

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2550

6 By: Richardson

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to animals; amending 4 O.S. 2001,
9 Sections 391, 392, 394, 395, 396, 398 and 400, which
10 relate to the use of unclaimed animals for scientific
11 investigation and education; modifying definitions;
12 expanding uses to medical activities; clarifying
13 statutory language; requiring institutions to have
14 certain license and meet other conditions to obtain
15 live animals from animal shelters; allowing
16 institutions and individuals to obtain dead animals
17 for certain purposes; making certain animal shelter
18 requirements to deliver animals apply to live
19 animals; requiring animal shelters to screen live
20 animals for certain identification; requiring an
21 animal shelter to release dead animals to
22 institutions or individuals for certain purposes;
23 making certain transportation requirement apply to
24 live animals; allowing an animal shelter to require
persons obtaining dead animals to provide storage and
transportation; updating statutory language;
clarifying construction of law; amending 4 O.S. 2001,
Section 501, which relates to the disposal of animals
held in shelters; allowing for disposal of a dead
animal for certain purposes; and declaring an
emergency.

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

23 SECTION 1. AMENDATORY 4 O.S. 2001, Section 391, is
24 amended to read as follows:

1 Section 391. As used in ~~this act, (a)~~ Sections 392 through 402
2 of this title:

3 1. "Institution" means any school or college of medicine,
4 dentistry, pharmacy, veterinary medicine or agriculture, medical
5 diagnostic laboratory, hospital, or other educational, medical or
6 scientific establishment having to do with the investigation of or
7 instruction concerning the structure or functions of living
8 organisms, the causes, prevention, control or cure of diseases or
9 abnormal conditions of human beings or animals ~~provided that high.~~
10 High schools and elementary schools shall not be ~~classed as~~
11 considered institutions for the purposes of this act. ~~(b) "Public~~
12 ~~pound"~~ section; and

13 2. "Animal shelter" means any place used by a city or the state
14 for the detention or keeping of unclaimed or stray animals.

15 SECTION 2. AMENDATORY 4 O.S. 2001, Section 392, is
16 amended to read as follows:

17 Section 392. A. An institution ~~requiring~~ that requires for the
18 ~~effective purpose of effectively carrying on of~~ out its scientific,
19 medical, or educational activities the use of live ~~dogs and cats~~
20 animals, holds a current United States Department of Agriculture
21 license for scientific or medical research, and has satisfactorily
22 passed the United States Department of Agriculture inspection within
23 the previous year may ~~apply to the State Board of Health for a~~
24 ~~license to obtain~~ live animals from the ~~establishment maintained and~~

1 ~~operated by public funds for the confinement, care and disposal of~~
2 ~~animals seized by public authority, commonly called the "dog pound".~~
3 ~~If the State Board of Health finds that the institution, by reason~~
4 ~~of its ethical standards, its personnel, its facilities and the uses~~
5 ~~it proposes to make of animals is a fit and proper agency to receive~~
6 ~~a license, and that the public interest would be served by the~~
7 ~~issuance of a license to the institution, it shall issue a license~~
8 ~~to the institution, subject to the restrictions and limitations~~
9 ~~hereinafter provided publicly funded animal shelters.~~

10 B. An institution that requires for the purpose of effectively
11 carrying out its scientific, medical, or educational activities the
12 use of dead animals or an individual who prepares the bodies of dead
13 animals to be used for scientific, medical, or education purposes
14 may obtain dead animals from publicly funded animal shelters. An
15 institution or person shall not be required to obtain a license
16 issued by the United States Department of Agriculture or the state
17 in order to obtain dead animals from publicly funded animal
18 shelters.

19 SECTION 3. AMENDATORY 4 O.S. 2001, Section 394, is
20 amended to read as follows:

21 Section 394. A. Except as otherwise provided by municipal
22 ordinance, it shall be the duty of the ~~pound supervisor~~ animal
23 shelter to deliver from among the available impounded live animals
24 ~~on the demand of an institution possessing a license, such the~~

1 number of live animals as the an institution which is licensed by
2 the United States Department of Agriculture as provided for in
3 subsection A of Section 392 of this title may demand and ~~be~~
4 reasonably ~~required~~ require to effectively ~~to~~ carry on its
5 activities, subject to the following conditions:

6 1. ~~Such~~ The live animals shall have been impounded at least
7 fifteen (15) days for ~~dogs~~ animals without a license, and at least
8 thirty (30) days for ~~dogs~~ animals with a license and remained
9 unclaimed and unredeemed by their owners or by any other person
10 desiring the animal as a pet and willing to pay applicable license
11 fees and the reasonable expenses incurred in the ~~dog's~~ detention of
12 the animal; ~~and~~

13 2. Any owner of an animal who voluntarily ~~delivers the~~
14 relinquishes possession of it to ~~a public pound~~ an animal shelter
15 shall have a right to specify that it shall not be used for
16 scientific, medical, or educational research, and if an owner so
17 specifies, it shall be the duty of the ~~pound superintendent~~ animal
18 shelter to tag ~~such~~ the animal properly and to make certain that
19 ~~such~~ the animal is not delivered to an institution for scientific,
20 medical, or educational purposes; ~~and~~

21 3. If a demand is made on ~~a pound supervisor~~ an animal shelter
22 for a greater number of ~~dogs~~ live animals than ~~he has~~ is available
23 for release to the institution, the ~~supervisor~~ animal shelter shall
24

1 withhold thereafter from execution all unclaimed and unredeemed ~~dogs~~
2 live animals until the demand has been met; and

3 4. Each live animal shall be screened for the presence of
4 identification, including but not limited to a tag, tattoo or
5 microchip. Any animal ~~in the pound to~~ on which ~~an~~ identification
6 ~~tag is attached~~ may found shall not be disposed of until a
7 reasonable attempt has been made to notify the owner ~~has been~~
8 notified.

9 B. Any city may adopt an ordinance setting the number of days
10 an animal must be impounded and setting restrictions or prohibitions
11 on the delivery of animals for scientific, medical, or educational
12 research.

13 C. An animal shelter shall release the bodies of dead animals
14 to any institution or individual as provided for in subsection B of
15 Section 392 of this title if the animals are to be prepared for and
16 used for scientific, medical, or educational purposes.

17 SECTION 4. AMENDATORY 4 O.S. 2001, Section 395, is
18 amended to read as follows:

19 Section 395. ~~The licensed~~ A. An institution which obtains live
20 animals from an animal shelter as provided for in Section 394 of
21 this title shall provide for the transportation of ~~dogs~~ live animals
22 from the ~~pound~~ animal shelter, and may use them only in the conduct
23 of their scientific, medical, or educational activities.

24

1 B. An animal shelter may require any person obtaining the
2 bodies of dead animals which are to used for scientific, medical, or
3 educational purposes to provide for the storage and transportation
4 of the bodies.

5 SECTION 5. AMENDATORY 4 O.S. 2001, Section 396, is
6 amended to read as follows:

7 Section 396. An institution which obtains live animals from an
8 animal shelter as provided for in Section 394 of this title shall at
9 its own expense return to the appropriate ~~dog pound~~ animal shelter
10 any ~~dog~~ live animal delivered to it which subsequently is identified
11 and claimed by its owner, ~~provided, however, that no.~~ No
12 institution shall be liable to the owner for any injury or illness
13 or subsequent death of any ~~such~~ animal, resulting from the
14 transportation, detention, or proper use of the ~~dog~~ animal in its
15 scientific, medical, and educational activities.

16 SECTION 6. AMENDATORY 4 O.S. 2001, Section 398, is
17 amended to read as follows:

18 Section 398. Nothing in this act shall be construed to affect
19 the right of an institution to obtain ~~dogs~~ live or dead animals from
20 sources other than ~~dog pounds~~ animal shelters.

21 SECTION 7. AMENDATORY 4 O.S. 2001, Section 400, is
22 amended to read as follows:

23 Section 400. This act shall be ~~so interpreted and~~ construed as
24 to effect its ~~general~~ purpose which is to make available to

1 ~~qualified~~ institutions which are licensed by the United States
2 Department of Agriculture as provided for in subsection A of Section
3 392 of this title unclaimed and unredeemed live animals from animal
4 shelters for the purpose of scientific, medical, and educational
5 investigation, experiment or instruction ~~unclaimed and unredeemed~~
6 ~~animals impounded in dog pounds~~ and to make available to
7 institutions and individuals the bodies of dead animals from animal
8 shelters which are to be prepared and used for scientific, medical,
9 or educational purposes.

10 SECTION 8. AMENDATORY 4 O.S. 2001, Section 501, is
11 amended to read as follows:

12 Section 501. A. Any dog, cat or any other animal which is kept
13 for pleasure rather than utility in or about a household, held by or
14 in the custody of a private or public animal shelter or agency and
15 not reclaimed by the owner, may be disposed of only by:

16 1. Adoption as a pet in a suitable home;

17 2. Delivery of the live animal to a ~~licensed educational or~~
18 ~~research~~ an institution which is licensed by the United States
19 Department of Agriculture as provided for in subsection A of Section
20 392 of this title or delivery of the body of a dead animal to an
21 institution or individual as provided for in subsection B of Section
22 392 of this title in accordance with the provisions of Sections 391
23 through 402 of this title; or

24 3. Euthanasia by only one of the following methods:

1 a. administration of denatured sodium pentobarbital,
2 b. the use of a carbon monoxide chamber, using
3 commercially compressed cylinder gas; provided that
4 kittens and puppies under sixteen (16) weeks of age
5 shall not be euthanized with carbon monoxide but with
6 injections of denatured sodium pentobarbital, or
7 c. any other method approved by the Animal Industries
8 Services Division of the State Department of
9 Agriculture which shall include current acceptable
10 euthanasia recommendations from the American
11 Veterinary Medical Association, with the exception of
12 curariform derivative drugs. The following
13 requirements must be met to ensure the euthanasia
14 agent is humane:

15 (1) the method should be as painless as possible to
16 the animal as determined by the best available
17 medical and scientific knowledge and technology,

18 (2) the animal should be kept as free from anxiety
19 and fear as possible,

20 (3) the technique should be:

21 (a) simple enough to be used by relatively
22 unskilled personnel,

23 (b) legally available to all animal shelters and
24 humane societies,

- 1 (c) as mechanically simple and maintenance free
- 2 as possible within reasonable cost, and
- 3 (d) physically safe for personnel using it.

4 B. Death should be confirmed by cessation of vital signs.

5 Professional judgment should be used in consideration of the animal
6 species and method of euthanasia to determine the means of
7 confirming death.

8 SECTION 9. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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