

CORRECTED
SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2030

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2030 would add new law supplemental to and amend existing provisions in the Kansas Pet Animal Act (Act).

Definitions

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

Rescue Networks, Animal Shelters, and Pet Animal Foster Homes

The bill would require a rescue network to obtain a license from the Animal Health Commissioner of the KDA. Additionally, the bill would authorize rescue networks and

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

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

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

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

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

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

Adoption Events

The bill would allow an animal shelter or rescue network manager to host adoption events at a location other than the licensed premises, so long as all applicable rules and regulations are followed at the other locations. The animal shelter or rescue network would be required to provide advance notice of the date and location of an adoption event to the Animal Health Commissioner or to the Commissioner's authorized representative.

Inspections

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

Licenses and Fees

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

- Animal breeders, animal distributors, and research facilities licensed under the federal Animal Welfare Act Amendments of 1970 – from \$200 to \$400;
- Animal breeders and research facilities not licensed under the federal Animal Welfare Act Amendments of 1970 and pet shops – from \$405 to \$725;
- Hobby breeder license – from \$95 to \$200;

- Boarding or training premises operator license – \$250;
- License for an animal shelter – from \$300 to \$600; and
- Rescue network manager license – \$125.

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

The bill would specify the premises required to be licensed in multiple license categories would be required to pay for the most expensive license and then would pay a \$50 fee for each additional license.

The bill would add conviction of cruelty to animals under federal law, city ordinances, or county resolutions as a reason for the Animal Health Commissioner to refuse to issue or renew, or suspend or revoke any license or permit required under the Act. The bill would allow the Animal Health Commissioner to assess a civil penalty of up to three times the annual license fee for premises doing business without a license or permit. The bill also would change the expiration date of the license period for all licenses to September 30 instead of June 30.

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

Kansas Pet Animal Advisory Board

The membership of the Kansas Pet Animal Advisory Board (Board) would be increased from 10 members to 11, each of whom would be required to be a state resident. The

eleventh member would be a licensed rescue network manager. In addition, the bill would update the member requirements for four of the existing Board members.

The bill would add the Animal Health Commissioner as an entity with the authority to determine the frequency with which the Board must meet.

Other Changes

The bill would eliminate the option to use carbon monoxide chambers for the purpose of euthanasia of dogs and cats. In addition, the bill would repeal three statutes, which are outdated or have been replaced by other statutes, or deal with a license type that would be eliminated by the bill. The bill also would make technical corrections to existing law.

Background

The bill was introduced by the House Committee on Agriculture and Natural Resources. At the hearing in the House Committee, representatives from the KDA, the Great Plains SPCA, Kansas Pet Professionals, the Lawrence Humane Society, and the Second Chance Animal Refuge Society presented testimony in favor of the bill. Written testimony in support of the bill was provided by representatives of the Humane Society of the United States, the Kansas Livestock Association, and the Leavenworth County Humane Society.

Testimony in opposition of the bill was provided by a representative of the Kansas Federation of Animal Owners. No neutral testimony was submitted on the bill.

The House Committee amended the bill to include pet shops in the list of entities requiring a license with a fee not to exceed \$400. The House Committee also amended the definition of animal shelter by inserting the words “collection,

accumulating, amassing" to the list of purposes for which nonprofit and for profit individuals and organizations could qualify to be animal shelters.

The fiscal note prepared by the Division of the Budget indicates the KDA estimates passage of the bill, as introduced, will increase revenue by \$214,355 in FY 2015 and by \$248,780 in FY 2016. The KDA has indicated this increase in revenue will allow the program to maintain the inspection fee program at the level required by law. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.