

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., Wednesday, April 19, 2017, 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. 9-18-4 – Definitions** used in regulations.

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

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

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

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

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

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

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

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

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research facilities and pet shops.

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

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

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

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

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

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

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

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

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

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

**K.A.R. 9-18-23 – Adoption of feline immunodeficiency virus-positive cats.** This section allows for the adoption of feline immunodeficiency virus-positive cats to be adopted or transferred by authorization by the attending veterinarian for a licensed animal shelter. This regulation states that a written statement from the veterinarian must be obtained and kept on file explaining the symptoms, risks, and recommendations of how the cat will be housed to minimize the spread of the virus.

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

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

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

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

**K.A.R. 9-18-28 – Pet animal foster homes.** This section defines the requirements of pet animal foster homes utilized by rescue networks and shelters.

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

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

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

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

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

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

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

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

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

#### Economic Impact Statement:

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

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

These proposed regulations are not mandated by Federal Law.

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

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

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

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

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

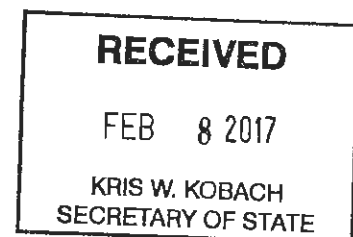
A number of proposed requirements were discussed in multiple meetings of the Kansas Pet Animal Advisory Board. The fees and other requirements in the proposed regulations are the result of these discussions.

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

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

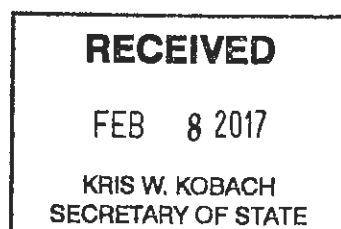
Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's Web site at [agriculture.ks.gov](http://agriculture.ks.gov). Comments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

Jackie McClaskey  
Secretary  
Kansas Department of Agriculture



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**K.A.R. 9-18-1.** (Authorized by and implementing K.S.A. 2004 Supp. 47-1721, as amended by 2005 SB 266, sec. 1; effective, T-9-7-22-89, July 27, 1989; amended Sept. 11, 1989; amended, T-9-7-1-91, July 1, 1991; amended, T-9-10-22-91, Oct. 22, 1991; amended Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996; amended, T-9-5-31-01, May 31, 2001; amended, T-9-9-27-01, Sept. 27, 2001; amended May 30, 2003; amended, T-9-7-1-05, July 1, 2005; amended Sept. 16, 2005; revoked P-\_\_\_\_\_.)



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K.A.R. 9-18-2 and 9-18-3. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1709;  
effective, T-9-7-1-03, July 1, 2003; effective Nov. 7, 2003; revoked P-\_\_\_\_\_.)

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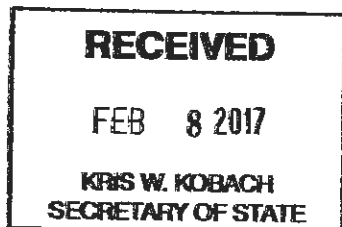
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**K.A.R. 9-18-4. Definitions.** For purposes of this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation:

- (a) "Act" means Kansas pet animal act, K.S.A. 47-1701, 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.



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(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

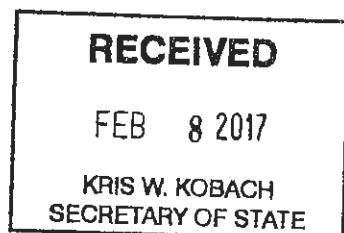
(4) ensuring compliance with this regulation and K.A.R. 9-18-28 by each pet animal foster home belonging to the rescue network.

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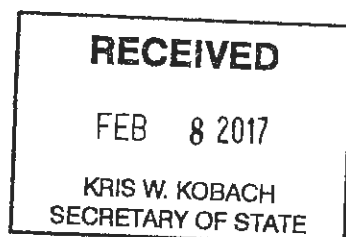
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**K.A.R. 9-18-5. Importing dogs and cats.** Dogs and cats shall not be imported into Kansas unless the dogs and cats are accompanied by a certificate of veterinary inspection issued by a licensed veterinarian, stating that each dog and cat meets the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



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**K.A.R. 9-18-6. Fees.** Each applicant for a license or permit and each applicant, licensee, or permittee 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. ....\$200.00

(b) License for an animal shelter:

(1) First-class city, as defined in K.S.A. 13-101, and amendments thereto, or any entity contracting with a first-class city .....\$300.00

(2) Second-class city, as defined in K.S.A. 14-101, and amendments thereto, or any entity contracting with a second-class city .....\$250.00

(3) Third-class city, as defined in K.S.A. 15-101, and amendments thereto, or any entity contracting with a third-class city ..... \$200.00

(4) License for a rescue network manager..... \$125.00

(5) License for a pet animal foster home under a licensed animal shelter or rescue network manager .....\$10.00

(6) All other types of animal shelter licenses .....\$200.00

(c) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq.....\$200.00

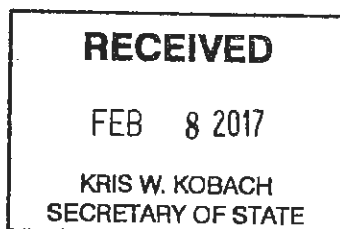
(d) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq. ....\$405.00

(e) License for an operator of a temporary pet shop:

(1) 1-7 sale days during license year ..... \$200.00

(2) 8-12 sale days during license year ..... \$350.00

(f) License for an operator of a pet shop .....\$405.00



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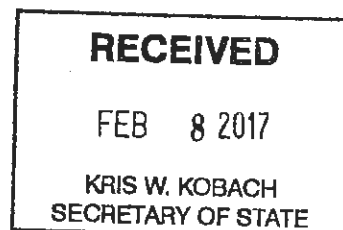
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(g) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq. ....	\$200.00
(h) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq. ....	\$405.00
(i) License for a hobby breeder or boarding or training kennel operator .....	\$95.00
(j) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq. ....	\$200.00
(k) Out-of-state distributor permit .....	\$650.00
(l) Temporary closing permit for a hobby breeder or training kennel operator .....	\$45.00
(m) Temporary closing permit for an animal shelter, animal breeder, animal distributor, retail breeder, pet shop, or research facility .....	\$95.00
(n) Inspection fee for each inspection performed upon request by a licensee, permittee, or applicant for a license or permit:	
(1) 49 or fewer adult animals on the premises.....	\$75.00
(2) 50-99 adult animals on the premises.....	\$100.00
(3) 100-149 adult animals on the premises.....	\$125.00
(4) at least 150 adult animals on the premises.....	\$150.00

For the purposes of subsection (n), except for adult dogs and cats, animals held in lots shall be counted as one animal. (Authorized by and implementing K.S.A. 2016 Supp. 47-1721; effective P-\_\_\_\_\_.)



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**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;

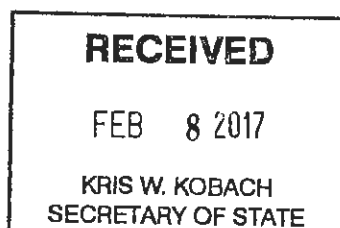
(iii) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and

(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

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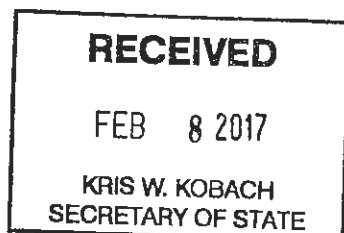
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**K.A.R. 9-18-8. Access to premises.** Each licensee shall, during business hours, provide the commissioner or the commissioner's representatives with access to the licensee's premises in order to take any of the following actions:

- (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 P-\_\_\_\_\_.)



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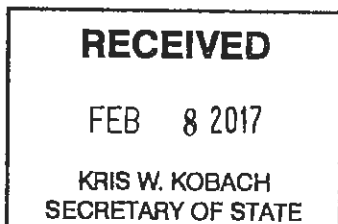
**K.A.R. 9-18-9. Inspections of premises.** (a) Each premises that is licensed or that the commissioner finds reasonable grounds to believe is required to be licensed under the act shall be subject to routine inspections by the commissioner or any of the commissioner's authorized representatives to determine compliance with the act and all applicable regulations.

(b) 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.

(c) 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.

(d) If the owner or operator of the premises is not routinely available between the hours of 7:00 A.M. and 7:00 P.M., the owner or operator shall designate a representative who will be present while the inspection is conducted and shall notify the commissioner in writing of the name of the designated representative. The designated representative shall be 18 years of age or older 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.



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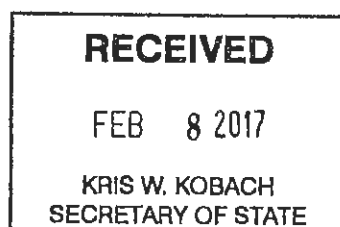
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(e) Any inspection to investigate allegations of violations adversely affecting the health, safety, and welfare of the animals may be conducted on any day of the week and at any hour deemed reasonably necessary by the commissioner.

(f) Prior notice of inspection dates shall not be required to be given to the owner or operator of the premises. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2016 Supp. 47-1709, K.S.A. 47-1733, and K.S.A. 47-1736; effective P-\_\_\_\_\_.)



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**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.

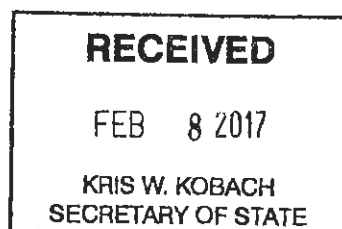
(1) The surfaces of each housing facility, including any houses, dens, fixtures, and objects in the housing facility that are similar to furniture, shall be constructed and maintained in a manner and made of materials that allow them to be readily cleaned and sanitized on a regular basis, or shall be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



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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.

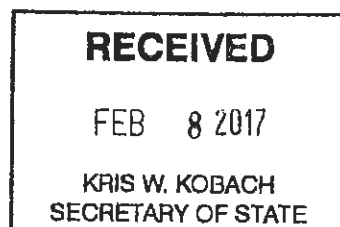
(d) Water and electric power. Each indoor housing facility or sheltered housing facility shall have electric power. Each outdoor housing facility shall have lighting and electric power that allows for animal husbandry as required under the act. Each housing facility shall have access to adequate potable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



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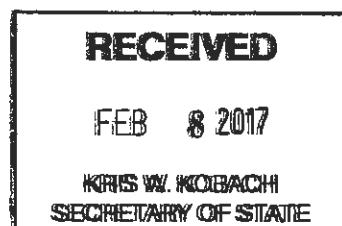
installed, and maintained in such a manner to avoid all foul odors and any backup of sewage.

(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 P-\_\_\_\_\_.)



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**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.

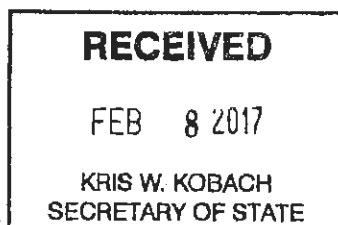
(b) Heating, cooling, and temperature. Each licensee operating an indoor housing facility or a sheltered housing facility shall ensure that the facility is sufficiently heated and cooled to protect and provide for the animals' health and well-being.

(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;



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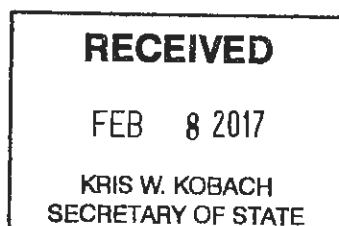
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(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

(C) any dog or cat that is sick, infirm, or of a young or an 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 P-\_\_\_\_\_.)



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**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:

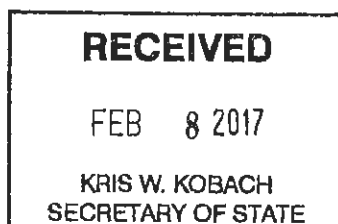
(A) Any dog or cat that is not acclimated to the temperatures prevalent in the area or whose acclimation status is unknown;

(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 an 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



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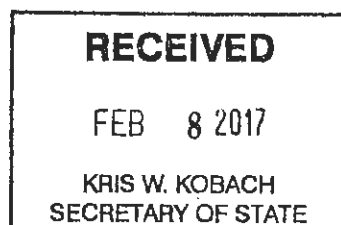
meet the following requirements:

(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 P-\_\_\_\_\_.)



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**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;

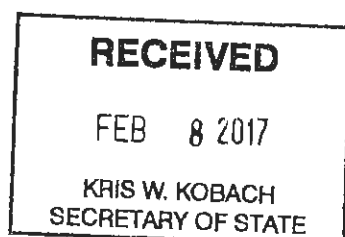
(2) provides sufficient shade to protect from direct sun all the animals housed in the primary enclosure simultaneously;

(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 nine-gauge wire or wire that is greater than 1/8 of an inch in diameter or shall be coated with plastic, fiberglass, or a comparable material. 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:



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(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 four square 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.

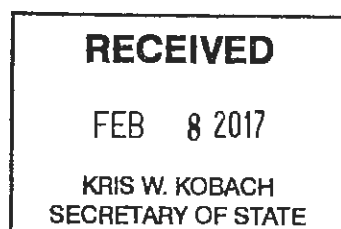
(E) The minimum floor space required by this subsection shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if the pan is cleaned and sanitized.

(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.



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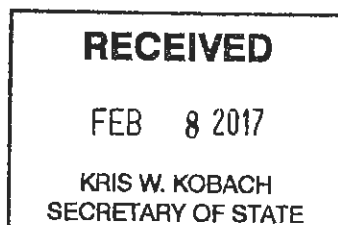
(A) The licensee shall provide a minimum amount of floor space for each dog housed in the primary enclosure, including each weaned puppy housed in a primary enclosure, using the following calculation: the length of the dog or puppy from the tip of the nose to the base of the tail in inches plus six inches, 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 P-\_\_\_\_\_.)



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**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.

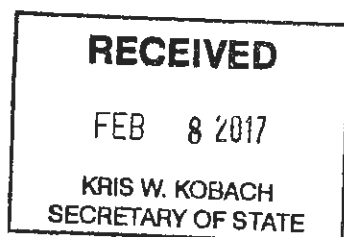
(2) The licensee shall sanitize all used primary enclosures and food and water receptacles for animals at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease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



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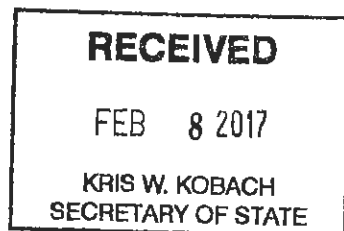
(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and

(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 P-\_\_\_\_\_.)



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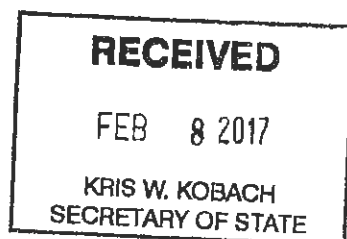
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**K.A.R. 9-18-15. Compatible grouping.** No licensee shall house any animals in groups that are incompatible, including incompatibility due to age, sexual status, aggressive disposition, breed, species, contagious disease, or any other reasons. (Authorized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



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**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 P-\_\_\_\_\_.)

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KRIS W. KOBACH  
SECRETARY OF STATE

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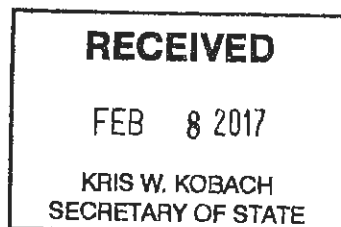
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**K.A.R. 9-18-17. Feeding and watering.** (a)(1) Each licensee shall meet the “adequate feeding” requirements as defined in K.S.A. 47-1701, and amendments thereto. Each licensee shall feed all animals as appropriate to species and age. All cats and 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 P-\_\_\_\_\_.)



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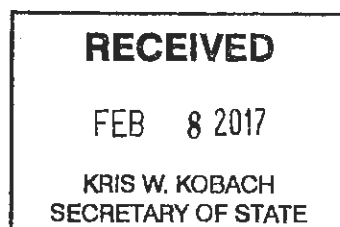
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**K.A.R. 9-18-18. Contingency planning.** Each licensee shall develop, document, and follow a written contingency plan to provide for the humane handling, treatment, transportation, housing, and care of the animals on the premises if an emergency or 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 P-\_\_\_\_\_.)



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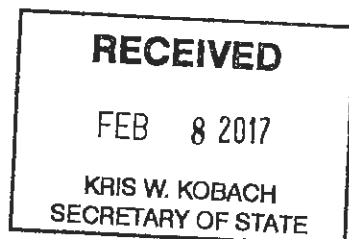
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**K.A.R. 9-18-19. Employees and volunteers.** Each licensee shall employ enough individuals to provide the level of husbandry practices and care required by the act and this article of the department's regulations. Each employee or volunteer who provides 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 P-\_\_\_\_\_.)



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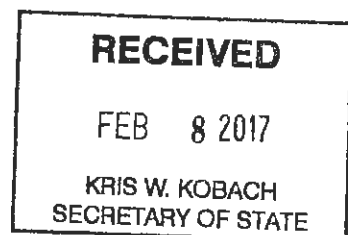
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**K.A.R. 9-18-20. Age of animal.** A licensee shall not sell, exchange, or adopt any animal if the animal is at an age at which doing so would be detrimental to the animal's health or well-being. No puppy or kitten may be sold, exchanged, or adopted 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 P-\_\_\_\_\_.)



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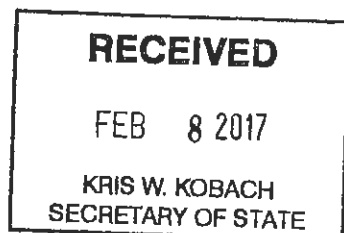
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**K.A.R. 9-18-21. Adequate veterinary medical care.** Each licensee shall have an attending veterinarian who provides the licensee's animals with "adequate veterinary medical care," as defined in K.S.A. 47-1701 and amendments thereto. (Authorized by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



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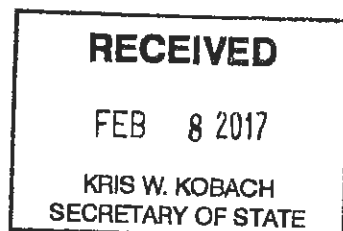
**K.A.R. 9-18-22. Exercise.** (a) Each licensee shall develop, document, and follow a plan to provide dogs over 12 weeks of age, except bitches with litters, with the opportunity for exercise. The plan shall include written standard procedures. Forced exercise devices shall be strictly prohibited. If 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 P-\_\_\_\_\_.)



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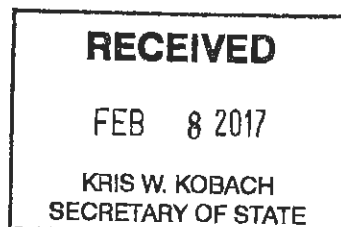
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**K.A.R. 9-18-23. Adoption of feline immunodeficiency virus-positive cats.** The attending veterinarian for a licensed animal shelter or rescue network may authorize the adoption or transfer of any nonsymptomatic feline immunodeficiency virus-positive (FIV-positive) cat. The animal shelter licensee or rescue network manager shall obtain a written statement from the veterinarian authorizing the adoption of the cat and stating the symptoms, risks, and recommendations of how the cat will be housed to minimize the spread of the virus. A copy of the written opinion shall be maintained with the disposition records of the FIV-positive cat and shall be made available to the commissioner or the commissioner's representatives upon request. (Authorized by and implementing K.S.A. 47-1712; effective P-\_\_\_\_\_.)



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**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:

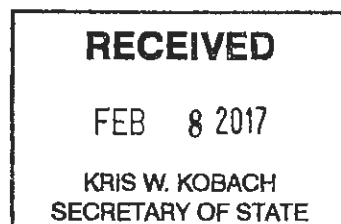
(a) All references to “the administrator,” “APHIS,” “pertinent funding federal agency,” and “USDA officials” shall be deemed to refer to the commissioner.

(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 P-\_\_\_\_\_.)



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**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:

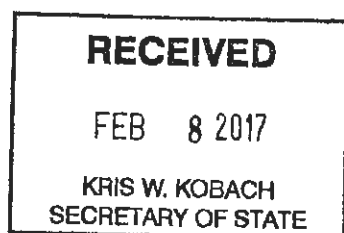
“As with many other animals, reptiles carry salmonella bacteria, which can make people sick. To reduce the chance of infection, follow these safe reptile-handling steps:

“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



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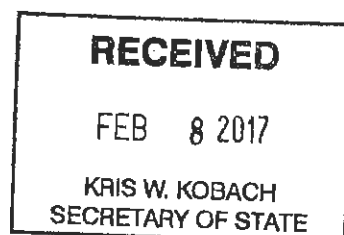
parental guidance, and they should wash their hands afterwards.”

(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

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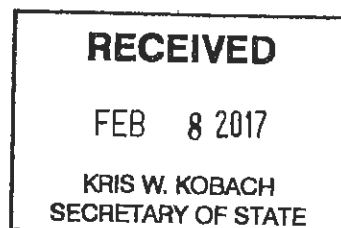
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**K.A.R. 9-18-26. Animal research facilities.** Each animal research facility shall meet all requirements of K.A.R. 9-18-10 through 9-18-15, K.A.R. 9-18-17, K.A.R. 9-18-20, and K.A.R. 9-18-22, unless differing conditions are needed for legitimate research 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 P-\_\_\_\_\_.)



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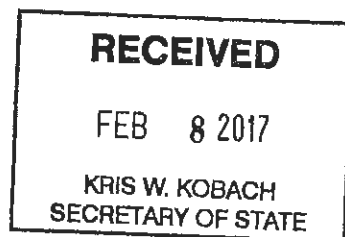
**K.A.R. 9-18-27. Rescue networks.** (a) An application form for a rescue network manager license shall be provided by the commissioner at the request of any individual seeking a license as a rescue network manager. The individual shall submit the completed application and the license fee to the commissioner.

(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.



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(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.

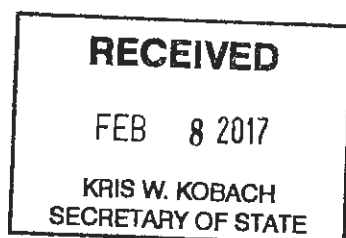
(f) Each rescue network manager shall process all documentation for each adoption of a dog or cat in the custody of the rescue network and for all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. A copy of each of these documents shall be kept at the premises of the rescue 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-



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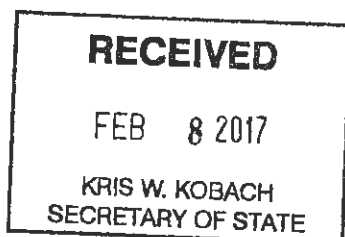
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1704, K.S.A. 2015 Supp. 47-1710, K.S.A. 47-1712, and K.S.A. 2015 Supp. 47-1731; effective

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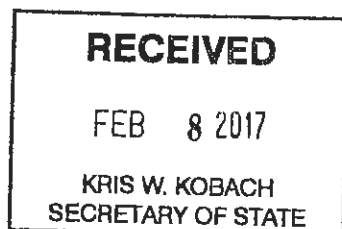
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**K.A.R. 9-18-28. Pet animal foster homes.** (a) Rescue networks and animal shelters may utilize pet animal foster homes. Rescue networks and animal shelters shall require each of their prospective pet animal foster homes to sign a pet animal foster home agreement with the supervising rescue network or animal shelter.

(1) Each pet animal foster home utilized by a rescue network or animal shelter shall receive an initial on-site inspection as well as an annual on-site inspection by the rescue network manager or animal shelter representative. During the on-site inspection, the rescue network manager or animal shelter licensee shall determine the pet animal foster home's compliance with applicable housekeeping, sanitation, and husbandry standards pursuant to training provided by the commissioner. The pet animal foster home agreement and documentation of on-site inspections shall be kept by the rescue network manager or animal shelter licensee and shall be made available to the commissioner or the commissioner's representatives upon request.

(2) 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. At the beginning of each license year, each rescue network and animal shelter that utilizes pet animal foster homes shall submit an application and license fee for each pet animal foster home being utilized. All license fees submitted at the beginning of a license year shall be submitted as a single payment. During the license year, each rescue network manager and animal shelter licensee shall submit an application and license fee for any pet animal foster home to be utilized for which an application with the license fee was not submitted at the beginning of each license year. No rescue network



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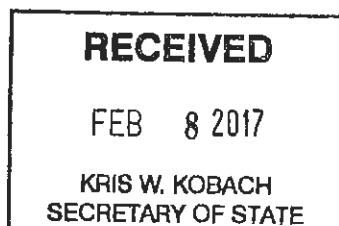
or animal shelter shall utilize a pet animal foster home until the pet animal foster home has been issued a license.

(3) 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.

(b) A pet animal foster home shall not foster dogs or cats for more than one animal shelter or rescue network at the same time.

(c) 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 pet animal foster home shall 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.

(d) A pet animal foster home shall not directly accept stray dogs or cats or any animal relinquished by its owner. Each pet animal foster home licensee 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



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amendments thereto, have been met.

(e) A pet animal foster home shall not foster more than 10 adult animals at the same time.

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

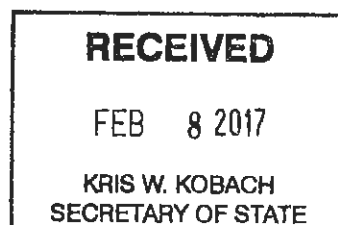
(A) Any adult animal that is a personal pet of the pet animal foster home caretaker; and

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

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

(g) A pet animal foster home licensee shall not house any intact dog or cat six months of age or older unless spaying or neutering is contraindicated by a licensed veterinarian. If a veterinarian 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.

(h) 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



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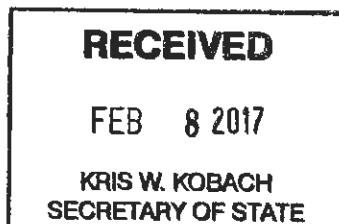
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foster home only after all final adoption paperwork has been processed through the animal shelter or rescue network manager and all applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met by a licensed animal shelter.

(i) Each animal placed with a pet animal foster home shall be evaluated every 180 days by the animal shelter licensee or rescue network manager to determine whether the animal should be returned to the animal shelter or should remain in the care of the pet animal foster home. The records of the animal shelter or rescue network manager and the pet animal foster home shall reflect the date on which the dog or cat was evaluated, the reason for the animal to remain in a pet animal foster home, and the name of the person at the animal shelter or rescue network who made the decision.

(j) Dogs or cats shall not remain in the care of one or more pet animal foster homes for more than 12 months without written permission from the commissioner. Each animal shelter licensee or rescue network manager wanting to maintain a dog or cat in the care of a pet animal foster home beyond 12 months shall send a written request to the commissioner stating the reasons for the request.

(k) Pet animal foster home licenses shall not be transferable. (Authorized by K.S.A. 47-1712; 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 P-\_\_\_\_\_.)



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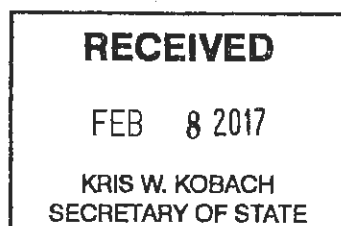
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**K.A.R. 9-18-29. Mobile adoption facilities.** Once an animal shelter license or rescue network manager license has been obtained, the animal shelter licensee or the rescue network manager may host adoption events at a location other than the licensed 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 P-\_\_\_\_\_.)



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**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 P-\_\_\_\_\_.)

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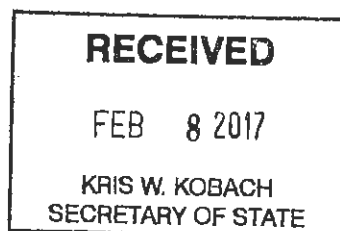
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**Proposed**

**K.A.R. 9-19-12.** (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-03, July 1, 2003; effective Oct. 31, 2003; revoked P-\_\_\_\_\_.)



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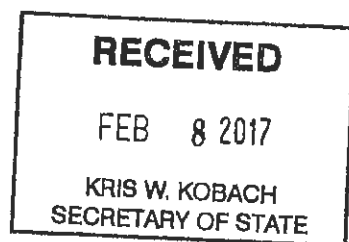
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**Proposed**

**K.A.R. 9-20-1, 9-20-2, and 9-20-3.** (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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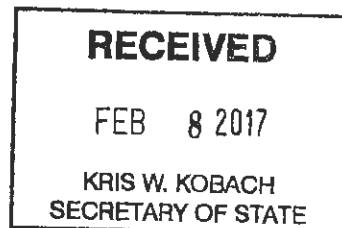
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DEPT. OF ADMINISTRATION

**Proposed**

**K.A.R. 9-20-4.** (Authorized by K.S.A. 1998 Supp. 47-1712; implementing K.S.A. 1998 Supp. 47-1713; effective Feb. 26, 1999; revoked P-\_\_\_\_\_.)



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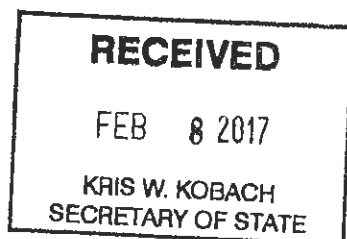
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**Proposed**

**K.A.R. 9-21-1, 9-21-2, and 9-21-3.** (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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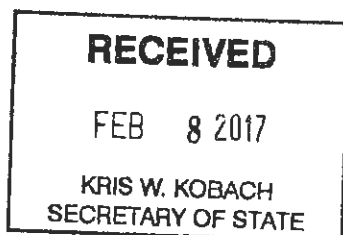
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**Proposed**

**K.A.R. 9-22-1, 9-22-2, and 9-22-3.** (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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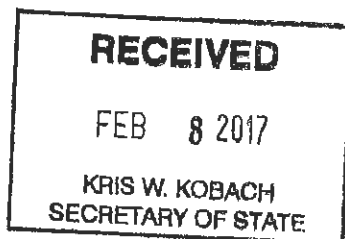
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**K.A.R. 9-22-4 and 9-22-5.** (Authorized by K.S.A. 47-1712 and 47-1731; implementing K.S.A. 47-1701, 47-1704, 47-1710, 47-1712, and 47-1731; effective, T-9-5-31-01, May 31, 2001; effective, T-9-9-27-01, Sept. 27, 2001; effective May 30, 2003; amended, T-9-7-1-03, July 1, 2003; amended Sept. 19, 2003; revoked P-\_\_\_\_\_.)



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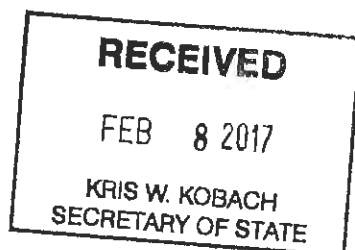
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**K.A.R. 9-24-1, 9-24-2, and 9-24-3.** (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; revoked P-\_\_\_\_\_.)



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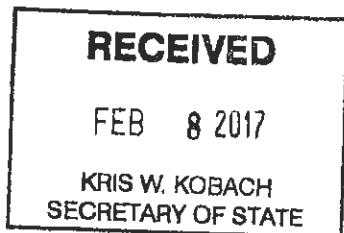


**Proposed**

**K.A.R. 9-25-1, 9-25-2, 9-25-3, and 9-25-4.** (Authorized by and implementing K.S.A. 1995

Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996;

effective Nov. 15, 1996; revoked P-\_\_\_\_\_.)



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**K.A.R. 9-25-5 and 9-25-6.** (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003; revoked P-\_\_\_\_\_.)

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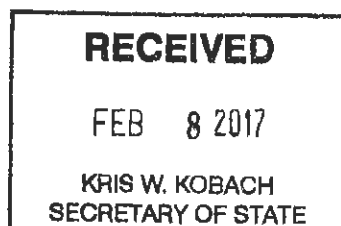
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K.A.R. 9-25-7, 9-25-8, 9-25-9, 9-25-10, and 9-25-11. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-\_\_\_\_\_.)



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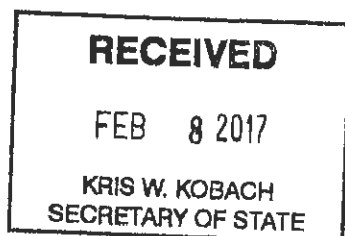
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**K.A.R. 9-25-12.** (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Nov. 7, 2003; revoked P-\_\_\_\_\_.)



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**K.A.R. 9-25-13, 9-25-14, and 9-25-15.** (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; revoked P-\_\_\_\_\_.)

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## KANSAS DEPARTMENT OF AGRICULTURE IMPACT STATEMENT

### Proposed Regulations

K.A.R. 9-18-4 through K.A.R. 9-18-30 (New)  
K.A.R. 9-18-1 through K.A.R. 9-18-3 (Revoked)  
K.A.R. 9-19-12 (Revoked)  
K.A.R. 9-20-1 through K.A.R. 9-20-4 (Revoked)  
K.A.R. 9-21-1 through K.A.R. 9-21-3 (Revoked)  
K.A.R. 9-22-1 through K.A.R. 9-22-5 (Revoked)  
K.A.R. 9-24-1 through K.A.R. 9-24-3 (Revoked)  
K.A.R. 9-25-1 through 9-25-15 (Revoked)

#### I. Summary of Proposed Regulations, Including Its Purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**K.A.R. 9-18-23 – Adoption of feline immunodeficiency virus-positive cats.** This section allows for the adoption of feline immunodeficiency virus-positive cats to be adopted or transferred by authorization by the attending veterinarian for a licensed animal shelter. This regulation states that a written statement from the veterinarian must be obtained and kept on file explaining the symptoms, risks, and recommendations of how the cat will be housed to minimize the spread of the virus.

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

**K.A.R. 9-18-25 – Prohibiting the sale or gift of certain animals by pet shops.** This section states the sale of reptiles shall not be conducted unless the business has posted signs regarding safe reptile-handling practices. It also states pet shops shall not sell, offer for sale, or offer as a

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gift or promotional consideration any viable turtle eggs or live turtles with a carapace length of less than four inches.

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

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

**K.A.R. 9-18-28 – Pet animal foster homes.** This section defines the requirements of pet animal foster homes utilized by rescue networks and shelters.

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

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

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

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

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

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

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

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

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

## **II. Reason or Reasons The Proposed Regulations Are Required, Including Whether Or Not The Regulations Are Mandated By Federal Law.**

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

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

These proposed regulations are not mandated by Federal Law.

## **III. Anticipated Economic Impact Upon The Kansas Department Of Agriculture.**

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

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

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

#### **IV. Anticipated Financial Impact Upon Other Governmental Agencies And Upon Private Business Or Individuals.**

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

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

#### **V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And the Reason For Rejection.**

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

#### **VI. Environmental Impact**

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

