

**SENATE BILL No. 392**

By Committee on Agriculture

2-12

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;  
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1718, 47-  
3 1719, 47-1720, 47-1733 and 47-1734 and K.S.A. 2013 Supp. 47-1701,  
4 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-  
5 1726 and 47-1731 and repealing the existing sections; also repealing  
6 K.S.A. 47-1717, 47-1732 and 47-1736.  
7

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

9 New Section 1. (a) It shall be unlawful for any person to operate a  
10 rescue network unless a rescue network manager license has been obtained  
11 from the commissioner. Applications for each such license shall be made  
12 in writing on a form provided by the commissioner. The license period  
13 shall be for the license year ending September 30 following the issuance  
14 date.

15 (b) Rescue networks may utilize pet animal foster homes. Each  
16 rescue network shall be responsible for ensuring pet animal foster homes  
17 subordinate to such rescue network comply with the Kansas pet animal act  
18 and all relevant rules and regulations. Rescue networks shall keep records  
19 of all pet animal foster homes housing animals and shall pay annually a fee  
20 of not more than \$10 to the department of agriculture for each subordinate  
21 pet animal foster home.

22 (c) Each rescue network shall designate a manager who shall carry  
23 out the following duties:

24 (1) Approve the membership of each pet animal foster home in the  
25 rescue network;

26 (2) supervise intake of dogs and cats into the rescue network;

27 (3) monitor and ensure compliance of each subordinate pet animal  
28 foster home with all relevant laws and rules and regulations;

29 (4) maintain on such rescue network manager's premises records  
30 pertaining to the adoption, placement or other disposition of each dog and  
31 cat receiving temporary care from the rescue network, membership of the  
32 rescue network, and any other records required by law or rules and  
33 regulations; and

34 (5) such other administrative duties as the commissioner may adopt  
35 by rule and regulation.

36 (d) The commissioner shall adopt rules and regulations to implement

1 this section.

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

4 New Sec. 2. (a) Once an animal shelter or rescue network manager  
5 license has been obtained, the animal shelter or the rescue network  
6 manager may host adoption events at a location other than the licensed  
7 premises so long as all applicable rules and regulations are followed at  
8 such other locations. Once the date and location of an adoption event has  
9 been determined, the animal shelter or rescue network shall provide  
10 advance notice to the animal health commissioner or the commissioner's  
11 authorized representative.

12 (b) This section shall be part of and supplemental to the Kansas pet  
13 animal act.

14 Sec. 3. K.S.A. 2013 Supp. 47-1701 is hereby amended to read as  
15 follows: 47-1701. As used in the Kansas pet animal act, unless the context  
16 otherwise requires:

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

21 (b) "Adequate watering" means a supply of clean, fresh, potable  
22 water, supplied in a sanitary manner and *adequate amounts at intervals*  
23 *suitable for animal species and* either continuously accessible to each  
24 animal or supplied ~~at intervals suitable for the animal species, not to~~  
25 ~~exceed intervals of 12 hours to maintain the health and well-being of such~~  
26 ~~animals.~~

27 ~~(c) "Ambient temperature" means the temperature surrounding the~~  
28 ~~animal.~~

29 ~~(d)~~(c) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman  
30 primate, bird or other warm-blooded vertebrate or any fish, snake or other  
31 cold-blooded vertebrate.

32 (2) Animal does not include horses, cattle, sheep, goats, swine,  
33 ratites, domesticated deer or domestic fowl.

34 ~~(e)~~(d) "Animal breeder" means any person who operates an animal  
35 breeder premises.

36 ~~(f)~~(e) "Animal breeder premises" means any premises, *whether*  
37 *licensed or not licensed by the United States department of agriculture,*  
38 where all or part of six or more litters of dogs or cats, or both, or 30 or  
39 more dogs or cats, or both, are sold, or offered or maintained for sale,  
40 ~~primarily at wholesale for resale to another.~~

41 ~~(g)~~(f) "Animal shelter" or "pound" means a *facility premises* which is  
42 used or designed for use to house, contain, impound or harbor any seized  
43 stray, homeless, relinquished or abandoned animal or a person who acts as

1 an animal rescuer, or who collects and cares for unwanted animals or  
2 offers them for adoption. Animal shelter ~~or pound~~ also includes a ~~facility~~  
3 ~~premises~~ of an individual or organization, profit or nonprofit, maintaining  
4 20 or more dogs or cats, or both, for the purpose of ~~collecting,~~  
5 ~~accumulating, amassing or~~ maintaining the animals or offering the animals  
6 for adoption.

7 ~~(h)~~(g) "Cat" means an animal which is wholly or in part of the species  
8 *Felis domesticus*.

9 ~~(i)~~(h) "Commissioner" means the animal health commissioner of the  
10 Kansas department of agriculture.

11 ~~(j)~~(i) "Dog" means any animal which is wholly or in part of the  
12 species *Canis familiaris*.

13 ~~(k)~~(j) "Animal control officer" means any person employed by,  
14 contracted with or appointed by the state, or any political subdivision  
15 thereof, for the *primary* purpose of aiding in the enforcement of ~~this law~~  
16 *the Kansas pet animal act*, or any other law or ordinance relating to the  
17 licensing or permitting of animals, control of animals or seizure and  
18 impoundment of animals, and includes any state, county or municipal law  
19 enforcement officer, dog warden, constable or other employee, whose  
20 duties in whole or in part include assignments which involve the seizure or  
21 taking into custody of any animal.

22 ~~(l)~~(k) "Euthanasia" means the humane destruction of an animal,  
23 which may be accomplished by any of those methods provided for in  
24 K.S.A. 47-1718, and amendments thereto.

25 ~~(m)~~(l) "Hobby breeder premises" means any premises where all or  
26 part of three, four or five litters of dogs or cats, or both, are produced for  
27 sale or sold, offered or maintained for sale per license year. This provision  
28 applies only if the total number of dogs or cats, or both, sold, offered or  
29 maintained for sale is less than 30 individual animals.

30 ~~(n)~~(m) "Hobby breeder" means any person who operates a hobby  
31 breeder premises.

32 ~~(o)~~(n) "Housing facility" means any room, building or area used to  
33 contain a primary enclosure or enclosures.

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

38 ~~(q)~~(p) "Boarding or training  ~~kennel~~ operator premises" means the  
39 facility of a boarding or training  ~~kennel~~ operator.

40 ~~(r)~~(q) "License year" or "permit year" means the 12-month period  
41 ending on ~~June~~ September 30.

42 ~~(s)~~(r) "Person" means any individual, association, partnership,  
43 corporation or other entity.

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

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

6       (2) Pet shop does not include: (A) Any ~~pound or~~ animal shelter; (B)  
7 any premises where only fish are sold, or offered or maintained for sale; or  
8 (C) any animal distributor premises, hobby breeder premises, ~~retail breeder~~  
9 ~~premises~~ *rescue network, pet animal foster home premises* or animal  
10 breeder premises.

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

13       ~~(t)~~(t) "Pet shop operator" means any person who operates a pet shop.

14       ~~(u)~~(u) "Primary enclosure" means any structure used or designed for  
15 use to restrict any animal to a limited amount of space, such as a room,  
16 pen, ~~or cage, compartment or hutch.~~

17       ~~(v)~~(v) "Research facility" means any place, laboratory or institution,  
18 except an elementary school, secondary school, college or university, at  
19 which any scientific test, experiment or investigation involving the use of  
20 any living animal is carried out, conducted or attempted.

21       ~~(w)~~(w) "Sale," "sell" and "sold" include transfers by sale or exchange.  
22 Maintaining animals for sale is presumed whenever 20 or more dogs or  
23 cats, or both, are maintained by any person *or on one premises.*

24       ~~(x)~~(x) "Sanitize" means to make physically clean and to remove and  
25 destroy, to a practical minimum, agents injurious to health, at such  
26 intervals as necessary.

27       ~~(y)~~(y) "Animal distributor" means any person who operates an animal  
28 distributor premises.

29       ~~(z)~~(z) "Animal distributor premises" means the premises of any  
30 person engaged in the business of buying for resale dogs or cats, or both,  
31 as a principal or agent, or who holds such distributor's self out to be so  
32 engaged.

33       ~~(aa)~~(aa) "Out-of-state distributor" means any person residing in a  
34 state other than Kansas, who is engaged in the business of buying for  
35 resale dogs or cats, or both, within the state of Kansas, as a principal or  
36 agent, *or who holds such person's self out to be so engaged.*

37       ~~(bb)~~(bb) "Food animals" means rodents, rabbits, reptiles, fish or  
38 amphibians that are sold or offered or maintained for sale for the sole  
39 purpose of being consumed as food by other animals.

40       ~~(cc)~~(cc) "Adequate veterinary medical care" means:

41       (1) A documented program of disease control and prevention,  
42 euthanasia and routine veterinary care shall be established and maintained  
43 under the supervision of a licensed veterinarian, on a form provided by the

1 commissioner, and shall include a documented on-site visit to the premises  
2 by the veterinarian at least once a year;

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

7 (3) all documentation required by subsections ~~(dd)~~(cc)(1) and ~~(dd)~~  
8 (cc)(2) shall be made available to the commissioner or the commissioner's  
9 authorized representative for inspection or copying upon request and shall  
10 be maintained for three years after the effective date of the program or the  
11 administration of such veterinary care.

12 (4) ~~As used in the Kansas pet animal act, "adequate veterinary~~  
13 ~~medical care" shall not apply to United States department of agriculture~~  
14 ~~licensed animal breeders or animal distributors~~ *United States department*  
15 *of agriculture licensed breeders may use their United States department of*  
16 *agriculture veterinary care forms to meet the requirements of this*  
17 *subsection. Such records shall be made available to Kansas department of*  
18 *agriculture inspectors for inspection or copying upon request and shall be*  
19 *maintained for three years after the effective date of the program or the*  
20 *administration of such veterinary care.*

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

24 ~~(ff)~~ "Retail breeder" means any person who operates a retail breeder  
25 premises:

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

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

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

34 ~~(ee)~~ "Rescue network" means the premises of a rescue network  
35 manager ~~or a network of~~ **and all** pet animal foster homes organized under  
36 ~~a~~ **that** rescue network manager that ~~provides~~ **provide** temporary care for  
37 one or more dogs or cats not owned by an animal shelter that maintains a  
38 central facility for keeping animals.

39 ~~(ff)~~ "Rescue network manager" means the individual designated by a  
40 rescue network to carry out the responsibilities prescribed in section 1,  
41 and amendments thereto.

42 ~~(gg)~~ "Pet animal foster home" means the registered premises of an  
43 individual who has written and signed an agreement to provide temporary

1 *care for one or more dogs or cats owned by an animal shelter or a rescue*  
2 *network that is licensed by the state.*

3 Sec. 4. K.S.A. 47-1702 is hereby amended to read as follows: 47-  
4 1702. It shall be unlawful for any person to act as or be an animal  
5 distributor unless such person has obtained from the commissioner an  
6 animal distributor license for each animal distributor premises operated by  
7 such person. Application for such license shall be made in writing on a  
8 form provided by the commissioner. The license period shall be for the  
9 license year ending on ~~June~~ *September* 30 following the issuance date.

10 Sec. 5. K.S.A. 47-1703 is hereby amended to read as follows: 47-  
11 1703. It shall be unlawful for any person to act as or be a pet shop operator  
12 unless such person has obtained from the commissioner a pet shop  
13 operator license for each pet shop operated by such person. Application for  
14 each such license shall be made in writing on a form provided by the  
15 commissioner. The license period shall be for the license year ending on  
16 ~~June~~ *September* 30 following the issuance date.

17 Sec. 6. K.S.A. 47-1704 is hereby amended to read as follows: 47-  
18 1704. (a) It shall be unlawful for any person to operate ~~a pound or an~~  
19 animal shelter, except a licensed veterinarian who operates such ~~pound or~~  
20 animal shelter from such licensed veterinarian's clinic, unless a license for  
21 such ~~pound or~~ shelter has been obtained from the commissioner.  
22 Application for such license shall be made on a form provided by the  
23 commissioner. The license period shall be for the license year ending on  
24 ~~June~~ *September* 30 following the issuance date.

25 (b) *Animal shelters may utilize pet animal foster homes. Each animal*  
26 *shelter shall be responsible for ensuring pet animal foster homes*  
27 *subordinate to such animal shelter comply with the Kansas pet animal act*  
28 *and all relevant rules and regulations. Animal shelters shall keep records*  
29 *of all pet animal foster homes housing animals and shall pay annually a*  
30 *fee of not more than \$10 to the department of agriculture for each*  
31 *subordinate pet animal foster home.*

32 Sec. 7. K.S.A. 2013 Supp. 47-1706 is hereby amended to read as  
33 follows: 47-1706. (a) The commissioner may refuse to issue or renew or  
34 may suspend or revoke any license or permit required under K.S.A. 47-  
35 1701 et seq., and amendments thereto, for any one or more of the  
36 following reasons:

37 (1) Material misstatement in the application for the original license or  
38 permit, or in the application for any renewal of a license or permit;

39 (2) willful disregard of any provision of the Kansas pet animal act or  
40 any rule and regulation adopted hereunder, or any willful aiding or  
41 abetting of another in the violation of any provision of the Kansas pet  
42 animal act or any rule and regulation adopted hereunder;

43 (3) permitting any license or permit issued hereunder to be used by an

1 unlicensed or unpermitted person or transferred to unlicensed or  
2 unpermitted premises;

3 (4) the conviction of any crime relating to the theft of animals;

4 (5) substantial misrepresentation;

5 (6) misrepresentation or false promise, made through advertising,  
6 salespersons, agents or otherwise, in connection with the operation of  
7 business of the licensee or permittee;

8 (7) fraudulent bill of sale;

9 (8) the housing facility or the primary enclosure is inadequate;

10 (9) the feeding, watering, sanitizing and housing practices at the  
11 licensee's or permittee's premises are not consistent with the Kansas pet  
12 animal act or the rules and regulations adopted hereunder;

13 (10) failure to provide adequate veterinary medical care to the  
14 animals in such licensee or permittee's custody or care; or

15 (11) failure to maintain or provide documentation of the provision of  
16 adequate veterinary medical care, as required in K.S.A. 47-1701~~(dd)~~(cc),  
17 and amendments thereto, to animals in such licensee or permittee's custody  
18 or care when access to such is requested by the commissioner or the  
19 commissioner's authorized representatives.

20 (b) The commissioner shall refuse to issue or renew and shall suspend  
21 or revoke any license or permit required under K.S.A. 47-1701 et seq., and  
22 amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-  
23 4310, prior to its repeal, or *pursuant to* subsections (a)(1) through (a)(5) of  
24 K.S.A. 2013 Supp. 21-6412, and amendments thereto, *or any federal law,*  
25 *city ordinance or county resolution that proscribes cruelty to animals.*

26 (c) Any refusal to issue or renew a license or permit, and any  
27 suspension or revocation of a license or permit, under this section shall be  
28 issued only after notice and opportunity for a hearing are provided in  
29 accordance with the provisions of the Kansas administrative procedure act  
30 and shall be subject to review in accordance with the Kansas judicial  
31 review act.

32 (d) Notwithstanding subsection (c), nothing shall preclude the  
33 commissioner from issuing a quarantine order in accordance with K.S.A.  
34 77-536, and amendments thereto, on any premises regulated under this act  
35 wherein the animals are found to be infected with a contagious or zoonotic  
36 disease which may infect animals or humans that may come into contact  
37 with or be exposed to such animals.

38 (e) Whenever the commissioner denies, suspends or revokes a license  
39 or permit under this section, the commissioner or the commissioner's  
40 authorized, trained representatives shall seize and impound any animals in  
41 the possession, custody or care of the person whose license or permit is  
42 denied, suspended or revoked if there are reasonable grounds to believe  
43 that the animals' health, safety or welfare is endangered. Except as

1 provided by K.S.A. 2013 Supp. 21-6412, and amendments thereto, such  
2 animals may be returned to the person owning them if there is satisfactory  
3 evidence that the animals will receive adequate care by that person or such  
4 animals may be sold, placed or euthanized, at the discretion of the  
5 commissioner. Costs of care and services for such animals while seized  
6 and impounded shall be paid by the person from whom the animals were  
7 seized and impounded, if that person's license or permit is denied,  
8 suspended or revoked. Such funds shall be paid to the commissioner for  
9 reimbursement of care and services provided during seizure and  
10 impoundment. If such person's license or permit is not denied, suspended  
11 or revoked, the commissioner shall pay the costs of care and services  
12 provided during seizure and impoundment.

13 Sec. 8. K.S.A. 2013 Supp. 47-1709 is hereby amended to read as  
14 follows: 47-1709. (a) The commissioner or the commissioner's authorized,  
15 trained representatives shall make an inspection of the premises for which  
16 an application for an original license or permit is made under K.S.A. 47-  
17 1701 et seq., and amendments thereto, before issuance of such license or  
18 permit. No license or permit shall be issued by the commissioner to an  
19 applicant described in this subsection until the premises for which  
20 application is made has passed a licensing or permitting inspection. The  
21 application for a license shall conclusively be deemed to be the consent of  
22 the applicant to the right of entry and inspection of the premises sought to  
23 be licensed or permitted by the commissioner or the commissioner's  
24 authorized, trained representatives at reasonable times with the owner or  
25 owner's representative present. Refusal of such entry and inspection shall  
26 be grounds for denial of the license or permit. Notice need not be given to  
27 any person prior to inspection.

28 (b) The commissioner or the commissioner's authorized, trained  
29 representatives ~~may~~ shall inspect each premises for which a license or  
30 permit has been issued under K.S.A. 47-1701 et seq., and amendments  
31 thereto, *based upon an inspection frequency schedule adopted in rules and*  
32 *regulations. Such frequency schedule may take into account the*  
33 *performance history of a premises or the relative risk posed by such*  
34 *premises to the health, safety and welfare of the animals.* The acceptance  
35 of a license or permit shall conclusively be deemed to be the consent of the  
36 licensee or permittee to the right of entry and inspection of the licensed or  
37 permitted premises by the commissioner or the commissioner's authorized,  
38 trained representatives at reasonable times with the owner or owner's  
39 representative present. Refusal of such entry and inspection shall be  
40 grounds for suspension or revocation of the license or permit. Notice need  
41 not be given to any person prior to inspection.

42 (c) The commissioner or the commissioner's authorized, trained  
43 representatives shall make inspections of the premises of a person required



1 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments  
2 thereto, upon a determination by the commissioner that there are  
3 reasonable grounds to believe that the person is violating the provisions of  
4 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations  
5 adopted thereunder or that there are grounds for suspension or revocation  
6 of such person's license or permit.

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

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

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

15 (g) Any person acting as the commissioner's authorized  
16 representative for purposes of making inspections and conducting  
17 investigations under this section who knowingly falsifies the results or  
18 findings of any inspection or investigation or intentionally fails or refuses  
19 to make an inspection or conduct an investigation pursuant to this section  
20 shall be guilty of a class A nonperson misdemeanor.

21 (h) No person shall act as the commissioner's authorized  
22 representative for the purposes of making inspections and conducting  
23 investigations under this section if such person has a beneficial interest in  
24 a person required to be licensed or permitted pursuant to K.S.A. 47-1701  
25 et seq., and amendments thereto.

26 (i) Records of inspections pursuant to this section shall be maintained  
27 in the office of the Kansas department of agriculture division of animal  
28 health. ~~Records of a deficiency or violation shall not be maintained for~~  
29 ~~longer than three years after the deficiency or violation is remedied and~~  
30 ~~retained pursuant to applicable retention schedules.~~

31 (j) The commissioner, in consultation with Kansas state university  
32 college of veterinary medicine, shall: (1) Continue procedures to provide  
33 for pet animal training or updated training for authorized trained  
34 representatives who inspect premises under the pet animal act and to allow  
35 the owners of such facilities licensed or permitted under the pet animal act  
36 to attend and participate at the training workshops for the authorized  
37 trained representatives; and (2) make available to such owners and other  
38 interested persons an inspection handbook describing the duties and  
39 responsibilities of such authorized trained representatives.

40 (k) If the commissioner or the commissioner's authorized  
41 representative is denied access to any location where such access is sought  
42 for the purposes authorized under the Kansas pet animal act, the  
43 commissioner may apply to any court of competent jurisdiction for an

1 administrative search warrant authorizing access to such location for such  
2 purposes. Upon such application and a showing of cause therefore, the  
3 court shall issue the search warrant for the purposes requested.

4 Sec. 9. K.S.A. 2013 Supp. 47-1710 is hereby amended to read as  
5 follows: 47-1710. (a) An animal shall not be disposed of by an owner or  
6 operator of ~~a pound or of~~ an animal shelter ~~as a pound~~ until after  
7 expiration of a minimum of three full business days of custody, *not*  
8 *including the day the animal arrives*, during which the public has clear  
9 *physical* access to inspect and recover the animal through time periods  
10 ordinarily accepted as usual business hours. During such time of custody,  
11 any owner or operator of such ~~facility premises~~ shall attempt to notify the  
12 owner or custodian of any animal maintained or impounded by such  
13 ~~facility premises~~ if such owner or custodian is known or reasonably  
14 ascertainable. Such an animal may at any time be released to the legal  
15 owner, moved to a veterinary hospital for treatment or observation,  
16 released in any manner, if such animal was a gift animal to an animal  
17 shelter, ~~or. Such animal may be euthanized in accordance with K.S.A. 47-~~  
18 ~~1718, and amendments thereto, by a duly incorporated humane society~~  
19 ~~licensed animal shelter~~ or by a licensed veterinarian if it appears to ~~an~~  
20 ~~officer a trained employee~~ of such ~~humane society animal shelter~~ or to  
21 such veterinarian that the animal is diseased or disabled beyond recovery  
22 for any useful purpose.

23 (b) After the expiration of the holding period established in  
24 subsection (a), the ~~governing body of a political subdivision regulating the~~  
25 ~~operation of a pound animal shelter~~ shall have ownership of such animal  
26 and shall determine the method of disposition of any animal. Any  
27 ~~pound animal shelter~~ releasing live animals to prospective owners shall  
28 comply with the provisions established in K.S.A. 47-1731, and  
29 amendments thereto. Any such proceeds derived from the sale or other  
30 disposition of such animals shall be paid directly to the treasurer of the  
31 political subdivision, ~~and if the animal shelter is operated and regulated~~  
32 ~~by a political subdivision, or to the treasurer of the humane society if the~~  
33 ~~animal shelter is operated by a humane society.~~ No part of such proceeds  
34 shall accrue to any individual.

35 (c) ~~After the expiration of the holding period established in~~  
36 ~~subsection (a), the board of directors of any humane society operating an~~  
37 ~~animal shelter as a pound, shall have ownership of such animal and shall~~  
38 ~~determine the method of disposition of any animal. Any animal shelter~~  
39 ~~releasing live animals to prospective owners shall comply with the~~  
40 ~~provisions established in K.S.A. 47-1731, and amendments thereto. Any~~  
41 ~~such proceeds derived from such sale or disposition shall be paid directly~~  
42 ~~to the treasurer of the humane society and no part of such proceeds shall~~  
43 ~~accrue to any individual.~~

1       Sec. 10. K.S.A. 2013 Supp. 47-1711 is hereby amended to read as  
2 follows: 47-1711. An animal control officer shall not be granted an animal  
3 distributor's, animal breeder's, ~~retail breeder's~~, hobby breeder's or a pet  
4 shop operator's license. Each application for any such license shall include  
5 a statement that neither the applicant nor any of the applicant's employees  
6 is an animal control officer. An animal control officer, upon taking custody  
7 of any animal in the course of such officer's official duties, shall  
8 immediately make a record which shall include the color, breed, sex,  
9 approximate weight and other description of the animal, the reason for  
10 seizure, the location of seizure, the owner's name and address, if known,  
11 the animal license number, and any other identification number. Complete  
12 information relating to the disposition of the animal shall be shown on the  
13 record and shall be added immediately following the disposition of the  
14 animal. Such records shall be made available to the commissioner or the  
15 commissioner's authorized representative upon request.

16       Sec. 11. K.S.A. 47-1712 is hereby amended to read as follows: 47-  
17 1712. ~~(a)~~ The commissioner is hereby authorized to adopt rules and  
18 regulations for licensees and permittees. Such rules and regulations shall  
19 include, but not be limited to, provisions relating to: ~~(1)~~ (a) Reasonable  
20 treatment of animals in the possession, custody or care of a licensee or  
21 permittee or being transported to or from licensed or permitted premises;  
22 ~~(2)~~ (b) a requirement that each licensee and permittee file with the  
23 commissioner evidence that animals entering or leaving the state are free  
24 from any visible symptoms of communicable disease; ~~(3)~~ (c) identification  
25 of animals handled; ~~(4)~~ (d) primary enclosures; ~~(5)~~ (e) housing facilities;  
26 ~~(6)~~ (f) sanitation; ~~(7)~~ (g) euthanasia; ~~(8)~~ (h) ambient temperatures; ~~(9)~~ (i)  
27 feeding; ~~(10)~~ (j) watering; ~~(11)~~ (k) adequate veterinary medical care; ~~(12)~~  
28 (l) inspections of licensed or permitted premises, investigations of  
29 complaints and training of persons conducting such inspections and  
30 investigations; and ~~(13)~~ (m) a requirement that each licensee or permittee  
31 keep and maintain, for inspection by the commission, such records as  
32 necessary to administer and enforce the provisions of the Kansas pet  
33 animal act.

34       (b) ~~The commissioner shall only adopt as rules and regulations for~~  
35 ~~United States department of agriculture licensed animal distributors and~~  
36 ~~animal breeders, and animal distributor and animal breeder premises the~~  
37 ~~rules and regulations promulgated by the secretary of the United States~~  
38 ~~department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to~~  
39 ~~the provisions of the United States public law 91-579 (7 U.S.C. § 2131 et~~  
40 ~~seq.), commonly known as the animal welfare act.~~

41       ~~(c) Notwithstanding any provision in subsection (b), the~~  
42 ~~commissioner may adopt a requirement that each licensee and permittee~~  
43 ~~file with the commissioner evidence that animals entering or leaving the~~

1 state are free from any visible symptoms of communicable disease.

2 Sec. 12. K.S.A. 47-1718 is hereby amended to read as follows: 47-  
3 1718. (a) No animal shall be euthanized by any animal control officer,  
4 licensee, permittee; *or* officer of an animal shelter ~~or officer of a pound~~ by  
5 any means, method, agent or device, or in any way, except through the  
6 most current, approved euthanasia methods established by the American  
7 veterinary medical association panel on euthanasia, *except that the use of*  
8 *carbon monoxide chambers for the purpose of euthanasia of dogs and cats*  
9 *shall not be permitted.*

10 (b) This section shall be part of and supplemental to article 17 of  
11 chapter 47 of the Kansas Statutes Annotated, *and amendments thereto.*

12 Sec. 13. K.S.A. 47-1719 is hereby amended to read as follows: 47-  
13 1719. (a) It shall be unlawful for any person to act as or be a hobby  
14 breeder unless such person has obtained from the commissioner a hobby  
15 breeder license. Application for such license shall be made in writing on a  
16 form provided by the commissioner. The license period shall be for the  
17 license year ending on ~~June~~ *September* 30 following the issuance date.

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

20 Sec. 14. K.S.A. 47-1720 is hereby amended to read as follows: 47-  
21 1720. (a) It shall be unlawful for any person to operate a research facility  
22 unless such person has obtained from the commissioner a research facility  
23 license. Application for such license shall be made in writing on a form  
24 provided by the commissioner. The license period shall be for the license  
25 year ending on ~~June~~ *September* 30 following the issuance date.

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

28 Sec. 15. K.S.A. 2013 Supp. 47-1721 is hereby amended to read as  
29 follows: 47-1721. (a) Each application for issuance or renewal of a license  
30 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,  
31 shall be accompanied by the fee prescribed by the commissioner under this  
32 section. Such fees shall be as follows:

33 (1) ~~Except as provided in paragraph (5) or (6), for a license for~~  
34 ~~premises of a person~~ *For animal breeders, animal distributors and*  
35 *research facilities* licensed under public law 91-579 (7 U.S.C. § 2131 et  
36 seq.), an amount not to exceed ~~\$200~~ *\$400*;

37 (2) ~~except as provided in paragraph (5) or (6), for a license for any~~  
38 ~~other premises,~~ *For animal breeders and research facilities not licensed*  
39 *under public law 91-579 (7 U.S.C. § 2131 et seq.),* an amount not to  
40 exceed ~~\$405~~ *\$725*;

41 (3) ~~for a temporary closing permit, an amount not to exceed \$95;~~

42 (4)(3) for an out-of-state distributor permit, an amount not to exceed  
43 *\$675*;

1       ~~(5)~~(4) for a hobby breeder license ~~or a kennel operator license~~, an  
2 amount not to exceed ~~\$95~~\$200;

3       (5) for a boarding or training premises operator license an amount  
4 not to exceed \$250;

5       (6) for a license for an animal shelter ~~or a pound~~, an amount not to  
6 exceed ~~\$300~~; and \$600;

7       (7) for a rescue network manager license, an amount not to exceed  
8 \$125; and

9       ~~(7)~~(8) a late fee of ~~\$70~~\$100 shall be assessed to any person whose  
10 permit or license renewal is ~~more than 45 days~~ late.

11       (b) The commissioner shall determine annually the amount necessary  
12 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,  
13 for the next ensuing fiscal year and shall fix by rules and regulations the  
14 license and permit fees for such year at the amount necessary for that  
15 purpose, subject to the limitations of this section. In fixing such fees, the  
16 commissioner may establish categories of licenses and permits, based  
17 upon the type of license or permit, size of the licensed or permitted  
18 business or activity and the premises where such business or activity is  
19 conducted, and may establish different fees for each such category. The  
20 fees in effect immediately prior to the effective date of this act shall  
21 continue in effect until different fees are fixed by the commissioner as  
22 provided by this subsection.

23       (c) If a licensee, permittee or applicant for a license or permit  
24 requests an inspection of the premises of such licensee, permittee or  
25 applicant, the commissioner shall assess the costs of such inspection, as  
26 established by rules and regulations of the commissioner, to such licensee,  
27 permittee or applicant.

28       (d) No fee or assessment required pursuant to this section shall be  
29 refundable.

30       (e) The commissioner shall remit all moneys received by or for the  
31 commissioner under this section to the state treasurer in accordance with  
32 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
33 of each such remittance, the state treasurer shall deposit the entire amount  
34 in the state treasury to the credit of the animal ~~dealers~~ facilities fee fund,  
35 which is hereby created in the state treasury. Moneys in the animal ~~dealers~~  
36 facilities fee fund may be expended only to administer and enforce K.S.A.  
37 47-1701 et seq., and amendments thereto. All expenditures from the  
38 animal ~~dealers~~ facilities fee fund shall be made in accordance with  
39 appropriation acts upon warrants of the director of accounts and reports  
40 issued pursuant to vouchers approved by the Kansas animal health  
41 commissioner or the commissioner's designee.

42       ~~(f)—Premises required to be licensed under the Kansas pet animal act~~  
43 shall not be required to pay for more than one license. If more than one

1 operation is ongoing at the premises, each operation shall comply with the  
2 applicable statutes and rules and regulations pertaining to such operation.

3 ~~(g)~~ Except as provided further, when a premises required to be  
4 licensed or permitted under the Kansas pet animal act applies for an initial  
5 license or permit, the commissioner shall prorate to the nearest whole  
6 month the license or permit fee established in subsection (a). *Premises*  
7 *required to be licensed under the Kansas pet animal act under multiple*  
8 *license categories shall be required to pay for the most expensive license*  
9 *and a \$50 fee for each additional applicable license. Premises shall*  
10 *comply with the applicable laws and rules and regulations pertaining to*  
11 *each category. The commissioner shall have discretion to determine*  
12 *whether the application is an initial application or an application for a*  
13 *premises which has been doing business but is not licensed or permitted. If*  
14 *the commissioner determines the premises has been doing business*  
15 *without a license or permit, the commissioner is not required to prorate the*  
16 *fee may assess a civil penalty in an amount of up to three times the annual*  
17 *license fee.*

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

20 Sec. 16. K.S.A. 2013 Supp. 47-1723 is hereby amended to read as  
21 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed  
22 veterinarian, to act as or be a boarding or training  ~~kennel premises~~ operator  
23 unless such person has obtained from the commissioner a boarding or  
24 training  ~~kennel premises~~ operator license for each premises operated by  
25 such person. Application for such license shall be made in writing on a  
26 form provided by the commissioner. The license period shall be for the  
27 license year ending on  ~~June~~ *September* 30 following the issuance date.

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

30 Sec. 17. K.S.A. 2013 Supp. 47-1725 is hereby amended to read as  
31 follows: 47-1725. (a) There is hereby created the Kansas pet animal  
32 advisory board, consisting of  ~~10~~ *11* members, *each of whom shall be*  
33 *residents of this state.* Members shall be appointed by the governor as  
34 follows:

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

37 (2) one member shall be an employee of a licensed research facility  
38 *or an animal health research facility operated by a public educational*  
39 *institution in this state;*

40 (3) one member shall be a licensed animal breeder *who currently*  
41 *holds a United States department of agriculture license under public law*  
42 *91-579 (7 U.S.C. § 2131 et seq.);*

43 (4) one member shall be a licensed  ~~retail~~ *animal* breeder *who does*

1 *not hold a United States department of agriculture license under public*  
2 *law 91-579 (7 U.S.C. § 2131 et seq.);*

3 (5) one member shall be a licensed pet shop operator;

4 (6) one member shall be a licensed veterinarian and shall be selected  
5 from a list of three names presented to the governor by the Kansas  
6 veterinary medical association;

7 (7) one member shall be a private citizen ~~with no link to the industry~~  
8 *who is not licensed under the Kansas pet animal act and has no*  
9 *professional affiliation with a Kansas pet animal act licensee;*

10 (8) one member shall be a licensed animal distributor;

11 (9) one member shall be a licensed hobby breeder; ~~and~~

12 (10) one member shall be a licensed boarding or training ~~kennel-~~  
13 *premises operator; and*

14 (11) *one member shall be a licensed rescue network manager.*

15 (b) Each member shall be appointed for a term of three years and  
16 until a successor is appointed and qualified.

17 (c) A vacancy on the board of a member shall be filled for the  
18 unexpired term by appointment by the governor.

19 (d) The board shall meet at least once every calendar quarter  
20 regularly or at such other times as the chairperson, *animal health*  
21 *commissioner* or a majority of the *appointed* board members determine. A  
22 majority of the *appointed* members shall constitute a quorum for  
23 conducting board business.

24 (e) The members of the board shall annually elect a chairperson.

25 (f) The board shall have the following duties, authorities and powers:

26 (1) To advise the Kansas animal health commissioner on hiring a  
27 director to implement the Kansas pet animal act;

28 (2) to review the status of the Kansas pet animal act;

29 (3) to make recommendations on changes to the Kansas pet animal  
30 act; and

31 (4) to make recommendations concerning the rules and regulations  
32 for the Kansas pet animal act.

33 ~~(g) Board members who are required to be licensed, except retail~~  
34 ~~breeders, shall be affiliated with or a member of an organized pet animal~~  
35 ~~association which is representative of the position such person will hold on~~  
36 ~~the board.~~

37 Sec. 18. K.S.A. 2013 Supp. 47-1726 is hereby amended to read as  
38 follows: 47-1726. ~~K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723~~  
39 ~~through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736~~*The*  
40 *provisions of article 17 of chapter 47 of the Kansas Statutes Annotated,*  
41 *and amendments thereto, shall be known and may be cited as the Kansas*  
42 *pet animal act. This act shall license, permit and regulate the conditions of*  
43 *certain premises and facilities within the state of Kansas where animals are*

1 maintained, sold or offered or maintained for sale. The provisions of this  
2 act shall not apply to any farm, kennel or other premises registered with  
3 and inspected by the national greyhound association which is used solely  
4 for the purposes of breeding, maintaining, training or selling greyhound  
5 dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto.  
6 The commissioner shall have the authority to enter into agreements with  
7 the national greyhound association pertaining to the aforementioned  
8 greyhound premises. Notwithstanding any other provisions of this section,  
9 any agreements between the commissioner and the national greyhound  
10 association may contain terms allowing the commissioner to access  
11 records, complete inspections of such premises and other related matters.

12 Sec. 19. K.S.A. 2013 Supp. 47-1731 is hereby amended to read as  
13 follows: 47-1731. (a) No dog or cat may be transferred to the permanent  
14 custody of a prospective owner by ~~a pound or~~ an animal shelter or rescue  
15 network, as defined by K.S.A. 47-1701, and amendments thereto, ~~or by a~~  
16 ~~humane society~~, unless:

17 (1) Such dog or cat has been surgically spayed or neutered before the  
18 physical transfer of the animal occurs; or

19 (2) the prospective owner signs an agreement to have the dog or cat  
20 spayed or neutered and deposits with the ~~pound or~~ animal shelter or rescue  
21 network funds not less than the lowest nor more than the highest cost of  
22 spaying or neutering in the community. Any funds deposited pursuant to  
23 such an agreement shall be refunded to such person upon presentation of a  
24 written statement signed by a licensed veterinarian that the dog or cat has  
25 been spayed or neutered. If such person does not reclaim the deposit  
26 within six months after receiving custody of the animal, the ~~pound or~~  
27 animal shelter or rescue network shall keep the deposit and may reclaim  
28 the unspayed or unneutered animal.

29 (b) No person shall spay or neuter any dog or cat for or on behalf of a  
30 ~~pound or~~ an animal shelter or rescue network unless such person is a  
31 licensed veterinarian or a *veterinary* student currently enrolled in ~~the~~ an  
32 accredited college of veterinary medicine, ~~Kansas state university~~, who has  
33 completed at least two years of study in the veterinary medical curriculum  
34 and is participating in a spay or neuter program ~~and as part of the~~  
35 ~~curriculum~~ under the direct supervision of a licensed veterinarian. Students  
36 shall only spay or neuter any dog or cat that belongs to the ~~pound or~~  
37 animal shelter or rescue network, and shall not spay or neuter any dog or  
38 cat that belongs to a member ~~or~~ of the public. No ~~pound or~~ animal shelter  
39 or rescue network shall designate the veterinarian which a person must  
40 use, or a list from which a person must select a veterinarian, to spay or  
41 neuter a dog or cat transferred by such person from such ~~pound or~~ animal  
42 shelter or rescue network. Any premises located in the state of Kansas  
43 where the spaying, neutering or any other practice of veterinary medicine



1 occurs shall register such premises with the board of veterinary examiners  
2 *and comply with the Kansas veterinary practice act.*

3 (c) With the written approval of the animal health commissioner, any  
4 ~~pound or animal shelter or rescue network~~ may use an innovative spay or  
5 neuter program not precisely meeting the requirements of subsection (a)  
6 (2), if the ~~pound or animal shelter or rescue network~~ can prove to the  
7 commissioner that it is actively enforcing the spaying and neutering  
8 requirements set forth in this statute.

9 (d) Nothing in this section shall be construed to require sterilization  
10 of a dog or cat which is being held by ~~a pound or animal shelter or rescue~~  
11 *network* and which may be claimed by its rightful owner within the  
12 holding period established in K.S.A. 47-1710, and amendments thereto.

13 (e) The animal health commissioner shall promulgate rules and  
14 regulations as may be necessary to carry out the provisions of this section.

15 Sec. 20. K.S.A. 47-1733 is hereby amended to read as follows: 47-  
16 1733. (a) It shall be unlawful for any person to act as or be an animal  
17 breeder unless such person has obtained from the commissioner an animal  
18 breeder license for each animal breeder premises operated by such person.  
19 Application for each such license shall be made in writing on a form  
20 provided by the commissioner. The license period shall be for the license  
21 year ending on ~~June~~ *September* 30 following the issuance date.

22 (b) This section shall be part of and supplemental to the Kansas pet  
23 animal act.

24 Sec. 21. K.S.A. 47-1734 is hereby amended to read as follows: 47-  
25 1734. (a) It shall be unlawful for any person to act as or be an out-of-state  
26 distributor of dogs or cats, or both, within the state of Kansas unless such  
27 person has obtained from the commissioner an out-of-state distributor  
28 permit. Application for each such permit shall be made in writing on a  
29 form provided by the commissioner. The permit period shall be for the  
30 permit year ending on ~~June~~ *September* 30 following the issuance date.

31 (b) This section shall be part of and supplemental to the Kansas pet  
32 animal act.

33 Sec. 22. K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1717, 47-  
34 1718, 47-1719, 47-1720, 47-1732, 47-1733, 47-1734 and 47-1736 and  
35 K.S.A. 2013 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-  
36 1721, 47-1723, 47-1725, 47-1726 and 47-1731 are hereby repealed.

37 Sec. 23. This act shall take effect and be in force from and after its  
38 publication in the statute book.