

HOUSE BILL No. 2542

By Committee on Agriculture and Natural Resources

Requested by Kelsey Olson, on behalf of Kansas Department of Agriculture

1-18

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 certain defined terms; operating an animal shelter or pound; making
3 changes to certain defined terms; refusal to issue or renew and the
4 modification, limitation, suspension or revocation of any license or
5 permit; immediate actions to protect the public interest; requiring the
6 posting of a cash or security bond to pay for the costs of caring for a
7 seized or impounded pet animal; requiring certain licensees that cease
8 to engage in licensed activity to notify the commissioner at least 10
9 days prior to ceasing business, or if extenuating circumstances exist,
10 not later than the date such activity ceases; requiring a closing
11 inspection to confirm licensed activity has ceased prior to expiration of
12 the license period; requiring certain additional rules and regulations;
13 increasing the maximum amount of certain fees; clarifying the
14 conditions required for a licensed veterinarian to act as or be a boarding
15 or training kennel operator; changing the date during which a licensee
16 or permit holder that is in the process of ceasing to do business may be
17 issued a temporary closing permit; amending K.S.A. 47-1701, 47-1704,
18 47-1706, 47-1706a, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-
19 1723, 47-1725 and 47-1732 and repealing the existing sections.

20

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

22 Section 1. K.S.A. 47-1701 is hereby amended to read as follows: 47-
23 1701. As used in the Kansas pet animal act, unless the context otherwise
24 requires:

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

29 (b) "Adequate watering" *for dogs and cats* means a supply of clean,
30 fresh; and potable water; supplied in a sanitary manner ~~and either~~
31 ~~continuously accessible to each animal or supplied at intervals suitable for~~
32 ~~the animal species, not to exceed intervals of 12 hours and made~~
33 *continuously available unless the licensee's or permittee's documented*
34 *program of routine veterinary care specifies a medical reason otherwise,*
35 *or unless the dog or cat is being transported. For all other animals,*

1 *"adequate watering" means a supply of clean, fresh, potable water,*
2 *supplied in a sanitary manner and either continuously accessible to each*
3 *animal or supplied at intervals suitable for the animal species.*

4 (c) "Ambient temperature" means the temperature surrounding the
5 animal.

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

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

11 (e) "Animal breeder" means any person who operates an animal
12 breeder premises.

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

17 (g) "Animal shelter" or "pound" means a facility that is used or
18 designed for use to house, contain, impound or harbor any seized stray,
19 homeless, relinquished or abandoned animal or a person who acts as an
20 animal rescuer, or who collects and cares for unwanted animals or offers
21 them for adoption. "Animal shelter" or "pound" also includes a facility of
22 an individual or organization, profit or nonprofit, maintaining 20 or more
23 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
24 or maintaining the animals or offering the animals for adoption.

25 (h) "Cat" means an animal that is wholly or in part of the species
26 *Felis domesticus.*

27 (i) "Commissioner" means the animal health commissioner of the
28 Kansas department of agriculture.

29 (j) "Dog" means any animal that is wholly or in part of the species
30 *Canis familiaris.*

31 (k) "Animal control officer" means any person employed by,
32 contracted with or appointed by the state, or any political subdivision
33 thereof, for the purpose of aiding in the enforcement of this law, or any
34 other law or ordinance relating to the licensing or permitting of animals,
35 control of animals or seizure and impoundment of animals, and includes
36 any state, county or municipal law enforcement officer, dog warden,
37 constable or other employee, whose duties in whole or in part include
38 assignments that involve the seizure or taking into custody of any animal.

39 (l) "Euthanasia" means the humane destruction of an animal, which
40 may be accomplished by any of those methods provided for in K.S.A. 47-
41 1718, and amendments thereto.

42 (m) "Hobby breeder premises" means any premises where all or part
43 of three, four or five litters of dogs or cats, or both, are produced for sale

1 or sold, offered or maintained for sale per license year. This provision
2 applies only if the total number of dogs or cats, or both, sold, offered or
3 maintained for sale is less than 30 individual animals.

4 (n) "Hobby breeder" means any person who operates a hobby breeder
5 premises.

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

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

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

14 (r) "License year" or "permit year" means the 12-month period
15 ending on September 30.

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

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

20 (A) Any dogs or cats, or both; or

21 (B) any other animals except those that are produced and raised on
22 such premises and are sold, or offered or maintained for sale, by a person
23 who resides on such premises.

24 (2) "Pet shop" does not include:

25 (A) Any pound or animal shelter;

26 (B) any premises where only fish are sold, or offered or maintained
27 for sale; or

28 (C) any animal distributor premises, hobby breeder premises, retail
29 breeder premises or animal breeder premises.

30 (3) Nothing in this section prohibits inspection of those premises that
31 sell only fish to verify that only fish are being sold.

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

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

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

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

43 (y) "Sanitize" means to make physically clean and to remove and

1 destroy, to a practical minimum, agents injurious to health, at such
 2 intervals as necessary.

3 (z) "Animal distributor" means any person who operates an animal
 4 distributor premises.

5 (aa) "Animal distributor premises" means the *Kansas* premises of any
 6 person engaged in the business of buying for resale dogs or cats, or both,
 7 as a principal or agent, or who holds such distributor's self out to be so
 8 engaged.

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

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

15 (dd)~~(1)~~ "Adequate veterinary medical care" means:

16 ~~(A)~~(1) A documented program of disease control and prevention,
 17 euthanasia and routine veterinary care shall be established and maintained
 18 under the supervision of a licensed veterinarian, on a form provided by the
 19 commissioner, and shall include a documented on-site visit to the premises
 20 by the veterinarian at least once a year;

21 ~~(B)~~(2) that diseased, ill, injured, lame or blind animals shall be
 22 provided with veterinary care as is needed for the health and well-being of
 23 the animal, and such veterinary care shall be documented and maintained
 24 on the premises; and

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

31 ~~(2) "Adequate veterinary medical care" shall not apply to United~~
 32 ~~States department of agriculture licensed animal breeders or animal~~
 33 ~~distributors.~~

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

37 (ff) "Retail breeder" means any person who operates a retail breeder
 38 premises.

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

43 (hh) "Retail" means any transaction where the animal is sold to the

1 final consumer.

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

4 (jj) "Resale" means a person's selling of animals in Kansas,
5 previously purchased from another person, to consumers or to someone
6 else further down the chain of distribution.

7 Sec. 2. K.S.A. 47-1704 is hereby amended to read as follows: 47-
8 1704. (a) ~~It shall be unlawful for any person to operate a pound or animal~~
9 ~~shelter.~~ Except for a licensed veterinarian who operates ~~such a pound or~~
10 animal shelter from such licensed veterinarian's ~~clinic, veterinary~~
11 ~~premises, as defined in K.S.A. 47-816, and amendments thereto, no person~~
12 ~~shall operate a pound or animal shelter~~ unless a license for such pound or
13 shelter has been obtained from the commissioner. Application for such
14 license shall be made on a form provided by the commissioner. The license
15 period shall be for the license year ending on September 30 following the
16 issuance date.

17 (b) The Kansas department of agriculture shall not require any
18 individual to be licensed who has written and signed an agreement to
19 provide temporary care for one or more dogs or cats owned by an animal
20 shelter. Any such animal shelter shall keep a current list of such
21 individuals who have written and signed an agreement to provide such
22 temporary care.

23 Sec. 3. K.S.A. 47-1706 is hereby amended to read as follows: 47-
24 1706. (a) The commissioner may refuse to issue or renew or may *modify,*
25 *limit,* suspend or revoke any license or permit required under K.S.A. 47-
26 1701 et seq., and amendments thereto, for any one or more of the
27 following reasons:

28 (1) Material misstatement in the application for the original license or
29 permit, or in the application for any renewal of a license or permit;

30 (2) willful disregard of any provision of the Kansas pet animal act or
31 any rule and regulation adopted hereunder, or any willful aiding or
32 abetting of another in the violation of any provision of the Kansas pet
33 animal act or any rule and regulation adopted hereunder;

34 (3) permitting any license or permit issued hereunder to be used by an
35 unlicensed or unpermitted person or transferred to unlicensed or
36 unpermitted premises;

37 (4) the conviction of any crime relating to the theft of animals;

38 (5) substantial misrepresentation;

39 (6) misrepresentation or false promise, made through advertising,
40 salespersons, agents or otherwise, in connection with the operation of
41 business of the licensee or permittee;

42 (7) fraudulent bill of sale;

43 (8) the housing facility or the primary enclosure is inadequate.

1 *Nothing in this act shall be construed as preventing any licensee or*
2 *permittee from operating in such licensee's or permittee's private home or*
3 *residence if such home or residence complies with the requirements of this*
4 *act and rules and regulations adopted hereunder;*

5 (9) the feeding, watering, sanitizing and housing practices at the
6 licensee's or permittee's premises are not consistent with the Kansas pet
7 animal act or the rules and regulations adopted hereunder;

8 (10) failure to provide adequate veterinary medical care to the
9 animals in such licensee or permittee's custody or care; or

10 (11) failure to maintain or provide documentation of the provision of
11 adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and
12 amendments thereto, to animals in such licensee or permittee's custody or
13 care when access to such is requested by the commissioner or the
14 commissioner's authorized representatives.

15 (b) The commissioner shall refuse to issue or renew and shall suspend
16 or revoke any license or permit required under K.S.A. 47-1701 et seq., and
17 amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-
18 4310, prior to its repeal, or ~~subsections (a)(1) through (a)(5) of K.S.A. 21-~~
19 ~~6412(a)(1) through (6),~~ and amendments thereto.

20 (c) Any refusal to issue or renew a license or permit, and any
21 suspension or revocation of a license or permit, under this section shall be
22 issued only after notice and opportunity for a hearing are provided in
23 accordance with the provisions of the Kansas administrative procedure act
24 and shall be subject to review in accordance with the Kansas judicial
25 review act.

26 (d) Notwithstanding subsection (c), nothing shall preclude the
27 commissioner from:

28 (1) Issuing a quarantine order in accordance with K.S.A. 77-536, and
29 amendments thereto, on any premises regulated under this act wherein the
30 animals are found to be infected with a contagious or zoonotic disease
31 which may infect animals or humans that may come into contact with or
32 be exposed to such animals; or

33 (2) *taking immediate action to protect the public interest in*
34 *accordance with K.S.A. 77-536, and amendments thereto, including, but*
35 *not limited to, ordering a licensee or permittee that has failed to remedy a*
36 *violation of one or more provisions of this act, or that has received an*
37 *order of suspension or revocation, to immediately cease acquiring or*
38 *breeding additional animals until such time that either the violation is*
39 *remedied, or final resolution of suspension or revocation order is*
40 *effectuated.*

41 (e) Whenever the commissioner denies, *modifies, limits,* suspends or
42 revokes a license or permit under this section, the commissioner or the
43 commissioner's authorized, trained representatives shall seize and impound

1 any animals in the possession, custody or care of the person whose license
2 or permit is denied, *modified, limited,* suspended or revoked if there are
3 reasonable grounds to believe that the animals' health, safety or welfare is
4 endangered. Except as provided by K.S.A. 21-6412, and amendments
5 thereto, such animals may be returned to the person owning them if there
6 is satisfactory evidence that the animals will receive adequate care by that
7 person or such animals may be sold, placed or euthanized, at the discretion
8 of the commissioner. Costs of care and services for such animals while
9 seized and impounded shall be paid by the person from whom the animals
10 were seized and impounded, ~~if that person's license or permit is denied,~~
11 ~~suspended or revoked pursuant to K.S.A. 47-1706a, and amendment~~
12 ~~thereto.~~ Such funds shall be paid to the commissioner for reimbursement
13 of care and services provided during seizure and impoundment. ~~If such~~
14 ~~person's license or permit is not denied, suspended or revoked, the~~
15 ~~commissioner shall pay the costs of care and services provided during~~
16 ~~seizure and impoundment.~~

17 Sec. 4. K.S.A. 47-1706a is hereby amended to read as follows: 47-
18 1706a. (a) (1) When an animal is seized or impounded pursuant to K.S.A.
19 47-1706, 47-1707 or 47-1715, and amendments thereto, *if the owner or*
20 *person who was in possession of the animal at the time such animal was*
21 *seized or impounded* ~~may desires to prevent the sale, placement or~~
22 ~~euthanasia of the animal pending final adjudication following the~~
23 ~~disposition hearing, such owner or person shall~~ post a cash or security
24 bond as provided in this section ~~which shall prevent the sale, placement or~~
25 ~~euthanasia of the animal, and if such cash or security bond is posted as~~
26 ~~provided in this section, the animal shall not be sold, placed or euthanized~~
27 ~~until a final determination is made as to whether the animal may be~~
28 ~~returned to the person.~~

29 (2) Such cash or security bond shall be in an amount sufficient to pay
30 for the animal's care and keeping for a period of at least 30 days,
31 commencing on the date which the animal was seized or impounded.

32 (3) Any such security bond or any security bond as provided in
33 subsection (b) shall be approved by the Kansas department of agriculture
34 division of animal health.

35 (b) (1) Such bond shall be filed with the Kansas department of
36 agriculture division of animal health and shall be posted on or before the
37 date of the disposition hearing or within 10 days after the animal is seized
38 or impounded, whichever is earlier.

39 (2) At the end of the time for which expenses are covered by the bond
40 if the owner or person who was in possession of the animal at the time it
41 was seized or impounded desires to prevent disposition of the animal, such
42 owner or person shall post a new cash or security bond prior to the
43 previous bond's expiration.

1 (3) At the end of the time for which expenses are covered by the
2 bond, the animal may be sold, placed or euthanized.

3 (4) *A person's failure to post such bond within the 10-day period*
4 *shall result in the automatic legal transfer of the animals to the*
5 *commissioner for transfer, placement, or other disposition of the animal.*
6 *In no case shall the required posting date of a cash or security bond issued*
7 *pursuant to this section be extended by any court or other tribunal past 10*
8 *days from the date of seizure, regardless of whether the disposition*
9 *hearing takes place prior to expiration of such 10 days.*

10 (5) *The commissioner is authorized to enter into agreements with any*
11 *licensed animal shelter or rescue network for the purpose of housing and*
12 *providing care for pet animals seized by the commissioner under K.S.A.*
13 *47-1706, 47-1707 or 47-1715, and amendments thereto. The commissioner*
14 *shall reimburse any licensed shelter or rescue network for the costs of care*
15 *and services provided to animals on behalf of the commissioner in*
16 *accordance with such agreement, out of the funds appropriated for such*
17 *reimbursement.*

18 (c) The authority seizing or impounding an animal shall give notice
19 by delivering a copy of this section to a person residing on the property
20 where the animal was seized or by posting a copy at the place where the
21 animal was seized.

22 (d) Nothing in this section shall prevent the euthanasia at any time of
23 an animal seized or impounded which is determined by a licensed
24 veterinarian to be diseased or disabled beyond recovery for any useful
25 purpose.

26 (e) ~~This act is shall be a part of and supplemental to and shall~~
27 ~~become a part of~~ the Kansas pet animal act.

28 Sec. 5. K.S.A. 47-1707 is hereby amended to read as follows: 47-
29 1707. (a) In addition to or in lieu of any other civil or criminal penalty
30 provided by law, the commissioner, upon a finding that a person has
31 violated or failed to comply with any provision of the Kansas pet animal
32 act or any rule and regulation adopted hereunder, may impose on such
33 person a civil penalty not exceeding \$1,000 for each violation or require
34 such person to attend an educational course regarding animals and their
35 care and treatment. If the commissioner imposes the educational course,
36 such person may choose either the penalty or the educational course. If
37 such person chooses the penalty, the commissioner shall establish the
38 amount pursuant to the penalty provisions of this section. The educational
39 course shall be administered by the commissioner in consultation with
40 Kansas state university college of veterinary medicine *or by an*
41 *organization generally accepted by the veterinary community as*
42 *reputable, as determined by the commissioner.*

43 (b) Any imposition of a civil penalty pursuant to this section shall be

1 only upon notice and opportunity for a hearing in accordance with the
2 Kansas administrative procedure act and shall be subject to review in
3 accordance with the Kansas judicial review act.

4 (c) Whenever the commissioner has reasonable grounds to believe
5 that a person or premises required to be licensed or permitted under the
6 Kansas pet animal act has failed to comply with or has violated any
7 provision of the Kansas pet animal act or any rule and regulation adopted
8 hereunder and that the health, safety or welfare of animals in such person's
9 possession, custody or care is endangered thereby, the commissioner shall
10 seize and impound such animals using emergency adjudicative
11 proceedings in accordance with the Kansas administrative procedure act.
12 Except as provided by K.S.A. 21-6412, and amendments thereto, such
13 animals may be returned to the person owning them if there is satisfactory
14 evidence that the animals will receive adequate care by that person or such
15 animals may be sold, placed or euthanized, at the discretion of the
16 commissioner. Costs of care and services for such animals while seized
17 and impounded shall be paid by the person from whom the animals were
18 seized and impounded, ~~if that person is found to be in violation of the~~
19 ~~Kansas pet animal act or any rules and regulations adopted hereunder~~
20 ~~pursuant to K.S.A. 47-1706a, and amendments thereto.~~ Such funds shall be
21 paid to the commissioner for reimbursement of care and services provided
22 during seizure and impoundment. ~~If such person is not found to be in~~
23 ~~violation of the Kansas pet animal act or any rules and regulations adopted~~
24 ~~hereunder, the commissioner shall pay the costs of care and services~~
25 ~~provided during seizure and impoundment.~~

26 Sec. 6. K.S.A. 47-1709 is hereby amended to read as follows: 47-
27 1709. (a) The commissioner or the commissioner's authorized, trained
28 representatives shall make an inspection of the premises for which an
29 application for an original license or permit is made under K.S.A. 47-1701
30 et seq., and amendments thereto, before issuance of such license or permit.
31 No license or permit shall be issued by the commissioner to an applicant
32 described in this subsection until the premises for which application is
33 made has passed a licensing or permitting inspection. The application for a
34 license shall conclusively be deemed to be the consent of the applicant to
35 the right of entry and inspection of the premises sought to be licensed or
36 permitted by the commissioner or the commissioner's authorized, trained
37 representatives at reasonable times with the owner or owner's
38 representative present. Refusal of such entry and inspection shall be
39 grounds for denial of the license or permit. Notice need not be given to any
40 person prior to inspection.

41 (b) The commissioner or the commissioner's authorized, trained
42 representatives may inspect each premises for which a license or permit
43 has been issued under K.S.A. 47-1701 et seq., and amendments thereto.

1 The acceptance of a license or permit shall conclusively be deemed to be
2 the consent of the licensee or permittee to the right of entry and inspection
3 of the licensed or permitted premises by the commissioner or the
4 commissioner's authorized, trained representatives at reasonable times
5 with the owner or owner's representative present. Refusal of such entry
6 and inspection shall be grounds for suspension or revocation of the license
7 or permit. Notice shall not be given to any person prior to inspection.

8 (c) The commissioner or the commissioner's authorized, trained
9 representatives shall make inspections of the premises of a person required
10 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
11 thereto, upon a determination by the commissioner that there are
12 reasonable grounds to believe that the person is violating the provisions of
13 K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations
14 adopted thereunder or that there are grounds for suspension or revocation
15 of such person's license or permit.

16 (d) (1) *Except a temporary pet shop, any licensee who ceases or*
17 *plans to cease to engage in activity requiring licensure pursuant to this act*
18 *shall notify the commissioner at least 10 days prior to the date of ceasing*
19 *such activity, unless advance notice is not possible due to extenuating*
20 *circumstances, then a licensee shall notify the commissioner no later than*
21 *the date licensed activity ceases.*

22 (2) *Upon notification to the commissioner by a licensee of the date*
23 *such licensee ceases or plans to cease to engage in activity requiring*
24 *licensure pursuant to this act, the commissioner or the commissioner's*
25 *authorized representatives shall conduct a closing inspection to confirm*
26 *such activity has ceased prior to expiration of the license period.*

27 (e) Any complaint filed with the commissioner shall be confidential
28 and shall not be released to any person other than employees of the
29 commissioner as necessary to carry out the duties of their employment.

30 ~~(e)~~(f) Any person making inspections under this section shall be
31 trained by the commissioner in reasonable standards of animal care.

32 ~~(f)~~(g) The commissioner may request a licensed veterinarian to assist
33 in any inspection or investigation made by the commissioner or the
34 commissioner's authorized representative under this section.

35 ~~(g)~~(h) Any person acting as the commissioner's authorized
36 representative for purposes of making inspections and conducting
37 investigations under this section who knowingly falsifies the results or
38 findings of any inspection or investigation or intentionally fails or refuses
39 to make an inspection or conduct an investigation pursuant to this section
40 shall be guilty of a class A nonperson misdemeanor.

41 ~~(h)~~(i) No person shall act as the commissioner's authorized
42 representative for the purposes of making inspections and conducting
43 investigations under this section if such person has a beneficial interest in

1 a person required to be licensed or permitted pursuant to K.S.A. 47-1701
 2 et seq., and amendments thereto.

3 ~~(j)~~(j) Records of inspections pursuant to this section shall be
 4 maintained in the office of the Kansas department of agriculture division
 5 of animal health. ~~Records of a deficiency or violation shall not be~~
 6 ~~maintained for longer not less than three five years after the deficiency or~~
 7 ~~violation is remedied.~~

8 ~~(k)~~(k) The commissioner, ~~in consultation with Kansas state university~~
 9 ~~college of veterinary medicine,~~ shall:

10 (1) ~~Continue~~ *Develop and provide* procedures ~~to provide~~ for pet
 11 animal training or updated training for authorized trained representatives
 12 who inspect premises under the pet animal act ~~and to on pet animal care~~
 13 *practices, including, but not limited to:*

- 14 (A) *Best management practices for the well-being of animals;*
- 15 (B) *disease prevention and management;*
- 16 (C) *operation biosecurity measures;*
- 17 (D) *generally accepted medical recommendations established by the*
 18 *American veterinary medical association; and*
- 19 (E) *identification of neglect and cruelty to animals;*

20 (2) allow the owners of such facilities licensed or permitted under the
 21 pet animal act to attend and participate at the training workshops for the
 22 authorized trained representatives; and

23 ~~(2)~~(3) make available to such owners and other interested persons an
 24 inspection handbook describing the duties and responsibilities of such
 25 authorized trained representatives.

26 ~~(l)~~(l) If the commissioner or the commissioner's authorized
 27 representative is denied access to any location where such access is sought
 28 for the purposes authorized under the Kansas pet animal act, the
 29 commissioner may apply to any court of competent jurisdiction for an
 30 administrative search warrant authorizing access to such location for such
 31 purposes. Upon such application and a showing of cause therefore, the
 32 court shall issue the search warrant for the purposes requested.

33 Sec. 7. K.S.A. 47-1712 is hereby amended to read as follows: 47-
 34 1712. (a) The commissioner is hereby authorized to adopt rules and
 35 regulations for licensees and permittees. Such rules and regulations shall
 36 include, but not be limited to, provisions relating to:

37 (1) Reasonable treatment of animals in the possession, custody or
 38 care of a licensee or permittee or being transported to or from licensed or
 39 permitted premises;

40 (2) a requirement that each licensee and permittee file with the
 41 commissioner evidence that animals entering or leaving the state are free
 42 from any visible symptoms of communicable disease;

43 (3) identification of animals handled;

- 1 (4)- primary enclosures;
- 2 (5)- housing facilities;
- 3 (6)- sanitation;
- 4 (7)- euthanasia;
- 5 (8)- ambient temperatures;
- 6 (9)- feeding;
- 7 (10)- watering;
- 8 (11)- *exercise and socialization*;
- 9 (12) *disease prevention*;
- 10 (13) *biosecurity*;
- 11 (14) adequate veterinary medical care;
- 12 ~~(12)-(15)~~ inspections of licensed or permitted premises, *including*
- 13 *closing inspections*;
- 14 (16) investigations of complaints ~~and~~;
- 15 (17) training of persons conducting ~~such~~ inspections and
- 16 investigations; and
- 17 ~~(13)-(18)~~ a requirement that each licensee or permittee keep and
- 18 maintain, for inspection by the commission, such records as necessary to
- 19 administer and enforce the provisions of the Kansas pet animal act.

20 (b) *In adopting rules and regulations*, the commissioner shall ~~only~~

21 ~~adopt as rules and regulations for United States department of agriculture~~

22 ~~licensed animal distributors and animal breeders, and animal distributor~~

23 ~~and animal breeder premises the rules and regulations promulgated by the~~

24 ~~secretary of the United States department of agriculture, cited at 9 C.F.R.~~

25 ~~3.1 through 3.12, pursuant to the provisions of the United States public law~~

26 ~~91-579 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare~~

27 ~~act consider:~~

- 28 (1) *Best management practices for the care and well-being of*
- 29 *animals*;
- 30 (2) *disease prevention*;
- 31 (3) *morbidity and mortality data to the extent such data is available*;
- 32 *and*
- 33 (4) *generally accepted veterinary medical standards and ethical*
- 34 *standards established by the American veterinary medical association.*

35 (c) ~~Notwithstanding any provision in subsection (b),~~ The

36 commissioner may adopt a requirement that each licensee and permittee

37 file with the commissioner evidence that animals entering or leaving the

38 state are free from any visible symptoms of communicable disease.

39 Sec. 8. K.S.A. 47-1715 is hereby amended to read as follows: 47-

40 1715. (a) Any violation of or failure to comply with any provision of the

41 Kansas pet animal act, or any rule and regulation adopted hereunder, shall

42 constitute a class A nonperson misdemeanor. Continued operation, after a

43 conviction, shall constitute a separate offense for each day of operation.

1 (b) Upon a conviction of a person for any violation of the Kansas pet
 2 animal act, or any rule and regulation adopted hereunder, the court shall
 3 order the commissioner to seize and impound any animals in the convicted
 4 person's possession, custody or care if there are reasonable grounds to
 5 believe that the animals' health, safety or welfare is endangered. Except as
 6 provided by K.S.A. 21-6412, and amendments thereto, such animals may
 7 be returned to the person owning them if there is satisfactory evidence that
 8 the animals will receive adequate care by that person or such animals may
 9 be sold, placed or euthanized, at the discretion of the commissioner. Costs
 10 of care and services for such animals while seized and impounded shall be
 11 paid by the convicted person *pursuant to K.S.A. 47-1706a, and*
 12 *amendments thereto.* Such funds shall be paid to the commissioner for
 13 reimbursement of care and services provided during seizure and
 14 impoundment. ~~If the person is not convicted, the commissioner shall pay~~
 15 ~~the costs of care and services provided during seizure and impoundment.~~

16 Sec. 9. K.S.A. 47-1721 is hereby amended to read as follows: 47-
 17 1721. (a) Each application for issuance or renewal of a license or permit
 18 required under K.S.A. 47-1701 et seq., and amendments thereto, shall be
 19 accompanied by the fee prescribed by the commissioner under this section.
 20 Such fees shall be as follows:

21 (1) Except as provided in paragraphs ~~(5)~~ (4) through ~~(8)~~ (7) and
 22 paragraph ~~(10)~~ for a license for premises of a person licensed under public
 23 law 91-579, 7 U.S.C. § 2131 et seq., an amount not to exceed \$450;

24 ~~(2)~~ except as provided in paragraphs (5) through (8) and paragraph
 25 ~~(10)~~ for a license for any other premises (9), an amount not to exceed
 26 \$600;

27 ~~(3)~~(2) for a temporary closing permit, an amount not to exceed \$95;

28 ~~(4)~~(3) for an out-of-state distributor permit, an amount not to exceed
 29 \$675;

30 ~~(5)~~(4) for a hobby breeder license or a kennel operator license, an
 31 amount not to exceed \$250;

32 ~~(6)~~(5) for an animal shelter in a first-class city, as defined in K.S.A.
 33 13-101, and amendments thereto, *an amount* not to exceed \$400;

34 ~~(7)~~(6) for an animal shelter in a second-class city, as defined in
 35 K.S.A. 14-101, and amendments thereto, *an amount* not to exceed \$335;

36 ~~(8)~~(7) for an animal shelter in a third-class city, as defined in K.S.A.
 37 15-101, and amendments thereto, *an amount* not to exceed \$285;

38 ~~(9)~~(8) a late fee of \$70 shall be assessed to any person whose permit
 39 or license renewal is not renewed prior to October 1; and

40 ~~(10)~~(9) for any premises required to be licensed under the Kansas pet
 41 animal act under multiple license categories, payment for only the most
 42 expensive license and a \$50 fee for each additional applicable license.
 43 Such premises shall comply with the applicable laws and rules and

1 regulations pertaining to each license category.

2 (b) The commissioner shall determine annually the amount necessary
3 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
4 for the next ensuing fiscal year and shall fix by rules and regulations the
5 license and permit fees for such year at the amount necessary for that
6 purpose, subject to the limitations of this section. In fixing such fees, the
7 commissioner may establish categories of licenses and permits, based
8 upon the type of license or permit, size of the licensed or permitted
9 business or activity and the premises where such business or activity is
10 conducted, and may establish different fees for each such category. The
11 fees in effect immediately prior to the effective date of this act shall
12 continue in effect until different fees are fixed by the commissioner as
13 provided by this subsection.

14 (c) If a licensee, permittee or applicant for a license or permit
15 requests an inspection of the premises of such licensee, permittee or
16 applicant, the commissioner shall charge a fee of \$200 to cover the costs of
17 such inspection.

18 ~~(d)(1)~~ Failure by the owner of a premises, a licensee or a permittee,
19 or their designated representative, to make a premises available for
20 inspection within 30 minutes of the arrival of the inspector or the
21 inspector's authorized representative shall be considered a no-contact
22 inspection. Each no-contact inspection shall result in a \$200 no-contact fee
23 against the owner of the premises, the licensee or the permittee. The
24 commissioner or the commissioner's authorized representative shall make
25 a second or subsequent attempt to inspect the premises.

26 ~~(2)(e)~~ If a premises fails an inspection, such owner, licensee or
27 permittee shall be required to pay a \$200 re-inspection fee for any
28 subsequent inspection. Such payment ~~must~~ shall be made in advance of
29 the re-inspection, and failure to do so shall result in the revocation of any
30 such licensee's or permittee's license or permit. The owner of the premises
31 shall be required to:

32 (1) Reapply for any licenses or permits that were revoked pursuant to
33 this subsection ~~and shall be required to;~~

34 ~~(A)~~(2) pay the fee for the new permit or license application;

35 ~~(B)~~(3) pass an initial inspection; and

36 ~~(C)~~(4) pay any past due fees before the new license or permit can be
37 issued.

38 ~~(e)~~(f) No fee or assessment required pursuant to this section shall be
39 refundable.

40 ~~(f)~~(g) The commissioner shall remit all moneys received by or for the
41 commissioner under this section to the state treasurer in accordance with
42 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
43 of each such remittance, the state treasurer shall deposit the entire amount

1 in the state treasury to the credit of the animal dealers fee fund, which is
 2 hereby created in the state treasury. Moneys in the animal dealers fee fund
 3 may be expended only to administer and enforce K.S.A. 47-1701 et seq.,
 4 and amendments thereto. All expenditures from the animal dealers fee
 5 fund shall be made in accordance with appropriation acts upon warrants of
 6 the director of accounts and reports issued pursuant to vouchers approved
 7 by the Kansas animal health commissioner or the commissioner's
 8 designee.

9 ~~(g)(h)~~ Except as provided further, when a premises required to be
 10 licensed or permitted under the Kansas pet animal act applies for an initial
 11 license or permit, the commissioner shall prorate to the nearest whole
 12 month the license or permit fee established in subsection (a). The
 13 commissioner shall have discretion to determine whether the application is
 14 an initial application or an application for a premises that has been doing
 15 business but is not licensed or permitted. If the commissioner determines
 16 the premises has been doing business without a license or permit, the
 17 commissioner is not required to prorate the fee.

18 ~~(h)(i)~~ *The commissioner shall prepare an annual report on the*
 19 *finances of the animal facilities inspection program, including, but not*
 20 *limited to, an accounting of moneys received and expended by the animal*
 21 *facilities inspection program. The report shall be presented annually to the*
 22 *Kansas pet animal advisory board.*

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

25 Sec. 10. K.S.A. 47-1723 is hereby amended to read as follows: 47-
 26 1723. (a) ~~It shall be unlawful for any person, Except for a licensed~~
 27 ~~veterinarian, to who operates a boarding or training kennel from such~~
 28 ~~licensed veterinarian's veterinary premises, as defined in K.S.A. 47-816,~~
 29 ~~and amendments thereto, no person shall act as or be a boarding or~~
 30 ~~training kennel operator unless such person has obtained from the~~
 31 ~~commissioner a boarding or training kennel operator license for each~~
 32 ~~premises operated by such person. Application for such license shall be~~
 33 ~~made in writing on a form provided by the commissioner. The license~~
 34 ~~period shall be for the license year ending on September 30 following the~~
 35 ~~issuance date.~~

36 (b) This section shall be a part of and supplemental to K.S.A. 47-
 37 1701 et seq., and amendments thereto.

38 Sec. 11. K.S.A. 47-1725 is hereby amended to read as follows: 47-
 39 1725. (a) There is hereby created the Kansas pet animal advisory board,
 40 consisting of ~~10~~ 11 members. Members shall be appointed by the governor
 41 as follows:

42 (1) One member shall be a representative of a licensed animal shelter
 43 or pound;

- 1 (2) one member shall be an employee of a licensed research facility;
- 2 (3) one member shall be a licensed animal breeder;
- 3 (4) one member shall be a licensed retail breeder;
- 4 (5) one member shall be a licensed pet shop operator;
- 5 (6) one member shall be a licensed veterinarian and shall be selected
- 6 from a list of three names presented to the governor by the Kansas
- 7 veterinary medical association;
- 8 (7) one member shall be a private citizen with no link to the industry;
- 9 (8) one member shall be a licensed animal distributor;
- 10 (9) one member shall be a licensed hobby breeder; ~~and~~
- 11 (10) one member shall be a licensed boarding or training kennel
- 12 operator; *and*
- 13 (11) *one member shall be licensed rescue network manager.*
- 14 (b) Each member shall be appointed for a term of three years and
- 15 until a successor is appointed and qualified.
- 16 (c) A vacancy on the board of a member shall be filled for the
- 17 unexpired term by appointment by the governor.
- 18 (d) The board shall meet at least once every calendar quarter
- 19 regularly or at such other times as the chairperson or a majority of the
- 20 board members determine. A majority of the members shall constitute a
- 21 quorum for conducting board business.
- 22 (e) The members of the board shall annually elect a chairperson.
- 23 (f) The board shall have the ~~following duties, authorities and powers~~
- 24 *duty, authority and power to:*
- 25 (1) ~~To~~ Advise the Kansas animal health commissioner on hiring a
- 26 director to implement the Kansas pet animal act;
- 27 (2) ~~to~~ review the status of the Kansas pet animal act;
- 28 (3) ~~to~~ make recommendations on changes to the Kansas pet animal
- 29 act; and
- 30 (4) ~~to~~ make recommendations concerning the rules and regulations
- 31 for the Kansas pet animal act.
- 32 (g) Board members who are required to be licensed, except retail
- 33 breeders, shall be affiliated with or a member of an organized pet animal
- 34 association which is representative of the position such person will hold on
- 35 the board.
- 36 Sec. 12. K.S.A. 47-1732 is hereby amended to read as follows: 47-
- 37 1732. (a) Any licensee or permit holder required to be licensed or obtain a
- 38 permit under the Kansas pet animal act, who is in the process of ceasing to
- 39 do business on ~~July 1~~ *September 30*, may be issued a temporary closing
- 40 permit at the discretion of the commissioner.
- 41 (b) Application for such permit shall be made in writing on a form
- 42 provided by the commissioner.
- 43 (c) The permit ~~will~~ *shall* be effective for 30 days. During the 30-day

1 period, the licensee or permit holder shall be required to comply with the
2 Kansas pet animal act and all rules and regulations adopted thereunder. By
3 accepting such permit, the licensee or permit holder agrees to allow an
4 inspection of the facility at the end of the 30-day period to certify that the
5 operation has ceased business. The licensee or permit holder shall provide
6 records as to the disposition of the animals to the commissioner upon
7 request.

8 (d) The permit may be renewed, at the discretion of the
9 commissioner, for an additional 30-day period.

10 (e) This section shall be *a* part of and supplemental to the Kansas pet
11 animal act.

12 Sec. 13. K.S.A. 47-1701, 47-1704, 47-1706, 47-1706a, 47-1707, 47-
13 1709, 47-1712, 47-1715, 47-1721, 47-1723, 47-1725 and 47-1732 are
14 hereby repealed.

15 Sec. 14. This act shall take effect and be in force from and after its
16 publication in the statute book.