



Kansas
Pet
Animal
Act

Article 25 – Retail Breeders

Revised September 16, 2005

TABLE OF CONTENTS

		Page Number
Article 17	Pet Animal Act	5
Article 18	License & Registration Fees	23
Article 25	Retail Breeders	27
Article 26	Euthanasia	51

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 25 -- RETAIL BREEDERS

K.A.R. 9-25-1. Housing facilities, general. (a) Definition. Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

(b) Structure; construction. Each housing facility for dogs and cats shall be designed and constructed as follows:

(1) in a manner which is structurally sound; and

(2) in a manner that protects animals from injury, contains the animals securely, and restricts other animals from entering.

(c) Condition and site.

(1) Housekeeping for premises. Each retail breeder licensee shall keep the premises where housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required by K.A.R. 9-25-6(b), and to reduce or eliminate breeding and living areas for rodents and other pests or vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(2) Food and supply storage areas. Each licensee shall ensure that the areas used for storing animal food or bedding are free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. The licensee shall keep animal areas inside each housing facility neat and free of clutter, including equipment, furniture and stored material, but the animal areas may

contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

(3) Location with other businesses. Each housing facility shall be physically separated from any other business. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(d) Surfaces.

(1) General requirements.

(A) The surfaces of each housing facility, including houses, dens, and fixtures and objects in the facility which are similar to furniture, shall be:

(i) constructed in a manner and made of materials that allow them to be readily cleaned and sanitized as required in paragraph (d)(3); or

(ii) removed or replaced when worn or soiled. Any such surface that cannot be readily cleaned and sanitized shall be replaced when worn or soiled.

(B) All interior surfaces and any surfaces that come into contact with dogs or cats shall:

(i) be free of excessive rust which prevents the required cleaning and sanitization, or which affects the structural strength of the surface; and

(ii) be free of jagged edges or sharp points that might injure the animals.

(2) Maintenance and replacement of surfaces. Each licensee shall maintain all surfaces on a regular basis.

(3) Cleaning. Each licensee shall spot clean daily all hard surfaces with which the dogs or cats come into contact and sanitize such surfaces in accordance with K.A.R. 9-25-6(b) to prevent accumulation of excreta and reduce disease hazards. Each licensee shall rake and spot

clean floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure that all animals are free to avoid contact with excreta. The licensee shall replace contaminated material whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors or insect, pest, or vermin infestation. Each licensee shall clean and sanitize all other surfaces of housing facilities when necessary to satisfy generally-accepted husbandry standards and practices. The licensee may use any of the sanitation methods provided in K.A.R. 9-25-6(b)(3) for primary enclosures.

(e) Water and electric power. Every housing facility shall have reliable electric power which is adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this article. The housing facility shall provide adequate, running potable water for the dogs and cats drinking needs, for cleaning, and for carrying out other husbandry requirements.

(f) Storage. Each licensee shall store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The licensee shall store supplies off the floor and away from walls to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. Each licensee shall keep all open supplies of food and bedding in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the dogs or cats but is required for normal husbandry practices in food storage and preparation areas, but may store such substances in cabinets in the animal areas.

(g) Drainage and waste disposal.

(1) Each licensee shall provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead animals in a manner that minimizes contamination and disease risks.

(2)(A) Each housing facility shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. The disposal and drainage systems shall minimize vermin and pest infestation, insects odors, and disease hazards. All drains shall be properly constructed, installed, and maintained.

(B) If a closed drainage system is used, it shall be equipped with traps and shall prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation.

(3) Each licensee shall ensure that standing puddles of water in animal enclosures are drained or mopped up so that animals stay dry.

(4) Each licensee shall use trash containers in housing facilities and in food storage and food preparation areas that are leak-proof and shall keep tightly-fitted lids on the containers at all times.

(5) Dead animals, animal parts, and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(h) Washrooms and sinks. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers.

K.A.R. 9-25-2. Indoor housing facilities. (a) Definition. Indoor housing facility means any structure or building with environmental controls that houses or is intended to house animals and that is constructed in the following manner.

(1) The building or structure is constructed so that the temperature within the building or structure can be controlled within the limits set forth for that species of animal, humidity levels of 30 to 70 percent can be maintained, and odors can be eliminated rapidly from within the building.

(2) The building or structure is an enclosure created by the continuous connection of a roof, floor, and walls. A shed or barn set on top of the ground is not considered to have a continuous connection between the walls and the ground unless a foundation and floor are provided.

(3) The building or structure has at least one door for entry and exit that can be opened and closed. Any windows or openings which provide a natural light are covered with a transparent material, which may include glass or hard plastic.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating an indoor housing facility for dogs and cats shall ensure that the indoor housing facility is sufficiently heated and cooled when necessary to protect dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility shall not permit the ambient temperature in the facility to fall below 50° F. or 10° C.

when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

- (C) any dog or cat that is sick, aged, young, or infirm.
- (2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the facility is below 50° F. or 10° C.
- (3) Each licensee shall ensure that, when dogs or cats are present, the ambient temperature in the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.
- (c) Ventilation. The licensee shall ensure that, when dogs or cats are present, each indoor housing facility for dogs and cats is sufficiently ventilated at all times to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units. The licensee shall maintain the relative humidity at a level that ensures the health and well-being of the dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.
- (d) Lighting. Each licensee shall provide enough lighting for each indoor housing facility for dogs and cats to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the animal facility and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Interior surfaces. The floors and walls of each indoor housing facility, and any other surfaces in contact with the animals, shall be impervious to moisture. The ceilings of each indoor housing facility shall be impervious to moisture or shall be replaceable.

K.A.R. 9-25-3. Sheltered housing facilities. (a) Definition. Sheltered housing facility means a housing facility which provides the animals with the following:

- (1) shelter;
- (2) protection from the elements; and
- (3) protection from temperature extremes at all times.

A sheltered housing facility may consist of runs or pens which are totally enclosed in a barn or building, or outside runs or pens connecting with the inside pens in a totally enclosed building.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating a sheltered housing facility for dogs and cats shall ensure that the sheltered portion of the facility is sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, the licensee shall not permit the ambient temperature in the sheltered portion of the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

- (A) any dog or cat not acclimated to lower temperatures;
- (B) any dog or cat of a breed that cannot tolerate lower temperatures without stress and discomfort, including short-haired breeds; or
- (C) any dog or cat which is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the sheltered portion of the facility is below 50° F. or 10° C.

(3) The licensee shall ensure that, when dogs or cats are present, the ambient temperature in the sheltered portion of the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that the enclosed or sheltered portion of the housing facility is sufficiently ventilated at all times dogs or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units.

(d) Lighting. Each licensee shall provide enough lighting for each sheltered housing facility for dogs and cats which is sufficient to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Shelter from the elements. Each licensee shall provide one or more shelter structures which adequately shelter the dogs or cats from the elements at all times to protect their health

and well-being. The shelter structure or structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(f) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) Indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material, including wire, wood, metal, or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may be compacted earth, absorbent bedding, sand, gravel, or grass.

K.A.R. 9-25-4. Outdoor housing facilities. (a) Definition. Outdoor housing facility means any structure, building, land, or premises:

(1) which houses or is intended to house animals;

(2) which does not meet the definition of any other type of housing facility provided in the regulations; and

(3) in which temperatures cannot be controlled with limits established by these regulations.

(b) Restrictions.

(1) A retail breeder licensee shall not keep any of the following categories of dogs or cats in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(A) any dog or cat that is not acclimated to the temperatures prevalent in the area or region in which the animal is maintained;

(B) any dog or cat of a breed that cannot tolerate the prevalent temperatures of the area without stress or discomfort, including short-haired breeds in cold climates; and

(C) any dog or cat which is sick, infirm, aged, or young.

(2) If a licensee operating an outdoor housing facility does not know whether a dog or cat is acclimated, the licensee shall not keep such a dog or cat in the outdoor facility when the ambient temperature is less than 50° F. or 10° C.

(c) Shelter from the elements. Each outdoor facility for dogs or cats shall include one or more shelter structures that are accessible to each animal in the outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, each licensee shall provide one or more separate, outside areas of shade which are large enough to contain all the animals at one time and protect them from the direct rays of the sun. Each shelter structure in an outdoor facility for dogs or cats shall contain a roof, four sides, and a floor, and shall:

(1) provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) provide the dogs and cats with protection from the direct rays of the sun and the direct effects of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry bedding material if the ambient temperature is below 50° F. or 10° C.

The licensee shall provide additional clean, dry bedding material when the temperature is 35° F. or 1.7° C. or lower.

(d) Construction. All building surfaces in outdoor housing facilities which come into contact with animals shall be impervious to moisture. A licensee shall not use metal barrels, cars,

refrigerators, freezers, or similar items as shelter structures. The floor of each outdoor housing facility may be compacted earth, absorbent bedding, sand, gravel, or grass.

(e) Maintenance. Each licensee shall replace floor materials if there are any prevalent odors, diseases, insects, pests, or vermin. The licensee shall maintain all surfaces on a regular basis.

The licensee shall replace the surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, including houses, dens, and similar structures, when the surfaces are worn or soiled.

K.A.R. 9-25-5. Primary enclosures. Each primary enclosure for dogs and cats shall meet the following minimum requirements.

(a) Definition. "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, including a room, pen, run, cage, compartment, hutch, and tether. In the case of animals restrained by a tether, primary enclosure shall include the shelter structure and the area within reach of the tether.

(b) General requirements.

(1) Each primary enclosure shall be designed and constructed of suitable materials so that it is structurally sound. Each retail breeder licensee shall keep the primary enclosure in good repair.

(2) Each primary enclosure shall be constructed and maintained so that the enclosure meets the following conditions:

(A) Has no sharp points or edges that could injure the dogs and cats;

(B) protects the dogs and cats from injury;

(C) contains the dogs and cats securely;

- (D) keeps other animals from entering the enclosure;
 - (E) enables the dogs and cats to remain dry and clean;
 - (F) provides shelter and protection to all the dogs and cats from extreme temperatures and weather conditions that may be uncomfortable or hazardous;
 - (G) provides sufficient shade to shelter simultaneously all the dogs and cats housed in the primary enclosure;
 - (H) provides all the dogs and cats with easy and convenient access to clean food and water;
 - (I) enables all surfaces in contact with dogs and cats to be readily cleaned and sanitized in accordance with K.A.R. 9-25-6(b), or to be replaced when worn or soiled;
 - (J) has floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury. If the floor is constructed of mesh or with slats, the floor shall not allow the dogs' and cats' feet to pass through any openings in the floor. Any metal strands used to construct a suspended floor for the primary enclosure shall be nine-gauge wire or wire that is greater than 1/8 of an inch in diameter or shall be coated with plastic, fiberglass, or a comparable material. Any suspended floor used in a primary enclosure shall be strong enough that the floor does not sag or bend between structural supports; and
 - (K) provides sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.
- (c) Additional requirements for cats.
- (1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat that is housed in the primary enclosure, including any weaned kitten.
- (A) Each primary enclosure housing cats shall be at least 24 inches or 60.96 cm. high.

(B) Each cat with a weight up to and including 8.8 lbs. or 4 kg. shall be provided with at least 3.0 sq. ft. or 0.28 m² of floor space.

(C) Each cat with a weight over 8.8 lbs. or 4 kg. shall be provided with at least 4.0 sq. ft. or 0.37 m² of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space available for each nursing kitten is less than five percent of the minimum requirement for the queen, the housing shall first be approved by the livestock commissioner, in writing, if the commissioner determines that, under the circumstances, the space is adequate to provide for the health and well-being of the queen and her kittens.

(E) The minimum floor space required by this regulation shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if the pan is properly cleaned and sanitized.

(2) Litter. The licensee shall provide a receptacle in each primary enclosure that contains sufficient clean litter to contain excreta and other body wastes.

(3) Resting surfaces. Each primary enclosure housing cats shall contain one or more resting surfaces that, in the aggregate, are large enough to hold simultaneously all the occupants of the primary enclosure comfortably. Each resting surface shall be elevated, impervious to moisture, and easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(d) Additional requirements for dogs.

(1) Space.

(A) The licensee shall provide a minimum amount of floor space for each dog housed in the primary enclosure, including each weaned puppy, which shall be calculated as follows:

(i) Find the result of the following formula: $(\text{the length of the dog in inches} + 6 \text{ inches})^2 =$ required floor space in square inches; and

(ii) convert the result of the formula to square feet as follows: $\text{Required floor space in square inches} / 144 =$ required floor space in square feet.

The length of the dog shall be measured from the tip of the dog's nose to the base of the dog's tail.

(B) The licensee shall provide each bitch that has nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian. The additional amount of floor space for each nursing puppy shall not be less than five percent of the minimum requirement for the bitch, unless the livestock commissioner first approves the housing based on a written determination that, under the circumstances, the space is adequate to provide for the health and well-being of the bitch and her puppies.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Prohibited types of primary enclosures for dogs. The tethering of dogs shall be prohibited for use as a permanent primary enclosure. The tethering of dogs on a temporary basis shall be prohibited for use as a primary enclosure, unless the livestock commissioner determines that tethering for a limited, specified period of time will not adversely affect the health and well-being of the dog.

(e) Innovative primary enclosures. Any licensee may use an innovative primary enclosure not precisely meeting the floor area and height requirements provided in this regulation, if the livestock commissioner determines that the primary enclosure will provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior.

K.A.R. 9-25-6. Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures.

(1) Each retail breeder licensee shall remove excreta and food waste from the inside of each primary enclosure daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.

(2) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall remove the dogs and cats, unless the enclosure is large enough to ensure that the animals would not be harmed, wetted, or distressed in the process. The licensee shall remove all standing water from the primary enclosure, and shall protect animals in other primary enclosures from contamination with water and other wastes during the cleaning.

(3) The licensee shall clean the pans under each primary enclosure with a grill-type floor and the ground area under each raised run with a wire, mesh, or slatted floor as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) Each licensee shall clean and sanitize each used primary enclosure and each used food and water receptacle using one of the methods prescribed in paragraph (b)(3) before the primary

enclosure or food and water receptacle is used to house, feed, or water another dog, cat, or social grouping of dogs or cats.

(2) The licensee shall sanitize all used primary enclosures and food and water receptacles for dogs and cats at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Each licensee shall sanitize hard surfaces of primary enclosures and food and water receptacles using one of the following methods:

(A) Spraying all surfaces with live steam under pressure;

(B) washing all surfaces with hot water that is at least 180° F or 82.2° C; and with soap or detergent, using a mechanical cage washer or similar device; or

(C)(i) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or with a product that is a combination of a detergent and a disinfectant that accomplishes the same purpose;

(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and

(iii) rinsing with clean water.

(4) Each licensee shall sanitize all pens, runs, and outdoor housing areas containing material that cannot be sanitized using the methods provided in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Housekeeping for premises. Each licensee shall keep the premises where the housing facilities are located, including buildings and surrounding grounds, clean and in good repair to

protect the animals from injury, to facilitate the husbandry practices required in this article, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) Pest control. Each licensee shall establish and maintain an effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

K.A.R. 9-25-7. Compatible grouping. With the following additional restrictions, each retail breeder licensee shall ensure that dogs and cats that are housed in the same primary enclosure are compatible, as determined from observation.

(a) The licensee shall not house females in heat or estrus in the same primary enclosure with sexually mature males, except for breeding purposes.

(b) The licensee shall house any dog or cat exhibiting a vicious or overly aggressive disposition separately.

(c) The licensee shall not house puppies or kittens four months of age or less in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies. Except when maintained in breeding colonies, queens or bitches with litters shall not be housed in the same primary enclosure with other adult cats or dogs.

(d) Dogs or cats shall not be housed in the same primary enclosure with any other species of animals, unless they are compatible.

(e) The licensee shall isolate dogs and cats that have or are suspected of having a contagious disease from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(f)(1) The licensee shall not house more than 12 adult non-conditioned cats in the same primary enclosure. The licensee shall not house more than 12 adult non-conditioned dogs in the same primary enclosure.

(2) Non-conditioned means that an animal has not been subjected to special care and treatment for a sufficient time for the animal to stabilize, and where necessary, to improve its health.

K.A.R. 9-25-8. Exercise for dogs. Each retail breeder licensee shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The attending veterinarian shall approve the plan. The licensee shall make the plan available to the livestock commissioner upon request. The plan shall include written standard procedures to be followed in providing the opportunity for exercise. At a minimum, the plan shall comply with each of the following requirements.

(a) Dogs housed individually. The licensee shall provide the opportunity for exercise regularly to each dog over 12 weeks of age, except bitches with litters, which are housed, held, or maintained by the licensee individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-25-5(d)(1).

(b) Dogs housed in groups. Any licensee housing, holding, or maintaining dogs over 12 weeks of age in groups shall not be required to provide additional opportunities for regular exercise if the dogs are maintained in cages, pens, or runs that provide, in total, at least 100 percent of the space required in K.A.R. 9-25-5(d)(1) for dogs which are maintained separately.

Such animals may be maintained in compatible groups, unless:

(1) in the opinion of the attending veterinarian, such a housing arrangement would adversely affect the health or well-being of one or more dogs; or

(2) any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise.

(2) In developing the plan, each licensee shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, the licensee shall provide the dog with positive physical contact with humans at least daily.

(3) The opportunity for exercise may include the following:

(A) providing group housing in cages, pens, or runs that provide at least 100 percent of the space that is required under the minimum floor space requirements of K.A.R. 9-25-5(d)(1) for dogs maintained separately;

(B) maintaining individually-housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-25-5(d)(1);

(C) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(D) other similar activities.

(4) Forced exercise methods or devices, including swimming, treadmills, or carousel-type devices, shall not meet the exercise requirements of this regulation.

(d) Exemptions.

(1) If in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this regulation for those dogs. The attending veterinarian shall document such an exemption, and unless the basis for exemption is a permanent condition, shall review the exemption at least every 30 days.

(2) The licensee shall maintain records of any exemptions. These records shall be made available to the livestock commissioner upon request.

K.A.R. 9-25-9. Feeding. (a) Each retail breeder licensee shall feed all dogs and cats at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b)(1) Each licensee shall provide food receptacles for dogs and cats, which shall:

(A) be readily accessible to all dogs and cats;

(B) be located so as to minimize contamination by excreta and pests;

(C) be protected from rain and snow; and

(D) be disposable or made of a durable material that can be easily cleaned and sanitized. If the food receptacles are not disposable, the licensee shall keep the receptacles clean and sanitized

using one of the methods described in K.A.R. 9-25-6(b). If the food receptacles are disposable, the licensee shall discard the receptacles after one use.

(2) Any licensee may use self-feeders for feeding dry food. If self-feeders are used, the licensee shall keep the self-feeders clean and sanitized in accordance with K.A.R. 9-25-6(b). Each licensee shall take measures to ensure that there is no molding, deterioration, or caking of feed.

K.A.R. 9-25-10. Watering. If potable water is not continually available to the dogs and cats, the retail breeder licensee shall offer potable water to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Each licensee shall make potable water continuously available if the ambient temperature is more than 85° F.. In accordance with K.A.R. 9-25-6(b), each licensee shall keep the water receptacles clean and sanitized while in use and shall clean and sanitize water receptacles before they are used to water a different dog, cat, or social grouping of dogs or cats.

K.A.R. 9-25-11. Employees. Each retail breeder licensee shall employ enough individuals to carry out the level of husbandry practices and care required in article 25 of these regulations. Each employee who provides husbandry and care, or who handles animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall ensure that the supervisor and other employees can perform to these standards.

K.A.R. 9-25-12. Age of animal. A retail breeder licensee shall not sell or exchange any dog or cat unless the dog or cat is at least eight weeks of age and has been weaned. “Weaned” means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five days.

K.A.R. 9-25-13. Access to and inspection of records and property. Each retail breeder licensee shall, during business hours, allow the livestock commissioner or the commissioner’s representatives to take any of the following actions:

- (a) enter its place of business;
- (b) examine records required to be kept under K.A.R. 9-25-14;
- (c) make copies of the records;
- (d) inspect and photograph the facilities, property, and animals to the extent the livestock commissioner or the commissioner’s representatives consider necessary to enforce the Kansas pet animal act, and article 25 of these regulations;
- (e) document, by the taking of photographs and other means, conditions and areas of noncompliance; and
- (f) use a room, table, or other facility necessary for the proper examination of the records and inspection of the property or animals.

K.A.R. 9-25-14. Records. (a) Each retail breeder licensee shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or disposed of in some other manner. The records shall include the following:

- (1) the name and address of the person from whom each animal was acquired;

- (2) the date each animal was acquired;
- (3) a description of each animal, including the following:
 - (A) the animal s age, size, color markings, sex, and breed;
 - (B) any available information regarding vaccinations; and
 - (C) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and
- (4) the name and address of the person to whom any animal is sold, given, bartered, or otherwise delivered and the date the transaction took place. The record shall show the method of disposition.
- (b) Each licensee shall store records on the premises where the animals are located and shall make the records available for inspection.
- (c) Each licensee shall keep records for the current fiscal year and the previous fiscal year.

K.A.R. 9-25-15. Adequate medical veterinary care. Each retail breeder licensee shall have an attending veterinarian who shall provide, to the licensee s animals, adequate veterinary care, as defined in K.S.A. 47-1701(dd).

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.”