

EHB 2891

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THE STATE SENATE
Wednesday, March 29, 2006

ENGROSSED

House Bill No. 2891

ENGROSSED HOUSE BILL NO. 2891 - By: DENNEY and NANCE of the House and COATES of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 698.16, as amended by Section 2, Chapter 172, O.S.L. 2005, and Section 1, Chapter 78, O.S.L. 2004 (59 O.S. Supp. 2005, Sections 698.16 and 698.29), which relate to the Oklahoma Veterinary Practice Act; modifying certain requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.16, as amended by Section 2, Chapter 172, O.S.L. 2005 (59 O.S. Supp. 2005, Section 698.16), is amended to read as follows:

Section 698.16 A. 1. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for ~~boarding, treatment or any other such reason~~ services which is abandoned by its owner, the owner's agent, or any other person for a period of more than three (3) days after written notice, ~~is given by~~ is given by registered or certified mail, return receipt ~~requested,~~ is ~~received,~~ or refused by, unclaimed or by actual hand-delivery to the owner or the owner's agent at the last-known address of the owner or the owner's agent, shall be deemed abandoned and may be

1 sold, disposed of in a humane manner by the veterinarian or turned
2 over to the custody of the nearest humane society, ~~dog pound,~~ or
3 animal shelter ~~in the area for disposal as deemed proper by the~~
4 ~~humane society, dog pound or animal shelter.~~ If no humane society,
5 ~~dog pound or animal shelter is available in the county,~~ the animal
6 ~~may be disposed of in a humane manner or sold by the licensed~~
7 ~~veterinarian or the sheriff of the county.~~

8 2. Any animal except domestic animals as such term is defined
9 in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the
10 custody of a licensed veterinarian for, but not limited to,
11 boarding, treatment, or any other care, which is abandoned by an
12 anonymous individual for a period of more than five (5) days, shall
13 be deemed to be abandoned and may be sold, disposed of in a humane
14 manner by the veterinarian or turned over to the custody of the
15 nearest humane society or ~~dog pound or animal shelter in the area~~
16 ~~for disposal as deemed proper by the humane society, dog pound or~~
17 ~~animal shelter.~~ If no humane society, dog pound or animal shelter
18 ~~is available in the county,~~ the animal other than domestic animal
19 ~~may be disposed of in a humane manner or sold by the licensed~~
20 ~~veterinarian or sheriff of the county.~~

21 B. Any domestic animal as such term is defined by Section 85.1
22 of Title 4 of the Oklahoma Statutes placed in the custody of a
23 licensed veterinarian for boarding, treatment or any other reason

1 which is abandoned by the owner, the owner's agent or by an
2 anonymous individual may be disposed of as required for estrays
3 pursuant to Chapter 4 of Title 4 of the Oklahoma Statutes.

4 C. 1. Compliance with the notice provisions of this section by
5 the licensed veterinarian or the disposal of an animal pursuant to
6 subsection B of this section, as provided in subsection A of this
7 section, shall relieve the licensed veterinarian and any custodian
8 to whom such animal may be given of any further liability for
9 disposal.

10 2. Such procedure by a licensed veterinarian shall not
11 constitute grounds for disciplining pursuant to the Oklahoma
12 Veterinary Practice Act.

13 3. Compliance with this section shall relieve the veterinarian
14 from liability for such disposal or sale.

15 SECTION 2. AMENDATORY Section 1, Chapter 78, O.S.L. 2004
16 (59 O.S. Supp. 2005, Section 698.29), is amended to read as follows:

17 Section 698.29 A. ~~The~~ Except as provided in subsection D of
18 this section, the State Board of Veterinary Medical Examiners and
19 its employees, independent contractors, appointed committee members,
20 or other agents shall keep confidential, all information obtained:

21 1. During an investigation of citizen complaints into
22 allegations of violations of the Oklahoma Veterinary Practice Act,
23 including:

- 1 a. any review or investigation made to determine whether
2 to allow an applicant to take an examination, or
3 b. whether the Board shall grant a certificate, license,
4 or permit; and

- 5 2. In the course of conducting an investigation, including:
6 a. investigative reports provided to the Board by a
7 registrant, and
8 b. examinations and test scores.

9 B. To ensure the confidentiality of the information for the
10 protection of the affected individual or entity, the information
11 obtained shall not be deemed to be a record as that term is defined
12 in the Oklahoma Open Records Act.

13 C. ~~Information~~ Except as provided in subsection D of this
14 section, information obtained by the Board or any of its agents
15 shall be considered competent evidence in a court of competent
16 jurisdiction only in matters directly related to actions of the
17 Board and the affected individual or entity as a result of the Board
18 obtaining the information.—~~The~~ and the information shall not be
19 admissible as evidence in any other type of civil or criminal
20 action.

21 D. At the discretion of the Board or any committee designated
22 by the Board and in the interest of protecting the health, safety
23 and welfare of the public, any information contained in the

1 investigation files of the Board may upon request be provided to the
2 following:

3 1. Any board or commission of the District of Columbia or any
4 state or territory of the United States which exercises disciplinary
5 authority; and

6 2. Any law enforcement agency which makes a proper showing that
7 such information is necessary to conduct or complete a pending
8 investigation of a crime not covered by the Oklahoma Veterinary
9 Practice Act.

10 SECTION 3. This act shall become effective November 1, 2006.

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 3-27-06
12 - DO PASS.