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**Proposed**

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

A public hearing will be conducted at 10:00 a.m., Monday, October 21, 2019, in the 1<sup>st</sup> floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations.

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

K.A.R. 9-18-23 – This new regulation would allow, under specified conditions, the transfer and adoption of feline immunodeficiency virus-positive (“FIV”) cats.

K.A.R. 9-23-1; 9-23-2; and 9-23-3 – These regulations should have been repealed when the rest of the Pet Animal Act regulations were updated last year. They previously regulated hobby kennel operators, but those operators are now subject to the general requirements contained in K.A.R. 9-18-4 through 9-18-31.

These regulations are not mandated by the federal government. However, this amendment will bring Kansas into alignment with neighboring states.

These regulations are not expected to enhance or restrict business activities but allowing the adoption of FIV cats will likely lower the number of infected cats that are euthanized in shelters and decrease the costs required by shelters to maintain such cats.

This regulation will likely decrease costs incurred by animal shelters. There is no reliable data on how many FIV cats are taken into shelters each year. Some shelters do not maintain data on FIV cats and other shelters can take in as many as 50 plus FIV cats each year. Currently, these cats cannot be permanently adopted, and for no kill shelters, the annual estimated cost to maintain a FIV cat is \$25 per day or \$9,125 per year, although this varies by shelter and the needs of any particular animal.

Animal shelters, rescue networks, animal foster homes, veterinary clinics, and any other persons or entities that may shelter or hold FIV cats will be directly affected by the proposed rule and regulation.

The proposed regulation will reduce the number of FIV cats that are euthanized and reduce the costs of animal shelters that choose to maintain these cats.

There are no implementation costs associated with this regulation because animal shelters

are already required to provide care for FIV cats (or euthanize them) and cannot permanently transfer them. Since animal shelters are already providing care to FIV cats, this regulation will reduce the care they provide and should only reduce costs.

It is not anticipated that this regulation will impose any additional functions or responsibilities upon cities, counties, or school districts.

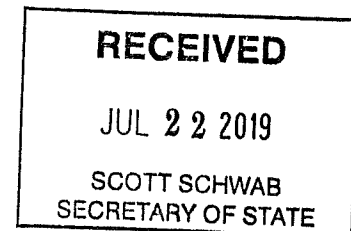
The agency received comments and feedback from local animal shelters and the Midwest Alliance for Animals, the United States Humane Society, and various individuals in support of allowing the adoption of FIV cats during the last update of our regulations and since then. After consulting with veterinarians at the Kansas State College of Veterinary Medicine, it was determined by the Animal Health Commissioner to allow transfer and adoption under the specified circumstances. The regulation was also reviewed and approved by the Pet Animal Advisory Board, representing all entities licensed under the Pet Animal Act.

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

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

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

Michael M. Beam  
Secretary  
Kansas Department of Agriculture



**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 P-  
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**9-23-1, 9-23-2 and 9-23-3.** (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; revoked P-\_\_\_\_\_.)

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Department of Agriculture  
Agency

Ronda Hutton  
Agency Contact

(785) 564-6715  
Contact Phone Number

K.A.R. 9-18-23; 9-23-1; 9-23-2; 9-23-3  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

K.A.R. 9-18-23 – This new regulation would allow, under specified conditions, the transfer and adoption of feline immunodeficiency virus-positive (“FIV”) cats.

K.A.R. 9-23-1; 9-23-2; and 9-23-3 – These regulations should have been repealed when the rest of the Pet Animal Act regulations were updated last year. They previously regulated hobby kennel operators, but those operators are now subject to the general requirements contained in K.A.R. 9-18-4 through 9-18-31.

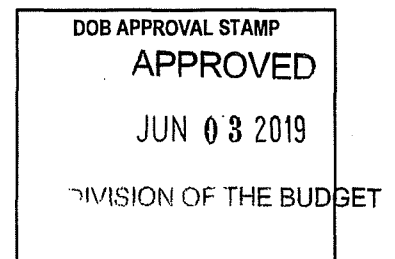
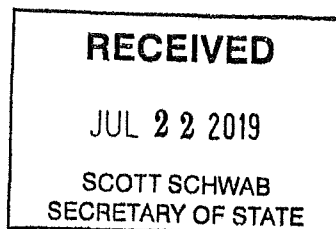
**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

These regulations are not mandated by the federal government. However, this amendment will bring Kansas into alignment with neighboring states.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

These regulations are not expected to enhance or restrict business activities but allowing the adoption of FIV cats will likely lower the number of infected cats that are euthanized in shelters and decrease the costs required by shelters to maintain such cats.



- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

This regulation will likely decrease costs incurred by animal shelters. There is no reliable data on how many FIV cats are taken into shelters each year. Some shelters do not maintain data on FIV cats and other shelters can take in as many as 50 plus FIV cats each year. Currently, these cats cannot be permanently adopted, and for no kill shelters, the annual estimated cost to maintain a FIV cat is \$25 per day or \$9,125 per year, although this varies by shelter and the needs of any particular animal.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Animal shelters, rescue networks, animal foster homes, veterinary clinics, and any other persons or entities that may shelter or hold FIV cats.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

Will reduce the number FIV cats that are euthanized and reduce the costs of animal shelters that choose to maintain these cats.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

None.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES  NO

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

There are no implementation costs associated with this regulation because animal shelters are already required to provide care for FIV cats (or euthanize them) and cannot permanently transfer them. Since animal shelters are already providing care to FIV cats, this regulation will reduce the care they provide and should only reduce costs.

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was**

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held, those in attendance, and any pertinent information from the hearing.

YES  NO

- G. **If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

All of these groups were provided copies of the proposed regulations and no comments were provided to the agency. It is not anticipated that this regulation will impose any additional functions or responsibilities upon cities, counties, or school districts.

- H. **Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency received comments and feedback from local animal shelters and the Midwest Alliance for Animals, the United States Humane Society, and various individuals in support of allowing the adoption of FIV cats during the last update of our regulations and since then. After consulting with veterinarians at the Kansas State College of Veterinary Medicine, it was determined by the Animal Health Commissioner to allow transfer and adoption under the specified circumstances. The regulation was also reviewed and approved by the Pet Animal Advisory Board, representing all entities licensed under the Pet Animal Act.

- I. **For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

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