

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

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

(b) "Adopt" means the sale or gift of an animal to an end consumer.

~~(b)~~ (c) "Adult animal" means a dog or cat that is four months of age or older.

(d) "Attending veterinarian" means a veterinarian licensed in Kansas that establishes and supervises the documented program of disease control and prevention, euthanasia, and routine veterinary care and documents its annual on-site visit to the premises on the form provided by the commissioner described in K.S.A. 47-1701 *et seq.*, and amendments thereto, for "adequate veterinary medical care."

(e) "Business day" means any day a licensee holds themselves open to the public, including weekends and holidays.

(f) "Communicable disease" means an infectious disease that is transmissible by contact with infected animals or their bodily discharges or fluids, by contact with contaminated surfaces or objects, by ingestion of contaminated food or water, or by direct or indirect contact with disease vectors.

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

(f) (j) “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) (k) “Pet animal foster home” means the ~~licensed~~ Kansas 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 manager that is licensed by the state of Kansas.

(l) “Resale” means a sale of animals in Kansas, that the person previously obtained via sale from another person to an end consumer or to someone else further down the chain of distribution.

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

(i) (n) “Rescue network manager” means the ~~designated by a rescue network to be~~ person 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 K.A.R. 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)~~ (o) "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)~~ (p) "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)~~ (q) "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)~~ (r) "U.S.D.A." means United States department of agriculture.

(s) "Veterinary client relationship" means:

(1) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment, and the client, owner or other caretaker has agreed to follow the instruction of the veterinarian;

(2) there is sufficient knowledge of the animal or animals by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal or animals. This means that the veterinarian has recently seen or is personally acquainted with the keeping and care of the animal or animals by virtue of an examination of the animal or animals, or by

medically appropriate and timely visits to the premises where the animal or animals are kept, or

both; and

(3) the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. (Authorized by and implementing K.S.A. 2016

Supp. 47-607d and K.S.A. 47-1712; effective Nov. 17, 2017; amended P-\_\_\_\_\_.)

**K.A.R. 9-18-21. Adequate veterinary medical care.** (a) 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.

(b) Each written program of veterinary care documented on the form provided by the commissioner in the definition of "adequate veterinary medical care" in K.S.A. 47-1701 et seq., and amendments thereto, shall comply with the following requirements:

(1) Be established and supervised by the attending veterinarian;

(2) be signed by the attending veterinarian on the date of the on-site visit to the licensee's premises by the attending veterinarian as required in order to meet the definition of "adequate veterinary medical care" as provided for in K.S.A. 47-1701, and amendments thereto;

(3) be certified by the attending veterinarian that the on-site visit was conducted as required in order to meet the definition of "adequate veterinary medical care" as provided for in K.S.A. 47-1701, and amendments thereto, and that the veterinarian approves of the written program; and

(4) specify each protocol the licensee is required to follow, including the following protocols:

(A) conducting complete physical examinations of each adult dog and cat owned by the licensee;

(B) conducting complete physical examinations of each dog or cat under four months of age by a licensed veterinarian before the sale or gift of the animal;

(C) scheduling vaccinations of dogs and cats against contagious, infectious, or communicable diseases;

(D) scheduling tests and treatment for external parasites, internal parasites and other diseases;

(E) observing each of the licensee's animals at least once daily or more often as necessary to ensure the health, safety and welfare of each animal, unless otherwise specified by the attending veterinarian;

(F) proving preventative care and treatment of dogs and cats to ensure healthy and unmatted hair coats, properly trimmed nails, and healthy and clean eyes, ears, skin, and teeth, unless otherwise specified by the attending veterinarian;

(G) identifying and treating minor illnesses and injuries the attending veterinarian has approved to be treated by the licensee without direct supervision of a licensed veterinarian, with specifications as to symptoms of animal illnesses or injuries the attending veterinarian deems the licensee capable of evaluating, monitoring, and treating without the direct supervision of a licensed veterinarian, and guidance relating to stages of progression of the minor illnesses or injuries that require the licensee to seek direct supervision by a licensed veterinarian for evaluation, monitoring, and treatment; and

(H) implementing procedures in the event of a disease outbreak on the premises to minimize disease spread.

(c)(1) The on-site visit documented on the form provided by the commissioner for the definition of "adequate veterinary medical care" in K.S.A. 47-1701, and amendments thereto, shall indicate that the attending veterinarian conducted a complete physical examination of each dog or cat on the premises at the time of the on-site visit, and

(2) for licensees that breed dogs or cats, the form shall certify that the attending veterinarian has deemed all dogs or cats fit for breeding or alternatively, has identified each dog or cat that the attending veterinarian has determined is unfit for breeding or that requires breeding restrictions, with these restrictions specified.

(d) Each form provided by the commissioner for the definition of “adequate veterinary medical care” in K.S.A. 47-1701, and amendments thereto, shall become effective as of the date of the attending veterinarian’s on-site visit to the facility and shall become null and void after 12 months. Each licensee shall file a current form with the commissioner or commissioner’s representative not later than the date the previous form became null and void. (Authorized by and implementing K.S.A. 47-1712; effective Nov. 17, 2017; amended P-\_\_\_\_\_.)

**K.A.R. 9-18-23. Transfer, movement, adoption, or other permanent relocation of ~~feline immunodeficiency virus-positive cats~~ dogs or cats exhibiting signs of or diagnosed with a known infectious, contagious, or communicable disease.** (a) ~~The transfer, movement, adoption, or other permanent relocation of any feline immunodeficiency virus-positive cat (FIV-positive cat) from a licensed animal shelter or rescue network to another licensed animal shelter or rescue network and to a foster home or a member of the public shall be allowed if a veterinarian who has a veterinary-client-patient relationship with the animal shelter or rescue network where the FIV-positive cat is currently located performs the following~~ Any licensed animal shelter, pound, or rescue network manager that houses any dog or cat known to have a contagious, infectious, or communicable disease, known to have been exposed to a contagious, infectious, or communicable disease, showing symptoms of a contagious, infectious disease, or communicable disease, or otherwise suspected to have a contagious, infectious, or communicable disease, shall not transfer, move, or otherwise permanently relocate the dog or cat to the premises of another licensed animal shelter, pound, or rescue network manager unless the transfer is conducted under the following conditions:

(1) ~~Confirms that the FIV-positive cat to be transferred, moved, adopted, or otherwise permanently relocated is a nonsymptomatic FIV-positive cat~~ Each dog or cat shall remain under the receiving animal shelter, pound, or rescue network manager's licensed veterinarian's treatment and supervision until the licensed veterinarian determines that the dog or cat is no longer contagious, infectious, or communicable; 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 before any relocation under this regulation, the origin animal shelter, pound, or rescue network manager shall ensure that the animal's complete record, including any medical records, are provided to the receiving animal shelter, pound, or rescue network manager.

(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. Each dog or cat housed at an animal shelter, pound, or rescue network premises that is known to have a contagious, infectious, or communicable disease, that was exposed to a contagious, infectious, or communicable disease, is showing symptoms of a contagious, infectious, or communicable disease, or is otherwise suspected to have a contagious, infectious, or communicable disease, shall not be housed with a pet animal foster home unless each of the following additional conditions are met:

(1) The veterinarian having a valid veterinary-client-patient relationship (VCPR) with a licensed animal shelter or rescue network shall provide the receiving foster care provider with a written treatment plan;

(2) The veterinarian having a valid VCPR with the licensed animal shelter or rescue network shall provide the receiving foster care provider with a written statement of the exposure risk to other animals while caring for an infected dog or cat. This statement shall emphasize the importance of quarantining each dog or cat to prevent further exposure; and

(3) A copy of the written treatment plan and the written risk exposure statement shall be signed by both parties and retained by the animal shelter or rescue network manager for three years after the date of adoption.

(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~~ Once the dog or cat is no longer considered to be contagious, infectious, or communicable by the veterinarian, having a valid VCPR with the animal shelter or rescue network, the dog or cat may then be adopted out to the public.

(d) Before relocation of each dog or cat to the pet animal foster home, each animal shelter, pound, or rescue network manager shall enter into a written agreement with the pet animal foster home that includes the following provisions:

(1) A statement that the pet animal foster home consents to allow inspection of the pet animal foster home premises by the animal shelter, pound, or rescue network's manager to ensure compliance with this regulation;

(2) a statement that the pet animal foster home shall house the dog or cat in a designated quarantine area that is adequate to prevent the spread of the contagious, infectious, or communicable disease to other animals, in accordance with written instructions the licensee obtains from its licensed veterinarian; and

(3) a statement that the pet animal foster home consents to inspection of the pet animal foster home premises by the commissioner or commissioner's authorized representatives in the event an animal disease control investigation becomes necessary.

(e) Any animal shelter, pound, or rescue network manager may relocate cats infected with feline immunodeficiency virus (FIV) or feline leukemia virus (FeLV) via adoption to a member of the public if the animal shelter, pound, or rescue network manager performs the following before relocation:

(1) Obtains a written statement from its licensed veterinarian confirming that the FIV-positive or FeLV-positive cat to be adopted is asymptomatic; and

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

(f) The animal shelter, pound, rescue network shall maintain the documents required under this regulation for three years after the date of the adoption and shall be made available upon request by the commissioner or commissioner's representative.

(g) No licensed animal shelter, pound, or rescue network manager shall relocate any dog or cat with any of the following contagious, infectious, or communicable diseases:

(1) brucellosis;

(2) canine Influenza;

(3) rabies;

(4) tularemia;

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

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

(g) An animal shelter, pound, or rescue network manager shall not receive relocated dogs or cats under this regulation unless the receiving animal shelter, pound, or rescue network manager involved in the relocation is not a party to a pending agency adjudicative proceeding or judicial review initiated by the commissioner to determine violations of the Kansas pet animal act or Kansas animal health statutes pursuant to K.S.A. 47-1706(a), and amendments thereto, or K.S.A. 47-1707, and amendments thereto.

(h) Each licensed animal shelter, pound, or rescue network manager shall maintain a list identifying all animals relocated under this regulation.

(i) Each licensed animal shelter, pound, or rescue network manager shall maintain the documents required under this regulation for three years. The documents shall be made available upon request by the commissioner or commissioner's representative.

(j) If any animal shelter, pound, or rescue network manager has failed to comply with this regulation, the commissioner may suspend the privilege to relocate dogs or cats under this regulation. The commissioner may impose this suspension in addition to or in lieu of any other civil or criminal penalty provided by law.  
(k) Nothing in this regulation shall prevent the commissioner from issuing an order suspending this regulation if the commissioner determines that the continued transfer, movement, gift, sale, or other permanent relocation of dogs or cats under this regulation endangers the public health or welfare, including animal health or human health. (Authorized by and implementing K.S.A. 47-610 and K.S.A. 47-622; amended P-\_\_\_\_\_.)

**K.A.R. 9-18-31. Euthanasia methods; prohibition.** (a)(1) The following portion of The American veterinary medical association's document titled "AVMA guidelines for the euthanasia of animals: ~~2013~~ 2020 edition" is hereby adopted by reference: pages ~~5-102~~ 4-121, excluding the section titled "references" on pages ~~84-97~~ 100-109 and any portion that applies to any animal that is not an "animal" as defined in K.S.A. 47-1701 and amendments thereto.

(2) For the purposes of this document, the terms "animal" and "euthanasia" shall have the meanings specified in K.S.A. 47-1701, and amendments thereto.

(3) Subject to the requirements of subsection (b), each animal control officer or ~~Each~~ licensee who euthanizes any animals shall follow the recommendations and guidelines for the handling and care of animals during the euthanasia process as identified in this document and shall use only the acceptable methods of euthanasia for a particular species to be euthanized specified in this document.

(b) Inhaled carbon monoxide shall not be used as a method of euthanasia of dogs and cats. (Authorized by K.S.A. 47-1712; implementing K.S.A. ~~2015 Supp.~~ 47-1718; effective April 29, 2016; amended P-\_\_\_\_\_.)

**K.A.R. 9-18-32. Notifications Required by Licensees** (a) Not later than 14 days after a change in a licensee's contact information, licensees shall provide the updated contact information to the commissioner commissioner's representative.

(b) Not later than 14 days before maintaining a total number of adult animals on a premises higher than the number set forth in a licensee's license or permit application, or than the number most recently approved by the commissioner or commissioner's representative in writing, a licensee shall notify the commissioner or commissioner's representative in writing of the maximum number of animals the licensee intends to maintain on the licensee's premises. The licensee shall receive approval by the commissioner or commissioner's representative in writing.

(3) Not later than 14 days before closing a facility, a licensee shall notify the commissioner or commissioner's representative in writing of the licensee's intent to close and the date of intended closure. If advance notice is not possible due to extenuating circumstances, licensees shall notify the commissioner not later than the date licensed activity ceases.

(b) Licensees shall notify each prospective pet animal foster home it utilizes, and each person to whom the licensee sells an animal, of any known, suspected or reasonably ascertainable behavioral or medical condition of the animal being placed or transferred before the time of both physical transfer and any legal transfer. (Authorized by and implementing K.S.A. 47-1712; effective P-\_\_\_\_\_.)

**K.A.R. 9-18-33. Initial and Renewal License and Permit Applications** (a) Before the approval of any initial or renewal license or permit application, the applicant shall submit a sufficient application to the commissioner or commissioner's representative on a form provided by the commissioner. A sufficient application is an application that includes at least the following complete information without error or omission:

(1) For individual applicants, the applicant's legal name, phone number, and mailing address, and for applicants that are not individuals, the name of the representative authorized to fully act on behalf of the applicant;

(2) the legal address of the premises for which the applicant seeks a license or permit;

(3) current documentation required to meet the definition of "adequate veterinary medical care" as set forth in K.S.A. 47-1701(dd)(1), and amendments thereto, and K.A.R. 9-18-4, and amendments thereto, unless the applicant is exempted under the act from that requirement;(4) written contingency plan, as required by K.A.R. 9-18-18;

(5) fee required for the license or permit type, as required by K.A.R. 9-18-6;

(6) certification that the applicant has read and understands all provisions of the act and this article of the department's regulations; and

(7) certification that no local ordinance or other law prohibit the premises for which the applicant seeks a license or permit from operating in accordance with the license or permit that is being applied for.

(b)(1) Each licensee wanting to renew a license or permit for the subsequent license year shall submit a renewal application to the commissioner before the end of the license period for which a current license or permit has been issued.

(2) Licensees seeking renewal of a current license or permit for the subsequent license year, as defined in K.S.A. 47-1701(r), and amendments thereto, shall submit a renewal application beginning on August 1 and before October 1 of the license year for which a license or permit has been issued.

(3) If the commissioner does not receive a complete renewal application on or before September 30 of the license year for which a license or permit has been issued, the late fee established in K.A.R. 9-18-6 shall be assessed for any renewal applications the commissioner receives from October 1 – October 14 of the subsequent license year for which a renewal application is made.

(4) If the commissioner does not receive a renewal application on or before October 14 of the license year, then the license or permit previously issued shall be considered to have automatically terminated without notice to the licensee. The owner of the premises shall be required to reapply for any license or permit that was terminated pursuant to this subsection and shall be required to:

- (A) Pay the fee for the new permit or license application;
- (B) pass an initial inspection; and
- (C) pay any past due fees before the new license or permit shall be issued.

(c) Except as otherwise permitted under the Kansas pet animal act, K.S.A. 47-1701 et seq., and amendments thereto, or this article of the department's regulations, licensees shall not maintain an animal at any premises located at an address other than the address at which the commissioner has issued a license or permit, unless the animal is the licensee's personal pet or has been designated as the personal pet of another person and being temporarily housed on the licensee's premises.

(d) A licensee shall not assign or otherwise transfer the license or permit to any other person. (Authorized by and implementing K.S.A. 47-1712; effective P-\_\_\_\_\_.)

**K.A.R. 9-18-34. Dogs and cats; spaying or neutering prior to transfer.** (a) A licensed pound or animal shelter in Kansas may transfer permanent custody of any unaltered dog or cat to another licensed pound, animal shelter, or rescue network within the state without written approval from the commissioner.

(b) A licensed pound or animal shelter may transfer permanent custody of any unaltered dog or cat to an out-of-state animal shelter or rescue network with written approval from the commissioner under the following conditions:

(1) the destination state shall have a licensing program that licenses animal shelters and/or rescue networks;

(2) the destination state shall prohibit animal shelters or rescue networks from permanently transferring unaltered dogs or cats unless a veterinarian determines a medical reason contraindicates the alteration;

(3) the animal shelter or rescue network shall be licensed and in good standing in the state of licensure;

(4) the licensed animal shelter or rescue network seeking to permanently relocate any unaltered dog or cat shall submit a request to the commissioner or to the commissioner's authorized representatives, in writing, requesting permission to transfer permanent custody of any unaltered dog or cat to the licensed, out-of-state animal shelter or rescue network; and

(5) the licensed animal shelter or rescue network seeking to permanently relocate any unaltered dog or cat shall receive written permission from the commissioner prior to the physical transfer of the animal. (Authorized under K.S.A. 47-1731(c); effective P-\_\_\_\_\_.)