AN ACT concerning domestic animals; relating to the animal health commissioner; treatment and transportation of diseased dogs and cats; amending K.S.A. 2018 Supp. 47-635 and repealing the existing section; also repealing K.S.A. 2018 Supp. 47-646a.

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

New Section 1. As used in sections 1 through 7, and amendments thereto:

(a) (1) "Animal shelter" means: (A) A facility that is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal; or (B) a person who acts as an animal rescuer, collects and cares for unwanted animals or offers them for adoption.

(2) "Animal shelter" includes rescue networks and any facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats for the purpose of collecting, accumulating, amassing or maintaining the dogs or cats or offering the animals for adoption.

(b) (1) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this act, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals.

(2) "Animal control officer" includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties include, in whole or in part, assignments that involve the seizure or taking into custody of any animal.

(c) "Cat" means any animal that is wholly or in part of the species felis domesticus.

(d) "Dog" means any animal that is wholly or in part of the species canis familiaris.

(e) "Humanely" means instantaneously or without suffering or distress.

(f) "Licensed veterinarian" means a person who has received a doctor of veterinary medicine degree or the equivalent from a school of veterinary medicine and who currently holds a valid license to practice veterinary medicine in this state.
(g) "Person" means any individual, association, partnership, corporation or other entity.

(h) (1) "Veterinary premises" means any premises or facility where the practice of veterinary medicine occurs, including, but not limited to, a mobile clinic, outpatient clinic, satellite clinic, veterinary hospital or veterinary clinic.

(2) "Veterinary premises" does not include the premises of a veterinary client, research facility, a federal military base, Kansas state university college of veterinary medicine or any premises wherein the practice of veterinary medicine occurs no more than three times per year as a public service outreach of a registered veterinary premises.

New Sec. 2. (a) When the animal health commissioner determines that a quarantine or other regulations are necessary to prevent the spread of a contagious or infectious disease among dogs or cats, the animal health commissioner shall:

(1) Give sufficient notice to effectuate the quarantine;

(2) establish such quarantine immediately; and

(3) give and enforce directions, rules and regulations for separating, isolating, handling, treating, feeding and caring for the diseased dog or cat, dogs or cats exposed to the disease and dogs or cats within the quarantine that have not been exposed immediately, as the animal health commissioner deems necessary to prevent such dogs or cats from coming into contact with other dogs or cats.

(b) Upon request of the animal health commissioner, the governor may require and direct the cooperation and assistance of any state agency to enforce any quarantine or other rules and regulations pursuant to subsection (a).

(c) The animal health commissioner or the commissioner's designee is hereby authorized and empowered to enter any grounds and premises to carry out the provisions of this act.

New Sec. 3. If the animal health commissioner has ordered any contagious or infectious disease to be reported, any person, including the animal owner, who knows or has reason to believe that a dog or cat is affected with such contagious or infectious disease shall immediately report such knowledge or belief to the animal health commissioner.

New Sec. 4. (a) Except as provided in subsection (b), it is unlawful for any person to knowingly sell, exchange, place for adoption or give away for permanent disposition, any dog or cat that is:

(1) Affected with any contagious or infectious disease; or

(2) currently under treatment for any contagious or infectious disease by a licensed veterinarian.

(b) (1) This section shall not apply to a licensed veterinary premises or licensed animal shelter operating under the supervision of a veterinarian.
so long as:

(A) The contagious or infectious disease is disclosed in writing by the attending veterinarian to the person transferring or taking possession of the dog or cat;

(B) the dog or cat may be returned to the licensed veterinary premises or licensed animal shelter within 10 calendar days of the transfer of possession; and

(C) the attending veterinarian continues to treat the dog or cat until it is no longer contagious or infected, or the attending veterinarian transmits a treatment plan to another veterinarian upon transfer of possession.

(2) Any veterinary premises or any animal shelter that transfers a contagious or infected dog or cat shall maintain records related to the transfer and treatment of such dog or cat for three years and shall provide such records to the animal health commissioner or the animal health commissioner's designee upon request.

New Sec. 5. (a) Except as provided in subsection (b), it is unlawful for any person who has in such person's possession any dog, cat or ferret that is under rabies observation, is the subject of a state or local quarantine order or has not received vaccinations as required by local ordinance or resolution to:

(1) Allow such dog, cat or ferret to run at large; or

(2) move, transfer or transport such dog, cat or ferret.

(b) Any authorized representative of the animal health commissioner or law enforcement officer may seize and impound any dog, cat or ferret that may be found unconfined in violation of a rabies confinement, rabies quarantine or other quarantine order issued by the animal health commissioner, the secretary of health and environment, a local animal control officer or a local health officer. If such dog exhibits an articulatable and immediate danger to the public, because of rabies or other disease for which it is quarantined, a law enforcement officer may kill the unconfined dog humanely.

New Sec. 6. (a) It is unlawful for any person to bring or transport a dog or cat into the state without first causing such dog or cat to be inspected and passed under certificate of health as required by the animal health commissioner.

(b) All shipments and movements of a dog or cat into the state upon a public highway shall be accompanied by any certificates of health or permits required by the animal health commissioner. Unless otherwise prescribed by the animal health commissioner, certificates of health, permits and any other requirements for the movement of a dog or cat into the state shall be the same as for other domestic animals.

(c) The animal health commissioner may issue a special quarantine on any conditions the animal health commissioner deems necessary to
prevent the spread of infectious or contagious diseases in the state, and on
the condition that, if, upon inspection by an authorized veterinarian, any
dog or cat is found to be affected with a contagious or infectious disease,
such dog or cat shall be held by the owner or possessor thereof under
quarantine of and subject to the orders and rules and regulations of the
animal health commissioner.

New Sec. 7. (a) In addition to any penalties that may be assessed
pursuant to the Kansas pet animal act, K.S.A. 47-1701 et seq., and
amendments thereto, or any other applicable authority, the animal health
commissioner may impose a civil penalty in an amount not less than $250
and not more than $1,000 for each violation of this act. In the case of a
continuing violation, every day such violation continues shall be deemed a
separate violation.

(b) No civil penalty shall be imposed pursuant to this section except
upon written order of the duly authorized agent of the animal health
commissioner to the person who committed the violation. Such order shall
state the violation, the penalty to be imposed and the right of the person to
appeal to the animal health commissioner. Within 20 days of notification,
any such person may make written request to the animal health
commissioner for a hearing in accordance with the Kansas administrative
procedure act, K.S.A. 77-501, et seq., and amendments thereto. The animal
health commissioner shall affirm, reverse or modify the order and shall
specify the reasons therefor.

(c) Any person aggrieved by an order of the animal health
commissioner made under this section may appeal such order to the
district court in the manner provided by the Kansas judicial review act,
K.S.A. 77-601 et seq., and amendments thereto.

(d) Any civil penalty recovered pursuant to the provisions of this
section shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the state general fund.

Sec. 8. K.S.A. 2018 Supp. 47-635 is hereby amended to read as
follows: 47-635. The provisions of this act shall include all contagious or
infectious diseases among all kinds of domestic animals, including, but not
limited to, horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs,
cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as
defined in K.S.A. 47-1001, and amendments thereto, all creatures of the
ratite family, including, but not limited to, ostriches, emus and rheas and
exotic animals as defined by rules and regulations in 9 C.F.R. § 1.1,
pursuant to 7 U.S.C. § 2131 et seq. The provisions of this act shall not
include dogs or cats. The state animal health commissioner is given the
same power over any domestic animal afflicted with rabies as is conferred
Sec. 9. K.S.A. 2018 Supp. 47-635 and 47-646a are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.