

As Amended by House Committee

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, 47-1721
4 and 47-1723 and repealing the existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as
8 follows: 47-1701. As used in the Kansas pet animal act, unless the context
9 otherwise requires:

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

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

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

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

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

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

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

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

1 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
2 or maintaining the animals or offering the animals for adoption.

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

5 (i) "Commissioner" means the animal health commissioner of the
6 Kansas department of agriculture.

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

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

18 (l) "Euthanasia" means the humane destruction of an animal, which
19 may be accomplished by any of those methods provided for in K.S.A. 47-
20 1718, and amendments thereto.

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

26 (n) "Hobby breeder" means any person who operates a hobby breeder
27 premises.

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

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

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

36 (r) "License year" or "permit year" means the 12-month period
37 ending on ~~June~~ *September 30*.

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

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

42 (A) Any dogs or cats, or both; or (B) any other animals except those
43 ~~which~~ *that* are produced and raised on such premises and are sold, or

1 offered or maintained for sale, by a person who resides on such premises.

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

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

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

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

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

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

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

22 (z) "Animal distributor" means any person who operates an animal
23 distributor premises.

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

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

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

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

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

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

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

6 (4)(2) ~~As used in the Kansas pet animal act,~~ "Adequate veterinary
7 medical care" shall not apply to United States department of agriculture
8 licensed animal breeders or animal distributors.

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

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

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

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

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

22 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-
23 1702. It shall be unlawful for any person to act as or be an animal
24 distributor unless such person has obtained from the commissioner an
25 animal distributor license for each animal distributor premises operated by
26 such person. Application for such license shall be made in writing on a
27 form provided by the commissioner. The license period shall be for the
28 license year ending on ~~June~~ *September* 30 following the issuance date.

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

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

1 **(b) The Kansas department of agriculture shall not require any**
 2 **individual to be licensed who has written and signed an agreement to**
 3 **provide temporary care for one or more dogs or cats owned by an**
 4 **animal shelter or other premises that is licensed pursuant to this act.**
 5 **Any such animal shelter or licensed premises shall keep a current list**
 6 **of such individuals who have written and signed an agreement to**
 7 **provide such temporary care.**

8 Sec. 5. K.S.A. 47-1719 is hereby amended to read as follows: 47-
 9 1719. (a) It shall be unlawful for any person to act as or be a hobby
 10 breeder unless such person has obtained from the commissioner a hobby
 11 breeder license. Application for such license shall be made in writing on a
 12 form provided by the commissioner. The license period shall be for the
 13 license year ending on ~~June~~ *September* 30 following the issuance date.

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

16 Sec. 6. K.S.A. 47-1720 is hereby amended to read as follows: 47-
 17 1720. (a) It shall be unlawful for any person to operate a research facility
 18 unless such person has obtained from the commissioner a research facility
 19 license. Application for such license shall be made in writing on a form
 20 provided by the commissioner. The license period shall be for the license
 21 year ending on ~~June~~ *September* 30 following the issuance date.

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

24 Sec. 7. K.S.A. 2017 Supp. 47-1721 is hereby amended to read as
 25 follows: 47-1721. (a) Each application for issuance or renewal of a license
 26 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,
 27 shall be accompanied by the fee prescribed by the commissioner under this
 28 section. Such fees shall be as follows:

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

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

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

37 (4) for an out-of-state distributor permit, an amount not to exceed
 38 \$675;

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

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

43 (7) **for an animal shelter in a first-class city, as defined in K.S.A.**

1 **13-101, and amendments thereto, not to exceed \$400;**

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

4 **(8) for an animal shelter in a third-class city, as defined in K.S.A.**
5 **15-101, and amendments thereto, not to exceed \$285;**

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

9 ~~**(8)**~~ **(10) for any premises required to be licensed under the Kansas**
10 **pet animal act under multiple license categories, payment for only the**
11 **most expensive license and a \$50 fee for each additional applicable**
12 **license. Such premises shall comply with the applicable laws and rules**
13 **and regulations pertaining to each license category.**

14 (b) The commissioner shall determine annually the amount necessary
15 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
16 for the next ensuing fiscal year and shall fix by rules and regulations the
17 license and permit fees for such year at the amount necessary for that
18 purpose, subject to the limitations of this section. In fixing such fees, the
19 commissioner may establish categories of licenses and permits, based
20 upon the type of license or permit, size of the licensed or permitted
21 business or activity and the premises where such business or activity is
22 conducted, and may establish different fees for each such category. The
23 fees in effect immediately prior to the effective date of this act shall
24 continue in effect until different fees are fixed by the commissioner as
25 provided by this subsection.

26 (c) If a licensee, permittee or applicant for a license or permit
27 requests an inspection of the premises of such licensee, permittee or
28 applicant, the commissioner shall ~~assess the costs of such inspection, as~~
29 ~~established by rules and regulations of the commissioner, to such licensee,~~
30 ~~permittee or applicant~~ **charge a fee of \$200 to cover the costs of such**
31 **inspection.**

32 (d) **(1) Failure by the owner of a premises, a licensee or a**
33 **permittee, or their designated representative, to make a premises**
34 **available for inspection within 30 minutes of the arrival of the**
35 **inspector or the inspector's authorized representative, when notice is**
36 **provided at least one business day prior to the inspection, shall be**
37 **considered a no-contact inspection. Each no-contact inspection shall**
38 **result in a \$200 no-contact fee against the owner of the premises, the**
39 **licensee or the permittee. The commissioner or the commissioner's**
40 **authorized representative shall make a second or subsequent attempt**
41 **to inspect the premises after providing additional notice at least one**
42 **business day prior to the second or subsequent attempt.**

43 **(2) If a premises fails an inspection, such owner, licensee or**

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

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

8 (B) pass an initial inspection; and

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

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

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

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

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

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

40 Sec. 8. K.S.A. 2017 Supp. 47-1723 is hereby amended to read as
41 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
42 veterinarian, to act as or be a boarding or training kennel operator unless
43 such person has obtained from the commissioner a boarding or training

1 kennel operator license for each premises operated by such person.
2 Application for such license shall be made in writing on a form provided
3 by the commissioner. The license period shall be for the license year
4 ending on ~~June~~ *September* 30 following the issuance date.

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

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

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

16 Sec. 10. K.S.A. 47-1734 is hereby amended to read as follows: 47-
17 1734. (a) It shall be unlawful for any person to act as or be an out-of-state
18 distributor of dogs or cats, or both, within the state of Kansas unless such
19 person has obtained from the commissioner an out-of-state distributor
20 permit. Application for each such permit shall be made in writing on a
21 form provided by the commissioner. The permit period shall be for the
22 permit year ending on ~~June~~ *September* 30 following the issuance date.

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

25 Sec. 11. K.S.A. 47-1736 is hereby amended to read as follows: 47-
26 1736. (a) It shall be unlawful for any person to act as or be a retail breeder
27 unless such person has obtained from the commissioner a retail breeder
28 license for each retail breeder premises operated by such person.
29 Application for each 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 the Kansas pet
33 animal act.

34 Sec. 12. K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
35 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1721 and
36 47-1723 are hereby repealed.

37 Sec. 13. This act shall take effect and be in force from and after its
38 publication in the Kansas Register.