

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 392**

As Amended by Senate Committee on  
Agriculture

**Brief\***

SB 392 would add new law and amend existing law regarding the Kansas Pet Animal Act.

***Definitions***

The bill would define “rescue network,” “rescue network manager,” and “pet animal foster home,” along with updating other definitions and deleting the definitions of “retail breeder,” “retail breeder premises,” “retail,” and “wholesale” from the Act. The bill also would remove references to the terms “pound” and “kennel” throughout the Act. In addition, the definition of “adequate veterinary medical care” would allow U.S. Department of Agriculture (USDA) licensed breeders to use their USDA veterinary care forms to meet the requirements of the definition. The bill would require the records to be made available to Kansas Department of Agriculture (KDA) inspectors for inspection or copying upon request and to be maintained for three years.

***Rescue Networks, Animal Shelters, and Pet Animal Foster Homes***

The bill would require rescue networks to obtain a license from the Animal Health Commissioner of the Kansas Department of Agriculture (KDA). Additionally, the bill would authorize rescue networks and animal shelters to utilize pet

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

animal foster homes (foster homes) and require rescue networks and animal shelters to ensure the foster homes comply with the Kansas Pet Animal Act and all relevant rules and regulations.

Rescue networks and animal shelters would be required to keep records of all foster homes housing animals and pay an annual fee of no more than \$10 to the KDA for each foster home. The bill also would require each rescue network to designate a rescue network manager who would approve the membership of foster homes in the rescue network; supervise intake of dogs and cats into the rescue network; monitor and ensure compliance of the foster homes with the relevant laws, rules, and regulations; and maintain records.

The Animal Health Commissioner would be required to adopt rules and regulations relating to rescue networks and foster homes.

The bill would clarify that an animal could not be disposed of by an animal shelter until after expiration of a minimum of three full business days of custody, not including the day the animal arrives, during which the public has clear physical access to inspect and recover the animal during usual business hours.

The bill would authorize a veterinary student currently enrolled in an accredited college of veterinary medicine who has completed at least two years in the veterinary medical curriculum and is participating in a spay or neuter program under the direct supervision of a licensed veterinarian to spay or neuter any dog or cat for or on behalf of an animal shelter or rescue network.

### ***Adoption Events***

The bill would allow an animal shelter or rescue network manager to host adoption events at a location other than the licensed premise, so long as all applicable rules and

regulations are followed at the other locations. The animal shelter or rescue network would be required to provide advance notice of the date and location of an adoption event to the Animal Health Commissioner or to the Commissioner's authorized representative.

### ***Inspections***

The bill would require the Animal Health Commissioner or the Commissioner's authorized, trained representatives to inspect each premise for which a license or permit has been issued. The inspections would take place according to an inspection frequency schedule adopted by rules and regulations. The frequency schedule could take into account the performance history of a premise or the relative risk posed by such premise to the health, safety, and welfare of the animals.

### ***Licenses and Fees***

The bill would increase the fee caps for the following license categories:

- Animal breeders, animal distributors, and research facilities licensed under the federal Animal Welfare Act Amendments of 1970 – from \$200 to \$400;
- Animal breeders and research facilities not licensed under the federal Animal Welfare Act Amendments of 1970 – from \$405 to \$725;
- Out-of-state distributors – \$675;
- Hobby breeder license – from \$95 to \$200;
- Boarding or training premises operator license – \$250;

- License for an animal shelter – from \$300 to \$600; and
- Rescue network manager license – \$125.

In addition, the bill would authorize an increase from \$70 to \$100 for a late fee that would be assessed to any person whose permit or license renewal is late.

The bill would add conviction of cruelty to animals under federal law, city ordinances, or county resolutions as a reason for the Animal Health Commissioner to refuse to issue or renew, or suspend and revoke any license or permit required under the Act. The bill also would change the end date of the license period for all licenses to September 30 instead of June 30.

The bill would eliminate the provision that the Commissioner should only adopt rules and regulations consistent with USDA rules and regulations for USDA licensed animal breeders. In addition, the bill would rename the Animal Dealers Fee Fund to the Animal Facilities Fee Fund.

### ***Kansas Pet Animal Advisory Board***

The membership of the Kansas Pet Animal Advisory Board (Board) would be increased from 10 members to 11, each of whom would be required to be state residents. The eleventh member would be a licensed rescue network manager. In addition, the bill would update the requirements for four of the existing Board members.

### ***Other Changes***

The bill would eliminate the option to use carbon monoxide chambers for the purpose of euthanasia of dogs and cats. In addition, the bill would repeal three statutes,

which are outdated or have been replaced by other statutes, or deals with a license type that would be eliminated by the bill. The bill also would make technical corrections to existing law.

## **Background**

The bill was introduced by the Senate Committee on Agriculture. At the Senate Committee hearing, proponent testimony was provided by representatives of the American Society for the Prevention of Cruelty to Animals; Animal Facilities Inspection Program, KDA; Great Plains SPCA; Kansas Livestock Association; Kansas Pet Animal Advisory Board; Kansas Pet Professionals; Lawrence Humane Society; Pet Animal Coalition of Kansas; The Humane Society of the United States; and four private citizens.

Opponent testimony was provided by representatives of the Kansas Federation of Animal Owners and five private citizens. There was no neutral testimony.

The Senate Committee amended the bill by clarifying the definition of “rescue network” and by adding in the amount of \$600 as the license fee for animal shelters (no amount was listed in the original version of the bill due to a drafting error).

The fiscal note on the original version of the bill as provided by the Division of the Budget states the KDA anticipates an increase both in fee fund revenues and expenditures by \$199,175 for FY 2014 and \$355,925 for FY 2015. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor’s Budget Report*.