

SENATE BILL No. 378

By Committee on Agriculture

1-28

AN ACT concerning kennels; relating to the inspection of; amending K.S.A. 47-1709 and repealing the existing section.

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

Section 1. K.S.A. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto, *twice a year, if such premises is not licensed under public law 91-579 (7 U.S.C. § 2131 et seq.) and has been previously inspected by the United States department on agriculture.* If such premises are premises of a person licensed or permitted under public law 91-579 (7 U.S.C. § 2131 et seq.) *and has been inspected by the United States department on agriculture,* such premises ~~may shall not~~ be inspected ~~at least once each year.~~ ~~Otherwise, the premises may be inspected at least twice each year.~~ The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice need not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized, trained representatives shall make inspections of the premises of a person required

1 to be licensed or permitted under K.S.A. 47-1701 et seq., and amend-
2 ments thereto, upon a determination by the commissioner that there are
3 reasonable grounds to believe that the person is violating the provisions
4 of K.S.A. 47-1701 et seq., and amendments thereto, or rules and regula-
5 tions adopted thereunder or that there are grounds for suspension or
6 revocation of such person's license or permit.

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

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

12 (f) The commissioner may request a licensed veterinarian to assist in
13 any inspection or investigation made by the commissioner or the com-
14 missioner's authorized representative under this section.

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

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

26 (i) Records of inspections pursuant to this section shall be maintained
27 in the office of the Kansas animal health department. Records of a defi-
28 ciency or violation shall not be maintained for longer than three years
29 after the deficiency or violation is remedied.

30 Sec. 2. K.S.A. 47-1709 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.

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