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MEMORANDUM

To: Senate Committee on Agriculture and Natural Resources
From: Office of Revisor of Statutes
Date: March 24, 2021
Subject: SB 269—Dangerous Regulated Animals

Senate Bill 269 would amend various provisions to the act regulating the possession, transportation and sale of dangerous regulated animals.

Definitions

Section 1 of SB 269 would amend K.S.A. 32-1301 to expand the definition of "dangerous regulated animal" to include nonhuman primates and wolves.

Possession of Dangerous Regulated Animals

K.S.A. 32-1302 currently provides that it is unlawful for a person to possess, slaughter, sell, purchase or otherwise acquire a dangerous regulated animal except in certain circumstances as provided in subsection (d). SB 269 would add paragraph (2) to subsection (d) to provide an exception to the prohibition on possessing a nonhuman primate or wolf. The exception would allow a person who possesses a valid U.S.D.A. license, is in compliance with the U.S.D.A. animal welfare act and has not been convicted of a felony in the 10 years immediately preceding July 1, 2021, to breed, purchase or otherwise acquire a nonhuman primate or wolf in order to:

- (1) Maintain the operating inventory possessed on July 1, 2021;
- (2) Sell nonhuman primates or wolves to other licensees or compliant facilities for the purpose of maintaining operating inventory; or
- (3) Sell nonhuman primates or wolves outside the state.

SB 269 would also amend K.S.A. 32-1303 to provide the requirements for a person in lawful possession of a nonhuman primate or wolf prior to July 1, 2021, to continue to possess such animals. Such requirements include:

- (1) Maintains records that establish lawful possession prior to July 1, 2021;

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- (2) Does not acquire additional nonhuman primates or wolves, except as provided in K.S.A. 32-1302;
- (3) Has not been convicted of an offense involving abuse or neglect of animals or any felony within the previous 10 years;
- (4) Has not had a license or permit regarding animals revoked or suspended;
- (5) Kept each nonhuman primate or wolf in a facility and conditions that comply with state law;
- (6) Has an identification number placed in each nonhuman primate or wolf via subcutaneous microchip; and
- (7) Submits an application for registration to the local animal control authority, including the person's name, address, telephone number and complete inventory of each nonhuman primate or wolf possessed by such person.

Care of an Animal when Possessor Cannot Do So

SB 269 would amend K.S.A. 32-1305 to require a person who can no longer care for a dangerous regulated animal to place such animal with a facility that is exempt from the act pursuant to K.S.A. 32-1308. Such placement would also be required pursuant to K.S.A. 32-1307 if a court orders the permanent disposition of a dangerous regulated animal.

Proximity to the Public

SB 269 would amend K.S.A. 32-1306 to state that except for nonhuman primates of the family lemuridae, a dangerous regulated animal shall not be allowed to be in proximity to members of the public without sufficient distance or barriers.

Exposure to Disease

SB 269 would amend K.S.A. 32-1306 to require the person who possess a dangerous regulated animal to report any potential exposure of a human to rabies or other zoonotic disease to the local animal control authority within 24 hours.

Exemptions from the Act

SB 269 would amend K.S.A. 32-1308 to modify which entities are exempt from the act. The bill would remove the exemption for the Kansas department of wildlife, parks and tourism. The bill would explicitly exempt law enforcement and duly incorporated nonprofit animal protection organizations temporarily housing a dangerous regulated animal at the request of law enforcement.

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Additionally, the bill would provide the requirements for an exhibitor to be exempt from certain provisions of the act. Specifically, an exhibitor would be required to hold a valid class C license, not be based in this state, does not conduct performances for more than 30 days per 12-month period in this state and either regularly conducts performances featuring live animals and human entertainers or is an employee or production company in this state for the purpose of producing a film.

The bill would also provide the requirements for a person temporarily transporting a legally-owned dangerous regulated animal through the state, including notice, caging, and time requirements.

Technical Cleanup

SB 269 also includes a number of technical amendments.

Effective Date

The bill would take effect on July 1, 2021, upon publication in the statute book.