

HOUSE BILL No. 2477

By Committee on Agriculture

1-17

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
3 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, {47-
4 **1709,**} 47-1721 and 47-1723 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as
8 follows: 47-1701. As used in the Kansas pet animal act, unless the context
9 otherwise requires:

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

14 (b) "Adequate watering" means a supply of clean, fresh, potable
15 water, supplied in a sanitary manner and either continuously accessible to
16 each animal or supplied at intervals suitable for the animal species, not to
17 exceed intervals of 12 hours.

18 (c) "Ambient temperature" means the temperature surrounding the
19 animal.

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

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

25 (e) "Animal breeder" means any person who operates an animal
26 breeder premises.

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

31 (g) "Animal shelter" or "pound" means a facility ~~which~~ *that* is used or
32 designed for use to house, contain, impound or harbor any seized stray,
33 homeless, relinquished or abandoned animal or a person who acts as an
34 animal rescuer, or who collects and cares for unwanted animals or offers

1 them for adoption. Animal shelter or pound also includes a facility of an
2 individual or organization, profit or nonprofit, maintaining 20 or more
3 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
4 or maintaining the animals or offering the animals for adoption.

5 (h) "Cat" means an animal—~~which~~ *that* is wholly or in part of the
6 species *Felis domesticus*.

7 (i) "Commissioner" means the animal health commissioner of the
8 Kansas department of agriculture.

9 (j) "Dog" means any animal—~~which~~ *that* is wholly or in part of the
10 species *Canis familiaris*.

11 (k) "Animal control officer" means any person employed by,
12 contracted with or appointed by the state, or any political subdivision
13 thereof, for the purpose of aiding in the enforcement of this law, or any
14 other law or ordinance relating to the licensing or permitting of animals,
15 control of animals or seizure and impoundment of animals, and includes
16 any state, county or municipal law enforcement officer, dog warden,
17 constable or other employee, whose duties in whole or in part include
18 assignments—~~which~~ *that* involve the seizure or taking into custody of any
19 animal.

20 (l) "Euthanasia" means the humane destruction of an animal, which
21 may be accomplished by any of those methods provided for in K.S.A. 47-
22 1718, and amendments thereto.

23 (m) "Hobby breeder premises" means any premises where all or part
24 of three, four or five litters of dogs or cats, or both, are produced for sale
25 or sold, offered or maintained for sale per license year. This provision
26 applies only if the total number of dogs or cats, or both, sold, offered or
27 maintained for sale is less than 30 individual animals.

28 (n) "Hobby breeder" means any person who operates a hobby breeder
29 premises.

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

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

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

38 (r) "License year" or "permit year" means the 12-month period
39 ending on ~~June~~ *September 30*.

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

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

1 (A) Any dogs or cats, or both; or (B) any other animals except those
2 ~~which that~~ are produced and raised on such premises and are sold, or
3 offered or maintained for sale, by a person who resides on such premises.

4 (2) "Pet shop" does not include: (A) Any pound or animal shelter; (B)
5 any premises where only fish are sold, or offered or maintained for sale; or
6 (C) any animal distributor premises, hobby breeder premises, retail breeder
7 premises or animal breeder premises.

8 (3) Nothing in this section prohibits inspection of those premises
9 ~~which that~~ sell only fish to verify that only fish are being sold.

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

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

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

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

21 (y) "Sanitize" means to make physically clean and to remove and
22 destroy, to a practical minimum, agents injurious to health, at such
23 intervals as necessary.

24 (z) "Animal distributor" means any person who operates an animal
25 distributor premises.

26 (aa) "Animal distributor premises" means the premises of any person
27 engaged in the business of buying for resale dogs or cats, or both, as a
28 principal or agent, or who holds such distributor's self out to be so
29 engaged.

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

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

36 (dd) (1) "Adequate veterinary medical care" means:

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

42 ~~(2)~~(B) that diseased, ill, injured, lame or blind animals shall be
43 provided with veterinary care as is needed for the health and well-being of

1 the animal, and such veterinary care shall be documented and maintained
2 on the premises; and

3 ~~(3)(C)~~ all documentation required by subsections (dd)(1)(A) and (dd)
4 ~~(2)(1)(B)~~ shall be made available to the commissioner or the
5 commissioner's authorized representative for inspection or copying upon
6 request and shall be maintained for three years after the effective date of
7 the program or the administration of such veterinary care.

8 ~~(4)(2)~~ As used in the Kansas pet animal act, "Adequate veterinary
9 medical care" shall not apply to United States department of agriculture
10 licensed animal breeders or animal distributors.

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

14 (ff) "Retail breeder" means any person who operates a retail breeder
15 premises.

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

20 (hh) "Retail" means any transaction where the animal is sold to the
21 final consumer.

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

24 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-
25 1702. It shall be unlawful for any person to act as or be an animal
26 distributor unless such person has obtained from the commissioner an
27 animal distributor license for each animal distributor premises operated by
28 such person. Application for such license shall be made in writing on a
29 form provided by the commissioner. The license period shall be for the
30 license year ending on ~~June~~ *September* 30 following the issuance date.

31 Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-
32 1703. It shall be unlawful for any person to act as or be a pet shop operator
33 unless such person has obtained from the commissioner a pet shop
34 operator license for each pet shop operated by such person. Application for
35 each such license shall be made in writing on a form provided by the
36 commissioner. The license period shall be for the license year ending on
37 ~~June~~ *September* 30 following the issuance date.

38 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-
39 1704. (a) It shall be unlawful for any person to operate a pound or animal
40 shelter, except a licensed veterinarian who operates such pound or animal
41 shelter from such licensed veterinarian's clinic, unless a license for such
42 pound or shelter has been obtained from the commissioner. Application for
43 such license shall be made on a form provided by the commissioner. The

1 license period shall be for the license year ending on ~~June~~ *September* 30
2 following the issuance date.

3 **(b) The Kansas department of agriculture shall not require any**
4 **individual to be licensed who has written and signed an agreement to**
5 **provide temporary care for one or more dogs or cats owned by an**
6 **animal shelter ~~or other premises that is licensed pursuant to this act.~~**
7 **Any such animal shelter ~~or licensed premises~~ shall keep a current list**
8 **of such individuals who have written and signed an agreement to**
9 **provide such temporary care.**

10 {Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as
11 follows: 47-1709. (a) The commissioner or the commissioner's
12 authorized, trained representatives shall make an inspection of the
13 premises for which an application for an original license or permit is
14 made under K.S.A. 47-1701 et seq., and amendments thereto, before
15 issuance of such license or permit. No license or permit shall be issued
16 by the commissioner to an applicant described in this subsection until
17 the premises for which application is made has passed a licensing or
18 permitting inspection. The application for a license shall conclusively
19 be deemed to be the consent of the applicant to the right of entry and
20 inspection of the premises sought to be licensed or permitted by the
21 commissioner or the commissioner's authorized, trained
22 representatives at reasonable times with the owner or owner's
23 representative present. Refusal of such entry and inspection shall be
24 grounds for denial of the license or permit. Notice need not be given to
25 any person prior to inspection.

26 **(b) The commissioner or the commissioner's authorized, trained**
27 **representatives may inspect each premises for which a license or**
28 **permit has been issued under K.S.A. 47-1701 et seq., and amendments**
29 **thereto. The acceptance of a license or permit shall conclusively be**
30 **deemed to be the consent of the licensee or permittee to the right of**
31 **entry and inspection of the licensed or permitted premises by the**
32 **commissioner or the commissioner's authorized, trained**
33 **representatives at reasonable times with the owner or owner's**
34 **representative present. Refusal of such entry and inspection shall be**
35 **grounds for suspension or revocation of the license or permit. Notice**
36 **need *shall* not be given to any person prior to inspection.**

37 **(c) The commissioner or the commissioner's authorized, trained**
38 **representatives shall make inspections of the premises of a person**
39 **required to be licensed or permitted under K.S.A. 47-1701 et seq., and**
40 **amendments thereto, upon a determination by the commissioner that**
41 **there are reasonable grounds to believe that the person is violating the**
42 **provisions of K.S.A 47-1701 et seq., and amendments thereto, or rules**
43 **and regulations adopted thereunder or that there are grounds for**

1 suspension or revocation of such person's license or permit.

2 (d) Any complaint filed with the commissioner shall be
3 confidential and shall not be released to any person other than
4 employees of the commissioner as necessary to carry out the duties of
5 their employment.

6 (e) Any person making inspections under this section shall be
7 trained by the commissioner in reasonable standards of animal care.

8 (f) The commissioner may request a licensed veterinarian to assist
9 in any inspection or investigation made by the commissioner or the
10 commissioner's authorized representative under this section.

11 (g) Any person acting as the commissioner's authorized
12 representative for purposes of making inspections and conducting
13 investigations under this section who knowingly falsifies the results or
14 findings of any inspection or investigation or intentionally fails or
15 refuses to make an inspection or conduct an investigation pursuant to
16 this section shall be guilty of a class A nonperson misdemeanor.

17 (h) No person shall act as the commissioner's authorized
18 representative for the purposes of making inspections and conducting
19 investigations under this section if such person has a beneficial interest
20 in a person required to be licensed or permitted pursuant to K.S.A.
21 47-1701 et seq., and amendments thereto.

22 (i) Records of inspections pursuant to this section shall be
23 maintained in the office of the Kansas department of agriculture
24 division of animal health. Records of a deficiency or violation shall not
25 be maintained for longer than three years after the deficiency or
26 violation is remedied.

27 (j) The commissioner, in consultation with Kansas state university
28 college of veterinary medicine, shall: (1) Continue procedures to
29 provide for pet animal training or updated training for authorized
30 trained representatives who inspect premises under the pet animal act
31 and to allow the owners of such facilities licensed or permitted under
32 the pet animal act to attend and participate at the training workshops
33 for the authorized trained representatives; and (2) make available to
34 such owners and other interested persons an inspection handbook
35 describing the duties and responsibilities of such authorized trained
36 representatives.

37 (k) If the commissioner or the commissioner's authorized
38 representative is denied access to any location where such access is
39 sought for the purposes authorized under the Kansas pet animal act,
40 the commissioner may apply to any court of competent jurisdiction for
41 an administrative search warrant authorizing access to such location
42 for such purposes. Upon such application and a showing of cause
43 therefore, the court shall issue the search warrant for the purposes

1 **requested.}**

2 ~~Sec. 5. {6.}~~ K.S.A. 47-1719 is hereby amended to read as follows: 47-
3 1719. (a) It shall be unlawful for any person to act as or be a hobby
4 breeder unless such person has obtained from the commissioner a hobby
5 breeder license. Application for such license shall be made in writing on a
6 form provided by the commissioner. The license period shall be for the
7 license year ending on ~~June~~ *September* 30 following the issuance date.

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

10 ~~Sec. 6. {7.}~~ K.S.A. 47-1720 is hereby amended to read as follows: 47-
11 1720. (a) It shall be unlawful for any person to operate a research facility
12 unless such person has obtained from the commissioner a research facility
13 license. Application for such license shall be made in writing on a form
14 provided by the commissioner. The license period shall be for the license
15 year ending on ~~June~~ *September* 30 following the issuance date.

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

18 ~~Sec. 7. {8.}~~ K.S.A. 2017 Supp. 47-1721 is hereby amended to read as
19 follows: 47-1721. (a) Each application for issuance or renewal of a license
20 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,
21 shall be accompanied by the fee prescribed by the commissioner under this
22 section. Such fees shall be as follows:

23 (1) Except as provided in ~~paragraph paragraphs (5) or (6), or (8)~~
24 **through (9){(8)} and paragraph (11){(10)}** for a license for premises of a
25 person licensed under public law 91-579-~~(, 7 U.S.C. § 2131 et seq.),~~ an
26 amount not to exceed ~~\$200~~ *\$450*;

27 (2) except as provided in ~~paragraph paragraphs (5) or (6), or (8)~~
28 **through (9){(8)} and paragraph (11){(10)}** for a license for any other
29 premises, an amount not to exceed ~~\$405~~ *\$600*;

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

31 (4) for an out-of-state distributor permit, an amount not to exceed
32 \$675;

33 (5) for a hobby breeder license or a kennel operator license an amount
34 not to exceed ~~\$95~~ *\$250*;

35 (6) ~~for a license for an animal shelter or a pound, an amount not to~~
36 ~~exceed \$300~~ *\$550*; and

37 (7) ~~for an animal shelter in a first-class city, as defined in K.S.A.~~
38 **13-101, and amendments thereto, not to exceed \$400;**

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

41 (8) ~~for an animal shelter in a third-class city, as defined in K.S.A.~~
42 **15-101, and amendments thereto, not to exceed \$285;**

43 (9) a late fee of \$70 shall be assessed to any person whose permit or

1 license renewal is ~~more than 45 days late.~~ *not renewed prior to October 1;*
2 *and*

3 ~~(8)~~ **(10)** *for any premises required to be licensed under the Kansas*
4 *pet animal act under multiple license categories, payment for only the*
5 *most expensive license and a \$50 fee for each additional applicable*
6 *license. Such premises shall comply with the applicable laws and rules*
7 *and regulations pertaining to each license category.*

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

20 (c) If a licensee, permittee or applicant for a license or permit
21 requests an inspection of the premises of such licensee, permittee or
22 applicant, the commissioner shall ~~assess the costs of such inspection, as~~
23 ~~established by rules and regulations of the commissioner, to such licensee,~~
24 ~~permittee or applicant~~ **charge a fee of \$200 to cover the costs of such**
25 **inspection.**

26 (d) **(1) Failure by the owner of a premises, a licensee or a**
27 **permittee, or their designated representative, to make a premises**
28 **available for inspection within 30 minutes of the arrival of the**
29 **inspector or the inspector's authorized representative, ~~when notice is~~**
30 **~~provided at least one business day prior to the inspection,~~ shall be**
31 **considered a no-contact inspection. Each no-contact inspection shall**
32 **result in a \$200 no-contact fee against the owner of the premises, the**
33 **licensee or the permittee. The commissioner or the commissioner's**
34 **authorized representative shall make a second or subsequent attempt**
35 **to inspect the premises ~~after providing additional notice at least one~~**
36 **~~business day prior to the second or subsequent attempt.~~**

37 **(2) If a premises fails an inspection, such owner, licensee or**
38 **permittee shall be required to pay a \$200 re-inspection fee for any**
39 **subsequent inspection. Such payment must be made in advance of the**
40 **re-inspection, and failure to do so shall result in the revocation of any**
41 **such licensee's or permittee's license or permit. The owner of the**
42 **premises shall be required to reapply for any licenses or permits that**
43 **were revoked pursuant to this subsection and shall be required to:**

- 1 **(A) Pay the fee for the new permit or license application;**
 2 **(B) pass an initial inspection; and**
 3 **(C) pay any past due fees before the new license or permit can be**
 4 **issued.**

5 **(e)** No fee or assessment required pursuant to this section shall be
 6 refundable.

7 ~~(e)~~ **(f)** The commissioner shall remit all moneys received by or for the
 8 commissioner under this section to the state treasurer in accordance with
 9 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 10 of each such remittance, the state treasurer shall deposit the entire amount
 11 in the state treasury to the credit of the animal dealers fee fund, which is
 12 hereby created in the state treasury. Moneys in the animal dealers fee fund
 13 may be expended only to administer and enforce K.S.A. 47-1701 et seq.,
 14 and amendments thereto. All expenditures from the animal dealers fee
 15 fund shall be made in accordance with appropriation acts upon warrants of
 16 the director of accounts and reports issued pursuant to vouchers approved
 17 by the Kansas animal health commissioner or the commissioner's
 18 designee.

19 ~~(f)~~ **(g)** ~~Premises required to be licensed under the Kansas pet animal~~
 20 ~~act shall not be required to pay for more than one license. If more than one~~
 21 ~~operation is ongoing at the premises, each operation shall comply with the~~
 22 ~~applicable statutes and rules and regulations pertaining to such operation.~~

23 ~~(g)~~ Except as provided further, when a premises required to be
 24 licensed or permitted under the Kansas pet animal act applies for an initial
 25 license or permit, the commissioner shall prorate to the nearest whole
 26 month the license or permit fee established in subsection (a). The
 27 commissioner shall have discretion to determine whether the application is
 28 an initial application or an application for a premises ~~which~~ *that* has been
 29 doing business but is not licensed or permitted. If the commissioner
 30 determines the premises has been doing business without a license or
 31 permit, the commissioner is not required to prorate the fee.

32 ~~(h)~~ ~~(g)~~ **(h)** This section shall be part of and supplemental to K.S.A. 47-
 33 1701 et seq., and amendments thereto.

34 Sec. ~~8.~~ **{9.}** K.S.A. 2017 Supp. 47-1723 is hereby amended to read as
 35 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed
 36 veterinarian, to act as or be a boarding or training kennel operator unless
 37 such person has obtained from the commissioner a boarding or training
 38 kennel operator license for each premises operated by such person.
 39 Application for such license shall be made in writing on a form provided
 40 by the commissioner. The license period shall be for the license year
 41 ending on ~~June~~ *September* 30 following the issuance date.

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

1 Sec. ~~9.~~ **{10.}** K.S.A. 47-1733 is hereby amended to read as follows:
2 47-1733. (a) It shall be unlawful for any person to act as or be an animal
3 breeder unless such person has obtained from the commissioner an animal
4 breeder license for each animal breeder premises operated by such person.
5 Application for each such license shall be made in writing on a form
6 provided by the commissioner. The license period shall be for the license
7 year ending on ~~June~~ *September* 30 following the issuance date.

8 (b) This section shall be part of and supplemental to the Kansas pet
9 animal act.

10 Sec. ~~10.~~ **{11.}** K.S.A. 47-1734 is hereby amended to read as follows:
11 47-1734. (a) It shall be unlawful for any person to act as or be an out-of-
12 state distributor of dogs or cats, or both, within the state of Kansas unless
13 such person has obtained from the commissioner an out-of-state distributor
14 permit. Application for each such permit shall be made in writing on a
15 form provided by the commissioner. The permit period shall be for the
16 permit year ending on ~~June~~ *September* 30 following the issuance date.

17 (b) This section shall be part of and supplemental to the Kansas pet
18 animal act.

19 Sec. ~~11.~~ **{12.}** K.S.A. 47-1736 is hereby amended to read as follows:
20 47-1736. (a) It shall be unlawful for any person to act as or be a retail
21 breeder unless such person has obtained from the commissioner a retail
22 breeder license for each retail breeder premises operated by such person.
23 Application for each such license shall be made in writing on a form
24 provided by the commissioner. The license period shall be for the license
25 year ending on ~~June~~ *September* 30 following the issuance date.

26 (b) This section shall be part of and supplemental to the Kansas pet
27 animal act.

28 Sec. ~~12.~~ **{13.}** K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720,
29 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, **{47-**
30 **1709,}** 47-1721 and 47-1723 are hereby repealed.

31 Sec. ~~13.~~ **{14.}** This act shall take effect and be in force from and after
32 its publication in the Kansas Register.