

SESSION OF 2006

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 578**

As Amended by House Committee of the Whole

**Brief\***

SB 578, as amended, would regulate the possession and ownership of certain animals defined as dangerous regulated animals.

**General Provisions**

The bill would regulate the live or slaughtered parts of lions, tigers, leopards, jaguars, cheetahs and mountain lions or any hybrid thereof; bears or any hybrid thereof; and non-native venomous snakes. The bill would make it unlawful to possess, slaughter, sell, purchase or otherwise acquire a dangerous regulated animal except under the guidelines set forth in the bill.

**Possession of Dangerous Regulated Animals Provisions**

The bill would provide that:

- On or after October 1, 2006, a person possessing a dangerous regulated animal except non-native venomous snakes would be required to be in compliance with United States Department of Agriculture regulations under the Animal Welfare Act, Public Law 89-544;
- Unless a person holds a USDA license after this date, such person would not be allowed to possess or breed a dangerous regulated animal;
- A person would not be able to possess or breed regulated dangerous animals if the person has been convicted of a felony offense within ten years preceding July 1, 2006, or was convicted of a crime in another jurisdiction that is substantially the same as a felony; and

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\*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>

- A person permitted to breed or acquire new animals defined as dangerous regulated animals would only be allowed to do so to maintain the operating inventory within such persons' and compliant facilities within the State of Kansas; or to sell the dangerous regulated animals outside of Kansas.

The bill would further require persons who possess a dangerous regulated animal on or after September 1, 2006 to notify the local animal control authority. Such persons would be required to register with the animal control authority in writing and would be required to provide information on the number, species of animal, microchip identification information, if available, and identification information (sex, age, color, weight, scars, and distinguishing scars) of each animal. The person also would have to provide the name of any registered designated handler of such animal.

The local animal control authority would be given the authority to inspect the premises where the dangerous regulated animals are located, and would be authorized to charge inspection fees and registration fees for the animal.

#### **Other Possession of Dangerous Regulated Animals Requirements**

The person possessing dangerous regulated animals would further be required to:

- Maintain health records of the animal;
- Maintain veterinary care of the animal;
- Notify local animal control of changes in address or where the animal is kept;
- Provide a copy of the USDA inspection report to the local animal control authority;
- Display a sign on the structure where the animal is housed warning that there is a dangerous regulated animal on the premises;
- Immediately notify law enforcement of any escape of the animal;
- Maintain a written recovery plan and possess live traps or equipment necessary to help in the recovery of the dangerous regulated animal;
- Restrict, if requested by the local animal control authority, the person from moving such an animal from the animal's location unless the local animal control authority approved, except for veterinary visits; and

- Find long term placement for the animal if the owner can no longer care for it.

### **Insurance Liability Requirements**

A person possessing a dangerous regulated animal would be required to maintain liability insurance coverage or secure a bond of at least \$250,000.

### **Dangerous Regulated Animal Confinement and Care Regulations**

The bill would provide for how a dangerous regulated animal must be confined and cared for and would include:

- Confining the animal in a cage of sufficient strength and design for maintaining and transporting the animal. The caging requirements would be established by rules and regulations adopted by the Department of Wildlife and Parks and be constructed in such a fashion that prohibits physical contact with any other person other than the owner, handler or a veterinarian;
- Prohibiting the animal from being tethered, leashed, chained or allowed to run at large;
- Prohibiting the animal from being mistreated, neglected, abandoned or deprived of food or water; and
- Prohibiting the animal from being brought to public property, commercial or retail establishment except to see a veterinarian.

### **Seizure Provisions**

Under these provisions local authorities would be permitted to seize dangerous regulated animals. The bill would provide procedures for local authorities to follow should there be reason to believe the requirements of the act were being violated. The procedures would provide for hearings, seizures and return of dangerous regulated animals to the person possessing the animal, and for the euthanizing the animal.

### **Zoo Provisions**

The bill would provide exemptions from certain parts of the requirements for zoos accredited by the American Zoo and Aquarium Association, the Zoological Association of America, or registered wildlife sanctuaries, the Kansas Department of Wildlife and Parks, or persons issued a permit by the Secretary pursuant to K.S.A. 32-952, a licensed or accredited research or medical institution, and USDA

licensed exhibitors.

### **Dangerous Regulated Animal Handling Guidelines**

\_\_\_\_ The bill would prohibit a dangerous regulated animal from coming into physical contact with any person other than the person possessing the animal, the registered designated handler or a veterinarian administering medical examination, treatment or care. In addition, a dangerous regulated animal could not be brought to any public property or commercial or retail establishment, except to bring the animal to a licensed veterinarian or veterinarian clinic.

### **Reports, Registration, Rules and Regulations, and Training Programs**

The bill would:

- Require the local animal control authorities to submit an annual report by April 1 of each year to the Secretary of the Kansas Department of Wildlife and Parks on the dangerous registered animals under the authority of each animal control agency, including any enforcement action taken;
- Require handlers to register with the local animal control authority;
- Charge the Secretary of Wildlife and Parks with adopting rules and regulations;
- Permit local authorities to adopt further restrictions to regulate dangerous regulated animals, including expanding the animals defined as dangerous regulated animals; and
- Require the Secretary of Wildlife and Parks to provide educational training programs for a local animal control authority concerning the provisions of the Act and the handling of dangerous regulated animals.

### **Background**

The Senate Ways and Means Committee hearing on SB 578 included many conferees discussing personal tragedies related to contact with animals defined by the bill as dangerous regulated

animals, as well as incidents of such animals escaping and running loose within Kansas prior to the animal being recovered. Most notably, the conferees included friends and family of a high school student from Southeast Kansas who was killed by a tiger. Conferees noted the lack of regulation of such animals in Kansas had resulted in some operations moving to Kansas to avoid regulations in other states. The opponent to the bill noted that there are operations who may not be accredited by the American Zoo and Aquarium Association, but may be accredited by another organization.

The Senate Ways and Means Committee amended the bill to include certain snakes as defined dangerous regulated animals. The Committee also adopted amendments that expanded language of the bill, further clarified language, and removed a section requiring minimal insurance to be maintained by the owner of a dangerous regulated animal.

The Senate Committee of the Whole amended the bill to require liability insurance, and to include zoos accredited by the Zoological Association of America and not just entities accredited by the American Zoo and Aquarium Association as entities exempt from certain parts of the requirements for possession of dangerous regulated animals.

Conferees who appeared in favor of the bill before the House Wildlife, Parks and Tourism Committee included the Secretary Hayden of the Department of Wildlife and Parks; Senator Umbarger; Senator Goodwin; Mike and Rhonda Good; J. Clay Thomas; and Jerry Carson, Labatte County Commissioner. Written testimony in support of the bill was submitted by Mark Koch, Senior Pastor, Parsons Church of the Nazarene; Susan Metzger; Randall Allen, Kansas Association of Counties; and Josephine Martell, International Fund for Animal Welfare (IFAW). Neutral conferees who presented testimony included Tim Fouts, Tanganyika Wildlife Park; Pat Quinn, ZAOA; and Tom and Alley Hawey of Safari Park. Opponents of the bill were Mitchell Papish and Matt Baker.

The House Committee on Wildlife, Parks and Tourism amendments were suggested by a subcommittee and the House Committee.

The House Committee amendments would:

- Add "municipality" to the definition of person;

- Recognize that non-native venomous snakes are not regulated by Public Law 89-544;
- Require that any cage or confinement structure be constructed in such a manner that prohibits physical contact with any person except those persons designated in the bill;
- Add the physical contact guidelines based on the weight of the dangerous regulated animal;
- Prohibit non-native, venomous snakes, from being brought to any public property or commercial or retail establishment except for bringing these snakes to a licensed veterinarian or veterinarian clinic; and
- Require the Secretary of Wildlife and Parks to provide educational training programs for a local control authority concerning provisions of the act and the handling of dangerous regulated animals.

The House Committee of the Whole deleted the provisions relating to the weight guidelines for contact with dangerous regulated animals.

The fiscal note on the original bill indicated the Kansas Department of Wildlife and Parks would be able to implement SB 578 within current fiscal resources. The bill would generate revenue for local animal control agencies. Since the number of registrations cannot be estimated, the amount of revenue could not be estimated for the fiscal note.