

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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Session of 2018

HOUSE BILL No. 2477

By Committee on Agriculture

1-17

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
3 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, ~~47-~~
4 ~~1709,~~ **{47-1709,}** 47-1721 and 47-1723 and repealing the existing
5 sections.
6

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

8 Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as
9 follows: 47-1701. As used in the Kansas pet animal act, unless the context
10 otherwise 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 continuously accessible to
17 each animal or supplied at intervals suitable for the animal species, not to
18 exceed intervals of 12 hours.

19 (c) "Ambient temperature" means the temperature surrounding the
20 animal.

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

24 (2) "Animal" does not include horses, cattle, sheep, goats, swine,
25 raites, domesticated deer or domestic fowl.

26 (e) "Animal breeder" means any person who operates an animal
27 breeder premises.

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

1 resale to another.

2 (g) "Animal shelter" or "pound" means a facility ~~which~~ *that* is used or
3 designed for use to house, contain, impound or harbor any seized stray,
4 homeless, relinquished or abandoned animal or a person who acts as an
5 animal rescuer, or who collects and cares for unwanted animals or offers
6 them for adoption. Animal shelter or pound also includes a facility of an
7 individual or organization, profit or nonprofit, maintaining 20 or more
8 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
9 or maintaining the animals or offering the animals for adoption.

10 (h) "Cat" means an animal ~~which~~ *that* is wholly or in part of the
11 species *Felis domesticus*.

12 (i) "Commissioner" means the animal health commissioner of the
13 Kansas department of agriculture.

14 (j) "Dog" means any animal ~~which~~ *that* is wholly or in part of the
15 species *Canis familiaris*.

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

25 (l) "Euthanasia" means the humane destruction of an animal, which
26 may be accomplished by any of those methods provided for in K.S.A. 47-
27 1718, and amendments thereto.

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

33 (n) "Hobby breeder" means any person who operates a hobby breeder
34 premises.

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

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

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

43 (r) "License year" or "permit year" means the 12-month period

1 ending on ~~June~~ *September 30*.

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

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

6 (A) Any dogs or cats, or both; or (B) any other animals except those
7 ~~which~~ *that* are produced and raised on such premises and are sold, or
8 offered or maintained for sale, by a person who resides on such premises.

9 (2) "Pet shop" does not include: (A) Any pound or animal shelter; (B)
10 any premises where only fish are sold, or offered or maintained for sale; or
11 (C) any animal distributor premises, hobby breeder premises, retail breeder
12 premises or animal breeder premises.

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

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

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

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

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

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

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

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

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

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

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

42 ~~(A)~~ (A) A documented program of disease control and prevention,
43 euthanasia and routine veterinary care shall be established and maintained

1 under the supervision of a licensed veterinarian, on a form provided by the
2 commissioner, and shall include a documented on-site visit to the premises
3 by the veterinarian at least once a year;

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

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

13 ~~(4)(2)~~ ~~As used in the Kansas pet animal act,~~ "Adequate veterinary
14 medical care" shall not apply to United States department of agriculture
15 licensed animal breeders or animal distributors.

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

19 (ff) "Retail breeder" means any person who operates a retail breeder
20 premises.

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

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

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

29 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-
30 1702. It shall be unlawful for any person to act as or be an animal
31 distributor unless such person has obtained from the commissioner an
32 animal distributor license for each animal distributor premises operated by
33 such person. Application for such license shall be made in writing on a
34 form provided by the commissioner. The license period shall be for the
35 license year ending on ~~June~~ *September* 30 following the issuance date.

36 Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-
37 1703. It shall be unlawful for any person to act as or be a pet shop operator
38 unless such person has obtained from the commissioner a pet shop
39 operator license for each pet shop operated by such person. Application for
40 each such license shall be made in writing on a form provided by the
41 commissioner. The license period shall be for the license year ending on
42 ~~June~~ *September* 30 following the issuance date.

43 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-

1 1704. (a) It shall be unlawful for any person to operate a pound or animal
2 shelter, except a licensed veterinarian who operates such pound or animal
3 shelter from such licensed veterinarian's clinic, unless a license for such
4 pound or shelter has been obtained from the commissioner. Application for
5 such license shall be made on a form provided by the commissioner. The
6 license period shall be for the license year ending on ~~June~~ *September* 30
7 following the issuance date.

8 **(b) The Kansas department of agriculture shall not require any**
9 **individual to be licensed who has written and signed an agreement to**
10 **provide temporary care for one or more dogs or cats owned by an**
11 **animal shelter or other premises that is licensed pursuant to this act.**
12 **Any such animal shelter or licensed premises shall keep a current list**
13 **of such individuals who have written and signed an agreement to**
14 **provide such temporary care.**

15 ~~{Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as~~
16 ~~follows: 47-1709. (a) The commissioner or the commissioner's authorized,~~
17 ~~trained representatives shall make an inspection of the premises for which~~
18 ~~an application for an original license or permit is made under K.S.A. 47-~~
19 ~~1701 et seq., and amendments thereto, before issuance of such license or~~
20 ~~permit. No license or permit shall be issued by the commissioner to an~~
21 ~~applicant described in this subsection until the premises for which~~
22 ~~application is made has passed a licensing or permitting inspection. The~~
23 ~~application for a license shall conclusively be deemed to be the consent of~~
24 ~~the applicant to the right of entry and inspection of the premises sought to~~
25 ~~be licensed or permitted by the commissioner or the commissioner's~~
26 ~~authorized, trained representatives at reasonable times with the owner or~~
27 ~~owner's representative present. Refusal of such entry and inspection shall~~
28 ~~be grounds for denial of the license or permit. Notice need not be given to~~
29 ~~any person prior to inspection.~~

30 ~~(b) The commissioner or the commissioner's authorized, trained~~
31 ~~representatives may inspect each premises for which a license or permit~~
32 ~~has been issued under K.S.A. 47-1701 et seq., and amendments thereto.~~
33 ~~The acceptance of a license or permit shall conclusively be deemed to be~~
34 ~~the consent of the licensee or permittee to the right of entry and inspection~~
35 ~~of the licensed or permitted premises by the commissioner or the~~
36 ~~commissioner's authorized, trained representatives at reasonable times~~
37 ~~with the owner or owner's representative present. Refusal of such entry~~
38 ~~and inspection shall be grounds for suspension or revocation of the license~~
39 ~~or permit. Notice need *shall* not be given to any person prior to inspection.~~

40 ~~(c) The commissioner or the commissioner's authorized, trained~~
41 ~~representatives shall make inspections of the premises of a person required~~
42 ~~to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments~~
43 ~~thereto, upon a determination by the commissioner that there are~~

1 ~~reasonable grounds to believe that the person is violating the provisions of~~
2 ~~K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations~~
3 ~~adopted thereunder or that there are grounds for suspension or revocation~~
4 ~~of such person's license or permit.~~

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

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

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

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

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

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

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

37 ~~(k) If the commissioner or the commissioner's authorized~~
38 ~~representative is denied access to any location where such access is sought~~
39 ~~for the purposes authorized under the Kansas pet animal act, the~~
40 ~~commissioner may apply to any court of competent jurisdiction for an~~
41 ~~administrative search warrant authorizing access to such location for such~~
42 ~~purposes. Upon such application and a showing of cause therefore, the~~
43 ~~court shall issue the search warrant for the purposes requested.}~~

1 *{Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as*
2 *follows: 47-1709. (a) The commissioner or the commissioner's*
3 *authorized, trained representatives shall make an inspection of the*
4 *premises for which an application for an original license or permit is*
5 *made under K.S.A. 47-1701 et seq., and amendments thereto, before*
6 *issuance of such license or permit. No license or permit shall be issued*
7 *by the commissioner to an applicant described in this subsection until*
8 *the premises for which application is made has passed a licensing or*
9 *permitting inspection. The application for a license shall conclusively be*
10 *deemed to be the consent of the applicant to the right of entry and*
11 *inspection of the premises sought to be licensed or permitted by the*
12 *commissioner or the commissioner's authorized, trained representatives*
13 *at reasonable times with the owner or owner's representative present.*
14 *Refusal of such entry and inspection shall be grounds for denial of the*
15 *license or permit. Notice need not be given to any person prior to*
16 *inspection.*

17 *(b) The commissioner or the commissioner's authorized, trained*
18 *representatives may inspect each premises for which a license or permit*
19 *has been issued under K.S.A. 47-1701 et seq., and amendments thereto.*
20 *The acceptance of a license or permit shall conclusively be deemed to be*
21 *the consent of the licensee or permittee to the right of entry and*
22 *inspection of the licensed or permitted premises by the commissioner or*
23 *the commissioner's authorized, trained representatives at reasonable*
24 *times with the owner or owner's representative present. Refusal of such*
25 *entry and inspection shall be grounds for suspension or revocation of*
26 *the license or permit. Notice ~~need~~ {shall} not be given to any person*
27 *prior to inspection.*

28 *(c) The commissioner or the commissioner's authorized, trained*
29 *representatives shall make inspections of the premises of a person*
30 *required to be licensed or permitted under K.S.A. 47-1701 et seq., and*
31 *amendments thereto, upon a determination by the commissioner that*
32 *there are reasonable grounds to believe that the person is violating the*
33 *provisions of K.S.A 47-1701 et seq., and amendments thereto, or rules*
34 *and regulations adopted thereunder or that there are grounds for*
35 *suspension or revocation of such person's license or permit.*

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

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

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

1 ***(g) Any person acting as the commissioner's authorized***
2 ***representative for purposes of making inspections and conducting***
3 ***investigations under this section who knowingly falsifies the results or***
4 ***findings of any inspection or investigation or intentionally fails or***
5 ***refuses to make an inspection or conduct an investigation pursuant to***
6 ***this section shall be guilty of a class A nonperson misdemeanor.***

7 ***(h) No person shall act as the commissioner's authorized***
8 ***representative for the purposes of making inspections and conducting***
9 ***investigations under this section if such person has a beneficial interest***
10 ***in a person required to be licensed or permitted pursuant to K.S.A. 47-***
11 ***1701 et seq., and amendments thereto.***

12 ***(i) Records of inspections pursuant to this section shall be***
13 ***maintained in the office of the Kansas department of agriculture***
14 ***division of animal health. Records of a deficiency or violation shall not***
15 ***be maintained for longer than three years after the deficiency or***
16 ***violation is remedied.***

17 ***(j) The commissioner, in consultation with Kansas state university***
18 ***college of veterinary medicine, shall: (1) Continue procedures to***
19 ***provide for pet animal training or updated training for authorized***
20 ***trained representatives who inspect premises under the pet animal act***
21 ***and to allow the owners of such facilities licensed or permitted under the***
22 ***pet animal act to attend and participate at the training workshops for the***
23 ***authorized trained representatives; and (2) make available to such***
24 ***owners and other interested persons an inspection handbook describing***
25 ***the duties and responsibilities of such authorized trained representatives.***

26 ***(k) If the commissioner or the commissioner's authorized***
27 ***representative is denied access to any location where such access is***
28 ***sought for the purposes authorized under the Kansas pet animal act, the***
29 ***commissioner may apply to any court of competent jurisdiction for an***
30 ***administrative search warrant authorizing access to such location for***
31 ***such purposes. Upon such application and a showing of cause therefore,***
32 ***the court shall issue the search warrant for the purposes requested.***

33 Sec. ~~5.~~ ~~{6.}~~ ~~5.~~ {6.} K.S.A. 47-1719 is hereby amended to read as
34 follows: 47-1719. (a) It shall be unlawful for any person to act as or be a
35 hobby breeder unless such person has obtained from the commissioner a
36 hobby breeder license. Application for such license shall be made in
37 writing on a form provided by the commissioner. The license period shall
38 be for the license year ending on ~~June~~ September 30 following the
39 issuance date.

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

42 Sec. ~~6.~~ ~~{7.}~~ ~~6.~~ {7.} K.S.A. 47-1720 is hereby amended to read as
43 follows: 47-1720. (a) It shall be unlawful for any person to operate a

1 research facility unless such person has obtained from the commissioner a
 2 research facility license. Application for such license shall be made in
 3 writing on a form provided by the commissioner. The license period shall
 4 be for the license year ending on ~~June~~ *September* 30 following the
 5 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. ~~7-~~(8)~~ 7~~ ~~{8.}~~ K.S.A. 2017 Supp. 47-1721 is hereby amended to
 9 read as follows: 47-1721. (a) Each application for issuance or renewal of a
 10 license or permit required under K.S.A. 47-1701 et seq., and amendments
 11 thereto, shall be accompanied by the fee prescribed by the commissioner
 12 under this section. Such fees shall be as follows:

13 (1) Except as provided in ~~paragraph~~ **paragraphs (5) or (6), or (8)**
 14 **through (9){(8)} and paragraph (11){(10)}** for a license for premises of a
 15 person licensed under public law 91-579-~~(, 7 U.S.C. § 2131 et seq.)~~, an
 16 amount not to exceed ~~\$200~~ **\$450**;

17 (2) except as provided in ~~paragraph~~ **paragraphs (5) or (6), or (8)**
 18 **through (9){(8)} and paragraph (11){(10)}** for a license for any other
 19 premises, an amount not to exceed ~~\$405~~ **\$600**;

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

21 (4) for an out-of-state distributor permit, an amount not to exceed
 22 \$675;

23 (5) for a hobby breeder license or a kennel operator license an amount
 24 not to exceed ~~\$95~~ **\$250**;

25 (6) ~~for a license for an animal shelter or a pound, an amount not to~~
 26 ~~exceed \$300~~ ~~\$550~~; and

27 ~~(7)~~ **for an animal shelter in a first-class city, as defined in K.S.A.**
 28 **13-101, and amendments thereto, not to exceed \$400;**

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

31 **(8) for an animal shelter in a third-class city, as defined in K.S.A.**
 32 **15-101, and amendments thereto, not to exceed \$285;**

33 **(9)** a late fee of \$70 shall be assessed to any person whose permit or
 34 license renewal is ~~more than 45 days late.~~ *not renewed prior to October 1*;
 35 *and*

36 ~~(8)~~ **(10)** *for any premises required to be licensed under the Kansas*
 37 *pet animal act under multiple license categories, payment for only the*
 38 *most expensive license and a \$50 fee for each additional applicable*
 39 *license. Such premises shall comply with the applicable laws and rules*
 40 *and regulations pertaining to each license category.*

41 (b) The commissioner shall determine annually the amount necessary
 42 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
 43 for the next ensuing fiscal year and shall fix by rules and regulations the

1 license and permit fees for such year at the amount necessary for that
2 purpose, subject to the limitations of this section. In fixing such fees, the
3 commissioner may establish categories of licenses and permits, based
4 upon the type of license or permit, size of the licensed or permitted
5 business or activity and the premises where such business or activity is
6 conducted, and may establish different fees for each such category. The
7 fees in effect immediately prior to the effective date of this act shall
8 continue in effect until different fees are fixed by the commissioner as
9 provided by this subsection.

10 (c) If a licensee, permittee or applicant for a license or permit
11 requests an inspection of the premises of such licensee, permittee or
12 applicant, the commissioner shall ~~assess the costs of such inspection, as~~
13 ~~established by rules and regulations of the commissioner, to such licensee,~~
14 ~~permittee or applicant~~ **charge a fee of \$200 to cover the costs of such**
15 **inspection.**

16 (d) **(1) Failure by the owner of a premises, a licensee or a**
17 **permittee, or their designated representative, to make a premises**
18 **available for inspection within 30 minutes of the arrival of the**
19 **inspector or the inspector's authorized representative, ~~when notice is~~**
20 **~~provided at least one business day prior to the inspection,~~ shall be**
21 **considered a no-contact inspection. Each no-contact inspection shall**
22 **result in a \$200 no-contact fee against the owner of the premises, the**
23 **licensee or the permittee. The commissioner or the commissioner's**
24 **authorized representative shall make a second or subsequent attempt**
25 **to inspect the premises ~~after providing additional notice at least one~~**
26 **~~business day prior to the second or subsequent attempt.~~**

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

34 **(A) Pay the fee for the new permit or license application;**
35 **(B) pass an initial inspection; and**
36 **(C) pay any past due fees before the new license or permit can be**
37 **issued.**

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

40 ~~(e)~~ **(f)** The commissioner shall remit all moneys received by or for the
41 commissioner under this section to the state treasurer in accordance with
42 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
43 of each such remittance, the state treasurer shall deposit the entire amount

1 in the state treasury to the credit of the animal dealers fee fund, which is
2 hereby created in the state treasury. Moneys in the animal dealers fee fund
3 may be expended only to administer and enforce K.S.A. 47-1701 et seq.,
4 and amendments thereto. All expenditures from the animal dealers fee
5 fund shall be made in accordance with appropriation acts upon warrants of
6 the director of accounts and reports issued pursuant to vouchers approved
7 by the Kansas animal health commissioner or the commissioner's
8 designee.

9 ~~(f)~~ **(g)** Premises required to be licensed under the Kansas pet animal
10 act shall not be required to pay for more than one license. If more than one
11 operation is ongoing at the premises, each operation shall comply with the
12 applicable statutes and rules and regulations pertaining to such operation.

13 ~~(g)~~ Except as provided further, when a premises required to be
14 licensed or permitted under the Kansas pet animal act applies for an initial
15 license or permit, the commissioner shall prorate to the nearest whole
16 month the license or permit fee established in subsection (a). The
17 commissioner shall have discretion to determine whether the application is
18 an initial application or an application for a premises ~~which~~ *that* has been
19 doing business but is not licensed or permitted. If the commissioner
20 determines the premises has been doing business without a license or
21 permit, the commissioner is not required to prorate the fee.

22 ~~(h)~~~~(g)~~ **(h)** This section shall be part of and supplemental to K.S.A. 47-
23 1701 et seq., and amendments thereto.

24 Sec. ~~8.~~~~9.~~ ~~8.~~ **{9.}** K.S.A. 2017 Supp. 47-1723 is hereby amended to
25 read as follows: 47-1723. (a) It shall be unlawful for any person, except a
26 licensed veterinarian, to act as or be a boarding or training kennel operator
27 unless such person has obtained from the commissioner a boarding or
28 training kennel operator license for each premises operated by such
29 person. Application for such license shall be made in writing on a form
30 provided by the commissioner. The license period shall be for the license
31 year ending on ~~June~~ *September* 30 following the issuance date.

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

34 Sec. ~~9.~~~~10.~~ ~~9.~~ **{10.}** K.S.A. 47-1733 is hereby amended to read as
35 follows: 47-1733. (a) It shall be unlawful for any person to act as or be an
36 animal breeder unless such person has obtained from the commissioner an
37 animal breeder license for each animal breeder premises operated by such
38 person. Application for each such license shall be made in writing on a
39 form provided by the commissioner. The license period shall be for the
40 license year ending on ~~June~~ *September* 30 following the issuance date.

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

43 Sec. ~~10.~~~~11.~~ ~~10.~~ **{11.}** K.S.A. 47-1734 is hereby amended to read as

1 follows: 47-1734. (a) It shall be unlawful for any person to act as or be an
2 out-of-state distributor of dogs or cats, or both, within the state of Kansas
3 unless such person has obtained from the commissioner an out-of-state
4 distributor permit. Application for each such permit shall be made in
5 writing on a form provided by the commissioner. The permit period shall
6 be for the permit year ending on ~~June~~ *September* 30 following the issuance
7 date.

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

10 Sec. ~~H. {12.} H. {12.}~~ K.S.A. 47-1736 is hereby amended to read as
11 follows: 47-1736. (a) It shall be unlawful for any person to act as or be a
12 retail breeder unless such person has obtained from the commissioner a
13 retail breeder license for each retail breeder premises operated by such
14 person. Application for each such license shall be made in writing on a
15 form provided by the commissioner. The license period shall be for the
16 license year ending on ~~June~~ *September* 30 following the issuance date.

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

19 Sec. ~~12. {13.} 12. {13.}~~ K.S.A. 47-1702, 47-1703, 47-1704, 47-1719,
20 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701,
21 ~~{47-1709.}~~ *{47-1709.}* 47-1721 and 47-1723 are hereby repealed.

22 Sec. ~~13. {14.} 13. {14.}~~ This act shall take effect and be in force from
23 and after its publication in the Kansas Register.