ENROLLED SENATE
BILL NO. 618

BY: KERR, GUSTAFSON and HELTON of the SENATE

and

LEIST, SMITH (Dale) and HILLIARD of the HOUSE

AN ACT RELATING TO AGRICULTURE; AMENDING 2 O.S. 1991, SECTIONS 1-3, 6-121 AND 6-124, WHICH RELATE TO DEFINITIONS AND THE QUARANTINING OF LIVESTOCK; EXPANDING DEFINITIONS TO INCLUDE CERTAIN ANIMALS; OMITTING CERTAIN ANIMALS FROM DEFINITION OF "LIVESTOCK" AND "ANIMALS"; PROVIDING FOR WAIVER OF QUARANTINE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1-3, is amended to read as follows:

Section 1-3. For the purposes of this act and as used herein, unless the context indicates otherwise:

(a) "Code" shall mean this act as originally enacted and hereafter amended;

(b) "Department" shall mean the State Department of Agriculture;

(c) "Board" shall mean the State Board of Agriculture;

(d) "President" shall mean the President of the State Board of Agriculture and shall also be designated as the Commissioner of Agriculture;

(e) "Director" shall mean the Director of the division indicated in the State Department of Agriculture;

(f) "Authorized agent" shall mean a person who has been authorized by the State Board of Agriculture to act on its behalf in making investigations or inspections or in performing other services or in doing any particular act or acts which have been vested by this act in the State Board of Agriculture; and a written or printed commission signed by the President of the State Board of Agriculture shall be accepted by all persons that the holder thereof has lawful authority to act on behalf of the State Board of Agriculture as indicated by such commission, and he shall thereby have the right and authority to enter any building or place of business, or go upon any premises, farm or other place, for the purpose of so acting for the Board~~.~~;

(g) "Stop sale order" shall mean a written or printed order signed by the President or an authorized agent of the State Board of Agriculture, prohibiting the sale or offering for sale or exposure for sale of any agricultural product or any other thing, article or commodity covered by the terms of this act;

(h) "Person" shall mean any individual, company, corporation, partnership, society, association, or other legal entity~~.~~; and

(i) "Livestock" and "animals" shall be deemed to include any meat cattle, horses, sheep, goats, asses, mules, swine, and

chickens, turkeys and other domesticated fowl, and any animal, Ratite or Psittacine in captivity. For purposes of this act, dogs, cats and other household pets shall not be included in the definition of "livestock" and "animals".

SECTION 2. AMENDATORY 2 O.S. 1991, Section 6-121, is amended to read as follows:

Section 6-121. For the purposes of Sections 6-121 through 6-126 of this title:

(a) The term "livestock" means any cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry, and any animal, Ratite or Psittacine in captivity. For purposes of this act, dogs, cats and other household pets shall not be included in the definition of "livestock" and "animals"; and

(b) The term "authorized agent" means the State Veterinarian or any person designated as an authorized agent of the State Board of Agriculture as provided in Section 1-3 of this title.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 6-124, is amended to read as follows:

Section 6-124. Whenever it is determined by the State Board of Agriculture, or by the State Veterinarian, that livestock in any area of the State of Oklahoma is, has been, or is likely to be, infected with an infectious or contagious disease, or has been exposed thereto by reason of the importation of livestock from another state, or from another area in the State of Oklahoma, or for any other reason, the President of the Board or the State Veterinarian shall issue an order of quarantine showing the boundaries of the area and the conditions of the quarantine, if any. Notice of such quarantine order shall be given by one of the following methods or a combination thereof:

(a) in person by an authorized agent of the Board; or

(b) by certified mail; or

(c) by publication in a legal newspaper printed in one or more counties in which such areas are situated; or

(d) by a sign or signs posted in or around the quarantined area. It shall be illegal to remove any sign or notice posted to a quarantine area or premise and removal shall be only by the State Veterinarian or his authorized agent.

The issuance of a quarantine may be waived if the State Board of Agriculture or the State Veterinarian enters into a formal cooperative agreement with the affected party that will control and eradicate the disease condition.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of May, 1992.

President of the Senate

Passed the House of Representatives the 19th day of May, 1992.

Speaker of the House of Representatives