

SENATE BILL No. 498

By Committee on Agriculture and Natural Resources

2-11

1 AN ACT concerning the department of agriculture; relating to animal
2 health; establishing the animal facilities inspection program under the
3 supervision of the secretary; amending K.S.A. 47-1701, 47-1702, 47-
4 1703, 47-1704, 47-1706, 47-1706a, 47-1707, 47-1708, 47-1709, 47-
5 1710, 47-1711, 47-1712, 47-1713, 47-1715, 47-1718, 47-1719, 47-
6 1720, 47-1721, 47-1723, 47-1725, 47-1726, 47-1727, 47-1731, 47-
7 1732, 47-1733, 47-1734, 47-1735 and 47-1736 and repealing the
8 existing sections.
9

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

11 New Section 1. (a) (1) There is hereby established an animal facilities
12 inspection program under the supervision of the secretary of agriculture.
13 The secretary shall:

14 (A) Appoint a director of the animal facilities inspection program;
15 and

16 (B) designate and establish the division of animal facilities inspection
17 within the department of agriculture or another equivalent designation
18 under the supervision of the secretary as the secretary may deem
19 necessary.

20 (2) The program established by the secretary in paragraph (1) shall be
21 a continuation of the animal facilities inspection program that was
22 supervised by the animal health commissioner.

23 (b) All rules and regulations previously promulgated pursuant to the
24 Kansas pet animal act by the commissioner of animal health shall continue
25 in full force and effect until amended or revoked by the secretary. In
26 addition to any rules and regulations promulgated by the secretary
27 pursuant to the Kansas pet animal act, the commissioner shall be
28 authorized to promulgate any rules and regulations necessary to prevent
29 the spread of contagious or infectious disease among animals of this state
30 within facilities regulated by the Kansas pet animal act.

31 (c) The secretary shall cooperate with the commissioner whenever the
32 commissioner deems necessary to prevent the spread of contagious or
33 infectious disease among the animals of this state within facilities
34 regulated by the Kansas pet animal act.

35 (d) In the event of an outbreak of a contagious or infectious disease
36 among any animals, the commissioner is authorized to utilize and direct

1 any veterinarians or other necessary employees of the secretary that are
2 assigned to the division of animal facilities inspection or an equivalent
3 program or division, to support any action conducted under the authority
4 of article 6 of chapter 47 of the Kansas Statutes Annotated, and
5 amendments thereto.

6 Sec. 2. K.S.A. 47-1701 is hereby amended to read as follows: 47-
7 1701. As used in the Kansas pet animal act, unless the context otherwise
8 requires:

9 (a) "Adequate feeding" means supplying at suitable intervals, not to
10 exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal
11 species and age, ~~and~~ *that is* sufficient to maintain a reasonable level of
12 nutrition in each animal.

13 (b) "Adequate watering" means a supply of clean, fresh, potable
14 water, supplied in a sanitary manner and either continuously accessible to
15 each animal or supplied at intervals suitable for the animal species, not to
16 exceed intervals of 12 hours.

17 (c) "Ambient temperature" means the temperature surrounding the
18 animal.

19 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman
20 primate, bird or other warm-blooded vertebrate or any fish, snake or other
21 cold-blooded vertebrate.

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

24 (e) "Animal breeder" means any person who operates an animal
25 breeder premises.

26 (f) "Animal breeder premises" means any premises where all or part
27 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or
28 both, are sold, or offered or maintained for sale, primarily at wholesale for
29 resale to another.

30 (g) "Animal shelter" or "pound" means a facility that is used or
31 designed for use to house, contain, impound or harbor any seized stray,
32 homeless, relinquished or abandoned animal or a person who acts as an
33 animal rescuer, or who collects and cares for unwanted animals or offers
34 them for adoption. "Animal shelter" or "pound" also includes a facility of
35 an individual or organization, profit or nonprofit, maintaining 20 or more
36 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
37 or maintaining the animals or offering the animals for adoption.

38 (h) "Cat" means an animal that is wholly or in part of the species
39 *Felis domesticus*.

40 (i) "Commissioner" means the animal health commissioner of the
41 Kansas department of agriculture.

42 (j) "Dog" means any animal that is wholly or in part of the species
43 *Canis familiaris*.

1 (k) "Animal control officer" means any person employed by,
2 contracted with or appointed by the state, or any political subdivision
3 thereof, for the purpose of aiding in the enforcement of this law, or any
4 other law or ordinance relating to the licensing or permitting of animals,
5 control of animals or seizure and impoundment of animals, ~~and~~. "Animal
6 control officer" includes any state, county or municipal law enforcement
7 officer, dog warden, constable or other employee, whose duties in whole
8 or in part include assignments that involve the seizure or taking into
9 custody of any animal.

10 (l) "Euthanasia" means the humane destruction of an animal, which
11 may be accomplished by any of those methods provided for in K.S.A. 47-
12 1718, and amendments thereto.

13 (m) "Hobby breeder premises" means any premises where all or part
14 of three, four or five litters of dogs or cats, or both, are produced for sale
15 or sold, offered or maintained for sale per license year. This provision
16 applies only if the total number of dogs or cats, or both, sold, offered or
17 maintained for sale is less than 30 individual animals.

18 (n) "Hobby breeder" means any person who operates a hobby breeder
19 premises.

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

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

26 (q) "Boarding or training kennel operator premises" means the
27 facility of a boarding or training kennel operator.

28 (r) "License year" or "permit year" means the 12-month period
29 ending on September 30.

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

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

34 (A) Any dogs or cats, or both; or

35 (B) any other animals except those that are produced and raised on
36 such premises and are sold, or offered or maintained for sale, by a person
37 who resides on such premises.

38 (2) "Pet shop" does not include:

39 (A) Any pound or animal shelter;

40 (B) any premises where only fish are sold, or offered or maintained
41 for sale; or

42 (C) any animal distributor premises, hobby breeder premises, retail
43 breeder premises or animal breeder premises.

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

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

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

7 (w) "Research facility" means any place, laboratory or institution,
8 except an elementary school, secondary school, college or university, ~~at~~
9 ~~which~~ where any scientific test, experiment or investigation involving the
10 use of any living animal is carried out, conducted or attempted.

11 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
12 Maintaining animals for sale is presumed whenever 20 or more dogs or
13 cats, or both, are maintained by any person.

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

17 (z) "Animal distributor" means any person who operates an animal
18 distributor premises.

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

23 (bb) "Out-of-state distributor" means any person residing in a state
24 other than Kansas, who is engaged in the business of buying for resale
25 dogs or cats, or both, within the state of Kansas, as a principal or agent.

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

29 (dd) (1) "Adequate veterinary medical care" means:

30 (A) A documented program of disease control and prevention,
31 euthanasia and routine veterinary care shall be established and maintained
32 under the supervision of a licensed veterinarian, on a form provided by the
33 ~~commissioner~~ secretary, and shall include a documented on-site visit to the
34 premises by the veterinarian at least once a year; and

35 (B) that diseased, ill, injured, lame or blind animals shall be provided
36 with veterinary care as is needed for the health and well-being of the
37 animal, and such veterinary care shall be documented and maintained on
38 the premises; and.

39 ~~(C)~~(2) All documentation required by subsections (dd)(1)(A) and (dd)
40 (1)(B) shall be made available to the ~~commissioner~~ secretary or the
41 ~~commissioner's~~ secretary's authorized representative for inspection or
42 copying upon request and shall be maintained for three years after the
43 effective date of the program or the administration of such veterinary care.

1 (2) ~~"Adequate veterinary medical care" shall not apply to United~~
2 ~~States department of agriculture licensed animal breeders or animal~~
3 ~~distributors.~~

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

7 (ff) "Retail breeder" means any person who operates a retail breeder
8 premises.

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

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

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

17 (jj) *"Secretary" means the secretary of the Kansas department of*
18 *agriculture or the secretary's designee.*

19 Sec. 3. K.S.A. 47-1702 is hereby amended to read as follows: 47-
20 1702. It shall be unlawful for any person to act as or be an animal
21 distributor unless such person has obtained from the ~~commissioner~~
22 *secretary* an animal distributor license for each animal distributor premises
23 operated by such person. Application for such license shall be made in
24 writing on a form provided by the ~~commissioner~~ *secretary*. The license
25 period shall be for the license year ending on September 30 following the
26 issuance date.

27 Sec. 4. K.S.A. 47-1703 is hereby amended to read as follows: 47-
28 1703. It shall be unlawful for any person to act as or be a pet shop operator
29 unless such person has obtained from the ~~commissioner~~ *secretary* a pet
30 shop operator license for each pet shop operated by such person.
31 Application for each such license shall be made in writing on a form
32 provided by the ~~commissioner~~ *secretary*. The license period shall be for
33 the license year ending on September 30 following the issuance date.

34 Sec. 5. K.S.A. 47-1704 is hereby amended to read as follows: 47-
35 1704. (a) It shall be unlawful for any person to operate a pound or animal
36 shelter, except a licensed veterinarian who operates such pound or animal
37 shelter from such licensed veterinarian's clinic, unless a license for such
38 pound or shelter has been obtained from the ~~commissioner~~ *secretary*.
39 Application for such license shall be made on a form provided by the
40 ~~commissioner~~ *secretary*. The license period shall be for the license year
41 ending on September 30 following the issuance date.

42 (b) The Kansas department of agriculture shall not require any
43 individual to be licensed who has written and signed an agreement to

1 provide temporary care for one or more dogs or cats owned by an animal
2 shelter. Any such animal shelter shall keep a current list of such
3 individuals who have written and signed an agreement to provide such
4 temporary care.

5 Sec. 6. K.S.A. 47-1706 is hereby amended to read as follows: 47-
6 1706. (a) The ~~commissioner~~ *secretary* may refuse to issue or renew or may
7 suspend or revoke any license or permit required under K.S.A. 47-1701 et
8 seq., and amendments thereto, for any one or more of the following
9 reasons:

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

12 (2) willful disregard of any provision of the Kansas pet animal act or
13 any rule and regulation adopted hereunder, or any willful aiding or
14 abetting of another in the violation of any provision of the Kansas pet
15 animal act or any rule and regulation adopted hereunder;

16 (3) permitting any license or permit issued hereunder to be used by an
17 unlicensed or unpermitted person or transferred to unlicensed or
18 unpermitted premises;

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

20 (5) substantial misrepresentation;

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

24 (7) fraudulent bill of sale;

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

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

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

31 (11) failure to maintain or provide documentation of the provision of
32 adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and
33 amendments thereto, to animals in such licensee or permittee's custody or
34 care when access to such is requested by the ~~commissioner~~ *secretary* or the
35 ~~commissioner's secretary's~~ authorized representatives.

36 (b) The ~~commissioner~~ *secretary* shall refuse to issue or renew and
37 shall suspend or revoke any license or permit required under K.S.A. 47-
38 1701 et seq., and amendments thereto, for a conviction of cruelty to
39 animals, K.S.A. 21-4310, prior to its repeal, or ~~subsections (a)(1) through~~
40 ~~(a)(5) of~~ K.S.A. 2021 Supp. 21-6412(a)(1) through (5), and amendments
41 thereto.

42 (c) Any refusal to issue or renew a license or permit, and any
43 suspension or revocation of a license or permit, under this section shall be

1 issued only after notice and opportunity for a hearing are provided in
2 accordance with the provisions of the Kansas administrative procedure act
3 and shall be subject to review in accordance with the Kansas judicial
4 review act.

5 (d) Notwithstanding subsection (c), nothing shall preclude the
6 commissioner from issuing a quarantine order in accordance with K.S.A.
7 77-536, and amendments thereto, on any premises regulated under this act
8 wherein the animals are found to be infected with a contagious or zoonotic
9 disease ~~which~~ *that* may infect animals or humans that may come into
10 contact with or be exposed to such animals.

11 (e) Whenever the ~~commissioner~~ *secretary* denies, suspends or
12 revokes a license or permit under this section, the ~~commissioner~~ *secretary*
13 or the ~~commissioner's~~ *secretary's* authorized, trained representatives shall
14 seize and impound any animals in the possession, custody or care of the
15 person whose license or permit is denied, suspended or revoked if there are
16 reasonable grounds to believe that the animals' health, safety or welfare is
17 endangered. Except as provided by K.S.A. 2021 Supp. 21-6412, and
18 amendments thereto, such animals may be returned to the person owning
19 them if there is satisfactory evidence that the animals will receive adequate
20 care by that person or such animals may be sold, placed or euthanized, at
21 the discretion of the ~~commissioner~~ *secretary*. Costs of care and services for
22 such animals while seized and impounded shall be paid by the person from
23 whom the animals were seized and impounded, if that person's license or
24 permit is denied, suspended or revoked. Such funds shall be paid to the
25 ~~commissioner~~ *secretary* for reimbursement of care and services provided
26 during seizure and impoundment. If such person's license or permit is not
27 denied, suspended or revoked, the ~~commissioner~~ *secretary* shall pay the
28 costs of care and services provided during seizure and impoundment.

29 Sec. 7. K.S.A. 47-1706a is hereby amended to read as follows: 47-
30 1706a. (a) When an animal is seized or impounded pursuant to K.S.A. 47-
31 1706, 47-1707 or 47-1715, and amendments thereto, the owner or person
32 who was in possession of the animal at the time such animal was seized or
33 impounded may post a cash or security bond as provided in this section
34 ~~which~~ *that* shall prevent the sale, placement or euthanasia of the animal.
35 Such cash or security bond shall be in an amount sufficient to pay for the
36 animal's care and keeping for a period of at least 30 days, commencing on
37 the date ~~which~~ *that* the animal was seized or impounded. Any such
38 security bond or any security bond as provided in subsection (b) shall be
39 approved by the Kansas department of agriculture ~~division of animal~~
40 ~~health~~.

41 (b) Such bond shall be filed with the Kansas department of
42 agriculture ~~division of animal health~~ and shall be posted on or before the
43 date of the disposition hearing or within 10 days after the animal is seized

1 or impounded, whichever is earlier. At the end of the time for which
2 expenses are covered by the bond if the owner or person who was in
3 possession of the animal at the time it was seized or impounded desires to
4 prevent disposition of the animal, such owner or person shall post a new
5 cash or security bond prior to the previous bond's expiration. At the end of
6 the time for which expenses are covered by the bond, the animal may be
7 sold, placed or euthanized.

8 (c) The authority seizing or impounding an animal shall give notice
9 by delivering a copy of this section to a person residing on the property
10 where the animal was seized or by posting a copy at the place where the
11 animal was seized.

12 (d) Nothing in this section shall prevent the euthanasia at any time of
13 an animal seized or impounded ~~which~~ *that* is determined by a licensed
14 veterinarian to be diseased or disabled beyond recovery for any useful
15 purpose.

16 ~~(e) This act is supplemental to and shall become a part of the Kansas
17 pet animal act.~~

18 Sec. 8. K.S.A. 47-1707 is hereby amended to read as follows: 47-
19 1707. (a) In addition to or in lieu of any other civil or criminal penalty
20 provided by law, the ~~commissioner~~ *secretary*, upon a finding that a person
21 has violated or failed to comply with any provision of the Kansas pet
22 animal act or any rule and regulation adopted hereunder, may impose on
23 such person a civil penalty not exceeding \$1,000 for each violation or
24 require such person to attend an educational course regarding animals and
25 their care and treatment. If the ~~commissioner~~ *secretary* imposes the
26 educational course, such person may choose either the penalty or the
27 educational course. If such person chooses the penalty, the ~~commissioner~~
28 *secretary* shall establish the amount pursuant to the penalty provisions of
29 this section. The educational course shall be administered by the
30 ~~commissioner~~ *secretary* in consultation with Kansas state university
31 college of veterinary medicine.

32 (b) Any imposition of a civil penalty pursuant to this section shall be
33 only upon notice and opportunity for a hearing in accordance with the
34 Kansas administrative procedure act and shall be subject to review in
35 accordance with the Kansas judicial review act.

36 (c) Whenever the ~~commissioner~~ *secretary* has reasonable grounds to
37 believe that a person or premises required to be licensed or permitted
38 under the Kansas pet animal act has failed to comply with or has violated
39 any provision of the Kansas pet animal act or any rule and regulation
40 adopted hereunder and that the health, safety or welfare of animals in such
41 person's possession, custody or care is endangered thereby, the
42 ~~commissioner~~ *secretary* shall seize and impound such animals using
43 emergency adjudicative proceedings in accordance with the Kansas

1 administrative procedure act. Except as provided by K.S.A. 2021 Supp.
2 21-6412, and amendments thereto, such animals may be returned to the
3 person owning them if there is satisfactory evidence that the animals will
4 receive adequate care by that person or such animals may be sold; or
5 placed *at the discretion of the secretary* or euthanized, at the discretion of
6 the ~~commissioner~~ *secretary in consultation with a licensed veterinarian*.
7 Costs of care and services for such animals while seized and impounded
8 shall be paid by the person from whom the animals were seized and
9 impounded, if that person is found to be in violation of the Kansas pet
10 animal act or any rules and regulations adopted hereunder. Such funds
11 shall be paid to the ~~commissioner~~ *secretary* for reimbursement of care and
12 services provided during seizure and impoundment. If such person is not
13 found to be in violation of the Kansas pet animal act or any rules and
14 regulations adopted hereunder, the ~~commissioner~~ *secretary* shall pay the
15 costs of care and services provided during seizure and impoundment.

16 Sec. 9. K.S.A. 47-1708 is hereby amended to read as follows: 47-
17 1708. Any action of the ~~commissioner~~ *secretary* pursuant to K.S.A. 47-
18 1706 or 47-1707, and amendments thereto, is subject to review in
19 accordance with the Kansas judicial review act.

20 Sec. 10. K.S.A. 47-1709 is hereby amended to read as follows: 47-
21 1709. (a) The ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's*
22 authorized, trained representatives shall make an inspection of the
23 premises for which an application for an original license or permit is made
24 under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of
25 such license or permit. No license or permit shall be issued by the
26 ~~commissioner~~ *secretary* to an applicant described in this subsection until
27 the premises for which application is made has passed a licensing or
28 permitting inspection. The application for a license shall conclusively be
29 deemed to be the consent of the applicant to the right of entry and
30 inspection of the premises sought to be licensed or permitted by the
31 ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's* authorized,
32 trained representatives at reasonable times with the owner or owner's
33 representative present. Refusal of such entry and inspection shall be
34 grounds for denial of the license or permit. Notice need not be given to any
35 person prior to inspection.

36 (b) The ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's*
37 authorized, trained representatives may inspect each premises for which a
38 license or permit has been issued under K.S.A. 47-1701 et seq., and
39 amendments thereto. The acceptance of a license or permit shall
40 conclusively be deemed to be the consent of the licensee or permittee to
41 the right of entry and inspection of the licensed or permitted premises by
42 the ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's* authorized,
43 trained representatives at reasonable times with the owner or owner's

1 representative present. Refusal of such entry and inspection shall be
2 grounds for suspension or revocation of the license or permit. Notice shall
3 not be given to any person prior to inspection.

4 (c) ~~The commissioner secretary~~ or ~~the commissioner's secretary's~~
5 authorized, trained representatives shall make inspections of the premises
6 of a person required to be licensed or permitted under K.S.A. 47-1701 et
7 seq., and amendments thereto, upon a determination by ~~the commissioner~~
8 ~~secretary~~ that there are reasonable grounds to believe that the person is
9 violating the provisions of K.S.A. 47-1701 et seq., and amendments
10 thereto, or rules and regulations adopted thereunder or that there are
11 grounds for suspension or revocation of such person's license or permit.

12 (d) Any complaint filed with ~~the commissioner secretary~~ shall be
13 confidential and shall not be released to any person other than employees
14 of ~~the commissioner secretary~~ as necessary to carry out the duties of their
15 employment.

16 (e) Any person making inspections under this section shall be trained
17 by ~~the commissioner secretary~~ in reasonable standards of animal care.

18 (f) ~~The commissioner secretary~~ may request a licensed veterinarian
19 ~~or the commissioner~~ to assist in any inspection or investigation made by
20 ~~the commissioner secretary~~ or ~~the commissioner's secretary's~~ authorized
21 representative under this section.

22 (g) Any person acting as ~~the commissioner's secretary's~~ authorized
23 representative for purposes of making inspections and conducting
24 investigations under this section who knowingly falsifies the results or
25 findings of any inspection or investigation or intentionally fails or refuses
26 to make an inspection or conduct an investigation pursuant to this section
27 shall be guilty of a class A nonperson misdemeanor.

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

33 (i) Records of inspections pursuant to this section shall be maintained
34 in the office of the Kansas department of agriculture ~~division of animal~~
35 ~~health. Records of a deficiency or violation shall not be maintained for~~
36 ~~longer than three years after the deficiency or violation is remedied.~~

37 (j) ~~The commissioner secretary~~, in consultation with Kansas state
38 university college of veterinary medicine, shall:

39 (1) Continue procedures to provide for pet animal training or updated
40 training for authorized trained representatives who inspect premises under
41 the pet animal act and to allow the owners of such facilities licensed or
42 permitted under the pet animal act to attend and participate at the training
43 workshops for the authorized, trained representatives; and

1 (2) make available to such owners and other interested persons an
2 inspection handbook describing the duties and responsibilities of such
3 authorized, trained representatives.

4 (k) If the ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's*
5 authorized representative is denied access to any location where such
6 access is sought for the purposes authorized under the Kansas pet animal
7 act, the ~~commissioner~~ *secretary* may apply to any court of competent
8 jurisdiction for an administrative search warrant authorizing access to such
9 location for such purposes. Upon such application and a showing of cause
10 therefore, the court shall issue the search warrant for the purposes
11 requested.

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

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

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

1 accrue to any individual.

2 (d) *The governing body of a political subdivision or the board of*
3 *directors of any humane society regulating the operation of an animal*
4 *shelter or pound may develop an alternative plan for the capture, release,*
5 *shelter, spaying or neutering and provision of other medical care to feral*
6 *cats. Such plan shall be approved by the secretary and the commissioner*
7 *and need not comply with the requirements of this section or K.S.A. 47-*
8 *1731, and amendments thereto, if both the secretary and the commissioner*
9 *determine such plan is consistent with the public interest and the health,*
10 *safety and welfare of any impacted animals.*

11 Sec. 12. K.S.A. 47-1711 is hereby amended to read as follows: 47-
12 1711. An animal control officer shall not be granted an animal distributor's,
13 animal breeder's, retail breeder's, hobby breeder's or a pet shop operator's
14 license. Each application for any such license shall include a statement that
15 neither the applicant nor any of the applicant's employees is an animal
16 control officer. An animal control officer, upon taking custody of any
17 animal in the course of such officer's official duties, shall immediately
18 make a record ~~which shall include~~ *that includes* the color, breed, sex,
19 approximate weight and other description of the animal, the reason for
20 seizure, the location of seizure, the owner's name and address, if known,
21 the animal license number, and any other identification number. Complete
22 information relating to the disposition of the animal shall be shown on the
23 record and shall be added immediately following the disposition of the
24 animal. Such records shall be made available to the ~~commissioner~~
25 *secretary* or the ~~commissioner's~~ *secretary's* authorized representative upon
26 request.

27 Sec. 13. K.S.A. 47-1712 is hereby amended to read as follows: 47-
28 1712. (a) ~~The commissioner~~ *secretary* is hereby authorized to adopt rules
29 and regulations for licensees and permittees. Such rules and regulations
30 shall include, but not be limited to, provisions relating to:

31 (1) Reasonable treatment of animals in the possession, custody or
32 care of a licensee or permittee or being transported to or from licensed or
33 permitted premises;

34 (2) a requirement that each licensee and permittee file with the
35 ~~commissioner~~ *secretary* evidence that animals entering or leaving the state
36 are free from any visible symptoms of communicable disease;

37 (3) identification of animals handled;

38 (4) primary enclosures;

39 (5) housing facilities;

40 (6) sanitation;

41 (7) euthanasia;

42 (8) ambient temperatures;

43 (9) feeding;

- 1 (10) watering;
- 2 (11) adequate veterinary medical care;
- 3 (12) inspections of licensed or permitted premises, investigations of
4 complaints and training of persons conducting such inspections and
5 investigations; and
- 6 (13) a requirement that each licensee or permittee keep and maintain,
7 for inspection by the ~~commissioner~~ *secretary*, such records as necessary to
8 administer and enforce the provisions of the Kansas pet animal act.

9 (b) The ~~commissioner~~ *secretary* shall only adopt as rules and
10 regulations for United States department of agriculture licensed animal
11 distributors and animal breeders, and animal distributor and animal
12 breeder premises the rules and regulations promulgated by the secretary of
13 the United States department of agriculture, cited at 9 C.F.R. 3.1 through
14 3.12, pursuant to the provisions of the United States public law 91-579, 7
15 U.S.C. § 2131 et seq.), commonly known as the animal welfare act.

16 (c) Notwithstanding any provision in subsection (a) or (b), *the*
17 *secretary* or the commissioner may adopt a requirement that each licensee
18 and permittee file with *the secretary* or the commissioner evidence that
19 animals entering or leaving the state are free from any visible symptoms of
20 communicable disease.

21 Sec. 14. K.S.A. 47-1713 is hereby amended to read as follows: 47-
22 1713. The ~~commissioner~~ *secretary* may prohibit the sale or gift of animals
23 ~~which~~ *that* constitute a hazard to human health or safety or to animal
24 health or safety.

25 Sec. 15. K.S.A. 47-1715 is hereby amended to read as follows: 47-
26 1715. (a) Any violation of or failure to comply with any provision of the
27 Kansas pet animal act, or any rule and regulation adopted hereunder, shall
28 constitute a class A nonperson misdemeanor. Continued operation, after a
29 conviction, shall constitute a separate offense for each day of operation.

30 (b) Upon a conviction of a person for any violation of the Kansas pet
31 animal act, or any rule and regulation adopted hereunder, the court shall
32 order the ~~commissioner~~ *secretary* to seize and impound any animals in the
33 convicted person's possession, custody or care if there are reasonable
34 grounds to believe that the animals' health, safety or welfare is endangered.
35 Except as provided by K.S.A. 2021 Supp. 21-6412, and amendments
36 thereto, such animals may be returned to the person owning ~~them~~ *the*
37 *animals* if there is satisfactory evidence that the animals will receive
38 adequate care by that person or such animals may be sold; *or placed at the*
39 *discretion of the secretary* or euthanized, at the discretion of the
40 ~~commissioner~~ *secretary in consultation with a licensed veterinarian*. Costs
41 of care and services for such animals while seized and impounded shall be
42 paid by the convicted person. Such funds shall be paid to the
43 ~~commissioner~~ *secretary* for reimbursement of care and services provided

1 during seizure and impoundment. If the person is not convicted, the
2 ~~commissioner~~ secretary shall pay the costs of care and services provided
3 during seizure and impoundment.

4 Sec. 16. K.S.A. 47-1718 is hereby amended to read as follows: 47-
5 1718. ~~(a)~~ No animal shall be euthanized by any animal control officer,
6 licensee, permittee, officer of an animal shelter or officer of a pound by
7 any means, method, agent or device, or in any way, except through the
8 most current, approved euthanasia methods established by the American
9 veterinary medical association ~~panel on euthanasia guidelines for the~~
10 *euthanasia of animals, 2020 edition*. The ~~commissioner~~ secretary shall
11 promulgate rules and regulations ~~by December 31, 2015~~, regarding
12 acceptable methods of euthanasia. Such acceptable methods may be more
13 stringent than those established by the American veterinary medical
14 association.

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

17 Sec. 17. K.S.A. 47-1719 is hereby amended to read as follows: 47-
18 1719. ~~(a)~~ It shall be unlawful for any person to act as or be a hobby
19 breeder unless such person has obtained from the ~~commissioner~~ secretary
20 a hobby breeder license. Application for such license shall be made in
21 writing on a form provided by the ~~commissioner~~ secretary. The license
22 period shall be for the license year ending on September 30 following the
23 issuance date.

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

26 Sec. 18. K.S.A. 47-1720 is hereby amended to read as follows: 47-
27 1720. ~~(a)~~ It shall be unlawful for any person to operate a research facility
28 unless such person has obtained from the ~~commissioner~~ secretary a
29 research facility license. Application for such license shall be made in
30 writing on a form provided by the ~~commissioner~~ secretary. The license
31 period shall be for the license year ending on September 30 following the
32 issuance date.

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

35 Sec. 19. K.S.A. 47-1721 is hereby amended to read as follows: 47-
36 1721. (a) Each application for issuance or renewal of a license or permit
37 required under K.S.A. 47-1701 et seq., and amendments thereto, shall be
38 accompanied by the fee prescribed by the ~~commissioner~~ secretary under
39 this section. Such fees shall be as follows:

40 (1) Except as provided in paragraphs (5) through (8) and paragraph
41 (10) for a license for premises of a person licensed under public law 91-
42 579, 7 U.S.C. § 2131 et seq., an amount not to exceed \$450;

43 (2) except as provided in paragraphs (5) through (8) and paragraph

- 1 (10) for a license for any other premises, an amount not to exceed \$600;
- 2 (3) for a temporary closing permit, an amount not to exceed \$95;
- 3 (4) for an out-of-state distributor permit, an amount not to exceed
- 4 \$675;
- 5 (5) for a hobby breeder license or a kennel operator license an amount
- 6 not to exceed \$250;
- 7 (6) for an animal shelter in a first-class city, as defined in K.S.A. 13-
- 8 101, and amendments thereto, not to exceed \$400;
- 9 (7) for an animal shelter in a second-class city, as defined in K.S.A.
- 10 14-101, and amendments thereto, not to exceed \$335;
- 11 (8) for an animal shelter in a third-class city, as defined in K.S.A. 15-
- 12 101, and amendments thereto, not to exceed \$285;
- 13 (9) a late fee of \$70 shall be assessed to any person whose permit or
- 14 license renewal is not renewed prior to October 1; and
- 15 (10) for any premises required to be licensed under the Kansas pet
- 16 animal act under multiple license categories, payment for only the most
- 17 expensive license and a \$50 fee for each additional applicable license.
- 18 Such premises shall comply with the applicable laws and rules and
- 19 regulations pertaining to each license category.
- 20 (b) The ~~commissioner~~ *secretary* shall determine annually the amount
- 21 necessary to carry out and enforce K.S.A. 47-1701 et seq., and
- 22 amendments thereto, for the next ensuing fiscal year and shall fix by rules
- 23 and regulations the license and permit fees for such year at the amount
- 24 necessary for that purpose, subject to the limitations of this section. In
- 25 fixing such fees, the ~~commissioner~~ *secretary* may establish categories of
- 26 licenses and permits, based upon the type of license or permit, size of the
- 27 licensed or permitted business or activity and the premises where such
- 28 business or activity is conducted, and may establish different fees for each
- 29 such category. The fees in effect immediately prior to the effective date of
- 30 this act shall continue in effect until different fees are fixed by the
- 31 ~~commissioner~~ *secretary* as provided by this subsection.
- 32 (c) If a licensee, permittee or applicant for a license or permit
- 33 requests an inspection of the premises of such licensee, permittee or
- 34 applicant, the ~~commissioner~~ *secretary* shall charge a fee of \$200 to cover
- 35 the costs of such inspection.
- 36 (d) (1) Failure by the owner of a premises, a licensee or a permittee,
- 37 or their designated representative, to make a premises available for
- 38 inspection within 30 minutes of the arrival of the inspector or the
- 39 inspector's authorized representative shall be considered a no-contact
- 40 inspection. Each no-contact inspection shall result in a \$200 no-contact fee
- 41 against the owner of the premises, the licensee or the permittee. The
- 42 ~~commissioner~~ *secretary* or the ~~commissioner's~~ *secretary's* authorized
- 43 representative shall make a second or subsequent attempt to inspect the

1 premises.

2 (2) If a premises fails an inspection, such owner, licensee or permittee
3 shall be required to pay a \$200 re-inspection fee for any subsequent
4 inspection. Such payment must be made in advance of the re-inspection,
5 and failure to do so shall result in the revocation of any such licensee's or
6 permittee's license or permit. The owner of the premises shall be required
7 to reapply for any licenses or permits that were revoked pursuant to this
8 subsection and shall be required to:

9 (A) Pay the fee for the new permit or license application;

10 (B) pass an initial inspection; and

11 (C) pay any past due fees before the new license or permit can be
12 issued.

13 (e) No fee or assessment required pursuant to this section shall be
14 refundable.

15 (f) ~~The commissioner~~ *secretary* shall remit all moneys received by or
16 for the ~~commissioner~~ *secretary* under this section to the state treasurer in
17 accordance with the provisions of K.S.A. 75-4215, and amendments
18 thereto. Upon receipt of each such remittance, the state treasurer shall
19 deposit the entire amount in the state treasury to the credit of the animal
20 dealers fee fund, which is hereby created in the state treasury. Moneys in
21 the animal dealers fee fund may be expended only to administer and
22 enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures
23 from the animal dealers fee fund shall be made in accordance with
24 appropriation acts upon warrants of the director of accounts and reports
25 issued pursuant to vouchers approved by the ~~Kansas animal health~~
26 ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~ *secretary's*
27 designee.

28 (g) Except as provided further, when a premises required to be
29 licensed or permitted under the Kansas pet animal act applies for an initial
30 license or permit, the ~~commissioner~~ *secretary* shall prorate to the nearest
31 whole month the license or permit fee established in subsection (a). The
32 ~~commissioner~~ *secretary* shall have discretion to determine whether the
33 application is an initial application or an application for a premises that has
34 been doing business but is not licensed or permitted. If the ~~commissioner~~
35 *secretary* determines the premises has been doing business without a
36 license or permit, the ~~commissioner~~ *secretary* is not required to prorate the
37 fee.

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

40 Sec. 20. K.S.A. 47-1723 is hereby amended to read as follows: 47-
41 1723. ~~(a)~~ It shall be unlawful for any person, except a licensed veterinarian
42 *who operates a boarding or training kennel from such licensed*
43 *veterinarian's clinic*, to act as or be a boarding or training kennel operator

1 unless such person has obtained from the ~~commissioner~~ *secretary* a
2 boarding or training kennel operator license for each premises operated by
3 such person. Application for such license shall be made in writing on a
4 form provided by the ~~commissioner~~ *secretary*. The license period shall be
5 for the license year ending on September 30 following the issuance date.

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

8 Sec. 21. K.S.A. 47-1725 is hereby amended to read as follows: 47-
9 1725. (a) There is hereby created the Kansas pet animal advisory board,
10 consisting of 10 members. Members shall be appointed by the governor as
11 follows:

12 (1) One member shall be a representative of a licensed animal shelter
13 or pound;

14 (2) one member shall be an employee of a licensed research facility;

15 (3) one member shall be a licensed animal breeder;

16 (4) one member shall be a licensed retail breeder;

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

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

21 (7) one member shall be a private citizen with no link to the industry;

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

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

24 (10) one member shall be a licensed boarding or training kennel
25 operator.

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

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

30 (d) The board shall meet at least once every calendar quarter
31 regularly or at such other times as the chairperson or a majority of the
32 board members determine. A majority of the members shall constitute a
33 quorum for conducting board business.

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

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

36 (1) To advise the ~~Kansas animal health commissioner~~ *secretary of*
37 *agriculture* on hiring a director to implement the Kansas pet animal act;

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

39 (3) to make recommendations on changes to the Kansas pet animal
40 act; and

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

43 (g) Board members who are required to be licensed, except retail

1 breeders, shall be affiliated with or a member of an organized pet animal
2 association—~~which~~ *that* is representative of the position such person will
3 hold on the board.

4 Sec. 22. K.S.A. 47-1726 is hereby amended to read as follows: 47-
5 1726. K.S.A. 47-1701 through—~~47-1721~~ 47-1713, 47-1715, 47-1717
6 *through* 47-1721, ~~K.S.A.~~ 47-1723 through 47-1727, *and* 47-1731, ~~and~~
7 ~~K.S.A.~~ 47-1732 through—~~47-1736~~ 47-1737, and amendments thereto, shall
8 be known and may be cited as the Kansas pet animal act. This act shall
9 license, permit and regulate the conditions of certain premises and
10 facilities within the state of Kansas where animals are maintained, sold or
11 offered or maintained for sale. The provisions of this act shall not apply to
12 any farm, kennel or other premises registered with and inspected by the
13 national greyhound association—~~which~~ *that* is used solely for the purposes
14 of breeding, maintaining, training or selling greyhound dogs, as greyhound
15 is defined in K.S.A. 74-8802, and amendments thereto. The ~~commissioner~~
16 *secretary* shall have the authority to enter into agreements with the
17 national greyhound association pertaining to the aforementioned
18 greyhound premises. Notwithstanding any other provisions of this section,
19 any agreements between the ~~commissioner~~ *secretary* and the national
20 greyhound association may contain terms allowing the ~~commissioner~~
21 *secretary* to access records, complete inspections of such premises and
22 other related matters.

23 Sec. 23. K.S.A. 47-1727 is hereby amended to read as follows: 47-
24 1727. Notwithstanding the existence or pursuit of any other remedy, when
25 it appears to the ~~commissioner~~ *secretary* that any person is violating any
26 provisions of the Kansas pet animal act, the ~~commissioner~~ *secretary* may
27 bring an action in a court of competent jurisdiction or other process against
28 such person to enjoin, restrain or prevent such person from continuing
29 operation in violation of the Kansas pet animal act without regard to
30 whether administrative proceedings have been or may be instituted or
31 whether criminal proceedings may be or have been instituted.

32 Sec. 24. K.S.A. 47-1731 is hereby amended to read as follows: 47-
33 1731. (a) No dog or cat may be transferred to the permanent custody of a
34 prospective owner by a pound or animal shelter, as defined by K.S.A. 47-
35 1701, and amendments thereto, or by a humane society, unless:

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

38 (2) the prospective owner signs an agreement to have the dog or cat
39 spayed or neutered and deposits with the pound or animal shelter funds not
40 less than the lowest nor more than the highest cost of spaying or neutering
41 in the community. Any funds deposited pursuant to such an agreement
42 shall be refunded to such person upon presentation of a written statement
43 signed by a licensed veterinarian that the dog or cat has been spayed or

1 neutered. If such person does not reclaim the deposit within six months
2 after receiving custody of the animal, the pound or animal shelter shall
3 keep the deposit and may reclaim the unspayed or unneutered animal.

4 (b) No person shall spay or neuter any dog or cat for or on behalf of a
5 pound or animal shelter unless such person is a licensed veterinarian or a
6 student currently enrolled in the college of veterinary medicine, Kansas
7 state university, who has completed at least two years of study in the
8 veterinary medical curriculum and is participating in a spay or neuter
9 program and as part of the curriculum under the direct supervision of a
10 licensed veterinarian. Students shall only spay or neuter any dog or cat that
11 belongs to the pound or animal shelter, and shall not spay or neuter any
12 dog or cat that belongs to a member ~~or~~ of the public. No pound or animal
13 shelter shall designate the veterinarian ~~which~~ *that* a person must use, or a
14 list from which a person must select a veterinarian, to spay or neuter a dog
15 or cat transferred by such person from such pound or animal shelter. Any
16 premises located in the state of Kansas where the spaying, neutering or any
17 other practice of veterinary medicine occurs shall register such premises
18 with the board of veterinary examiners.

19 (c) With the written approval of the ~~animal health commissioner~~
20 *secretary*, any pound or shelter may use an innovative spay or neuter
21 program not precisely meeting the requirements of subsection (a)(2), if the
22 pound or shelter can prove to the ~~commissioner~~ *secretary* that it is actively
23 enforcing the spaying and neutering requirements set forth in this statute.

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

28 (e) The ~~animal health commissioner~~ *secretary* shall promulgate rules
29 and regulations as may be necessary to carry out the provisions of this
30 section.

31 Sec. 25. K.S.A. 47-1732 is hereby amended to read as follows: 47-
32 1732. (a) Any licensee or permit holder required to be licensed or obtain a
33 permit under the Kansas pet animal act, who is in the process of ceasing to
34 do business on July 1, may be issued a temporary closing permit at the
35 discretion of the ~~commissioner~~ *secretary*.

36 (b) Application for such permit shall be made in writing on a form
37 provided by the ~~commissioner~~ *secretary*.

38 (c) The permit will be effective for 30 days. During the 30-day
39 period, the licensee or permit holder shall be required to comply with the
40 Kansas pet animal act and all rules and regulations adopted thereunder. By
41 accepting such permit, the licensee or permit holder agrees to allow an
42 inspection of the facility at the end of the 30-day period to certify that the
43 operation has ceased business. The licensee or permit holder shall provide

1 records as to the disposition of the animals to the ~~commissioner~~ *secretary*
2 upon request.

3 (d) The permit may be renewed, at the discretion of the ~~commissioner~~
4 *secretary*, for an additional 30-day period.

5 ~~(e) This section shall be part of and supplemental to the Kansas pet~~
6 ~~animal act.~~

7 Sec. 26. K.S.A. 47-1733 is hereby amended to read as follows: 47-
8 1733. ~~(a)~~ It shall be unlawful for any person to act as or be an animal
9 breeder unless such person has obtained from the ~~commissioner~~ *secretary*
10 an animal breeder license for each animal breeder premises operated by
11 such person. Application for each such license shall be made in writing on
12 a form provided by the ~~commissioner~~ *secretary*. The license period shall
13 be for the license year ending on September 30 following the issuance
14 date.

15 ~~(b) This section shall be part of and supplemental to the Kansas pet~~
16 ~~animal act.~~

17 Sec. 27. K.S.A. 47-1734 is hereby amended to read as follows: 47-
18 1734. ~~(a)~~ It shall be unlawful for any person to act as or be an out-of-state
19 distributor of dogs or cats, or both, within the state of Kansas unless such
20 person has obtained from the ~~commissioner~~ *secretary* an out-of-state
21 distributor permit. Application for each such permit shall be made in
22 writing on a form provided by the ~~commissioner~~ *secretary*. The permit
23 period shall be for the permit year ending on September 30 following the
24 issuance date.

25 ~~(b) This section shall be part of and supplemental to the Kansas pet~~
26 ~~animal act.~~

27 Sec. 28. K.S.A. 47-1735 is hereby amended to read as follows: 47-
28 1735. ~~(a)~~ A licensee, permittee or applicant for a license or permit shall not
29 interfere with, hinder, threaten or abuse, including verbal abuse, any
30 representative or employee of the ~~animal health department~~ *secretary or*
31 *commissioner* who is carrying out such representative's or employee's
32 duties under the provisions of the Kansas pet animal act *or article 6 of*
33 *chapter 47 of the Kansas Statutes Annotated, and amendments thereto.*

34 ~~(b) This section shall be part of and supplemental to the Kansas pet~~
35 ~~animal act.~~

36 Sec. 29. K.S.A. 47-1736 is hereby amended to read as follows: 47-
37 1736. ~~(a)~~ It shall be unlawful for any person to act as or be a retail breeder
38 unless such person has obtained from the ~~commissioner~~ *secretary* a retail
39 breeder license for each retail breeder premises operated by such person.
40 Application for each such license shall be made in writing on a form
41 provided by the ~~commissioner~~ *secretary*. The license period shall be for
42 the license year ending on September 30 following the issuance date.

43 ~~(b) This section shall be part of and supplemental to the Kansas pet~~

1 ~~animal act:~~

2 Sec. 30. K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-
3 1706a, 47-1707, 47-1708, 47-1709, 47-1710, 47-1711, 47-1712, 47-1713,
4 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-1723, 47-1725, 47-
5 1726, 47-1727, 47-1731, 47-1732, 47-1733, 47-1734, 47-1735 and 47-
6 1736 are hereby repealed.

7 Sec. 31. This act shall take effect and be in force from and after its
8 publication in the statute book.