

HOUSE BILL No. 2514

By Committee on Federal and State Affairs

1-21

1 AN ACT concerning pet animals; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1704 and K.S.A. 2015 Supp. 47-1701 and 47-
3 1725 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

30 (5) such other administrative duties as the commissioner may adopt
31 by rules and regulations.

32 (d) The commissioner shall adopt rules and regulations to implement
33 this section.

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

36 New Sec. 2. (a) Once an animal shelter or rescue network manager

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

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

10 Sec. 3. K.S.A. 2015 Supp. 47-1701 is hereby amended to read as
11 follows: 47-1701. As used in the Kansas pet animal act, unless the context
12 otherwise requires:

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

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

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

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

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

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

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

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

42 (h) "Cat" means an animal which is wholly or in part of the species
43 *Felis domesticus*.

1 (i) "Commissioner" means the animal health commissioner of the
2 Kansas department of agriculture.

3 (j) "Dog" means any animal which is wholly or in part of the species
4 *Canis familiaris*.

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

14 (l) "Euthanasia" means the humane destruction of an animal, which
15 may be accomplished by any of those methods provided for in K.S.A. 47-
16 1718, and amendments thereto.

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

22 (n) "Hobby breeder" means any person who operates a hobby breeder
23 premises.

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

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

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

32 (r) "License year" or "permit year" means the 12-month period
33 ending on June 30.

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

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

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

41 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)
42 any premises where only fish are sold, or offered or maintained for sale; or
43 (C) any animal distributor premises, hobby breeder premises, retail breeder

1 premises, *rescue network*, *pet animal foster home premises* or animal
2 breeder premises.

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

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

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

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

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

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

19 (z) "Animal distributor" means any person who operates an animal
20 distributor premises.

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

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

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

31 (dd) "Adequate veterinary medical care" means:

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

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

41 (3) all documentation required by subsections (dd)(1) and (dd)(2)
42 shall be made available to the commissioner or the commissioner's
43 authorized representative for inspection or copying upon request and shall

1 be maintained for three years after the effective date of the program or the
2 administration of such veterinary care; and

3 (4) *the veterinarian of record for any licensed animal shelter or*
4 *rescue network may authorize adoption or transfer of any feline*
5 *immunodeficiency virus positive cat, provided that such cat is non-*
6 *symptomatic.*

7 (4)(5) As used in the Kansas pet animal act, "adequate veterinary
8 medical care" shall not apply to United States department of agriculture
9 licensed animal breeders or animal distributors.

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

13 (ff) "Retail breeder" means any person who operates a retail breeder
14 premises.

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

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

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

23 (jj) *"Rescue network" means the premises of a rescue network*
24 *manager and all pet animal foster homes organized under that rescue*
25 *network manager that provide temporary care for one or more dogs or*
26 *cats not owned by an animal shelter that maintains a central facility for*
27 *keeping animals.*

28 (kk) *"Rescue network manager" means the individual designated by a*
29 *rescue network to carry out the responsibilities prescribed in section 1,*
30 *and amendments thereto.*

31 (ll) *"Pet animal foster home" means the registered premises of an*
32 *individual who has written and signed an agreement to provide temporary*
33 *care for one or more dogs or cats owned by an animal shelter or a rescue*
34 *network that is licensed by the state.*

35 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-
36 1704. (a) It shall be unlawful for any person to operate ~~a pound or~~ an
37 animal shelter, except a licensed veterinarian who operates such ~~pound or~~
38 animal shelter from such licensed veterinarian's clinic, unless a license for
39 such ~~pound or~~ shelter has been obtained from the commissioner.
40 Application for such license shall be made on a form provided by the
41 commissioner. The license period shall be for the license year ending on
42 June 30 following the issuance date.

43 (b) *Animal shelters may utilize pet animal foster homes. Each animal*

1 *shelter shall be responsible for ensuring that pet animal foster homes*
 2 *subordinate to such animal shelter comply with the Kansas pet animal act*
 3 *and all relevant rules and regulations. Animal shelters shall keep records*
 4 *of all pet animal foster homes that house animals and shall pay annually a*
 5 *fee of not more than \$10 to the department of agriculture for each*
 6 *subordinate pet animal foster home.*

7 Sec. 5. K.S.A. 2015 Supp. 47-1725 is hereby amended to read as
 8 follows: 47-1725. (a) There is hereby created the Kansas pet animal
 9 advisory board, consisting of ~~10~~ 11 members, *each of whom shall be*
 10 *resident of this state.* 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; *and*

26 (11) *one licensed rescue network manager.*

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

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

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

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

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

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

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

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

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

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

5 Sec. 6. K.S.A. 47-1704 and K.S.A. 2015 Supp. 47-1701 and 47-1725
6 are hereby repealed.

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