



KANSAS PET ANIMAL ACT

Revised December, 2019

ARTICLE 17 - PET ANIMAL ACT

K.S.A. 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, 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, nonhuman 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 an animal breeder premises.

(f) "Animal breeder premises" means any premises where all or part of six 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 that 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 or pound 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 that is wholly or in part of the species *Felis domesticus*.

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

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

(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 that 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) "Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license year. 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) "Boarding or training kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week during the license year for boarding, training or similar purposes for a fee or compensation.

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

(r) "License year" or "permit year" means the 12-month period ending on September 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 that 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 that 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 sole 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;

(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, and such veterinary care shall be documented and maintained on the premises; and

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

(2) "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.

History: L. 1972, ch. 201, § 1; L. 1974, ch. 226, § 1; L. 1980, ch. 157, § 2; L. 1988, ch. 189, § 1; L. 1991, ch.152, § 22; L. 1995, ch. 244, § 5; L. 1996, ch. 151, § 6; L. 2012, ch. 125, § 25; L. 2018, ch. 55, § 1; Apr. 26.

K.S.A. 47-1702. Animal distributor license. It shall be unlawful for any person 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 September 30 following the issuance date.

History: L. 1972, ch. 201, § 2; L. 1980, ch. 156, § 7; L. 1986, ch. 197, § 6; L. 1988, ch. 189, § 2; L. 1996, ch.151, § 7; July 1; L. 2018, ch. 55, § 2; April 26.

K.S.A. 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 September 30 following the issuance date.

History: L. 1972, ch. 201, § 3; L. 1988, ch. 189, § 3; L. 1996, ch. 151, § 8; July 1; L. 2018, ch. 55, § 3; April 26.

K.S.A. 47-1704. Pound or animal shelter license; temporary care exception. (a) 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 September 30 following the issuance date.

(b) The Kansas department of agriculture shall not require any individual to be licensed who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter. Any such animal shelter shall keep a current list of such individuals who have written and signed an agreement to provide such temporary care.

History: L. 1972, ch.201, § 4; L. 1988, ch.189, § 4; L. 1991, ch.152, § 28; L. 1995, ch.244, § 6; L. 1996, ch.151, § 9; L. 2018, ch.55, § 4; Apr. 26.

K.S.A. 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 unlicensed or unpermitted premises;

(4) the conviction of any crime relating to the theft of animals;

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or permittee;

(7) fraudulent bill of sale;

(8) the housing facility or the primary enclosure is inadequate;

(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;

(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care; or

(11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and amendments thereto, to animals in such licensee or permittee's custody or care when access to such is requested by the commissioner or the commissioner's authorized representatives.

(b) The commissioner shall refuse to issue or renew and shall suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-4310, prior to its repeal, or subsections (a)(1) through (a)(5) of K.S.A. 2015 Supp. 21-6412, and amendments thereto.

(c) 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 issued only after notice and opportunity for a hearing are provided in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(d) Notwithstanding subsection (c), nothing shall preclude the commissioner from issuing a quarantine order in accordance with K.S.A. 77-536, and amendments thereto, on any premises regulated under this act wherein the animals are found to be infected with a contagious or zoonotic disease which may infect animals or humans that may come into contact with or be exposed to such animals.

(e) 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. 2015 Supp. 21-6412, 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.

History: L. 1972, ch. 201, § 6; L. 1988, ch. 189, § 7; L. 1991, ch. 152, § 29; L. 1996, ch. 151, § 10; L. 2006, ch. 126, § 5; L. 2010, ch. 17, § 88; L. 2011, ch. 30 § 196; July 1; L. 2012, ch. 125, § 26; July 1.

K.S.A. 47-1706a. Bond to prevent disposition of animals seized or impounded; approval; additional bond; notice. (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 may post a cash or security bond as provided in this section which shall prevent the sale, placement or euthanasia of the animal. Such cash or security bond shall be 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 department of agriculture division of animal health.

(b) Such bond shall be filed with the Kansas department of agriculture division of animal health and shall be posted on or before the date of the disposition hearing or within 10 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.

History: L. 2003, ch. 119, § 1; July 1; L. 2012, ch. 140, § 96; July 1.

K.S.A. 47-1707. Penalties for violations 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 penalty not exceeding \$1,000 for each violation or require such person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the penalty or the educational course. If such person chooses the penalty, the commissioner shall establish the amount pursuant to the penalty provisions of this section. The educational course shall be administered by the commissioner in consultation with Kansas state university college of veterinary medicine.

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

(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 section 223 of chapter 136 of the 2010 Session Laws of Kansas, 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 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.

History: L. 1972, ch. 201, § 7; L. 1988, ch. 189, § 8; L. 1991, ch. 152, § 30; L. 1996, ch. 151, § 11; L. 2005, ch. 190, § 2; L. 2010, ch. 17, § 89; L. 2011, ch. 30 § 197; July 1; L. 2012, ch. 125, § 27; July 1.

K.S.A. 47-1708. Judicial review of commissioner's actions. Any action of the commissioner pursuant to K.S.A. 47-1706 or 47-1707, and amendments thereto, is subject to review in accordance with the Kansas judicial review act.

History: L. 1972, ch. 201, § 8; L. 1986, ch. 318, § 71; L. 2010, ch. 17, § 90; July 1; L. 2012, ch. 125, § 28; July 1.

K.S.A. 47-1709. Inspections and investigations; confidentiality of complaints; records of inspections; training of inspectors and owners of pet animal facilities; search warrant if access denied. (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. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license 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 inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. 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 shall 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 intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson 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 department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

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

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

History: L. 1972, ch. 201, § 9; L. 1988, ch. 189, § 9; L. 1991, ch. 152, § 31; L. 1996, ch. 151, § 12; L. 2005, ch. 190, § 3; L. 2012, ch. 125, § 29; L. 2018, ch. 55, § 5; Apr. 26.

K.S.A. 47-1710. Release or disposition of animals from pound or animal shelter; use of proceeds from sale of animals. (a) An animal shall not be disposed of by an owner or operator of a pound or of an animal shelter as a pound until after expiration of a minimum of three full business 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 established in K.S.A. 47-1731, and amendments thereto. Any such 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 such 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.

History: L. 1972, ch. 201, § 10; L. 1977, ch. 116, § 5; L. 1995, ch. 244, § 7; L. 1996, ch. 151, § 13; L. 2000, ch. 31, § 1; July 1; L. 2012, ch. 125, § 30; July 1.

K.S.A. 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, animal breeder'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 and shall be added immediately following the disposition of the animal. Such records shall be made available to the commissioner or the commissioner's authorized representative upon request.

History: L. 1972, ch. 201, § 11; L. 1996, ch. 151, § 14; July 1; L. 2012, ch. 125, § 31; July 1.

K.S.A. 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 investigations; 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 distributor and animal breeder premises 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. § 2131 et seq.), commonly known as the animal welfare act.

(c) Notwithstanding any provision in subsection (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.

History: L. 1972, ch. 201, § 12; L. 1988, ch. 189, § 10; L. 1991, ch. 152, § 32; L. 1995, ch. 244, § 8; L. 1996, ch. 151, § 15; July 1.

K.S.A. 47-1713. Prohibiting 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.

History: L. 1972, ch. 201, § 13; L. 1996, ch. 151, § 16; July 1.

K.S.A. 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 nonperson 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. 2015 Supp. 21-6412, 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.

History: L. 1972, ch. 201, § 15; L. 1988, ch. 189, § 11; L. 1991, ch. 152, § 33; L. 1996, ch. 151, § 17; L. 2011, ch. 30 § 198; July 1.

K.S.A. 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.

History: L. 1972, ch. 201, § 17; July 1.

K.S.A. 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. The commissioner shall promulgate rules and regulations by December 31, 2015, regarding acceptable methods of euthanasia. Such acceptable methods may be more stringent than those established by the American veterinary medical association.

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1980, ch. 157, § 3; L. 1996, ch. 151, § 18; July 1; L. 2015, ch. 61, § 9; July 1.

K.S.A. 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 September 30 following the issuance date.

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

History: L. 1988, ch. 189, § 5; L. 1996, ch. 151, § 19; July 1; L. 2018, ch. 55, § 6; April 26.

K.S.A. 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 September 30 following the issuance date.

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

History: L. 1988, ch. 189, § 6; L. 1996, ch. 151, § 20; July 1; L. 2018, ch. 55, § 7; April 26.

K.S.A. 47-1721. License and permit fees; costs of inspection; re-inspection fee; disposition of moneys.

(a) Each application for issuance or renewal of a license or permit 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 paragraphs (5) through (8) and paragraph (10) 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 \$450;

(2) except as provided in paragraphs (5) through (8) and paragraph (10) for a license for any other premises, an amount not to exceed \$600;

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

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

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

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

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

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

(9) a late fee of \$70 shall be assessed to any person whose permit or license renewal is not renewed prior to October 1; and

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

(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 charge a fee of \$200 to cover the costs of such inspection.

(d) (1) Failure by the owner of a premises, a licensee or a permittee, or their designated representative, to make a premises available for inspection within 30 minutes of the arrival of the inspector or the inspector's authorized representative shall be considered a no-contact inspection. Each no-contact inspection shall result in a \$200 no-contact fee against the owner of the premises, the licensee or the

permittee. The commissioner or the commissioner's authorized representative shall make a second or subsequent attempt to inspect the premises.

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

(A) Pay the fee for the new permit or license application;

(B) pass an initial inspection; and

(C) pay any past due fees before the new license or permit can be issued.

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

(f) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of 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 animal health commissioner or the commissioner's designee.

(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 a premises that 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.

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

History: L. 1988, ch. 189, § 12; L. 1991, ch. 152, § 23; L. 1996, ch. 151, § 21; L. 2001, ch. 5, § 172; L. 2005, ch. 190, § 1; July 1; L. 2012, ch. 140, § 98; July 1; L. 2018, ch. 55, § 8; April 26.

K.S.A. 47-1723. Kennel operator license. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each 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 September 30 following the issuance date.

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

History: L. 1991, ch. 152, § 21; L. 1996, ch. 151, § 22; July 1; L. 2012, ch. 125, § 32; July 1; L. 2018, ch. 55, § 9; April 26.

K.S.A. 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 be unlawful for licensees to knowingly sell to out-of-state distributors, animal distributors or pet shops operating within the state who are not permitted or licensed in accordance with the Kansas pet animal act.

History: L. 1991, ch. 152, § 24; L. 1996, ch. 151, § 23; July 1.

K.S.A. 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 boarding or training kennel operator.

(b) 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 animal health 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.

History: L. 1991, ch. 152, § 25; L. 1996, ch. 151, § 24; July 1; L. 2012, ch. 125, § 33; July 1.

K.S.A. 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. 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. The provisions of this act shall not apply to any farm, kennel or other premises registered with and inspected by the national greyhound association which is used solely for the purposes of breeding, maintaining, training or selling greyhound dogs, as greyhound is defined in K.S.A. 74-8802, and amendments thereto. The commissioner shall have the authority to enter into agreements with the national greyhound association pertaining to the aforementioned greyhound premises. Notwithstanding any other provisions of this section, any agreements between the commissioner and the national greyhound association may contain terms allowing the commissioner to access records, complete inspections of such premises and other related matters.

History: L. 1991, ch. 152, § 26; L. 1996, ch. 151, § 25; July 1; L. 2012, ch. 125, § 34; July 1.

K.S.A. 47-1727. Injunctive relief to commissioner. Notwithstanding the existence or pursuit of any other remedy, when it appears to the commissioner that any person is violating any provisions of the Kansas pet animal act, the commissioner may 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.

History: L. 1991, ch. 152, § 27; L. 1996, ch. 151, § 26; July 1; L. 2012, ch. 125, § 35; July 1.

K.S.A. 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 animal 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 and as part of the curriculum under the direct supervision of a licensed veterinarian. Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member or the public. 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 the 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 animal health commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the 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 in K.S.A. 47-1710, and amendments thereto.

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

History: L. 1988, ch. 185, § 1; L. 1993, ch. 59, § 1; L. 1995, ch. 244, § 9; L. 1996, ch. 151, § 27; L. 2000, ch. 31, § 2; L. 2011, ch. 68 § 2; July 1; L. 2012, ch. 140, § 100; July 1.

K.S.A. 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.

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

History: L. 1996, ch. 151, § 1; July 1.

K.S.A. 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 September 30 following the issuance date.

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

History: L. 1996, ch. 151, § 2; July 1; L. 2018, ch. 55, § 10; April 26.

K.S.A. 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, within the state of Kansas 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 September 30 following the issuance date.

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

History: L. 1996, ch. 151, § 3; July 1; L. 2018, ch. 55, § 11; April 26.

K.S.A. 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 provisions of the Kansas pet animal act.

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

History: L. 1996, ch. 151, § 4; July 1; L. 2012, ch. 140, § 101; July 1.

K.S.A. 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 September 30 following the issuance date.

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

History: L. 1996, ch. 151, § 5; July 1; L. 2018, ch. 55, § 12; April 26.

K.S.A. 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.

History: L. 1996, ch. 151, § 28; July 1.

Article 18.—ANIMAL FACILITY INSPECTION PROGRAM—LICENSE AND REGISTRATION FEES

K.A.R. 9-18-4. Definitions. For purposes of this article of the department’s regulations, each of the following terms

shall have the meaning specified in this regulation:

(a) “Act” means Kansas pet animal act, K.S.A. 47-1701 et seq., and amendments thereto.

(b) “Adult animal” means a dog or cat that is four months of age or older.

(c) “Housing facility” has the meaning specified in K.S.A. 47-1701, and amendments thereto, and shall include any land or area housing or intended to house animals.

(d) “Indoor housing facility” means any structure or building with environmental controls that houses or is intended to house animals and that is an enclosure created by the continuous connection of a roof, walls, and floor.

(e) “Licensee” means the individual, group of individuals, or entity to whom a license is issued by the Kansas department of agriculture, animal health division’s animal facility inspection program.

(f) “Outdoor housing facility” means any facility that houses or is intended to house animals and does not meet the definition of indoor housing facility or sheltered housing facility. The temperatures for outdoor housing facilities typically cannot be controlled.

(g) “Pet animal foster home” means the licensed premises of an individual who has a written and signed agreement to provide temporary care for one or more dogs or cats owned by an animal shelter or a rescue network that is licensed by the state of Kansas.

(h) “Rescue network” means the premises of a rescue network manager and all pet animal foster homes organized under that rescue network manager that provide temporary care for one or more dogs or cats not owned by an animal shelter that maintains a central facility for keeping animals.

(i) “Rescue network manager” means the person designated by a rescue network to be responsible for the following functions:

(1) Approving the membership of each pet animal foster home in the rescue network;

(2) carrying out the duties of the rescue network manager under K.A.R. 9-18-27, including the intake of all dogs and cats in the care of the rescue network;

(3) maintaining on that person’s premises all documentation required by K.A.R. 9-18-27 and 9-18-28, including records pertaining to the adoption, placement, or other disposition of each dog and cat receiving temporary care from the rescue network; and

(4) ensuring compliance with this regulation and K.A.R. 9-18-28 by each pet animal foster home belonging to the rescue network.

(j) “Sheltered housing facility” means a housing facility that includes a structure or building with environmental controls and also allows animals independent access to the outside. This term shall include any facility that does not meet the definition of indoor housing facility due to having a gravel or dirt floor or not being entirely enclosed.

(k) “Temporary care” means the care and housing of an animal for 12 months or less during the calendar year, except as provided by K.A.R. 9-18-27(g) and K.A.R. 9-18-28(j).

(l) “Temporary pet shop” means a type of pet shop that operates for a total of 12 or fewer sale days per license year and is not permanently located on a premises.

(m) “U.S.D.A.” means United States department of agriculture. (Authorized by and implementing K.S.A. 2016 Supp. 47-607d and K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-5. Importing dogs and cats. Dogs and cats shall not be imported into Kansas unless the dogs and cats are accompanied by a certificate of veterinary inspection issued by a licensed veterinarian, stating that each dog and cat meets the following requirements:

- (a) Is free from symptoms of any communicable disease;
- (b) has not been exposed to rabies; and

(c) has been vaccinated against rabies with a product licensed by the U.S.D.A., with the duration of immunity and method of administration in accordance with the manufacturer's guidelines. Dogs and cats under three months of age shall not be required to be vaccinated against rabies. (Authorized by K.S.A. 2016 Supp. 47-607, 47-607d, 47-610; implementing K.S.A. 2016 Supp. 47-607, 47-607d, 47-608, 47-610; effective Nov. 17, 2017.)

K.A.R. 9-18-6. Fees. Each applicant for a license or permit and each applicant, licensee, or permittee subject to or requesting an inspection pursuant to K.S.A. 47-1701 et seq., and amendments thereto, shall pay the applicable fee or fees, as follows:

- (a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq. \$450.00
- (b) License for an animal shelter located as follows:
 - (1) First-class city, as defined in K.S.A. 13-101, and amendments thereto, or any entity contracting with a first- class city \$400.00
 - (2) Second-class city, as defined in K.S.A. 14-101, and amendments thereto, or any entity contracting with a second-class city \$335.00
 - (3) Third-class city, as defined in K.S.A. 15-101, and amendments thereto, or any entity contracting with a third- class city \$285.00
 - (4) License for a rescue network manager, regardless of location \$125.00
- (c) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq. \$450.00
- (d) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq. \$450.00
- (e) License for an operator of a temporary pet shop with 12 or fewer sale days in a license year \$200.00
- (f) License for an operator of a pet shop \$600.00
- (g) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq ... \$300.00
- (h) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq. \$300.00
- (i) License for a hobby breeder \$250.00
- (j) License for a boarding or training kennel operator \$200.00
- (k) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq. \$400.00
- (l) Out-of-state distributor permit \$650.00
- (m) Temporary closing permit for a hobby breeder or training kennel operator \$45.00
- (n) Temporary closing permit for an animal shelter, animal breeder, animal distributor, retail breeder, pet shop, or research facility \$95.00
- (o) Inspection fee for each inspection performed upon request by a licensee, permittee, or applicant for a license or permit \$200.00
- (p) No-contact fee pursuant to K.S.A. 47-1721, and amendments thereto \$200.00
- (q) Reinspection fee pursuant to K.S.A. 47-1721, and amendments thereto \$200.00
- (r) License for each premises required to be licensed under multiple license categories..... the fee for the most expensive applicable license and a fee of \$50 for each additional applicable license

(s) Late fee for failure to renew any existing license before October 1..... \$70.00
(Authorized by and implementing K.S.A. 2018 Supp. 47- 1721; effective Nov. 17, 2017; amended Feb. 8, 2019.)

K.A.R. 9-18-7. Records. (a) Each licensee shall maintain records for each animal purchased, acquired, held, transported, sold, or disposed of in any other manner.

(1) Each cat or dog of weaning age and older shall be individually identified. The records shall include the following:

(A) The name and address of the person from whom each animal was acquired;

(B) the date each animal was acquired; and

(C) a description of each animal, including the following:

(i) The animal's age, size, color markings, sex, species, and breed;

(ii) any available information regarding vaccinations;

(iii) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and

(iv) the name and address of the person to whom any animal is sold, given, bartered, or otherwise delivered or euthanized, and the date on which the action took place. The record shall show the method of disposition.

(2) The records of animals other than cats and dogs shall be kept so that the origins of lots can be identified. Animals from multiple origins may be comingled if records indicate all of the origins of a lot. The records shall include the date the lots were acquired, from whom the lots were acquired, general identification information, and disposition information.

(b) Each licensee shall store records for the current license year and previous two license years on the premises where the animals are located and shall make the records available for inspection. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-8. Access to premises. Each licensee shall provide the commissioner or the commissioner's representatives with access to the licensee's premises Monday through Friday, between 7:00 a.m. and 7:00 p.m., in order to take any of the following actions:

(a) Enter the licensee's place of business;

(b) examine records required to be kept under K.A.R. 9-18-7;

(c) make copies of the records;

(d) inspect premises and animals as the commissioner or the commissioner's representatives consider necessary to enforce the provisions of the act and this article of the department's regulations;

(e) document, by the taking of photographs and other means, any conditions and areas of noncompliance; and

(f) use a room, table, or other facilities necessary for the examination of the records and inspection.

(Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-9. Inspections of premises. (a) Each premises that is licensed or that the commissioner finds reasonable grounds to believe is required to be licensed under the 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 applicable regulations.

(b) Each premises shall be subject to routine inspections at the following intervals:

(1) A routine inspection shall be conducted every three to 12 months for each new premises and each premises that has failed one of its two most recent inspections.

(2) A routine inspection shall be conducted every nine to 18 months for each premises that has passed its two most recent inspections.

(3) A routine inspection shall be conducted every 15 to 24 months for each premises that has passed its three most recent inspections.

(c) In addition to routine inspections, any premises may be subject to one or more additional 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 in a timely manner.

(d) Routine inspections shall be made on Monday through Friday, between the hours of 7:00 A.M. and 7:00 P.M., except that these inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(e) 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 and mentally and physically capable of representing the licensee in the inspection process. The owner or operator shall notify the commissioner in writing of any new representative who is designated to be present during inspections.

(f) Any inspection to investigate allegations of violations adversely affecting the health, safety, and welfare of the animals may be conducted on any day of the week and at any hour deemed reasonably necessary by the commissioner.

(g) Prior notice of inspection dates shall not be provided to the owner or operator of any licensed premises. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2018 Supp. 47-1709, K.S.A. 2018 Supp. 47-1733, and K.S.A. 2018 Supp. 47-1736; effective Nov. 17, 2017; amended Feb. 8, 2019.)

K.A.R. 9-18-10. General requirements for housing facilities. (a) Construction. Each housing facility shall be designed and constructed as follows:

(1) In a manner that is structurally sound; and

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

(b) Housekeeping. Each licensee shall keep the premises where housing facilities and food storage 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. 9-18-14 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.

(c) Surfaces.

(1) The surfaces of each housing facility, including any houses, dens, fixtures, and objects in the housing facility that are similar to furniture, shall be constructed and maintained in a manner and made of materials that allow them to be readily cleaned and sanitized on a regular basis, or shall be removed or replaced when worn or soiled.

(2) All interior surfaces and any surfaces that come into contact with animals shall meet the following requirements:

(A) Be free of rust; and

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

(3) Each licensee shall maintain all surfaces on a regular basis, which shall include regular cleaning and sanitizing. Surfaces shall be replaced when the surfaces are worn or permanently soiled and can no longer be effectively cleaned and sanitized.

(4) 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.

(d) Water and electric power. Each indoor housing facility or sheltered housing facility shall have electric power. Each outdoor housing facility shall have lighting and electric power that allows for animal husbandry as required under this act. Each housing facility shall have access to adequate potable water for animal and facility needs.

(e) Storage. Each licensee shall store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. Food requiring refrigeration shall be stored accordingly. Each licensee shall keep all open supplies of food and bedding in leakproof containers with tightly fitted lids. Only food and bedding currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the animals in food storage and preparation areas. However, toxic substances that are required for normal husbandry practices may be stored in the animal areas if stored in a manner that prevents harmful exposure to animals.

(f) Drainage and waste disposal.

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

(2) If present, disposal facilities and drainage systems shall be properly constructed, installed, and maintained in such a manner to avoid all foul odors and any backup of sewage.

(3) Each licensee shall ensure that any standing liquid in the animal enclosures is removed in an efficient manner so that the animals stay dry.

(4) Each licensee shall use trash containers for facility waste that are leakproof and shall keep tightly fitted lids on the containers at all times.

(g) Washing facilities. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-11. Additional requirements for indoor housing facilities and sheltered housing facilities.

The requirements in this regulation shall be in addition to the requirements in K.A.R. 9-18-10.

(a) Structure. The building or structure of each indoor housing facility and each sheltered housing facility shall be constructed so that temperature and humidity levels can be controlled and odors can be eliminated rapidly. The building or structure shall have at least one door for entry and exit that can be opened and closed. Any windows or openings that provide natural light shall be covered with glass, hard plastic, or a similar hard, transparent material.

(b) Heating, cooling, and temperature. Each licensee operating an indoor housing facility or a sheltered housing facility shall ensure that the facility is sufficiently heated and cooled to protect and provide for the animals' health and well-being.

(1) Each licensee operating an indoor housing facility, or a sheltered housing facility 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 exceed 85°F or 29.5°C for more than four consecutive hours.

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

(3) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility, or a sheltered 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, infirm, or of a young or advanced age so that the dog or cat cannot tolerate lower temperatures without stress or discomfort.

(c) Ventilation. When animals are present, each indoor housing facility or sheltered housing facility shall be sufficiently ventilated at all times to provide for the animals' 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 whenever the ambient temperature is at least 85°F or 29.5°C. Auxiliary ventilation may include fans, blowers, and air conditioning units. The licensee shall maintain the relative humidity at a level that ensures the health and well-being of the animals 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 in all animal areas of each indoor housing facility or sheltered housing facility to permit inspection and cleaning of the facility and observation of the animals. All animal areas shall be provided with a regular, uniform diurnal lighting cycle of either natural or artificial light when species - appropriate. Each primary enclosure shall be placed in a manner that protects the dogs and cats from excessive light. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-12. Additional requirements for outdoor housing facilities. The requirements in this regulation shall be in addition to the requirements in K.A.R. 9-18-10.

(a) Restrictions.

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

(A) Any dog or cat that is not acclimated to the temperatures prevalent in the area or whose acclimation status is unknown;

(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 that is sick, infirm, or of a young or advanced age so that the dog or cat cannot tolerate the prevalent temperatures of the area without stress or discomfort.

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

(b) Shelter from the elements. Each outdoor housing facility shall include one or more shelter structures accessible to each animal, large enough to allow each animal in the shelter to sit, stand, and lie in a normal manner and to turn about freely, and of appropriate size to allow each animal to conserve body heat. In addition to the shelter structures, each licensee shall provide one or more separate, outside areas of shade that 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 housing facility for dogs or cats shall contain a roof, four sides, and a flat floor and shall meet the following requirements:

(1) Provide protection and shelter from the cold, heat, and direct effects of sun, wind, rain, snow and other elements;

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

(3) contain clean, dry bedding material as necessary. Bedding shall be provided 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.

(c) Prohibited shelter structures. A licensee shall not use metal barrels, cars, refrigerators, freezers, or any similar items as shelter structures. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-13. Primary enclosures. (a) Construction. Each primary enclosure shall be designed and constructed of suitable materials so that the primary structure is structurally sound. Each licensee shall keep the primary enclosure in good repair.

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

(1) Provides all the animals with shelter and protection from extreme temperatures and weather conditions that could be uncomfortable or hazardous;

(2) provides sufficient shade to protect from direct sun all the animals housed in the primary enclosure simultaneously;

(3) has floors that are constructed in a manner that protects the animals' feet and legs from injury. If the floor is constructed of mesh or slats, the floor shall not allow the animals' feet to pass through any openings in the floor. If any metal strands are used to construct a suspended floor for the primary enclosure, the metal strands shall be ninegauge 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. If any suspended floor is used in a primary enclosure, that floor shall be strong enough that the floor does not sag or bend between structural supports; and

(4) if stacked cages are used to house animals, provides an impervious barrier between the levels of stacked cages. The barrier may be removed as needed for cleaning.

(c) Additional requirements for cats. The requirements of this subsection shall be in addition to the requirements in subsection (a), (b), and (e).

(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 (60.96 centimeters) high.

(B) Each cat weighing not more than 8.8 pounds (4 kilograms) shall be provided with at least 3.0 square feet (0.28 square meters) of floor space.

(C) Each cat weighing more than 8.8 pounds (4 kilograms) shall be provided with at least foursquare feet (0.37 square meters) 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.

(E) The minimum floor space required by this subsection 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 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 elevated resting surfaces that, when added together, are large enough to hold simultaneously all the occupants of the primary enclosure comfortably. 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. The requirements of this subsection shall be in addition to the requirements in subsections (a), (b), and (e).

(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 housed in a primary enclosure, using the following calculation: the length of the dog or puppy from the tip of the nose to the base of the tail in inches plus six inches, squared, and then divided by 144, shall equal the required minimum floor space in square feet.

(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.

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

(e) Innovative primary enclosures. Any licensee may use an innovative primary enclosure not meeting the floor area and height requirements specified in this regulation if the 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. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-14. Cleaning, sanitization, and pest control. (a) Each licensee shall spot-clean daily all surfaces with which the animals come into contact. These surfaces shall be sanitized as necessary to avoid excessive accumulation of excreta, reduce disease hazard, avoid animal contact with excreta, and prevent or eliminate odors, insects, pest, and vermin infestation. If steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall first remove the animals, unless the enclosure is large enough to ensure that the animals will not be harmed, wetted, or distressed in the process.

(b)(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 animals.

(2) The licensee shall sanitize all used primary enclosures and food and water receptacles for animals 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 the surfaces of primary enclosures and the food and water receptacles using one of the following methods:

(A) Spraying all surfaces with 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 remove any contaminated material that cannot be sanitized using the methods specified in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, as often as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Each licensee shall establish and maintain an effective program for the control of insects and external parasites affecting animals. Additionally, the licensee shall develop a plan for the management of birds and mammals that are pests or potential hazards so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-15. Compatible grouping. No licensee shall house any animals in groups that are incompatible, including incompatibility due to age, sexual status, aggressive disposition, breed, species, contagious disease, or any other reasons. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-16. Separation of animals by gender. All sexually intact adult animals shall be housed separately from all other sexually intact adult animals of the opposite sex within an animal shelter, rescue network, or pet animal foster home. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-17. Feeding and watering.

(a)(1) Each licensee shall meet the “adequate feeding” requirements as defined in K.S.A. 47-1701, and amendments thereto. Each licensee shall feed all animals as appropriate to species and age. All cats and dogs shall be fed at least once each day, unless restricted by written order by the attending veterinarian. 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 each animal’s age and condition.

(2) Each licensee shall provide a sufficient number of food receptacles for animals, which shall meet the following requirements:

- (A) Be easily accessible to all animals being fed;
- (B) be located so as to minimize contamination by excreta and pests;
- (C) be protected from rain and snow; and
- (D) either be discarded after one use or be easily cleaned and sanitized.

(b) Each licensee shall meet the “adequate watering” requirements as defined in K.S.A. 47-1701, and amendments thereto. Drinkable water shall be supplied in a sanitary manner and in adequate amounts at intervals suitable for each animal’s species and either continuously accessible to each animal or supplied to maintain the health and well-being of each animal. If water is not continuously accessible, then water shall be provided at least twice daily for at least one hour each time or more often as conditions warrant, unless restricted by written order of the attending veterinarian or not species-appropriate. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-18. Contingency planning. Each licensee shall develop, document, and follow a written contingency plan to provide for the humane handling, treatment, transportation, housing, and care of the animals on the premises if an emergency or natural disaster occurs. The plan shall be updated annually, be made available to the commissioner or the commissioner’s representatives upon request, and at minimum include the following:

(a) Identification of potential known risks, including power failures, fires, natural disasters, and faulty heating, ventilation, and air conditioning systems;

(b) an outline of specific tasks required to be carried out in response to the identified emergency; and

(c) identification of the individual or individuals responsible for carrying out the plan, along with contact information for each individual. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-19. Employees and volunteers. Each licensee shall employ enough individuals to provide the level of husbandry practices and care required by the act and this article of the department's regulations. Each employee or volunteer 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 animals to supervise others. The licensee shall ensure that the supervisor, other employees, and volunteers perform to these standards. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-20. Age of animal. A licensee shall not sell, exchange, or adopt any animal if the animal is at an age at which doing so would be detrimental to the animal's health or well-being. No puppy or kitten may be sold, exchanged, or adopted until the animal is at least eight weeks of age and has been weaned, which shall mean eating solid food and not nursing, for at least five days. For the purposes of this regulation, weight and other factors may be used to approximate the age of an animal of unknown age. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-21. Adequate veterinary medical care. Each licensee shall have an attending veterinarian who provides the licensee's animals with "adequate veterinary medical care," as defined in K.S.A. 47-1701 and amendments thereto. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-22. Exercise. (a) Each licensee shall develop, document, and follow a plan to provide dogs over 12 weeks of age, except bitches with litters, with the opportunity for exercise. The plan shall include written standard procedures. Forced exercise devices shall be strictly prohibited. If a dog is without sensory contact with another dog, the dog shall be provided with positive physical contact with humans at least daily. The opportunity for exercise may be provided in a number of ways, which may include the following:

(1) Providing group housing in cages, pens, or runs that provide at least 100 percent of the required space for each dog under the minimum floor space requirements of K.A.R. 9-18-13;

(2) maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-18-13; and

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

(b) If, in the opinion of the attending veterinarian, it is inappropriate for a dog to exercise because of the dog's health, condition, or well-being, the attending veterinarian shall document this exemption in writing. The licensee shall make this documentation available to the commissioner or the commissioner's representatives upon request. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-23. Transfer, movement, adoption, or other permanent relocation of feline immunodeficiency virus- positive cats. (a) The transfer, movement, adoption, or other permanent relocation of any feline immunodeficiency virus- positive cat (FIV-positive cat) from a licensed animal shelter or rescue network to another licensed animal shelter or rescue network and to a foster home or a member of the public shall be allowed if a veterinarian who has a veterinary- client-patient relationship with the animal shelter or rescue network where the FIV-positive cat is currently located performs the following:

(1) Confirms that the FIV-positive cat to be transferred, moved, adopted, or otherwise permanently relocated is a nonsymptomatic FIV-positive cat; and

(2) provides a written statement to the animal shelter or rescue network and to the new owner or holder authorizing the transfer, movement, adoption, or other permanent relocation of the FIV-positive cat that states the symptoms, the risks, and the recommendations of how the cat should be housed to minimize the spread of the virus.

(b) All notifications and statements created under this regulation shall be maintained as a part of the recordkeeping requirements under K.A.R. 9-18-7.

(c) If the commissioner determines that the continued transfer, movement, adoption, or other permanent relocation of FIV-positive cats endangers the health of any other domestic animals, this regulation may be temporarily suspended by order of the commissioner. (Authorized by and implementing K.S.A. 2018 Supp. 47-610 and K.S.A. 47-1712; effective Dec. 20, 2019.)

K.A.R. 9-18-24. Animal breeders and animal distributors. K.A.R. 9-18-10 through 9-18-15, K.A.R. 9-18-17, K.A.R. 9-18-19, and K.A.R. 9-18-22 shall not apply to animal breeders and animal distributors. Each animal breeder and each animal distributor shall comply with 9 C.F.R. 3.1 through 3.4 and 3.6 through 3.12, as in effect on January 1, 2015. These sections are hereby adopted by reference, with the following modifications and deletions:

(a) All references to “the administrator,” “APHIS,” “pertinent funding federal agency,” and “USDA officials” shall be deemed to refer to the commissioner.

(b) All references to “dealer” or “dealers” and to “exhibitor” or “exhibitors” shall be deemed to refer to animal breeders and animal distributors.

(c) All references to “research facility,” “research facilities,” “federal research facilities,” and “research needs” shall be deleted.

(d) In 9 C.F.R. 3.6, paragraphs (b)(5) and (c)(3) shall be deleted. (e) In 9 C.F.R. 3.8, paragraphs (b)(1) and (d)(2) shall be deleted. (Authorized by and implementing K.S.A. 47- 1712; effective Nov. 17, 2017.)

K.A.R. 9-18-25. Prohibiting the sale or gift of certain animals by pet shops.

(a) A pet shop shall not sell any reptiles, offer any reptiles for sale, or offer any reptiles as a gift or promotional consideration unless a notice regarding safe reptile-handling practices meeting the requirements of subsection (b) is prominently posted or displayed at each location in the pet shop where the reptiles are displayed, housed, or held.

(b) Each notice regarding safe reptile-handling practices shall be the notice provided at no charge by the Kansas department of agriculture upon the request of any pet shop, any notice created by the centers for disease control and prevention, or any other notice that meets the following requirements:

(1) The dimensions of each notice shall be at least 8.5 inches by 11 inches. The notice shall use one or more typefaces or fonts that are clearly visible and readily draw attention to the notice.

(2) At a minimum, the notice shall contain the following statements:

“As with many other animals, reptiles carry salmonella bacteria, which can make people sick. To reduce the chance of infection, follow these safe reptile-handling steps:

“Always wash your hands thoroughly after you handle your pet reptile, its food, and anything it has touched.

“Keep your pet reptile and its equipment out of the kitchen or any area where food is prepared. “Don’t nuzzle or kiss your pet reptile.

“Keep reptiles out of homes where there are children less than one year of age or people with weakened immune systems. Children less than five should handle reptiles only with adult or parental guidance, and they should wash their hands afterwards.”

(c) A pet shop shall not possess, sell, offer for sale, or offer as a gift or promotional consideration any skunk, raccoon, fox, or coyote.

(d) A pet shop shall not possess, 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. For purposes of this subsection, the term “turtle” shall include all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order Testudinata, class Reptilia, except marine species. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47- 1713; effective Nov. 17, 2017.)

K.A.R. 9-18-26. Animal research facilities. Each animal research facility shall meet all requirements of K.A.R. 9-18- 10 through 9-18-15, K.A.R. 9-18-17, K.A.R. 9-18-20, and K.A.R. 9-18-22, unless differing conditions are needed for legitimate research reasons. These differing conditions and legitimate research reasons shall be documented in a specific research protocol and shall be made available to the commissioner or the commissioner’s authorized representatives upon request. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017.)

K.A.R. 9-18-27. Rescue networks.

(a) An application form for a rescue network manager license shall be provided by the commissioner at the request of any individual seeking a license as a rescue network manager. The individual shall submit the completed application and the license fee to the commissioner.

(b) Except for stray dogs and cats, each dog or cat in the care of a licensee, other than the personal pets of the licensee, shall have been relinquished by an owner, transferred from another licensee, or transferred from an animal shelter licensed in Kansas. Each rescue network manager shall be responsible for the intake of all dogs or cats in the rescue network. Each licensee that obtains a dog or cat from a veterinarian for the purpose of adopting shall comply with K.S.A. 47-1731, and amendments thereto. Stray dogs, cats, puppies, or kittens may be placed with a rescue network only after the requirements of K.S.A. 47-1710, and amendments thereto, have been met by a licensed animal shelter.

(c) Each rescue network manager wanting to maintain or house more than 19 adult animals at any time at the premises of the rescue network manager shall apply for and receive an animal shelter license before accepting more than 19 adult animals. The limit of 19 adult animals shall include the following:

(1) Any adult animal that is a personal pet of the rescue network manager; and

(2) any adult animal owned by any other individual or entity and maintained, housed, or harbored by the rescue network manager.

(d) Any licensee may offer any animal in its custody for adoption and may transfer ownership of the animal pursuant to K.S.A. 47-1731, and amendments thereto.

(e) Each rescue network manager shall arrange to spay or neuter each cat and dog, or certify each animal as unable to be spayed or neutered, within 10 business days of receipt of the dog or cat.

(f) Each rescue network manager shall process all documentation for each adoption of a dog or cat in the custody of the rescue network and for all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. A copy of each of these documents shall be kept at the premises of the rescue network manager. Intact dogs, cats, puppies, or kittens may be adopted only from the premises of the rescue network manager or a licensed animal shelter.

(g) Each rescue network manager shall comply with K.A.R. 9-18-28 regarding adoption and transfer of ownership of each dog or cat receiving temporary care in a pet animal foster home.

(h) Dogs or cats shall not remain in the custody of a rescue network for more than 12 months without written permission from the commissioner. Each licensee wanting to retain custody of a dog or cat beyond 12 months shall send a written request to the commissioner, stating the reasons for the request.

(i) Each licensee accepting animals from out of state shall comply with the importation and certificate of veterinary inspection requirements specified in K.A.R. 9-18- 5 and K.A.R. 9-7-11. The original of each certificate of veterinary inspection shall be maintained with the files of the licensed rescue network manager or animal shelter. A copy of the health certificate shall be available at the pet animal foster home.

(j) Rescue network manager licenses shall not be transferable. (Authorized by K.S.A. 47-1712 and K.S.A. 2015 Supp. 47-1731; implementing K.S.A. 2015 Supp. 47-1701, K.S.A. 47-1704, K.S.A. 2015 Supp. 47-1710, K.S.A. 47-1712, and K.S.A. 2015 Supp. 47-1731; effective Nov. 17, 2017.)

K.A.R. 9-18-28. Pet animal foster homes.

(a) Rescue networks and animal shelters may utilize pet animal foster homes.

(b) Rescue network managers and animal shelter licensees shall require each of their prospective pet animal foster homes to sign a pet animal foster home agreement with the supervising rescue network or animal shelter licensee. The rescue network manager or animal shelter licensee shall state in the agreement that the pet animal foster home is required to comply with all the requirements contained in this regulation.

(c) Each rescue network manager and animal shelter licensee shall keep records of all pet animal foster homes utilized by the rescue networks and animal shelter.

(d) Each rescue network manager and each animal shelter licensee shall ensure that all pet animal foster homes utilized by the rescue network or animal shelter comply with the Kansas pet animal act and all applicable regulations.

(e) Each animal shelter licensee or rescue network manager using a pet animal foster home shall develop a plan of veterinary care to be followed by the pet animal foster home. The plan of veterinary care shall be recorded on the form specified in the definition of “adequate veterinary medical care” in K.S.A. 47-1701, and amendments thereto. This plan shall include the name of the licensed veterinarian whom the pet animal foster home shall contact in case of injury or illness and the name of the party responsible for the payment of treatment and office call charges. The animal shelter licensee or rescue network manager shall require each pet animal foster home to notify the sponsoring animal shelter or rescue network manager of any dog or cat receiving veterinary care within 24 hours of treatment. A copy of the plan of veterinary care shall be filed annually with the commissioner.

(f) The animal shelter licensee or rescue network manager shall require that a pet animal foster home not directly accept stray dogs or cats, or any animal relinquished by its owner. Each pet animal foster home wanting to accept stray dogs or cats or animals that are relinquished by their owners shall apply for and receive an animal shelter license before accepting these animals. Each rescue network manager shall be responsible for the intake of all animals in the care of the rescue network. No stray dog or cat may be placed with a pet animal foster home until the applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met.

(g) A pet animal foster home shall not foster more than 10 adult cats or dogs at the same time.

(h)(1) A pet animal foster home shall not at any time maintain or house on the premises more than 19 adult dogs or cats. The limit of 19 dogs or cats shall include the following:

(A) Any adult dog or cat that is a personal pet of the pet animal foster home caretaker; and

(B) any adult dog or cat owned by any other individual or entity and maintained, housed, or harbored on the premises.

(2) If more than 19 adult dogs or cats will be housed on the premises for any reason, the pet animal foster home shall apply for an animal shelter license and shall not accept any adult dogs or cats in excess of that limit before receiving the animal shelter license.

(i)(1) An animal shelter licensee or rescue network manager shall not place any intact dog or cat six months of age or older into the custody of a pet animal foster home unless spaying or neutering is contraindicated by a licensed veterinarian. If a veterinarian has examined and recommends that the dog or cat should not be altered, the pet animal foster home shall obtain a copy of a written opinion by the veterinarian as to why the animal cannot be altered and an estimated time of when, if ever, the animal can be altered. A copy of the written opinion shall be kept by both the pet animal foster home and the rescue network manager or animal shelter licensee.

(2) Intact female dogs or cats that are nursing puppies or kittens may be housed in a pet animal foster home until the puppies or kittens are weaned. Puppies or kittens shall be considered weaned once they are eating solid food and not nursing for five consecutive days. Puppies or kittens may remain unaltered in foster care only up to six months of age. Puppies and kittens at four months of age shall be considered adults and shall be counted as part of the 10 total dogs or cats that rescue network managers or animal shelter licensees may place at pet animal foster homes.

(j) The animal shelter licensee or rescue network manager shall process all documentation for each adoption, and all spay, and neuter deposits required by K.S.A. 47- 1731, and amendments thereto. Each intact dog, cat, puppy, or kitten shall be adopted directly from the animal shelter or, in the case of a rescue network, from the premises of the rescue network manager. Any altered dog, cat, puppy, or kitten may be adopted directly from the pet animal foster home only after all final adoption paperwork has been processed through the animal shelter or rescue network manager and all applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met by a licensed animal shelter. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2018 Supp. 47-1701, K.S.A. 2018 Supp. 47-1704, K.S.A. 2018 Supp. 47-1710, K.S.A. 47- 1712, and K.S.A. 2018 Supp. 47-1731; effective Nov. 17, 2017; amended Feb. 8, 2019.)

K.A.R. 9-18-29. Mobile adoption facilities. Once an animal shelter license or rescue network manager license has been obtained, the animal shelter licensee or the rescue network manager may host adoption events at a location other than the licensed premises if the requirements of all applicable statutes and regulations are met at the licensee's other locations. The animal shelter licensee or rescue network manager shall provide notice to the commissioner or the commissioner's authorized representative of the date and location of each adoption event at least five business days before the adoption event. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1704; effective Nov. 17, 2017.)

K.A.R. 9-18-30. Tethering of animals by boarding or training kennel operators. The tethering of dogs by boarding or training kennel operators for training purposes may be permitted for periods not to exceed two hours per interval and never to exceed a total of four hours per day. This tethering shall not adversely affect the welfare of the animal. (Authorized by and implementing K.S.A. 47- 1712; effective Nov. 17, 2017.)

K.A.R. 9-18-31. Euthanasia methods; prohibition. The following portion of the American veterinary medical association's document titled "AVMA guidelines for the euthanasia of animals: 2013 edition" is hereby adopted by reference: pages 5-102, excluding the section titled "references" on pages 84-97 and any portion that applies to any animal that is not an "animal" as defined in K.S.A. 47-1701 and amendments thereto. For the purposes of this document, the terms "animal" and "euthanasia" shall have the meanings specified in K.S.A. 47-1701, and amendments thereto.

Each licensee who euthanizes any animals shall follow the recommendations and guidelines for the handling and care of animals during the euthanasia process as identified in this document and shall use only the acceptable methods of euthanasia for a particular species to be euthanized specified in this document. Inhaled carbon monoxide shall not be used as a method of euthanasia of dogs and cats. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2015 Supp. 47-1718; effective April 29, 2016.)