



Kansas
Pet
Animal
Act

Article 23 – Hobby Breeders

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Article 17.- PET ANIMAL ACT

47-1701. Definitions. As used in the Kansas pet animal act, unless the context otherwise requires:

- (a) “Adequate feeding” means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.
- (b) “Adequate watering” means 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, not to exceed intervals of 12 hours.
- (c) “Ambient temperature” means the temperature surrounding the animal.
- (d)(1) “Animal” means any live dog, cat, rabbit, rodent, non-human primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.
- (2) Animal does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.
- (e) “Animal breeder” means any person who operates animal breeder premises.
- (f) “Animal breeder premises” means any premises where all or part of 6 or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.
- (g) “Animal shelter” or “pound” means a facility which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.
- (h) “Cat” means an animal which is wholly or in part of the species *Felis domesticus*.
- (i) “Commissioner” means the livestock commissioner appointed by the Kansas animal health board.
- (j) “Dog” means any animal which is wholly or in part of the species *Canis familiaris* but does not include any greyhound, as defined by K.S.A. 74-8802 and amendments thereto.
- (k) “Animal control officer” means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this

law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

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

(m)(1) “Hobby breeder premises” means any premises where all or part of 3,4 or 5 litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats or both, sold, offered or maintained for sale is less than 30 individual animals.

(n) “Hobby breeder” means any person who operates a hobby breeder premises.

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

(p) “Kennel operator” means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one-week for boarding, training or similar purposes for a fee or compensation.

(q) “Kennel operator premises” means the facility of a kennel operator.

(r) “License year” or “permit year” means the 12-month period ending on June 30.

(s) “Person” means any individual, association, partnership, corporation or other entity.

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

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

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

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

(u) “Pet shop operator” means any person who operates a pet shop.

- (v) “Primary enclosure” means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.
- (w) “Research facility” means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.
- (x) “Sale,” “sell” and “sold” include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.
- (y) “Sanitize” means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.
- (z) “Animal distributor” means any person who operates an animal distributor premises.
- (aa) “Animal distributor premises” means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor’s self out to be so engaged.
- (bb) “Out-of-state distributor” means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent.
- (cc) “Food animals” means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the purpose of being consumed as food by other animals.
- (dd)(1) “Adequate veterinary medical care” means:
 - (A) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year; and
 - (B) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal.
- (2) As used in the Kansas pet animal act, “adequate veterinary medical care” shall not apply to United States department of agriculture licensed animal breeders or animal distributors.
- (ee) “Ratites” means all creatures of the ratite family that are not indigenous to this state, including but not limited to, ostriches, emus and rheas.
- (ff) “Retail breeder” means any person who operates a retail breeder premises.

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

(hh) “Retail” means any transaction where the animal is sold to the final consumer.

(ii) “Wholesale” means any transaction where the animal is sold for the purpose of resale to another.

47-1702. Animal distributor license. It shall be unlawful for any person licensed to act as or be an animal distributor unless such person has obtained from the commissioner an animal distributor license for each animal distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1703. Pet shop operator license. It shall be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1704. Pound or animal shelter license. It shall be unlawful for any person, to operate a pound or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian’s clinic, unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1706. Refusal to issue or renew or suspension or revocation of license or permit; grounds; judicial review; seizure and disposition of animals, when. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or permit required under K.S.A. 47-1701 et seq. and amendments thereto for any one or more of the following reasons:

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

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

- (3) permitting any license or permit issued hereunder to be used by an unlicensed or unpermitted person or transferred to an unlicensed or unpermitted premises;
- (4) the conviction of any crime relating to the theft of or cruelty to animals;
- (5) substantial misrepresentation;
- (6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of licensee or permittee;
- (7) fraudulent bill of sale;
- (8) the housing facility or the primary enclosure is inadequate; or
- (9) the feeding, watering, sanitizing and housing practices at the licensee's or permittee's premises are not consistent with the Kansas pet animal act or the rules and regulations adopted hereunder.

(b) Any refusal to issue or renew a license or permit and any suspension or revocation of a license or permit under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner denies, suspends or revokes a license or permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or permit is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or permit is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or permit is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

47-1707. Administrative civil fine for violation of act; judicial review, seizure and disposition of animals, when. (a) In addition to or in lieu of any other civil or criminal penalty

provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation.

(b) Any imposition of a civil fine pursuant to this section shall be only upon notice and a hearing conducted in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or permitted under the Kansas pet animal act has failed to comply with or has violated any provision of the Kansas pet animal act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Cost of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

47-1708. Judicial review of commissioner's actions. Any action of the commissioner pursuant to K.S.A. 47-1705 or 47-1706, and amendments thereto, is subject to review in accordance with the act for judicial review and civil enforcement of agency regulations.

47-1709. Inspections and investigations; confidentiality of complaints; records of inspections. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. The application for a license or permit shall conclusively be deemed to be the

consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. If such premises are premises of a person licensed or permitted under public law 91-579 (7 U.S.C. & 2131 et seq.), such premises may be inspected at least once each year. Otherwise, the premises may be inspected at least twice each year. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice need not be given to any person prior to inspection.

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

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

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

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

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

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

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

47-1710. Release or disposition of animals from pound or animal shelter; use of proceeds from animal shelter

(a) An animal shall not be disposed of by an operator of a pound or an operator of an animal shelter as a pound until after expiration of a minimum of three full days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, any owner or operator of such facility shall attempt to notify the owner or custodian of any animal maintained or impounded by such facility if such owner or custodian is known or reasonably ascertainable. Such an animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift animal to an animal shelter, or euthanized by a duly incorporated humane society or by a licensed veterinarian if it appears to an officer of such humane society or to such veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.

(b) After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal. Any pound releasing live animals to prospective owners shall comply with the provisions set out in K.S.A. 47-1731, and amendments thereto. Any proceeds derived from the sale or other disposition of such animals

shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

(c) After the expiration of the holding period established in subsection (a), the board of directors of any humane society operating an animal shelter as a pound, shall have ownership of such animal and shall determine the method of disposition of any animal. Any animal shelter releasing live animals to prospective owners shall comply with the provisions established in K.S.A. 47-1731, and amendments thereto. Any proceeds derived from such sale or disposition shall be paid directly to the treasurer of the humane society and no part of such proceeds shall accrue to any individual.

47-1711. Dog warden; license as or employment by animal dealer or pet shop operator prohibited; record of taking custody and disposition. An animal control officer shall not be granted an animal distributor's, retail breeder's, hobby breeder's or a pet shop operator's license. Each application for any such license shall include a statement that neither the applicant nor any of the applicant's employees is an animal control officer. An animal control officer, upon taking custody of any animal in the course of such officer's official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete information relating to the disposition of the animal shall be shown on the record; this shall be added immediately following the disposition of the animal.

47-1712. Rules and regulations. (a) The commissioner is hereby authorized to adopt rules and regulations for licensees and permittees. Such rules and regulations shall include, but not be limited to, provisions relating to: (1) Reasonable treatment of animals in the possession, custody or care of a licensee or permittee or being transported to or from licensed or permitted premises; (2) a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease; (3) identification of animals handled; (4) primary enclosures; (5) housing facilities; (6) sanitation; (7) euthanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11) adequate veterinary medical care; (12) inspections of licensed or permitted premises, investigations of complaints and training of persons conducting such inspections and complaints; and (13) a

requirement that each licensee or permittee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of the Kansas pet animal act.

(b) The commissioner shall only adopt as rules and regulations for United States department of agriculture licensed animal distributors and animal breeders, and animal breeder and animal distributor premises and the rules and regulations promulgated by the secretary of the United States department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to the provisions of the United States public law 91-579 (7 U.S.C. Sec. 2131 et seq.), commonly known as the animal welfare act.

(c) Notwithstanding any provision in section (b), the Commissioner may adopt a requirement that each licensee and permittee file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease.

47-1713. Prohibiting the sale or gift of certain animals. The commissioner may prohibit the sale or gift of animals which constitute a hazard to human health or safety or to animal health or safety.

47-1715. Violation of act or rules and regulations; penalty; seizure and disposition of animals, when. (a) Any violation of or failure to comply with any provision of the Kansas pet animal act, or any rule and regulation adopted hereunder, shall constitute a class A non-person misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(b) Upon a conviction of a person for any violation of the Kansas pet animal act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

47-1717. Invalidity of part. If any provision of this act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of the act, and the application of any such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

47-1718. Euthanasia, approved methods. (a) No animal shall be euthanized by any animal control officer, licensee, permittee, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except through the most current, approved euthanasia methods established by the American veterinary medical association panel on euthanasia.

47-1719. Hobby breeder license. (a) It shall be unlawful for any person to act as or be a hobby breeder unless such person has obtained from the commissioner a hobby breeder license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1720. Research facility license. (a) It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1721. License and permit fees; costs of inspection; disposition of moneys. (a) Each application for issuance or renewal of a license or permit or required under K.S.A. 47-1701 et seq. and amendments thereto shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

- (1) Except as provided in paragraph (5), for a license for premises of a person licensed under public law 91-579 (7 U.S.C. & 2131 et seq.), an amount not to exceed \$150.
- (2) Except as provided in paragraph (5), for a license for any other premises, an amount not to exceed \$300.
- (3) For a temporary closing permit, an amount not to exceed \$75.
- (4) For an out-of-state distributor permit, an amount not to exceed \$500.
- (5) For a hobby breeder license or a kennel operator an amount not to exceed \$75.
- (6) A late fee of \$50 shall be assessed to any person whose permit or license renewal is more than 45 days late.

- (b) The commissioner shall determine annually the amount necessary to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto for the next ensuing fiscal year and shall fix by rules and regulations the license and permit fees for such year at the amount necessary for that purpose, subject to the limitations of this section. In fixing such fees, the commissioner may establish categories of licenses and permits, based upon the type of license or permit, size of the licensed or permitted business or activity and the premises where such business or activity is conducted, and may establish different fees for each such category. The fees in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided by this subsection.
- (c) If a licensee, permittee or applicant for a license or permit requests an inspection of the premises of such licensee, permittee or applicant, the commissioner shall assess the costs of such inspection, as established by rules and regulations of the commissioner, to such licensee, permittee or applicant.
- (d) No fee or assessment required pursuant to this section shall be refundable.
- (e) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit it to the animal dealers fee fund, which is hereby created in the state treasury. Moneys in the animal dealers fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal dealers fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Kansas livestock commissioner or the commissioner's designee.
- (f) Premises required to be licensed under the Kansas pet animal act shall not be required to pay for more than one license. If more than one operation is ongoing at the premises, each operation shall comply with the applicable statutes and rules and regulations pertaining to such operation.
- (g) Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for the premises which has been doing business but is not licensed or permitted.

If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.

47-1723. Kennel operator license. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a kennel operator unless such person has obtained from the commissioner a kennel operator license for each premise operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1724. Unlawful to purchase from person not licensed or permitted. (a) It shall be unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from a person required to be licensed or permitted under public law 91-579, 7 U.S.C. § 2131 et seq., or K.S.A. 47-1701 et seq., and amendments thereto, or both, if that person is not so licensed or permitted.

(b) It shall also be unlawful for licensees to knowingly sell to out-of-state distributors, animal distributors or pet shops operating within the state who are not licensed in accordance with the Kansas pet animal act.

47-1725. Kansas pet animal advisory board; duties and powers. (a) There is hereby created the Kansas pet animal advisory board, consisting of 10 members. Members shall be appointed by the governor as follows:

- (1) One member shall be a representative of a licensed animal shelter or pound;
- (2) one member shall be an employee of a licensed research facility;
- (3) one member shall be a licensed animal breeder;
- (4) one member shall be a licensed retail breeder;
- (5) one member shall be a licensed pet shop operator;
- (6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas veterinary medical association;
- (7) one member shall be a private citizen with no link to the industry;
- (8) one member shall be a licensed animal distributor;
- (9) one member shall be a licensed hobby breeder; and
- (10) one member shall be a licensed kennel operator.

(b) Of the members first appointed to the board, the governor shall designate three whose terms shall expire June 30, 1992; three whose terms shall expire June 30, 1993; and three whose

terms shall expire June 30, 1994. After the expiration of such terms, each member shall be appointed for a term of three years and until a successor is appointed and qualified.

- (c) A vacancy on the board of a member shall be filled for the unexpired term by appointment by the governor.
- (d) The board shall meet at least once every calendar quarter regularly or at such other times as the chairperson or a majority of the board members determine. A majority of the members shall constitute a quorum for conducting board business.
- (e) The members of the board shall annually elect a chairperson.
- (f) The board shall have the following duties, authorities and powers:
 - (1) To advise the Kansas livestock commissioner on hiring a director to implement the Kansas pet animal act.
 - (2) to review the status of the Kansas pet animal act;
 - (3) to make recommendations on changes to the Kansas pet animal act; and
 - (4) to make recommendations concerning the rules and regulations for the Kansas pet animal act.
- (g) Board members who are required to be licensed except retail breeders shall be affiliated with or a member of an organized pet animal association which is representative of the position such person will hold on the board.
- (h) Upon the effective date of this act, the governor shall appoint a licensed kennel operator. When the current board members' terms expire, the governor shall appoint persons or representatives in accordance with this section.

47-1726. Citation and purpose of act. K.S.A. 47-1701 through 47-1721, K.S.A. 47-1723 through 47-1727, 47-1731 and K.S.A. 1996 Supp. 47-1732 through 47-1736 and amendments thereto, shall be known and may be cited as the Kansas pet animal act. This act shall license, permit and regulate the conditions of certain premises and facilities within the state of Kansas where animals are maintained, sold or offered or maintained for sale.

47-1727. Injunctive relief to commissioner. Notwithstanding the existence or pursuit of any other remedy, when it appears to the commissioner, as head of the licensing and permitting agency, that any person is violating any provisions of the Kansas pet animal act, the commissioner may in that capacity bring an action in a court of competent jurisdiction or other process against such person to enjoin, restrain or prevent such person from continuing operation

in violation of the Kansas pet animal act without regard to whether administrative proceedings have been or may be instituted or whether criminal proceedings may be or have been instituted.

47-1731: Dogs and cats; spaying or neutering required, when. (a) No dog or cat may be transferred to the permanent custody of a prospective owner by a pound or animal shelter, as defined by K.S.A. 47-1701 and amendments thereto, or by a humane society, unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or

(2) the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the pound, or animal shelter funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the pound or shelter shall keep the deposit and may reclaim the unspayed or unneutered animal..

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound or animal shelter unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program as part of the curriculum under the direct supervision of a licensed veterinarian who is a faculty member at the Kansas state university veterinary medical center. The spay or neuter program shall only be conducted at the surgery clinic at the Kansas state university medical center in Manhattan, Kansas. No pound or animal shelter shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such pound or animal shelter. Any premises located in the state of Kansas where spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners.

(c) With the written approval of the livestock commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of section (a)(2), if pound or shelter can prove to the commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.

(d) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner within the holding period established by K.S.A. 47-1710, and amendments thereto.

(e) The Livestock Commissioner shall promulgate rules and regulations as may be necessary to carry out the provisions of this section.

47-1732. Temporary closing permit; application; effective date; renewal. (a) Any licensee, or permit holder required to be licensed or obtain a permit under the Kansas pet animal act, who is in the process of ceasing to do business on July 1, may be issued a temporary closing permit at the discretion of the commissioner.

(b) Application for such permit shall be made in writing on a form provided by the commissioner.

(c) The permit will be effective for 30 days. During the 30-day period, the licensee or permit holder shall be required to comply with the Kansas pet animal act and all rules and regulations adopted thereunder. By accepting such permit, the licensee or permit holder agrees to allow an inspection of the facility at the end of the 30-day period to certify that the operation has ceased business. The licensee or permit holder shall provide records as to the disposition of the animals to the commissioner upon request.

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

47-1733. Animal breeder license. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1734. Out-of-state distributor permit. (a) It shall be unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, unless such person has obtained from the commissioner an out-of-state distributor permit. Application for each such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on June 30 following the issuance date.

47-1735. Unlawful to interfere with a representative of the animal health department.

(a) A licensee, permittee or applicant for a license or permit shall not interfere with, hinder,

threaten or abuse, including verbal abuse, any representative or employee of the animal health department who is carrying out such representative's or employee's duties under the provision of the Kansas pet animal act.

47-1736. Retail breeder license. (a) It shall be unlawful for any person to act as or be a retail breeder unless such person has obtained from the commissioner a retail breeder license for each retail breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

47-1737. Severability clause. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

47-1738. AN ACT concerning the Kansas pet animal act; relating to seizure and impoundment of animals.

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

Section 1. (a) When an animal is seized or impounded pursuant to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the owner or person who was in possession of the animal at the time such animal was seized or impounded shall prevent sale, placement or euthanasia of the animal by posting a cash or security bond in an amount sufficient to pay for the animal's care and keeping for a period of at least 30 days, commencing on the date which the animal was seized or impounded. Any such security bond or any security bond as provided in subsection (b) shall be approved by the Kansas animal health department.

(b) Such bond shall be filed with the Kansas animal health department and shall be posted on or before the date of the disposition hearing or within ten days after the animal is seized or impounded, whichever is earlier. At the end of the time for which expenses are covered by the bond if the owner or person who was in possession of the animal at the time it was seized or impounded desires to prevent disposition of the animal, such owner or person shall post a new cash or security bond prior to the previous bond's expiration. At the end of the time for which expenses are covered by the bond, the animal may be sold, placed or euthanized.

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

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

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

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

ARTICLE 18
ANIMAL FACILITY INSPECTION PROGRAM
LICENSE AND REGISTRATION FEES

K. A. R. 9-18-1 **Fees.** Each applicant for a license and each registrant under K.S.A. 47-1701 et seq., and any amendments thereto shall pay the appropriate application fee as set forth below:

(a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq.	\$200.00;
(b) License for animal breeder premises of a person not licensed under 7 U.S.C. § 2131 et seq.	\$405.00;
(c) License for a pound or shelter; first class city or entity contracting with first class city	\$300.00;
Second class city or entity contracting with second class city	\$200.00;
Third class city or entity contracting with third class city OR all others	\$200.00;
(d) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq.	\$200.00;
(e) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq.	\$405.00;
(f) License for an operator of a temporary pet shop	
(1) 1-2 sale days during license year	\$75.00;
(2) 3-4 sale days during license year	\$150.00;
(3) 4-6 sale days during license year	\$200.00;
(4) 7-12 sale days during license year	\$350.00;
(g) License for an operator of a pet shop	\$405.00;
(h) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq.	\$200.00;
(i) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq.	\$405.00;
(j) License for a hobby breeder or boarding kennel operator	\$95.00;
(k) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq.	\$200.00;
(l) License for an animal distributor not licensed under 7 U.S.C. § 2131 et seq.	\$405.00;
(m) Out-of-state distributor permit	\$650.00;
(n) License for a foster home shelter	\$10.00;
(o) License for a rescue home shelter	\$50.00;
(p) License for group home shelter	\$50.00;
(q) Temporary closing permit for a hobby breeder or kennel operator	\$45.00;
(r) Temporary closing permit for a pound or shelter, animal breeder, animal distributor, retail breeder, pet shop or research facility	\$95.00

K.A.R. 9-18-2. Inspections of premises. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 et seq. and amendments thereto, which is known as the Kansas pet animal act, shall be subject to routine inspections by the commissioner or any of the commissioner's authorized representatives to determine compliance with the act and all regulations.

(b) In addition to the routine inspections, any of the premises may be subject to one or more further inspections under any of the following circumstances:

(1) A violation was found in a previous inspection.

(2) A complaint is filed regarding the premises.

(3) The ownership of the premises changed in the previous year.

(4) The license for the premises was not renewed on a timely basis.

(c) Inspections shall be made only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except that inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(d) If the owner or operator of the premises is not routinely available between the hours of 7:00 a.m. and 7:00 p.m., the owner or operator shall designate a representative who will be present while the inspection is conducted and shall notify the commissioner in writing of the name of the designated representative. The designated representative shall be 18 years of age or older. The owner or operator shall notify the commissioner in writing of any new representative who is designated to be present during inspections.

(e) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the commissioner who the commissioner determines is trained in reasonable standards of animal care.

K.A.R. 9-18-3. Inspection generated by a complaint. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 et seq. and amendments thereto, which is known as the Kansas pet animal act, shall be subject to inspections by the commissioner or any

of the commissioner's authorized, trained representatives as needed to investigate any specific complaint filed with the department regarding any violation of these regulations or other violations of this act.

(b) Inspections to investigate an unlicensed facility or to determine whether a licensed facility is in violation of these regulations or the act shall be conducted only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except as follows:

(1) Inspections to investigate allegations of violations adversely affecting the health, safety, and welfare of the animals may be conducted on any day of the week.

(2) Inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(c) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the department who the commissioner determines is trained in reasonable standards of animal care.

(d) Inspections may be conducted without notice to the owner or operator of the premises.

Article 23.--HOBBY KENNEL OPERATORS

K.A.R. 9-23-1. Hobby kennel operators. (a) Structures.

- (1) Each hobby kennel shall:
 - (A) Be constructed of material that will provide for the establishment of a sound structure:
 - (B) be maintained in good repair; and
 - (C) protect animals housed inside from injury.
 - (2) Water and electrical power shall be available in each hobby kennel.
 - (3) Space shall be supplied in each hobby kennel to store the provisions necessary to adequately operate each such unit.
- (b) Operational procedures.
- (1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.
 - (2) The temperature for an indoor hobby kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.
 - (3) Ventilation for a hobby kennel shall be provided at all times by natural or mechanical means. Each hobby kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each hobby kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each hobby kennel shall be provided with a drainage system which will effectively eliminate excess water from hobby kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each hobby kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each hobby kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each hobby kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal.

K.A.R. 9-23-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

- (2) to prevent disease hazards; and
- (3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.
- (d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.
- (e) A program for disease prevention, parasite control, euthanasia and adequate veterinarian care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the hobby kennel or by someone working under their direct supervision.
- (f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.
- (g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently.

K.A.R. 9-23-3. Records. Each operator of a hobby kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

- (b) The date each animal was acquired.
- (c) A description of each animal showing age, size, color marking, sex, breed and any vaccinal information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition.

Article 26 - Euthanasia

- K.A.R. 9-26-1. Euthanasia methods.** (a) Adoption by reference. The report entitled 2000 Report of the AVMA Panel on Euthanasia,” in the journal of the American veterinary medical association (JAVMA), vol. 218, no. 5, pages 669-696, including all tables, references, and appendices, as published on March 1, 2001, is adopted by reference.
- (b) Acceptable methods of euthanasia. Each licensee shall use only those methods of euthanasia identified in the “2000 Report of the AVMA Panel of Euthanasia” as “acceptable” forms of euthanasia for the species of animal that is to be euthanized
- (c) Proper handling of animals during euthanasia procedure. Each licensee and permit holder who euthanizes animals shall follow the recommendations and guidelines for the handling and care of animals during the euthanasia process, as set out in the “2000 Report of the AVMA Panel on Euthanasia.”

