).

34 (b) No dangerous regulated animal shall be allowed to be tethered,  
35 leashed or chained outdoors, or allowed to run at large.

36 (c) A dangerous regulated animal shall not be mistreated, neglected,  
37 abandoned or deprived of necessary food, water and sustenance.

38 (d) A dangerous regulated animal shall not be allowed to come into  
39 physical contact with any person other than the person possessing the  
40 animal, the registered designated handler or a veterinarian administering  
41 medical examination, treatment or care. *If a dangerous regulated animal*  
42 *potentially exposes a human to rabies or any other zoonotic disease, the*  
43 *owner of the dangerous regulated animal shall report the potential*

1 *exposure to the local animal control authority within 24 hours.*

2 (e) A dangerous regulated animal shall not be brought to any public  
3 property or commercial or retail establishment, except to bring the animal  
4 to a licensed veterinarian or veterinarian clinic.

5 (f) *A dangerous regulated animal shall not be allowed to be in*  
6 *proximity to members of the public without sufficient distance and*  
7 *protective barriers, including, but not limited to, offering photographic*  
8 *opportunities next to dangerous regulated animals of any age.*

9 Sec. 7. K.S.A. 2013 Supp. 32-1307 is hereby amended to read as  
10 follows: 32-1307. (a) Any dangerous regulated animal may be seized by  
11 the local animal control authority as provided in this section.

12 (b) The local animal control authority, upon issuance of a notice of  
13 inspection, shall be granted access at reasonable times to premises where  
14 the local animal control authority has reason to believe a violation of this  
15 act is occurring or has occurred.

16 (c) If a person who possesses a dangerous regulated animal is not in  
17 compliance with the requirements of this act, the local animal control  
18 authority shall take possession of the animal for custody and care,  
19 following the procedures in this subsection.

20 (d) Upon request of a person possessing a dangerous regulated  
21 animal, the local animal control authority may allow the animal to remain  
22 in the physical custody of the owner for 30 days, during which time the  
23 owner shall take all necessary actions to come in compliance with this act.  
24 During the 30-day period, the local animal control authority may inspect,  
25 at any reasonable time, the premises where the animal is kept.

26 (e) If a person who possesses a dangerous regulated animal is not in  
27 compliance with this act following the 30-day period described in  
28 subsection (d), the local animal control authority shall seize the animal and  
29 place it in a holding facility that is appropriate for the species for up to 10  
30 days. The authority taking custody of an animal under this subsection shall  
31 provide a notice of the seizure by delivering or mailing it to the person  
32 possessing such dangerous regulated animal, by posting a copy of the  
33 notice at the premise where the animal is taken into custody, or by  
34 delivering it to a person residing on the premise. The notice shall include:

35 (1) A description of the animal seized; the authority for and purpose  
36 of the seizure; the time, place and circumstances under which the animal  
37 was seized; and a contact person and telephone number;

38 (2) a statement that a person from whom a dangerous regulated  
39 animal was seized may post security to prevent disposition of the animal  
40 and may request a hearing concerning the seizure and that failure to do so  
41 within five business days of the date of the notice will result in disposition  
42 of the animal;

43 (3) a statement that actual costs of the care, keeping and disposal of

1 the dangerous regulated animal are the responsibility of the person from  
2 whom the animal was seized, except to the extent that a court or hearing  
3 officer finds that the seizure was not substantially justified by law; and

4 (4) a form that can be used by a person from whom a dangerous  
5 regulated animal was seized for requesting a hearing under this subsection.

6 (f) If a person from whom the dangerous regulated animal was seized  
7 makes a request within five business days of the seizure, a hearing must be  
8 held within five business days of the request to determine the validity of  
9 the seizure and disposition of the animal. The judge or hearing officer may  
10 authorize the return of the animal to the person from whom the animal was  
11 seized if the judge or hearing officer finds:

12 (1) That the person can and will provide the care required by law for  
13 the dangerous regulated animal; and

14 (2) the dangerous regulated animal is physically fit.

15 (g) If a judge or hearing officer orders a permanent disposition of the  
16 dangerous regulated animal, the local animal control authority may take  
17 steps to find long-term placement for the animal with a wildlife sanctuary,  
18 ~~or an appropriate United States department of agriculture licensed a~~  
19 ~~facility exempted under K.S.A. 32-1308, and amendments thereto.~~

20 (h) A person from whom a dangerous regulated animal is seized is  
21 liable for all actual costs of care, keeping and disposal of the animal,  
22 except to the extent that a court or hearing officer finds that the seizure  
23 was not substantially justified by law. The costs shall be paid in full or a  
24 mutually satisfactory arrangement for payment shall be made between the  
25 local animal control authority and the person claiming an interest in the  
26 animal before return of the animal to the person.

27 (i) A person from whom a dangerous regulated animal has been  
28 seized under this subsection may prevent disposition of the animal by  
29 posting security in the amount sufficient to provide for the actual costs of  
30 care and keeping of the animal. The security shall be posted within five  
31 business days of the seizure, inclusive of the day of the seizure.

32 (j) If circumstances exist threatening the life of a person or the life of  
33 any animal, any law enforcement agency or the local animal control  
34 authority shall seize a dangerous regulated animal without an opportunity  
35 for hearing or court order, or destroy the animal.

36 (k) Upon proper determination by a licensed veterinarian, any  
37 dangerous regulated animal taken into custody under this section may be  
38 immediately euthanized when the dangerous regulated animal is suffering  
39 and is beyond cure through reasonable care and treatment.

40 (l) The agency or authority taking custody of the dangerous regulated  
41 animal may recover all costs incurred under this section.

42 Sec. 8. K.S.A. 2013 Supp. 32-1308 is hereby amended to read as  
43 follows: 32-1308. Exemptions to the provisions set forth in this act are as



1 follows:

2 (a) Institutions accredited by the ~~American zoo and aquarium~~  
3 *association of zoos and aquariums* or the zoological association of  
4 America shall be exempt from K.S.A. 2013 Supp. 32-1302 and 32-1303,  
5 and amendments thereto.

6 (b) A wildlife sanctuary registered with the local animal control  
7 authority shall be exempt from K.S.A. 2013 Supp. 32-1302, and  
8 amendments thereto.

9 ~~(c) The Kansas department of wildlife, parks and tourism, or a person~~  
10 ~~issued a permit by the secretary pursuant to K.S.A. 32-952, and~~  
11 ~~amendments thereto, shall be exempt from this act.~~

12 ~~(d)~~ A licensed or accredited research or medical institution shall be  
13 exempt from K.S.A. 2013 Supp. 32-1302 and 32-1303, and amendments  
14 thereto.

15 ~~(e)~~(d) A United States department of agriculture licensed exhibitor of  
16 dangerous regulated animals while transporting or as part of a circus,  
17 carnival, rodeo or fair shall be exempt from this act, *with the exceptions of*  
18 *K.S.A. 32-1306(d) and 32-1306(f), and amendments thereto. When a*  
19 *dangerous regulated animal is not exhibited as part of a circus, carnival,*  
20 *rodeo or fair; such dangerous regulated animal shall be maintained at all*  
21 *times in a species-appropriate cage or other travel container. Such circus,*  
22 *carnival, rodeo or fair shall provide written notice of the transport to the*  
23 *state veterinarian at least 72 hours prior to entering the state, identifying*  
24 *the number and type of dangerous regulated animals that will be*  
25 *transported. This notification is in addition to any veterinary certificate or*  
26 *other permits required by state, local or federal law.*

27 (e) A person temporarily transporting a legally owned dangerous  
28 regulated animal through the state shall be exempt from this act, *with the*  
29 *exceptions of K.S.A. 32-1306(d) and 32-1306(f), and amendments thereto,*  
30 *if the transit time is not more than 48 hours, the dangerous regulated*  
31 *animal is not exhibited and the dangerous regulated animal is maintained*  
32 *at all times in a species-appropriate cage or other travel container. Such*  
33 *transporters shall provide written notice of the transport to the state*  
34 *veterinarian at least 72 hours prior to entering the state, identifying the*  
35 *number and type of dangerous regulated animals that will be transported.*  
36 *This notification is in addition to any veterinary certificate or other*  
37 *permits required by state, local or federal law.*

38 (f) Law enforcement officers shall be exempt from this act for  
39 purposes of enforcement.

40 (g) Duly incorporated nonprofit animal protection organizations,  
41 such as humane societies and shelters, temporarily housing a dangerous  
42 regulated animal at the written request of law enforcement officers acting  
43 under the authority of this act shall be exempt from this act.

1       Sec. 9. K.S.A. 2013 Supp. 32-1310 is hereby amended to read as  
2 follows: 32-1310. (a) Annually, on or before April 1, a local animal control  
3 authority shall report to the secretary of wildlife, parks and tourism on  
4 dangerous regulated animals registered with the local animal control  
5 authority during the preceding calendar year. The report shall include all  
6 registration information submitted to the local animal control authority  
7 under subsection (b) of K.S.A. 2013 Supp. 32-1303, and amendments  
8 thereto, and information on enforcement actions taken under this act.

9       (b) It shall be a violation of this act for a person who does not own  
10 the dangerous regulated animal, to care for, have custody or control of  
11 such animal unless such person is *an employee of the person who owns the*  
12 *dangerous regulated animal and is* a registered designated handler. Any  
13 such person applying for a designated handler registration shall file an  
14 application on a form prescribed by the local animal control authority.  
15 Application for such registration shall be accompanied by an application  
16 fee not exceeding \$25. If the local animal control authority finds the  
17 applicant to be qualified to be a registered designated handler after  
18 meeting the training, experience and ability requirements determined by  
19 the secretary of wildlife, parks and tourism, the local animal control  
20 authority ~~shall~~ *may* issue a designated handler registration which shall  
21 expire at the end of the calendar year.

22       (c) The secretary of wildlife, parks and tourism shall provide  
23 educational training programs for the local animal control authority  
24 concerning the provisions of this act and the handling of dangerous  
25 regulated animals.

26       (d) The secretary of wildlife, parks and tourism shall adopt rules and  
27 regulations:

28       (1) Establishing training, experience and ability requirements for  
29 registered designated handlers; and

30       (2) to implement the provisions of this act.

31       Sec. 10. K.S.A. 2013 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-  
32 1305, 32-1306, 32-1307, 32-1308, 32-1309 and 32-1310 are hereby  
33 repealed.

34       Sec. 11. This act shall take effect and be in force from and after its  
35 publication in the statute book.