

Department of Agriculture, Division of Animal Health
Notice of Hearing on Proposed
Administrative Regulations, Statewide

A public hearing will be conducted at 10:00 a.m., on Monday, August 21, 2017, in the 1st floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, 66502, or by e-mail at ronda.hutton@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 9-18-4 – Definitions used in regulations.

K.A.R. 9-18-5 – Importing dogs and cats. This section defines the requirements for dogs and cats imported into Kansas.

K.A.R. 9-18-6 – Fees. This section defines the different fee levels for each license category and other permits.

K.A.R. 9-18-7 – Records. This section states the requirements of maintaining records for each animal for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels and pet shops.

K.A.R. 9-18-8 – Access to premises. This section defines the ability of the commissioner or the commissioners' representatives to enter the licensee's premises, examine records and inspect the facility. It also gives the Commissioner or his trained representatives the ability to take photographs of non-compliant items.

K.A.R. 9-18-9 – Inspections of premises. This section describes the policy of inspections of licensed and unlicensed facilities, the times when inspections will occur and the ability to conduct unannounced inspections.

K.A.R. 9-18-10 – General requirements for housing facilities. This section defines the standard housekeeping, husbandry, and other requirements with which retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops must comply.

K.A.R. 9-18-11 – Additional requirements for indoor housing facilities and sheltered housing facilities. This section defines the standard structural and other requirements for indoor and sheltered facilities for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops.

K.A.R. 9-18-12 – Additional requirements for outdoor housing facilities. This section defines the standard structural and other requirements for outdoor housing facilities for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels,

research facilities and pet shops.

K.A.R. 9-18-13 – Primary enclosures. This section defines the requirements of a primary enclosure for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops. It also defines additional requirements for cats.

K.A.R. 9-18-14 - Cleaning, sanitization, and pest control. This section defines the standard requirements for cleaning, sanitization, and pest control for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops.

K.A.R. 9-18-15 – Compatible grouping. This section states the licensee shall not house animals in groups that are not compatible.

K.A.R. 9-18-16 – Separation of animals by gender. This section states all intact adult animals must be housed separately from other sexually intact adult animals of the opposite sex within an animal shelter, rescue network or pet animal foster home.

K.A.R. 9-18-17 – Feeding and Watering. This section defines adequate feeding and watering requirements for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops.

K.A.R. 9-18-18– Contingency Planning. This section states each licensee must develop a written plan to provide proper handling, treatment and care for animals in the event of an emergency.

K.A.R. 9-18-19 – Employees and Volunteers. This section states the licensee must employ enough individuals for the facility to remain in compliance. Employer must provide proper training of care and handling of animals to employees.

K.A.R. 9-18-20 – Age of animal. This section defines the age requirements in order to sell, exchange and adopt animals.

K.A.R. 9-18-21 – Adequate veterinary medical care. This section states the requirement for retail breeders, hobby breeders, animal shelters, rescue networks, boarding & training kennels, research facilities and pet shops to provide adequate veterinary care for their animals.

K.A.R. 9-18-22 – Exercise. This section states each licensee must provide a plan of exercise for dogs over 12 weeks of age, except females with litters. It also defines the means in which the licensee can provide exercise.

K.A.R. 9-18-24 – Animal breeders and animal distributors. This section adopts by reference federal standards in 9 C.F.R. Sections 3.1 through 3.4 and 3.6 through 3.12.

K.A.R. 9-18-25 – Prohibiting the sale or gift of certain animals by pet shops. This section states the sale of reptiles shall not be conducted unless the business has posted signs regarding safe reptile-handling practices. It also states pet shops shall not sell, offer for sale, or offer as a gift or promotional consideration any viable turtle eggs or live turtles with a carapace length of less than four inches.

K.A.R. 9-18-26 – Animal research facilities. Provides specific requirements for animal research facilities.

K.A.R. 9-18-27 – Rescue networks. This section states the requirements for rescue networks. This combines two previously-established categories: group home shelters and rescue home shelters, into the category of rescue network.

K.A.R. 9-18-28 – Pet animal foster homes. This section defines the requirements of pet

animal foster homes utilized by rescue networks and shelters.

K.A.R. 9-18-29 – Mobile adoption facilities. This section states the ability of licensed shelters and rescue networks to conduct adoptions at locations other than their licensed premises.

K.A.R. 9-18-30 – Tethering of animals by boarding or training kennel operators. This section defines the purpose for and time periods during which licensees may use tethers.

K.A.R. 9-18-1 through 9-18-3. To be revoked.

K.A.R. 9-19-12. To be revoked.

K.A.R. 9-20-1 through 9-20-4. To be revoked.

K.A.R. 9-21-1 through 9-21-3. To be revoked.

K.A.R. 9-22-1 through 9-22-5. To be revoked.

K.A.R. 9-24-1 through 9-24-3. To be revoked.

K.A.R. 9-25-1 through 9-25-15. To be revoked.

Economic Impact Statement:

The proposed new regulations are adopted by the Kansas Animal Health Commissioner to implement the Kansas Pet Animal Act. Within these proposed regulations are requirements such as adequate veterinary care, feeding, watering, cleaning, and general requirements for housing facilities for small animals defined under the Kansas Pet Animal Act (KPAA).

The proposed new regulations are intended to streamline and consolidate six different subsets of existing regulations, and create uniform requirements for all licensees subject to the KPAA. These regulations will implement a more easily understandable, customer-friendly set of requirements not only for the licensees, but also for the Kansas Department of Agriculture Animal Facility Inspectors.

These proposed regulations are not mandated by Federal Law.

The proposed regulations should not have a negative fiscal impact upon the Kansas Department of Agriculture.

K.A.R. 9-18-6 Fees. This regulation will bring in an estimated additional revenue of approximately \$4,800 annually to the KDA Animal Facility Inspection program within the Division of Animal Health.

The additional revenue of \$4,800 will be derived from the increase in fees for the existing Group Home Shelters and Rescue Home Shelters, which will be combined in the proposed regulations as Rescue Networks with an annual fee of \$125. This fee was increased to cover the additional staff time and expenses of inspecting these types of shelters.

The current fees for licensure under the Kansas Pet Animal Act will not change, except for the addition of a new category (Rescue Network). This addition will combine two existing categories (Group Home Shelters & Rescue Home Shelters). This addition could pose a financial impact to these two existing categories.

These two existing categories currently pay \$50 annually for a license. These proposed regulations will increase the fees for these existing categories by \$75, with a new proposed fee of \$125.

A number of proposed requirements were discussed in multiple meetings of the Kansas Pet Animal Advisory Board. The fees and other requirements in the proposed regulations are the result of these discussions.

The proposed regulations are not expected to have an environmental impact.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-6715 or fax (785) 564-6777. Handicapped parking is available on the west side of the building and accessible to individuals with disabilities located at 1320 Research Park Drive, Manhattan.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's Web site at agriculture.ks.gov. Comments may also be made through our website under the proposed regulation.

Jackie McClaskey
Secretary
Kansas Department of Agriculture