

HOUSE BILL No. 2437

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning agriculture; relating to animal facilities inspections;
2 updating certain terms, requirements and fees contained in the Kansas
3 pet animal act related thereto; amending K.S.A. 47-1701, 47-1704, 47-
4 1706, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-1723 and 47-
5 1732 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 47-1701 is hereby amended to read as follows: 47-
9 1701. As used in the Kansas pet animal act, unless the context otherwise
10 requires:

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

15 (b) "Adequate watering" means a supply of clean, fresh, potable
16 water, supplied in a sanitary manner and ~~either~~, *when species appropriate*,
17 continuously accessible to each animal ~~or supplied at intervals suitable for~~
18 ~~the animal species, not to exceed intervals of 12 hours during all times~~
19 *that the animal is maintained on the licensed premises unless the attending*
20 *veterinarian has approved the animal not having continual access to*
21 *water for a medical reason.*

22 (c) "Ambient temperature" means the temperature surrounding the
23 animal.

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

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

29 (e) "Animal breeder" means any person who operates an animal
30 breeder premises.

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

35 (g) "Animal shelter" or "pound" means a facility that is used or
36 designed for use to house, contain, impound or harbor any seized stray,

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (t) (1) "Pet shop" means any premises where there are sold, or offered

1 or maintained for sale, at retail and not for resale to another:

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

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

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

7 (A) Any pound or animal shelter;

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

10 (C) any animal distributor premises, hobby breeder premises, retail
11 breeder premises or animal breeder premises.

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

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

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

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

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

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

28 (z) "Animal distributor" means any person who operates an animal
29 distributor premises.

30 (aa) (1) "Animal distributor premises" means the *Kansas* premises of
31 any person engaged in the business of *selling or* buying for resale dogs or
32 cats, or both, as a principal or agent, or who holds such distributor's self
33 out to be so engaged.

34 (2) "*Animal distributor premises*" does not include any premises that
35 holds a valid pet shop license as required by *K.S.A. 47-1703*, and
36 amendments thereto, unless the operator of such premises also sells
37 animals at wholesale.

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

42 (cc) "*Out-of-state distributor premises*" includes motor vehicles or a
43 portion thereof used in whole or in part for the keeping or transporting of

1 *animals for the purpose of selling or buying such animals.*

2 ~~(ee)(dd)~~ "Food animals" means rodents, rabbits, reptiles, fish or
3 amphibians that are sold or offered or maintained for sale for the sole
4 purpose of being consumed as food by other animals.

5 ~~(dd)(1)(ee)~~ "Adequate veterinary medical care" means:

6 ~~(A)(1)~~ A documented program of disease control and prevention,
7 euthanasia and routine veterinary care shall be established and maintained
8 under the supervision of a licensed veterinarian, on a form provided by the
9 commissioner, and shall include a documented on-site visit to the premises
10 by the veterinarian at least once a year;

11 ~~(B)(2)~~ that diseased, ill, injured, lame or blind animals shall be
12 provided with veterinary care as is needed for the health and well-being of
13 the animal, and such veterinary care shall be documented and maintained
14 on the premises; and

15 ~~(C)(3)~~ all documentation required by ~~subsections (dd)(1)(A)~~
16 ~~paragraphs (1) and (dd)(1)(B) (2)~~ shall be made available to the
17 commissioner or the commissioner's authorized representative for
18 inspection or copying upon request and shall be maintained for three years
19 after the effective date of the program or the administration of such
20 veterinary care.

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

24 ~~(ee)(ff)~~ "Ratites" means all creatures of the ratite family that are not
25 indigenous to this state, including, but not limited to, ostriches, emus and
26 rheas.

27 ~~(ff)(gg)~~ "Retail breeder" means any person who operates a retail
28 breeder premises.

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

33 ~~(hh)(ii)~~ "Retail" means any transaction where the animal is sold to the
34 final consumer.

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

37 Sec. 2. K.S.A. 47-1704 is hereby amended to read as follows: 47-
38 1704. (a) ~~It shall be unlawful for any person to operate a pound or animal~~
39 ~~shelter. Except for a licensed veterinarian who operates such a pound or~~
40 ~~animal shelter from such licensed veterinarian's clinic, veterinary~~
41 ~~premises, as defined in K.S.A. 47-816, and amendments thereto, no person~~
42 ~~shall operate a pound or animal shelter unless a license for such pound or~~
43 ~~shelter has been obtained from the commissioner. Application for such~~

1 license shall be made on a form provided by the commissioner. The license
 2 period shall be for the license year ending on September 30 following the
 3 issuance date.

4 (b) The Kansas department of agriculture shall not require any
 5 individual to be licensed who has written and signed an agreement to
 6 provide temporary care for one or more dogs or cats owned by an animal
 7 shelter. Any such animal shelter shall keep a current list of such
 8 individuals who have written and signed an agreement to provide such
 9 temporary care.

10 Sec. 3. K.S.A. 47-1706 is hereby amended to read as follows: 47-
 11 1706. (a) The commissioner may refuse to issue or renew or may suspend
 12 or revoke any license or permit required under K.S.A. 47-1701 et seq., and
 13 amendments thereto, for any one or more of the following reasons:

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

16 (2) willful disregard of any provision of the Kansas pet animal act or
 17 any rule and regulation adopted hereunder, or any willful aiding or
 18 abetting of another in the violation of any provision of the Kansas pet
 19 animal act or any rule and regulation adopted hereunder;

20 (3) permitting any license or permit issued hereunder to be used by an
 21 unlicensed or unpermitted person or transferred to unlicensed or
 22 unpermitted premises;

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

24 (5) substantial misrepresentation;

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

28 (7) fraudulent bill of sale;

29 (8) the housing facility or the primary enclosure is inadequate.

30 *Nothing in this act shall be construed as preventing any licensee from*
 31 *operating in such licensee's private home or residence if such home or*
 32 *residence complies with the requirements of this act and rules and*
 33 *regulations adopted hereunder;*

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

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

39 (11) failure to maintain or provide documentation of the provision of
 40 adequate veterinary medical care, as required in K.S.A. 47-1701~~(dd)~~(ee),
 41 and amendments thereto, to animals in such licensee or permittee's custody
 42 or care when access to such is requested by the commissioner or the
 43 commissioner's authorized representatives.

1 (b) The commissioner shall refuse to issue or renew and shall suspend
2 or revoke any license or permit required under K.S.A. 47-1701 et seq., and
3 amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-
4 4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of K.S.A.~~
5 2022 Supp. 21-6412(a)(1) through (6), and amendments thereto.

6 (c) Any refusal to issue or renew a license or permit, and any
7 suspension or revocation of a license or permit, under this section shall be
8 issued only after notice and opportunity for a hearing are provided in
9 accordance with the provisions of the Kansas administrative procedure act
10 and shall be subject to review in accordance with the Kansas judicial
11 review act.

12 (d) Notwithstanding subsection (c), nothing shall preclude the
13 commissioner from issuing a quarantine order in accordance with K.S.A.
14 77-536, and amendments thereto, on any premises regulated under this act
15 wherein the animals are found to be infected with a contagious or zoonotic
16 disease which may infect animals or humans that may come into contact
17 with or be exposed to such animals.

18 (e) Whenever the commissioner denies, suspends or revokes a license
19 or permit under this section, the commissioner or the commissioner's
20 authorized, trained representatives shall seize and impound any animals in
21 the possession, custody or care of the person whose license or permit is
22 denied, suspended or revoked if there are reasonable grounds to believe
23 that the animals' health, safety or welfare is endangered. Except as
24 provided by K.S.A. 2022 Supp. 21-6412, and amendments thereto, such
25 animals may be returned to the person owning them if there is satisfactory
26 evidence that the animals will receive adequate care by that person or such
27 animals may be sold, placed or euthanized, at the discretion of the
28 commissioner. Costs of care and services for such animals while seized
29 and impounded shall be paid by the person from whom the animals were
30 seized and impounded, if that person's license or permit is denied,
31 suspended or revoked. *Subject to subsection (g)*, such funds shall be paid
32 to the commissioner for reimbursement of care and services provided
33 during seizure and impoundment. If such person's license or permit is not
34 denied, suspended or revoked, the commissioner shall pay the costs of care
35 and services provided during seizure and impoundment.

36 (f) *The commissioner is authorized to enter into contracts or*
37 *agreements with any licensed animal shelter or rescue network for the*
38 *purpose of seizing, transporting, housing and providing care for seized pet*
39 *animals. Any licensed animal shelter or rescue network that provides care*
40 *or services in conjunction with a seizure or impoundment authorized by*
41 *this subsection at the request of the commissioner shall be entitled to seek*
42 *recovery for the costs of such seizure, transportation, housing and care of*
43 *animals in a court of competent jurisdiction on its own behalf directly*

1 *from the person from whom the pet animals were seized.*

2 *(g) Costs of seizure, impoundment, transportation, housing, care and*
3 *services for a seized and impounded pet animal shall constitute a security*
4 *interest on the return of such animal. The owner or other person from*
5 *whom the animal was seized shall pay the costs of seizure, impoundment,*
6 *transportation, housing, care and services for such animal prior to the*
7 *animal being returned to such person. The commissioner, animal shelter*
8 *or rescue network caring for the seized and impounded pet animal may, at*
9 *any time, submit to the owner or person in possession of the animal at the*
10 *time it was seized, a bill of costs for the seizure impoundment,*
11 *transportation, housing, care and services provided to such animal*
12 *incurred to date and the estimated costs for the subsequent 30 days. If the*
13 *bill is paid within 10 days of receipt, the commissioner, animal shelter or*
14 *rescue network shall provide additional bills of such costs for the*
15 *subsequent 30 days for as long as the animal is in the care of the*
16 *commissioner, animal shelter or rescue network. If at any time, a bill*
17 *submitted under this paragraph is not paid within 10 days, the animal*
18 *shall be deemed to have been abandoned as a matter of law. The*
19 *commissioner, animal shelter or rescue network shall seek the adoption of*
20 *the abandoned animal if such animal is not irremediably suffering,*
21 *dangerous or otherwise deemed diseased or disabled beyond recovery by*
22 *a veterinarian.*

23 Sec. 4. K.S.A. 47-1707 is hereby amended to read as follows: 47-
24 1707. (a) In addition to or in lieu of any other civil or criminal penalty
25 provided by law, the commissioner, upon a finding that a person has
26 violated or failed to comply with any provision of the Kansas pet animal
27 act or any rule and regulation adopted hereunder, may impose on such
28 person a civil penalty not exceeding \$1,000 for each violation or require
29 such person to attend an educational course regarding animals and their
30 care and treatment. If the commissioner imposes the educational course,
31 such person may choose either the penalty or the educational course. If
32 such person chooses the penalty, the commissioner shall establish the
33 amount pursuant to the penalty provisions of this section. The educational
34 course shall be administered by the commissioner in consultation with
35 Kansas state university college of veterinary medicine.

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

40 (c) Whenever the commissioner has reasonable grounds to believe
41 that a person or premises required to be licensed or permitted under the
42 Kansas pet animal act has failed to comply with or has violated any
43 provision of the Kansas pet animal act or any rule and regulation adopted

1 hereunder and that the health, safety or welfare of animals in such person's
2 possession, custody or care is endangered thereby, the commissioner shall
3 seize and impound such animals *or cause such animals to be seized and*
4 *impounded in accordance with K.S.A. 47-1706(f), and amendments*
5 *thereto*, using emergency adjudicative proceedings in accordance with the
6 Kansas administrative procedure act. Except as provided by K.S.A. 2022
7 Supp. 21-6412, and amendments thereto, such animals may be returned to
8 the person owning them if there is satisfactory evidence that the animals
9 will receive adequate care by that person or such animals may be sold,
10 placed or euthanized, at the discretion of the commissioner. Costs of care
11 and services for such animals while seized and impounded shall be paid by
12 the person from whom the animals were seized and impounded, if that
13 person is found to be in violation of the Kansas pet animal act or any rules
14 and regulations adopted hereunder. Such funds shall be paid to the
15 commissioner, *animal shelter or rescue network in accordance with the*
16 *requirements of K.S.A. 47-1706(g), and amendments thereto*, for
17 reimbursement of care and services provided during seizure and
18 impoundment. If such person is not found to be in violation of the Kansas
19 pet animal act or any rules and regulations adopted hereunder, the
20 commissioner shall pay the costs of care and services provided during
21 seizure and impoundment.

22 Sec. 5. K.S.A. 47-1709 is hereby amended to read as follows: 47-
23 1709. (a) The commissioner or the commissioner's authorized, trained
24 representatives shall make an inspection of the premises for which an
25 application for an original license or permit is made under K.S.A. 47-1701
26 et seq., and amendments thereto, before issuance of such license or permit.
27 No license or permit shall be issued by the commissioner to an applicant
28 described in this subsection until the premises for which application is
29 made has passed a licensing or permitting inspection. The application for a
30 license shall conclusively be deemed to be the consent of the applicant to
31 the right of entry and inspection of the premises sought to be licensed or
32 permitted by the commissioner or the commissioner's authorized, trained
33 representatives at reasonable times with the owner or owner's
34 representative present. Refusal of such entry and inspection shall be
35 grounds for denial of the license or permit. Notice need not be given to any
36 person prior to inspection.

37 (b) *Each licensee may designate at least one representative who shall*
38 *be present at the licensed premises while an inspection is conducted if the*
39 *licensee is unavailable at the time of inspection. Such representative shall*
40 *be 18 years of age or older and mentally and physically capable of*
41 *representing the licensee in the inspection process. A licensee may update*
42 *such licensee's designated representative at any time by contacting the*
43 *animal facilities inspection program, including by telephone or email.*

1 (c) The commissioner or the commissioner's authorized, trained
2 representatives may inspect each premises for which a license or permit
3 has been issued under K.S.A. 47-1701 et seq., and amendments thereto.
4 The acceptance of a license or permit shall conclusively be deemed to be
5 the consent of the licensee or permittee to the right of entry and inspection
6 of the licensed or permitted premises by the commissioner or the
7 commissioner's authorized, trained representatives at reasonable times
8 with the owner or owner's representative present. Refusal of such entry
9 and inspection shall be grounds for suspension or revocation of the license
10 or permit. Notice shall not be given to any person prior to inspection.

11 ~~(c)~~(d) The commissioner or the commissioner's authorized, trained
12 representatives shall make inspections of the premises of a person required
13 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
14 thereto, upon a determination by the commissioner that there are
15 reasonable grounds to believe that the person is violating the provisions of
16 K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations
17 adopted thereunder or that there are grounds for suspension or revocation
18 of such person's license or permit.

19 ~~(d)~~(e) (1) *Any licensee, other than a temporary pet shop, who ceases
20 to engage in activity requiring licensure pursuant to this act, at any
21 premises for which such licensee holds a license shall notify the
22 commissioner at least 30 days prior to the date of ceasing such activity.
23 The licensee shall file disposition records for each pet animal on the
24 premises disposed of in the 12 months prior to ceasing such activity.*

25 (2) *The commissioner shall conduct a closing inspection within 60
26 days of the closing date provided by the licensee to the commissioner. The
27 purpose of the closing inspection is to confirm that the licensee has ceased
28 engaging in activity that requires a license pursuant to this act. If the
29 commissioner finds that the licensee is still engaging in activity that
30 requires a license, the licensee shall pay any assessed fees and fines and
31 apply for the appropriate license pursuant to this act within five days of
32 the closing inspection. Any application for a license under this paragraph
33 shall be considered an initial application for licensure.*

34 (3) *A licensee who is in the process of closing a licensed premises on
35 September 30 may be issued a temporary closing license at the discretion
36 of the commissioner. A temporary closing license shall be valid for 30
37 days. A licensee with a temporary closing license shall comply with the
38 provisions of this act, including, but not limited to, requirements for
39 disposition of records and a closing inspection. The temporary closing
40 license may be renewed at the discretion of the commissioner for a
41 maximum of one additional 30-day period.*

42 (4) *A licensee shall be considered in violation of this section if the
43 commissioner is unable to perform a closing inspection because a licensee*

1 *has vacated the licensed premises.*

2 (f) Any complaint filed with the commissioner shall be confidential
3 and shall not be released to any person other than employees of the
4 commissioner as necessary to carry out the duties of their employment.

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

7 ~~(f)~~(h) The commissioner may request a licensed veterinarian to assist
8 in any inspection or investigation made by the commissioner or the
9 commissioner's authorized representative under this section.

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

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

21 ~~(i)~~(k) Records of inspections pursuant to this section shall be
22 maintained in the office of the Kansas department of agriculture division
23 of animal health. ~~Records of a deficiency or violation shall not be~~
24 ~~maintained for longer not less than three five years after the deficiency or~~
25 ~~violation is remedied.~~

26 ~~(j)~~(l) The commissioner, in consultation with Kansas state university
27 college of veterinary medicine, shall:

28 (1) ~~Continue~~ *Develop and provide* procedures ~~to provide~~ for pet
29 animal training or updated training for authorized trained representatives
30 who inspect premises under the pet animal act ~~and to~~ *on pet animal care*
31 *practices, including, but not limited to:*

32 (A) *Best management practices for the well-being of animals;*

33 (B) *disease prevention and management;*

34 (C) *operation biosecurity measures;*

35 (D) *generally accepted medical recommendations established by the*
36 *American veterinary medical association; and*

37 (E) *identification of neglect and cruelty to animals;*

38 (2) allow the owners of such facilities licensed or permitted under the
39 pet animal act to attend and participate at the training workshops for the
40 authorized trained representatives; and

41 ~~(2)~~(3) make available to such owners and other interested persons an
42 inspection handbook describing the duties and responsibilities of such
43 authorized trained representatives.

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

8 Sec. 6. K.S.A. 47-1712 is hereby amended to read as follows: 47-
 9 1712. (a) The commissioner is hereby authorized to adopt rules and
 10 regulations for licensees and permittees. Such rules and regulations shall
 11 include, but not be limited to, provisions relating to:

12 (1)- Reasonable treatment of animals in the possession, custody or
 13 care of a licensee or permittee or being transported to or from licensed or
 14 permitted premises;

15 (2)- a requirement that each licensee and permittee file with the
 16 commissioner evidence that animals entering or leaving the state are free
 17 from any visible symptoms of communicable disease;

18 (3)- identification of animals handled;

19 (4)- primary enclosures;

20 (5)- housing facilities;

21 (6)- sanitation;

22 (7)- euthanasia;

23 (8)- ambient temperatures;

24 (9)- feeding;

25 (10)- watering;

26 (11)- *exercise and socialization*;

27 (12) *disease prevention*;

28 (13) *biosecurity*;

29 (14) adequate veterinary medical care;

30 ~~(12)~~(15) inspections of licensed or permitted premises, *including*
 31 *closing inspections*;

32 (16) investigations of complaints ~~and~~;

33 (17) training of persons conducting ~~such~~ inspections and
 34 investigations; and

35 ~~(13)~~(18) a requirement that each licensee or permittee keep and
 36 maintain, for inspection by the commission, such records as necessary to
 37 administer and enforce the provisions of the Kansas pet animal act.

38 (b) *In adopting rules and regulations*, the commissioner shall ~~only~~
 39 ~~adopt as rules and regulations for United States department of agriculture~~
 40 ~~licensed animal distributors and animal breeders, and animal distributor~~
 41 ~~and animal breeder premises the rules and regulations promulgated by the~~
 42 ~~secretary of the United States department of agriculture, cited at 9 C.F.R.~~
 43 ~~3.1 through 3.12, pursuant to the provisions of the United States public law~~

1 91-579 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare
2 act consider:

3 (1) Best management practices for the care and well-being of dogs
4 and cats;

5 (2) disease prevention;

6 (3) morbidity and mortality data to the extent such data is available;
7 and

8 (4) generally accepted veterinary medical standards and ethical
9 standards established by the American veterinary medical association.

10 (c) ~~Notwithstanding any provision in subsection (b),~~ The
11 commissioner may adopt a requirement that each licensee and permittee
12 file with the commissioner evidence that animals entering or leaving the
13 state are free from any visible symptoms of communicable disease.

14 Sec. 7. K.S.A. 47-1715 is hereby amended to read as follows: 47-
15 1715. (a) Any violation of or failure to comply with any provision of the
16 Kansas pet animal act, or any rule and regulation adopted hereunder, shall
17 constitute a class A nonperson misdemeanor. Continued operation, after a
18 conviction, shall constitute a separate offense for each day of operation.

19 (b) Upon a conviction of a person for any violation of the Kansas pet
20 animal act, or any rule and regulation adopted hereunder, the court shall
21 order the commissioner to seize and impound any animals in the convicted
22 person's possession, custody or care if there are reasonable grounds to
23 believe that the animals' health, safety or welfare is endangered. *The*
24 *commissioner may enter into contracts or agreements with any licensed*
25 *animal shelter or rescue network for the purpose of seizing and*
26 *impounding such animals in accordance with K.S.A. 47-1706(f), and*
27 *amendments thereto.* Except as provided by K.S.A. 2022 Supp. 21-6412,
28 and amendments thereto, such animals may be returned to the person
29 owning them if there is satisfactory evidence that the animals will receive
30 adequate care by that person or such animals may be sold, placed or
31 euthanized, at the discretion of the commissioner. Costs of care and
32 services for such animals while seized and impounded shall be paid by the
33 convicted person. Such funds shall be paid to the commissioner, *animal*
34 *shelter or rescue network in accordance with the requirements of K.S.A.*
35 *47-1706(g), and amendments thereto,* for reimbursement of care and
36 services provided during seizure and impoundment. If the person is not
37 convicted, the commissioner shall pay the costs of care and services
38 provided during seizure and impoundment.

39 Sec. 8. K.S.A. 47-1721 is hereby amended to read as follows: 47-
40 1721. (a) Each application for issuance or renewal of a license or permit
41 required under K.S.A. 47-1701 et seq., and amendments thereto, shall be
42 accompanied by the fee prescribed by the commissioner under this section.
43 Such fees shall be as follows:

1 (1) Except as provided in paragraphs ~~(5)~~ (4) through ~~(8)~~ (7) and
 2 paragraph ~~(10)~~ for a license for premises of a person licensed under public
 3 law 91-579, 7 U.S.C. § 2131 et seq., an amount not to exceed \$450;

4 ~~(2)~~ except as provided in paragraphs ~~(5)~~ through ~~(8)~~ and paragraph
 5 ~~(10)~~ for a license for any other premises (9), an amount not to exceed
 6 \$600;

7 ~~(3)~~(2) for a temporary closing permit, an amount not to exceed \$95;

8 ~~(4)~~(3) for an out-of-state distributor permit, an amount not to exceed
 9 \$675;

10 ~~(5)~~(4) for a hobby breeder license or a kennel operator license, an
 11 amount not to exceed \$250;

12 ~~(6)~~(5) for an animal shelter in a first-class city, as defined in K.S.A.
 13 13-101, and amendments thereto, *an amount* not to exceed \$400;

14 ~~(7)~~(6) for an animal shelter in a second-class city, as defined in
 15 K.S.A. 14-101, and amendments thereto, *an amount* not to exceed \$335;

16 ~~(8)~~(7) for an animal shelter in a third-class city, as defined in K.S.A.
 17 15-101, and amendments thereto, *an amount* not to exceed \$285;

18 ~~(9)~~(8) a late fee of \$70 shall be assessed to any person whose permit
 19 or license renewal is not renewed prior to October 1; and

20 ~~(10)~~(9) for any premises required to be licensed under the Kansas pet
 21 animal act under multiple license categories, payment for only the most
 22 expensive license and a \$50 fee for each additional applicable license.
 23 Such premises shall comply with the applicable laws and rules and
 24 regulations pertaining to each license category.

25 (b) The commissioner, *in consultation with the animal facilities*
 26 *inspection program director*, shall determine annually the amount
 27 necessary to carry out and enforce K.S.A. 47-1701 et seq., and
 28 amendments thereto, for the next ensuing fiscal year and shall fix by rules
 29 and regulations the license and permit fees for such year at the amount
 30 necessary for that purpose, subject to the limitations of this section. In
 31 fixing such fees, the commissioner may establish categories of licenses
 32 and permits, based upon the type of license or permit, size of the licensed
 33 or permitted business or activity and the premises where such business or
 34 activity is conducted, and may establish different fees for each such
 35 category. The fees in effect immediately prior to the effective date of this
 36 act shall continue in effect until different fees are fixed by the
 37 commissioner as provided by this subsection.

38 (c) If a licensee, permittee or applicant for a license or permit
 39 requests an inspection of the premises of such licensee, permittee or
 40 applicant, the commissioner shall charge a fee of \$200 to cover the costs of
 41 such inspection.

42 ~~(d)~~(1) Failure by the owner of a premises, a licensee or a permittee,
 43 or their designated representative, to make a premises available for

1 inspection within 30 minutes of the arrival of the inspector or the
2 inspector's authorized representative shall be considered a no-contact
3 inspection. Each no-contact inspection shall result in a \$200 no-contact fee
4 against the owner of the premises, the licensee or the permittee. The
5 commissioner or the commissioner's authorized representative shall make
6 a second or subsequent attempt to inspect the premises.

7 ~~(2)~~(e) If a premises fails an inspection, such owner, licensee or
8 permittee shall be required to pay a \$200 re-inspection fee for any
9 subsequent inspection. Such payment ~~must~~ shall be made in advance of
10 the re-inspection, and failure to do so shall result in the revocation of any
11 such licensee's or permittee's license or permit. The owner of the premises
12 shall be required to:

13 (1) Reapply for any licenses or permits that were revoked pursuant to
14 this subsection ~~and shall be required to;~~

15 ~~(A)~~(2) pay the fee for the new permit or license application;

16 ~~(B)~~(3) pass an initial inspection; and

17 ~~(C)~~(4) pay any past due fees before the new license or permit can be
18 issued.

19 (f) *Any person found by the commissioner to be knowingly in*
20 *noncompliance with this act by engaging in activity that requires a license*
21 *pursuant to this act without such license shall be considered unlicensed.*
22 *Any person determined to be unlicensed shall pay an unlicensed facility*
23 *fee in an amount up to \$150 per day and \$500 per day for any subsequent*
24 *violation of this act beginning from the date of noncompliance. Fees*
25 *assessed under this subsection shall be in addition to any other fines or*
26 *fees assessed pursuant to this act even if such person had previously been*
27 *licensed.*

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

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

43 ~~(g)~~(i) *The commissioner shall prepare an annual report on the*

1 *finances of the animal facilities inspection program, including, but not*
 2 *limited to, an accounting of moneys received and expended by the animal*
 3 *facilities inspection program. The report shall be submitted to the*
 4 *secretary, the pet animal advisory board, the house standing committee on*
 5 *agriculture and natural resources and the senate standing committee on*
 6 *agriculture and natural resources, or any successor committees.*

7 (j) Except as provided further, when a premises required to be
 8 licensed or permitted under the Kansas pet animal act applies for an initial
 9 license or permit, the commissioner shall prorate to the nearest whole
 10 month the license or permit fee established in subsection (a). The
 11 commissioner shall have discretion to determine whether the application is
 12 an initial application or an application for a premises that has been doing
 13 business but is not licensed or permitted. If the commissioner determines
 14 the premises has been doing business without a license or permit, the
 15 commissioner is not required to prorate the fee.

16 ~~(h)~~(k) This section shall be a part of and supplemental to K.S.A. 47-
 17 1701 et seq., and amendments thereto.

18 Sec. 9. K.S.A. 47-1723 is hereby amended to read as follows: 47-
 19 1723. (a) ~~It shall be unlawful for any person, Except for a licensed~~
 20 ~~veterinarian, to who operates a boarding or training kennel from such~~
 21 ~~licensed veterinarian's veterinary premises, as defined in K.S.A. 47-816,~~
 22 ~~and amendments thereto, no person shall act as or be a boarding or~~
 23 ~~training kennel operator unless such person has obtained from the~~
 24 ~~commissioner a boarding or training kennel operator license for each~~
 25 ~~premises operated by such person. Application for such license shall be~~
 26 ~~made in writing on a form provided by the commissioner. The license~~
 27 ~~period shall be for the license year ending on September 30 following the~~
 28 ~~issuance date.~~

29 (b) This section shall be a part of and supplemental to K.S.A. 47-
 30 1701 et seq., and amendments thereto.

31 Sec. 10. 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~~ *September 30*, may be issued a temporary closing
 35 permit at the discretion of the commissioner.

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

38 (c) The permit ~~will~~ *shall* 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 upon
2 request.

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

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

7 Sec. 11. K.S.A. 47-1701, 47-1704, 47-1706, 47-1707, 47-1709, 47-
8 1712, 47-1715, 47-1721, 47-1723 and 47-1732 are hereby repealed.

9 Sec. 12. This act shall take effect and be in force from and after its
10 publication in the statute book.