

K.A.R. 9-18-23. Transfer, movement, adoption, or other permanent relocation of ~~feline immunodeficiency virus-positive cats~~ dogs or cats exhibiting signs of or diagnosed with a known infectious or contagious disease. (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~~ Dogs or cats housed within an animal shelter premises or rescue network premises and known to have a contagious or infectious disease, or that were exposed to a contagious or infectious disease, may be transferred, moved, or otherwise permanently relocated to another licensed animal shelter or licensed rescue network under the following conditions:

(1) ~~Confirms that the FIV-positive cat to be transferred, moved, adopted, or otherwise permanently relocated is a nonsymptomatic FIV-positive cat; and~~ The animal shelter or rescue network from where the dog or cat was originally located, and the animal shelter or rescue network receiving the relocated dog or cat shall be a licensee that does not have a pending agency proceeding pursuant to K.S.A. 47-1706 or K.S.A. 47-1707.

(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.~~ The relocation of the animal shall be in the best interest of the dog or cat being relocated.

(3) The receiving licensee shall take proper steps to minimize the risk of the disease spreading to animals located on the receiving licensee's premises.

(4) Prior to any relocation, the licensee receiving the dog or cat to be relocated shall obtain a written statement by the receiving licensee's attending veterinarian that contains the following provisions for each dog or cat:

(A) That the dog or cat will remain under the receiving licensee's attending veterinarian's treatment and supervision until the attending veterinarian determines the dog or cat is no longer contagious or infectious;

(B) best practices to prevent the spread of the disease;

(C) potential risks of the disease; and

(D) instructions regarding the manner in which to house the dog or cat including a requirement to house in a designated quarantine area that is adequate to prevent the spread of the contagious or infectious disease.

(5) Each licensee involved with the relocation of the dog or cat shall ensure that, within 24 hours after relocation of the dog or cat, the receiving licensee's attending veterinarian physically examines the dog or cat.

(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. Dogs or cats housed within an animal shelter premises or rescue network premises and known to have a contagious or infectious disease, or that were exposed to a contagious or infectious disease, may be housed with a pet animal foster home under the following conditions:

(1) The relocation shall be in the best interest of the dog or cat.

(2) The licensee utilizing the pet animal foster home shall be a licensee that does not have a pending agency proceeding pursuant to K.S.A. 47-1706 or K.S.A. 47-1707.

(3) The licensee shall obtain a written statement by its attending veterinarian that contains the following provisions for each dog or cat, and provide a copy of the statement to the pet animal foster home, prior to the relocation:

(A) That the dog or cat will remain under the licensee's attending veterinarian's treatment and supervision until the attending veterinarian determines the dog or cat is no longer contagious or infectious;

(B) best practices to prevent the spread of the disease;

(C) potential risks of the disease; and

(D) instructions regarding the manner in which to house the dog or cat including a requirement to house in a designated quarantine area that is adequate to prevent the spread of the contagious or infectious disease.

(E) Prior to relocation of each dog or cat, the licensee and the pet animal foster home shall enter into a written agreement that includes provisions stating that the pet animal foster home consents to allow inspection of the pet animal foster home premises by either the licensee or the commissioner or commissioner's authorized representatives to ensure compliance with this regulation; that the pet animal foster home will house the dog or cat in a designated quarantine area that is adequate to prevent the spread of the contagious or infectious disease to other animals, in accordance with written instructions the licensee obtains from its attending veterinarian.

(c) No dog or cat that was previously known or suspected to be infectious or contagious while housed at the licensed premises may be relocated via adoption to a member of the public until after the licensee housing the animal obtains a written statement from its attending veterinarian that expressly identifies the specific dog or cat as no longer contagious or infectious; provided however, that cats infected with feline immunodeficiency virus (FIV) and/or feline leukemia virus (FeLV) that are nonsymptomatic may be relocated via adoption to a member of the public if the licensee housing the animal performs the following prior to relocation:

(1) obtains a written statement from its attending veterinarian confirming that the FIV-positive and/or FeLV-positive cat to be adopted is nonsymptomatic;

(2) obtains a written statement by its attending veterinarian that states the symptoms, the risks, and the recommendations of how the cat should be housed to minimize the spread of the virus, and provides the written statement to the member of the public receiving the cat via adoption; and

(3) provides notice to the commissioner or the commissioner's authorized representative of the date and location to where the cat is relocated.

(d) No dog or cat with any of the following contagious or infectious diseases shall be relocated under this regulation:

(1) Brucellosis;

(2) Canine Influenza;

(3) Rabies;

(4) Tularemia;

(5) any disease designated as a reportable disease pursuant to K.A.R. 9-27-1 and amendments thereto; or

(6) any additional diseases as determined by an order by the commissioner.

(e) Prior to any relocation under this regulation, the licensee relocating the dog or cat shall ensure each dog or cat to be relocated is permanently identified by microchip, the documentation of which shall be maintained in accordance with this regulation.

(f) A separate list of all infectious or contagious animals that have been relocated under this regulation shall be kept by the licensed animal shelter or rescue network.

(g) All documents required under this regulation shall be maintained by each licensee involved in the relocation for three years and shall be made available upon request by the commissioner or commissioner's representative.

(h) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon finding that a licensee has failed to maintain or provide records required by this regulation or otherwise fails to comply with this regulation, may suspend such licensee's privilege to relocate dogs or cats under this regulation.

(i) 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 dogs or cats endangers the public health, including animal health or human health, this regulation may be temporarily suspended by order of the commissioner. (Authorized by and implementing K.S.A. 47-610, K.S.A. 47-622, K.S.A. 47-1712, and K.S.A. 47-1713; effective Dec. 20, 2019; amended _____.)