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MEMORANDUM

To: House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 02/13/2024

Re: H.B. 2542; Updating certain terms, requirements and fees contained in the Kansas pet animal act.

Section 1 would amend the definitions section of the Kansas pet animal act. The definition of “adequate watering” would be amended to require, for dogs and cats, a supply of clean, fresh and potable water supplied in a sanitary manner and continuously available unless the licensee's or permittee's documented program of routine veterinary care specifies a medical reason otherwise, or unless the dog or cat is being transported. For all other animals, “adequate watering” would mean a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species. On page 5, line 4, a new definition would be added to define “resale” as “a person's selling of animals in Kansas, previously purchased from another person, to consumers or to someone else further down the chain of distribution”.

Sec. 2 (pg. 5, line 7) would clarify that no person shall operate an animal shelter without a license from the animal health commissioner except for a licensed veterinarian who operates such shelter from their veterinary premises.

Sec. 3 amends the statute that allows the commissioner to refuse to issue or renew or suspend or revoke a license or permit. New language would be inserted (pg. 6, line 1) that states nothing in the act shall be construed to prevent any licensee or permittee from operating in such person's private home or residence if such home or residence complies with the requirements of the act. Under current law, the commissioner may not refuse to issue or renew a license or permit or carry out a suspension or revocation unless notice and opportunity for an administrative hearing

has been given. There is a current exception in law for this when the commissioner issues a quarantine order on a regulated premises. A new exception would be added to subsection (d) (pg. 6, line 33) when the commissioner takes immediate action to protect the public interest under an emergency proceeding¹. Under current law, if a licensee's or permittee's animals have been seized and impounded but such person ends up not getting their license or permit denied, suspended or revoked, the commissioner is required to pay the costs of care and services that were provided to the animals during the seizure and impoundment of such animals. This requirement would be stricken (pg. 7, line 13).

Sec. 4 would amend the requirements for posting bond to prevent disposition of animals seized or impounded and to cover the costs of their care. Language would be added (pg. 8, line 3) to state that a person's failure to post bond within 10-days after seizure will result in the automatic legal transfer of the animals to the commissioner for transfer, placement, or other disposition of the animal. In no case could the required posting date be extended by any court or other tribunal past the 10 days, regardless of whether the disposition hearing takes place prior to expiration of such 10 days. Additionally, new language would be added to authorize the commissioner to enter into agreements with licensed animal shelters or rescue networks for the purpose of housing and providing care for seized pet animals. The commissioner would be required to reimburse such licensed shelter or rescue network using funds appropriated for such reimbursement.

Sec. 5 would amend the act's current civil penalties provisions (pg. 8, line 40) by stating that when the commissioner imposes an education course on a person, the commissioner may consult with an organization generally accepted by the veterinary community as reputable, as determined by the commissioner, when administering the course. The section would also strike language (pg. 9, lines 18 and 22) requiring a finding that a person violated the act to require the person to pay costs of care during impoundment.

Sec. 6 would amend the act's inspection requirements (pg. 10, line 16) to add requirements for licensees, except temporary pet shops, who cease their licensed activities, including requiring 10-day notice to the commissioner and a closing inspection. Under current law, the commissioner is

¹ A state agency may use emergency proceedings: (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law. (https://www.ksrevisor.org/statutes/chapters/ch77/077_005_0036.html)

required to have training procedures for inspectors. Such requirement would be amended (pg. 11, line 14) to cover specific additional pet animal care practices. Such procedures would no longer need to be made in consultation with the Kansas state university college of veterinary medicine.

Sec. 7 would require additional rules and regulations (pg. 12, line 8) to cover exercise and socialization, disease prevention, biosecurity and closing inspections. A current requirement that the commissioner only apply federal rules and regulations to USDA licensees would be stricken (line 20) and replaced with a requirement that the commissioner consider certain issues when adopting rules and regulations.

Sec. 8 (pg. 13, line 14) would amend the act's criminal penalties statute to no longer require the commissioner to pay the costs of care when animals are seized from someone who ends up not being convicted of a violation of the act.

Sec. 9 (pg. 13, line 16) would amend the license and permit fees section of the act. Except as otherwise listed in subsection (a), fees would be raised from \$450 to \$600. Additionally, the commissioner would be required (pg. 15, line 18) to prepare an annual report on the finances of the animal facilities inspection program and submit the report to the pet animal advisory board annually.

Sec. 10 would clarify (pg. 15, line 26) that no person shall operate a boarding or training kennel without a license except for a licensed veterinarian who operates such kennel from their veterinary premises.

Sec. 11 would add an additional member to the pet animal advisory board who is a licensed rescue network manager.

Sec. 12 would state that a licensee or permit holder who is in the process of ceasing business on September 30 may be issued a temporary closing permit. Current law lists the date as July 1.

H.B. 2542 would become effective upon publication in the statute book.