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**Testimony on HB 2175 to  
The House Agriculture and Natural Resources Committee  
By Dr. Bill Brown, Animal Health Commissioner  
Kansas Department of Agriculture  
March 10, 2015**

Good afternoon, Chairman Schwartz, and members of the committee. I am Dr. Bill Brown, Animal Health Commissioner at the Kansas Department of Agriculture. I am testifying in support of HB2175. This bill has the endorsement and support of the Pet Animal Advisory Board. The board has taken an active role and supports each of the components included in this legislation.

The animal facilities inspection (AFI) program is dedicated to supporting the companion animal industry in Kansas. The AFI program regulates companion animal facilities required to be licensed under the provisions of the Kansas Pet Animal Act. The Act requires licensing and inspection of all dog and cat breeders that produce, offer or sell three or more litters during a fiscal year. Pounds and shelters, pet shops, research facilities, distributors, out-of-state distributors, boarding facilities and animal rescues are also included. AFI also registers pet animal foster homes that serve to assist animal shelters and rescues. AFI program staff maintains licenses, health papers and correspondence pertaining to the program.

As of the beginning of March 2015, there are 941 active AFI licenses in Kansas and over 1026 registered pet animal foster homes as of February 2015. In fiscal year 2014, the program completed approximately 888 inspections (1012 attempted) with an 86.6% percent pass rate on the first inspection.

There are some areas in the Kansas Pet Animal Act that will require legislative action to affect necessary change for the program. First, animal breeders and distributors licensed with the U.S. Department of Agriculture (USDA) are exempt from KDA “adequate veterinary medical care” requirements in K.S.A. 47-1701(dd)(4). This creates two primary concerns:

- Many of these USDA facilities are also licensed with KDA, but our inspectors do not get access to USDA veterinary care records for these facilities. This is a challenge for state inspectors.
- In 2012, the Kansas legislature added the “failure to provide adequate veterinary medical care” or “the failure to maintain or provide documentation of the provision of adequate veterinary medical care” as reasons the Commissioner may suspend or revoke a permit in K.S.A. 47-1706. If the veterinary medical care requirement does not extend to USDA licensees then neither will the ability to suspend or revoke a state license if the requirements are not being met.

AFI makes up 18 percent of the animal health budget but receives 47 percent of the animal health state general fund (SGF) dollars. Animal disease control programs receive fee revenue that funds 80 percent of their budget and the brands program receives fee revenue that funds 100 percent of their budget. AFI only funds 44 percent of its budget with fees. In order to meet our regulatory obligations, KDA supports increased fee caps to allow fees to be set at an appropriate level to properly fund the AFI program. The fee caps in the bill were suggested, voted on and approved by the Kansas Pet Animal Advisory Board. This fee increase is in addition to measures to cut costs and increase efficiencies and is necessary to keep the level of oversight and service currently provided.

Inspecting pet animal facilities to assure the health, safety and welfare of the animals is an important responsibility for the Kansas Department of Agriculture. Current statute states the Animal Health Commissioner or the Commissioner's authorized, trained representative may inspect licensed premises. In an effort to establish inspection frequency standards that are necessary yet fiscally achievable, KDA supports legislation to state that the commissioner or the commissioner's authorized, trained representative shall inspect licensed premise at a frequency established by the secretary through rules and regulations. This is in line with language used in other KDA programs.

Finally, the AFI program licenses shelters and rescue networks by facility location and any pet adoptions must be completed at the licensed facility. This causes unnecessary challenges for mobile adoption events. To solve the issue, KDA supports allowing licensed shelters and rescue networks to host mobile adoption events.

The AFI program and the Kansas Pet Animal Advisory board working in cooperation have drafted this legislation that we believe will help keep the Kansas Companion Animal industry in the forefront.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.

## THE CASE FOR RETAINING DUAL-LICENSING OF USDA LICENSED FACILITIES

Many facilities across Kansas hold two licenses and are inspected by both the Kansas Department of Agriculture Division of Animal Health (KDAH) and USDA. Why is it important for KDAH to continue another level of inspection and licensure of USDA-inspected facilities?

- 1) **USDA does not conduct closing inspections on facilities that have dropped USDA licensure.** If a facility changes the way they are conducting business, they may no longer require USDA licensure. If the facility was licensed with USDA and not with the state, these facilities that no longer have a USDA license would likely require a license under the Kansas Pet Animal Act. Dual inspection allows continuity of business process, and insures that facilities that should be licensed and inspected under the Kansas Pet Animal Act are in fact inspected.
- 2) **Currently, Kansas inspectors do not have access to some records.** USDA inspectors are not required to look at health papers of imported dogs or cats, unless the licensee is physically transporting the animal across state lines. If the individual has acquired an animal someone else transported across state lines, USDA only requires the animal be recorded on the licensee's "dogs on hand" list. Therefore, the USDA is not enforcing the Kansas import requirement to have health papers for animal movement across state lines. The KDAH is a disease controlling agency, therefore needs access to these health papers. The proposed language in HB 2030 will give Kansas inspectors this access.
- 3) **KDAH has immediate access to resources for assisting facilities in an emergency.** In addition, the proposed veterinary care language found in HB 2030 would allow KDA inspectors the ability to enforce vet care issues during an inspection of the facility. This would allow Kansas inspectors the immediate ability to address health concerns of animals, instead of potentially delaying for days or weeks while working with the USDA to address the problem.
- 4) **Reptiles, birds, and feeder rodents are not regulated by the USDA in pet shops;** KDAH inspectors are the only ones who do address these animals. If they are not monitored by KDAH, the potential health risk to humans could increase, as many of these animals have the ability to carry zoonotic disease. In addition, a majority of complaints involving pet shops specifically reference reptiles. Without KDAH's licensing jurisdiction, there is no other regulatory official to address these complaints and potential animal welfare concerns.

Kansas currently has Hobby Breeders, Retail Breeders, Animal Breeders, Distributors, Research Facilities and Out-of-State Distributors licensed with the USDA. These facilities account for 152 of 946 licenses. Not only are these facilities required to be licensed under current law, but they also play a vital role in the welfare and wellbeing of the animals along with maintaining the human health of Kansas.

	# 2015 licenses	Current Fees	HB 2030	New Proposed Fee Caps	Fee Cap Change
	<b>Categories Eliminated</b>				
Hobby Breeders	362	405	\$725.00	\$500.00	-225
Retail Breeders	5	200	\$400.00	\$300.00	-100
USDA Breeders	89	405	\$725.00	\$600.00	-125
Non-USDA Breeders	257	300	\$600.00	\$550.00	-50
Animal Breeders	63	50	\$125.00	\$125.00	0
Research facilities	155	95	\$250.00	\$200.00	-50
Pet Shops	1	650	\$650.00	\$650.00	0
Shelters	12	75	\$300.00	\$200.00	-100
Rescue Shelter Network Manager	1026	10	\$10.00	\$10.00	0
Boarding/Training					
Out-of State Distributors					
Temporary Pet Shop					
Foster Homes					
<b>Total</b>	<b>1970</b>				

Note:

1. Hobby Breeder, Retail, USDA, non-USDA categories eliminated and all consolidated into Animal Breeders
2. Fees for Animal Breeders levels would be set in regulations; capped at \$500
3. Fees for Shelters (1st, 2nd, 3rd Classes) are currently set in regulation

Example of Animal Breeder Category Distribution in Regulations

Animal Breeders (Level 1) - 3 to 5 litters

Animal Breeders (Level 2) - 6-8 litters

Animal Breeders (Level 3) - 9 and above