

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2550

By: Richardson

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5
6 AS INTRODUCED

7 An Act relating to animals; amending 4 O.S. 2001,
8 Sections 391, 392, 394, 395, 396, 398 and 400, which
9 relate to the use of unclaimed animals for scientific
10 investigation and education; modifying definitions;
11 expanding uses to medical activities; clarifying
12 statutory language; making institution licensing
13 requirements apply to the use of live animals;
14 clarifying that institution licensing requirements do
15 not apply for obtaining euthanized animals for
16 certain purposes; making certain animal shelter
17 requirements to deliver animals apply to live
18 animals; authorizing an animal shelter to release
19 euthanized animals to persons for certain purposes;
20 making certain transportation requirement apply to
21 live animals; allowing an animal shelter to require
22 persons obtaining euthanized animals to provide
23 storage and transportation; updating statutory
24 language; clarifying construction of law; amending 4
O.S. 2001, Section 501, which relates to the Dog and
Cat Sterilization Act; allowing for disposal of a
euthanized animal for certain purposes; and declaring
an emergency.

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

SECTION 1. AMENDATORY 4 O.S. 2001, Section 391, is
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 may apply to the State Board of Health for a license to
21 obtain live animals from ~~the establishment maintained and operated~~
22 ~~by public funds for the confinement, care and disposal of animals~~
23 ~~seized by public authority, commonly called the "dog pound"~~ publicly
24 funded animal shelters. ~~If the~~

1 B. The State Board of Health ~~finds~~ shall issue a license to an
2 institution, subject to any restrictions and limitations established
3 by the Board, upon finding that the institution, by reason of its
4 ethical standards, its personnel, its facilities and the uses it
5 proposes to make of the live animals is a fit and proper agency to
6 receive a license, and that the public interest would be served by
7 the issuance of a license to the institution, ~~it shall issue a~~
8 ~~license to the institution, subject to the restrictions and~~
9 ~~limitations hereinafter provided.~~

10 C. An institution shall not be required to have a license
11 issued by the Board as provided for in this section in order to
12 obtain or receive the bodies of euthanized animals from animal
13 shelters which are to be used to carry out its scientific, medical,
14 or educational activities.

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

17 Section 394. A. Except as otherwise provided by municipal
18 ordinance, it shall be the duty of the ~~pound supervisor~~ animal
19 shelter to deliver from among the available impounded live animals
20 ~~on the demand of an institution possessing a license, such the~~
21 number of live animals as ~~the~~ an institution licensed pursuant to
22 Section 392 of this title may demand and ~~be~~ reasonably ~~required~~
23 require to effectively ~~to~~ carry on its activities, subject to the
24 following conditions:

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

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

16 3. If a demand is made on ~~a pound supervisor~~ an animal shelter
17 for a greater number of ~~dogs~~ live animals than ~~he has~~ is available
18 for release to the institution, the ~~supervisor~~ animal shelter shall
19 withhold thereafter from execution all unclaimed and unredeemed ~~dogs~~
20 live animals until the demand has been met; and

21 4. Any animal in the pound to which an identification tag is
22 attached ~~may~~ shall not be disposed of until the owner has been
23 notified.

24

1 B. Any city may adopt an ordinance setting the number of days
2 an animal must be impounded and setting restrictions or prohibitions
3 on the delivery of animals for scientific, medical, or educational
4 research.

5 C. An animal shelter may release the bodies of euthanized
6 animals to any person if the animals are to be prepared for and used
7 by an institution for scientific, medical, or educational purposes.

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

10 Section 395. A. The licensed institution shall provide for the
11 transportation of ~~dogs~~ live animals from the ~~pound~~ animal shelter,
12 and may use them only in the conduct of their scientific, medical,
13 or educational activities.

14 B. An animal shelter may require any person obtaining the
15 bodies of euthanized animals which are to used for scientific,
16 medical, or educational purposes to provide for the storage and
17 transportation of the bodies.

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

20 Section 396. An institution shall at its own expense return to
21 the appropriate ~~dog pound~~ animal shelter any ~~dog~~ animal delivered to
22 it which subsequently is identified and claimed by its owner,
23 ~~provided, however, that no.~~ No institution shall be liable to the
24 owner for any injury or illness or subsequent death of any ~~such~~

1 animal, resulting from the transportation, detention, or proper use
2 of the ~~dog~~ animal in its scientific, medical, and educational
3 activities.

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

6 Section 398. Nothing in this act shall be construed to affect
7 the right of an institution to obtain ~~dogs~~ live or euthanized
8 animals from sources other than ~~dog pounds~~ animal shelters.

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

11 Section 400. This act shall be ~~so interpreted and~~ construed as
12 to effect its ~~general~~ purpose which is to make available to
13 qualified licensed institutions unclaimed and unredeemed live
14 animals from animal shelters for the purpose of scientific, medical,
15 and educational investigation, experiment or instruction ~~unclaimed~~
16 ~~and unredeemed animals impounded in dog pounds~~ and to make available
17 to persons the bodies of euthanized animals from animal shelters
18 which are to be prepared and used by an institution for scientific,
19 medical, or educational purposes.

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

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

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

4 2. Delivery of the live animal to a ~~licensed educational or~~
5 ~~research~~ an institution licensed pursuant to Section 392 of this
6 title or delivery of the body of a euthanized animal to an
7 institution or person in accordance with the provisions of Sections
8 391 through 402 of this title; or

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

10 a. administration of denatured sodium pentobarbital,

11 b. the use of a carbon monoxide chamber, using
12 commercially compressed cylinder gas; provided that
13 kittens and puppies under sixteen (16) weeks of age
14 shall not be euthanized with carbon monoxide but with
15 injections of denatured sodium pentobarbital, or

16 c. any other method approved by the Animal Industries
17 Services Division of the State Department of
18 Agriculture which shall include current acceptable
19 euthanasia recommendations from the American
20 Veterinary Medical Association, with the exception of
21 curariform derivative drugs. The following
22 requirements must be met to ensure the euthanasia
23 agent is humane:
24

- 1 (1) the method should be as painless as possible to
2 the animal as determined by the best available
3 medical and scientific knowledge and technology,
4 (2) the animal should be kept as free from anxiety
5 and fear as possible,
6 (3) the technique should be:
7 (a) simple enough to be used by relatively
8 unskilled personnel,
9 (b) legally available to all animal shelters and
10 humane societies,
11 (c) as mechanically simple and maintenance free
12 as possible within reasonable cost, and
13 (d) physically safe for personnel using it.

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

15 Professional judgment should be used in consideration of the animal
16 species and method of euthanasia to determine the means of
17 confirming death.

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

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23 51-2-8291 KB 12/28/07
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