

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

A public hearing will be conducted at 10:00 a.m., Monday, October 21, 2019, in the 1st 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. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

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

K.A.R. 9-23-1; 9-23-2; and 9-23-3 – These regulations should have been repealed when the rest of the Pet Animal Act regulations were updated last year.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

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

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

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

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

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

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

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

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

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

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

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

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

Michael M. Beam
Secretary
Kansas Department of Agriculture