

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1332

6 By: Denney

7 COMMITTEE SUBSTITUTE

8 An Act relating to animals; creating the Oklahoma Pet
9 Quality Assurance and Protection Act; providing for
10 administration; defining terms; providing scope of
11 application of the Oklahoma Pet Quality Assurance and
12 Protection Act; making it unlawful for certain
13 persons to operate without a certain license;
14 providing for application form; specifying certain
15 applicants to submit certain protocol; limiting
16 issuance of licenses; specifying certain requirements
17 be met before license approval or renewal; specifying
18 procedures for renewal; specifying certain late
19 penalty; specifying requirements for out-of-state
20 dealer/breeders; establishing fees; specifying
21 display of license; exempting certain persons from
22 the Oklahoma Pet Quality Assurance and Protection
23 Act; providing for the promulgation of certain rules;
24 specifying requirements for licensee; providing for
the promulgation of rules consistent with USDA
standards; listing standards; authorizing
promulgation of certain rules regarding certain
enforcement; providing for certain enforcement;
providing for disclosure of records; providing for
notice and hearing; establishing the Pet Quality
Assurance Enforcement Fund; providing for revenues;
providing for use of fund; providing for
expenditures; providing for expenditure of certain
additional monies to certain fund; providing for
collection of penalties; specifying conditions
justifying refusal of license; providing for written
notice and hearing; authorizing seizure of animals
upon certain circumstances; providing for forfeiture
of animals; providing for retrieval of animals;
establishing certain appellate procedures; providing

1 procedures for notice of forfeiture; specifying
2 burden of proof; specifying actions regarding
3 forfeited animals; specifying certain transport
4 requirement; mandating certain information for
5 animals; requiring bill of sale for animals;
6 specifying circumstance requiring immediate
7 revocation; providing for official health
8 certificates; providing for codification; and
9 providing an effective date.

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 701 of Title 4, unless there is
13 created a duplication in numbering, reads as follows:

14 This act shall be known and may be cited as the "Oklahoma Pet
15 Quality Assurance and Protection Act" and shall be administered by
16 the Oklahoma Department of Agriculture, Food, and Forestry subject
17 to available funds.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 702 of Title 4, unless there is
20 created a duplication in numbering, reads as follows:

21 As used in the Oklahoma Pet Quality Assurance and Protection
22 Act:

23 1. "Agent" means a person employed by the Department who has
24 met requisite training requirements established by rule and is
certified by the Department;

2. "Animal" means a domestic dog or cat;

1 3. "Animal rescue" means any person or organization that
2 maintains twenty-five or more dogs, cats, or both for the purpose of
3 collecting, accumulating, amassing, maintaining, or offering the
4 dogs or cats for adoption and may or may not maintain a central
5 facility but uses a system of fostering in private homes, boarding,
6 or keeping in licensed animal facilities;

7 4. "Animal shelter" means a facility, excluding municipal and
8 county shelters, which, minimally, houses animals for impoundment
9 purposes; or a centralized private facility that accepts or houses
10 animals for the purpose of finding permanent adoptive homes. Foster
11 home sites and mobile adoption sites may be utilized in the
12 operation of the animal shelter;

13 5. "Cat" means the genus and species known as *Felis catus*, a
14 domestic cat;

15 6. "Consumer" means a person or organization that purchases
16 dogs or cats;

17 7. "Dealer" means a breeder, person, firm, corporation, or
18 other association that acquires dogs or cats from any source for
19 resale;

20 8. "Department" means the Oklahoma Department of Agriculture,
21 Food, and Forestry;

22 9. "Dog" means the genus and species known as *Canis familiaris*;

23 10. "Foster home" means a site that has a written agreement
24 with a licensed rescue or shelter facility to house animals;

1 11. "Humane euthanasia" or "humanely euthanized" means the
2 humane destruction of an animal accomplished by a method that
3 produces rapid death or unconsciousness and subsequent death without
4 evidence of pain or distress, or a method that utilizes anesthesia
5 produced by an agent that causes painless loss of consciousness and
6 subsequent death;

7 12. "Mobile site" means a site other than the central facility
8 at which dogs or cats may be offered to the public for a period not
9 to exceed seventy-two (72) hours;

10 13. "Out-of-state dealer/breeder" means a person who does not
11 reside in this state and who buys, receives, sells, exchanges,
12 transfers, negotiates, barter or solicits the sale, resale, or
13 exchange of an animal in this state for the purpose of transferring
14 ownership or possession to another party;

15 14. "Person" means any individual, partnership, firm, joint
16 stock company, corporation, mutual limited partnership, association,
17 trust, estate, or other legal entity;

18 15. "Quality assurance license" means a certificate issued to
19 any person, firm, corporation or other association that qualifies
20 and is licensed as a breeder, dealer, animal rescue, out-of-state
21 dealer/breeder, shelter, or retail pet store;

22 16. "Quality assurance licensee" means any breeder, person,
23 firm, corporation or other association that qualifies and is
24 certified as a breeder, dealer, animal rescue, out-of-state

1 dealer/breeder, shelter, or retail pet store that sells, gives away,
2 or transfers a cumulative total of twenty-five or more animals of
3 any age in any one (1) calendar year directly to a consumer, co-
4 breeder, retail pet store, to a person for research purposes, or to
5 any person acting as a broker who has accepted animals for transfer
6 to a third party and is licensed pursuant to the Oklahoma Pet
7 Quality Assurance and Protection Act;

8 17. "Retail pet store" means any outlet where animals are sold
9 or offered for sale solely at retail for use as pets;

10 18. "United States Department of Agriculture (USDA) Licensed
11 facility" means a facility that is governed by the Animal Welfare
12 Act, has passed a current inspection and provided written
13 verification of licensure or certification of inspection for pet
14 quality assurance licensure; and

15 19. "Veterinarian" means a person currently licensed to
16 practice veterinary medicine.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 703 of Title 4, unless there is
19 created a duplication in numbering, reads as follows:

20 A. The provisions of the Oklahoma Pet Quality Assurance and
21 Protection Act shall apply to animals owned by but not in the
22 possession of the dealer.

23 B. It shall be unlawful for a person to operate or represent
24 himself or herself as a breeder, dealer, animal rescue, out-of-state

1 dealer/breeder, shelter, retail pet store, or to otherwise sell,
2 give away, or transfer a cumulative total of twenty-five or more
3 animals of any age in any one (1) calendar year directly to a
4 consumer, co-breeder, retail pet store, or for use in research or to
5 any person acting as a broker who has accepted animals for transfer
6 to a third party, without first obtaining a quality assurance
7 license.

8 C. Each applicant for a quality assurance license shall apply
9 on a form which shall include information pursuant to this section.

10 D. Each applicant for a quality assurance license shall submit
11 a veterinary health care protocol as required by administrative
12 rule.

13 E. The Oklahoma Department of Agriculture, Food, and Forestry
14 shall issue only one license per location. The license shall be
15 issued in the name of the quality assurance licensee or licensees
16 for the specific premise of operation. Licenses are not
17 transferable upon change of ownership and are not valid for a
18 different location.

19 F. In no event shall a license be issued to a person or anyone
20 in the household of the person who:

21 1. Held or applied for a USDA kennel license in this state or
22 any other state; and

23 2. Whose license was suspended, revoked, or whose application
24 was refused due to improper care of animals.

1 G. In no event shall a quality assurance license be issued to a
2 person, or to a person who resides with an individual who has been
3 convicted of or has pleaded guilty or nolo contendere to a violation
4 of any federal, state, or local law or regulation pertaining to:

- 5 1. The humane treatment of animals;
- 6 2. Cruelty to animals;
- 7 3. Endangering the life or health of an animal;
- 8 4. The care, treatment, sale, possession, or handling of
9 animals; or
- 10 5. Animal fighting.

11 H. Upon approval, the Department shall issue to the applicant a
12 quality assurance license number and certification. The Department
13 shall not approve a license application or a license renewal until
14 the applicant's:

- 15 1. Premises, facility, equipment, animals, and breeding
16 operation, if applicable, are inspected by an agent and in
17 compliance with the Oklahoma Pet Quality Assurance and Protection
18 Act; and
- 19 2. Husbandry and breeding protocol, if applicable, veterinary
20 health care protocol, and signed veterinarian of record affidavit,
21 as required in the Oklahoma Pet Quality Assurance and Protection
22 Act, have been reviewed by an agent and are found to be in
23 compliance with the Oklahoma Pet Quality Assurance and Protection
24 Act.

1 I. A license is renewable annually. Renewal applications shall
2 be submitted to the Department prior to the commencement of the next
3 license year.

4 J. Annual late renewals postmarked or received after the
5 renewal date shall be subject to a late penalty not to exceed One
6 Hundred Dollars (\$100.00).

7 K. Out-of-state dealer/breeders shall apply each year to the
8 Department for an out-of-state license, and shall:

9 1. Comply with all provisions of the Oklahoma Pet Quality
10 Assurance and Protection Act;

11 2. Have inspections performed by a veterinarian licensed in the
12 state in which the breeder resides; and

13 3. Use an inspection protocol approved by the Department.

14 L. It shall be unlawful, without first obtaining an out-of-
15 state dealer/breeder license, for an out-of-state dealer/breeder to:

16 1. Transport animals into or within this state; or

17 2. Operate, maintain, or deal in any manner with animals going
18 into this state.

19 This subsection shall not apply to an out-of-state dealer/breeder
20 who is performing the acts prohibited by paragraphs 1 and 2 of this
21 subsection for the sole purpose of participating in a dog show or a
22 field trial event.

23 M. The State Board of Agriculture is authorized to establish,
24 by rule, fees charged for the purpose of implementing and enforcing

1 the Oklahoma Pet Quality Assurance and Protection Act. The
2 nonrefundable fee shall accompany each application and each renewal
3 application for a quality assurance license for dealers who sell or
4 adopt the following number of animals per year:

		Minimum	Maximum
5			
6	25-100	Class 1 \$ 25.00	\$100.00
7	101-300	Class 2 \$ 51.00	\$200.00
8	301-500	Class 3 \$101.00	\$300.00
9	501 and up	Class 4 \$301.00	\$500.00
10	Nonprofit adoption/shelter/rescue	Class NPS \$ 25.00	\$100.00
11	USDA Licensed Facility	\$ 25.00	\$100.00

12 N. A licensed municipal or county shelter voluntary fee may be
13 waived upon request. The State Board of Agriculture shall review
14 and modify fees in accordance with this subsection on an as-needed
15 basis.

16 O. Quality assurance licensees shall conspicuously display the
17 license on the premises where the animals are kept and/or sold in a
18 manner readily visible. Copies of licenses shall be included with
19 the bill of sale.

20 P. All advertisements or information printed or posted on any
21 media shall contain the number of the licensee issued by the
22 Department readily visible to consumers. If the licensee has a USDA
23 permit number it shall be posted in the same manner.

24

1 Q. Municipal animal shelters are exempt from the licensing
2 provision of the Oklahoma Pet Quality Assurance and Protection Act.
3 If the animal shelter desires to hold a license pursuant to the
4 Oklahoma Pet Quality Assurance and Protection Act, a Class NPS
5 license shall be issued upon compliance with all the provisions set
6 forth in the Oklahoma Pet Quality Assurance and Protection Act.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 704 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 A. A quality assurance licensee shall:

- 11 1. Be at least eighteen (18) years of age; and
- 12 2. Meet the requirements of the Oklahoma Pet Quality Assurance
13 and Protection Act.

14 B. The State Board of Agriculture shall promulgate rules
15 consistent with USDA Standards pursuant to the Animal Welfare Act
16 whenever possible including, but not limited to:

- 17 1. Minimum standards for breeding criteria and restrictions;
- 18 2. Housing and sanitation;
- 19 3. Nutrition and hydration;
- 20 4. Staffing and operating standards;
- 21 5. Management and staff operating plan;
- 22 6. Veterinarian of record and veterinary care;
- 23 7. Record keeping; and
- 24 8. Transportation of animals within a vehicle.

1 C. The Oklahoma Department of Agriculture, Food, and Forestry
2 shall promulgate rules regarding the enforcement of personnel
3 powers, training, certification, and inspections that shall include,
4 but not be limited to:

5 1. Knowledge and understanding of state and federal laws
6 pertaining to animal handling, care, treatment, and prohibited acts;

7 2. Specific training in the identification and investigation of
8 cruelty to animals; and

9 3. Department enforcement personnel and inspectors of the
10 Oklahoma Pet Quality Assurance and Protection Act shall comply with
11 and have the authority as described in Section 6-310 of Title 2 of
12 the Oklahoma Statutes.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 705 of Title 4, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Oklahoma Department of Agriculture, Food, and Forestry
17 personnel and agents shall have the right to enter the premises of
18 an individual or facility and conduct inspections, upon the
19 Department personnel or agent:

20 1. Stating the purpose of the inspection; and

21 2. Presenting to the owner, operator, or agent in charge of the
22 premises to be inspected appropriate credentials.

23 B. Nothing in the Oklahoma Pet Quality Assurance and Protection
24 Act shall preclude any peace or animal control officer from

1 enforcing cruelty laws and the provisions of the Oklahoma Pet
2 Quality Assurance and Protection Act. Any such officer shall within
3 forty-eight (48) hours of any investigation regarding cruelty action
4 taken or contact made with an individual or facility covered under
5 the Oklahoma Pet Quality Assurance and Protection Act, report the
6 action or contact in writing to the Oklahoma Department of
7 Agriculture, Food, and Forestry.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 706 of Title 4, unless there is
10 created a duplication in numbering, reads as follows:

11 A. All records received by the Oklahoma Department of
12 Agriculture, Food, and Forestry pursuant to the Oklahoma Pet Quality
13 Assurance and Protection Act shall be considered open records and
14 available for public inspection pursuant to the Oklahoma Open
15 Records Act.

16 B. At the discretion of the Department in the interest of
17 protecting the health, safety, and welfare of the public, any
18 information contained in the investigation files of the Department
19 may, upon request, be provided to:

20 1. Any board or commission of the District of Columbia or any
21 state or territory of the United States which exercises disciplinary
22 authority; and

23 2. Any law enforcement agency which makes a proper showing that
24 the information is necessary to conduct or complete a pending

1 investigation of a crime not covered by the Oklahoma Pet Quality
2 Assurance and Protection Act.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 707 of Title 4, unless there is
5 created a duplication in numbering, reads as follows:

6 A. The State Board of Agriculture shall promulgate rules
7 regarding appropriate penalties based upon:

- 8 1. The gravity of the violation;
- 9 2. The good faith of the person being charged; and
- 10 3. The history of previous violations.

11 B. In addition to the applicable penalties contained in the
12 Oklahoma Pet Quality Assurance and Protection Act, any violation of
13 this section shall constitute a civil offense punishable by a fine
14 of not less than Fifty Dollars (\$50.00) nor more than Two Thousand
15 Five Hundred Dollars (\$2,500).

16 C. No penalty shall be assessed unless the person charged shall
17 have been given notice and an opportunity for a hearing on the
18 charge in accordance with the Oklahoma Pet Quality Assurance and
19 Protection Act.

20 D. There is established in the State Treasury a revolving fund
21 to be known as the "Pet Quality Assurance Enforcement Fund". The
22 fund shall:

- 23 1. Be a continuing fund, not subject to fiscal year
24 limitations, and shall consist of all fees, fines, penalties, goods,

1 and other monies paid, donated, received, recovered, or collected
2 under the provisions of the Oklahoma Pet Quality Assurance and
3 Protection Act; and

4 2. Be available to the Department solely for the payment of all
5 expenses incurred in issuing, processing, investigating, or
6 supervising the issuance of quality assurance licenses, and the
7 education of breeders and consumers about quality pet breeding, pet
8 selection, and responsible ownership.

9 Expenditures from the fund shall be made upon warrants issued by the
10 State Treasurer against claims filed as prescribed by law with the
11 Director of State Finance for approval and payment.

12 E. Any penalty shall be collectible in any manner provided by
13 law for the collection of debt and payable to the Department.

14 F. In cases of inability to collect a penalty or failure of any
15 person to pay all or such portion of the penalty as the Department
16 may deem proper, the Department shall:

17 1. Recover such amount by action in the appropriate court
18 having jurisdiction; or

19 2. File a lien in favor of the State of Oklahoma upon the real
20 and personal property of the person in the county where the property
21 or person is located for the amount of the penalty with interest and
22 any other costs that may accrue.

23 G. The failure of any person to comply with the requirements of
24 the Oklahoma Pet Quality Assurance and Protection Act, or any rules

1 promulgated pursuant thereto, shall constitute grounds for the
2 denial of a license or license renewal, imposition of a fine, or for
3 license suspension or revocation by the Department, as provided for
4 in the Oklahoma Pet Quality Assurance and Protection Act.

5 SECTION 8. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 708 of Title 4, unless there is
7 created a duplication in numbering, reads as follows:

8 A. The Oklahoma Department of Agriculture, Food, and Forestry
9 or designated agent may refuse to grant or renew, and may suspend or
10 revoke a quality assurance license on any one of the following
11 grounds:

12 1. Material misstatement, misrepresentation, or falsification
13 in the license application or renewal, or in any matter relevant to
14 the license;

15 2. Material misstatement, misrepresentation, or falsification
16 in the records required to be kept herein, or under any rule
17 promulgated pursuant thereto; or

18 3. Refusal to allow an inspector or peace or animal control
19 officer to inspect the premises, facility, equipment, animals within
20 the breeding operation, protocols, or records.

21 B. The Department or a designated agent may refuse to renew,
22 and may suspend a quality assurance license for a violation of the
23 Oklahoma Pet Quality Assurance and Protection Act, or failure to
24 comply with any regulation promulgated pursuant thereto.

1 C. The Department or designated agent shall refuse to grant or
2 renew, and may revoke a quality assurance license if the applicant
3 for the license or a licensee:

4 1. Has been convicted of or pleaded guilty or nolo contendere
5 to a violation of any local, state, or federal law relating to:

- 6 a. cruelty to animals,
- 7 b. the humane care, handling, or treatment of animals, or
- 8 c. animal fighting; or

9 2. Is currently on supervised probation by any state or federal
10 department of corrections.

11 D. 1. The Department or designated agent shall provide written
12 notice to the quality assurance licensee or applicant of the
13 decision to fine, deny issuance or renewal of a license, or suspend
14 or revoke the license.

15 2. Written notice of the denial of issuance or renewal of a
16 license, suspension, or revocation shall be served by personal
17 service or by certified mail, return receipt requested to:

- 18 a. the person or a resident of the person's dwelling
19 house at the last known address as reported to the
20 Department, or
- 21 b. the person or an employee of the person at the
22 principal place of business.

23 3. A returned envelope showing refusal of the process by the
24 person or an employee of the person shall constitute notice. Denial

1 of renewal, suspension, or revocation shall commence upon service of
2 the written notice. The notice shall:

- 3 a. set forth the general factual and legal basis for the
4 action, and
- 5 b. advise the licensee or applicant of the right to file
6 with the Department, within twenty (20) days of
7 receipt of notice, a written request for an
8 administrative hearing.

9 4. The administrative hearing shall be conducted in accordance
10 with the Administrative Procedures Act. If found to be in violation
11 of the Oklahoma Pet Quality Assurance and Protection Act, actual
12 costs for the hearing may be imposed against the licensee or
13 applicant.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 709 of Title 4, unless there is
16 created a duplication in numbering, reads as follows:

17 A. Except as provided in subsection E of this section, whenever
18 a quality assurance license is revoked, suspended, or a licensee
19 denied renewal, a court order may be obtained to seize and impound
20 animals in the possession, custody, or care of that quality
21 assurance licensee if there is reason to believe that the health,
22 safety, or welfare of the animals is endangered, or the animals are
23 in imminent danger. The reasonable costs of transportation, care,
24 and feeding of seized and impounded animals shall be paid by the

1 quality assurance licensee from whom the animals were seized and
2 impounded. Failure to pay costs may result in forfeiture of the
3 animals to the state in accordance with subsection D of this
4 section.

5 B. If the quality assurance licensee, whose license is revoked,
6 suspended, or denied renewal and whose animals have been seized and
7 impounded, provides the agent who revoked, suspended, or denied
8 renewal of the license with satisfactory evidence of compliance with
9 the provisions of the Oklahoma Pet Quality Assurance and Protection
10 Act and has paid in certified funds all fines, costs of
11 transportation, care, and feeding expenses related to the seizure
12 and impoundment of the affected animals, the quality assurance
13 licensee may retrieve seized and impounded animals.

14 C. The agent may allow animals to remain in the physical
15 possession, custody, or care of the quality assurance licensee whose
16 license is revoked, suspended, or denied while there is an appeal or
17 reapplication for licensure pending. This process may be completed
18 upon receipt of an affidavit from the veterinarian of record stating
19 that there is no belief that the health, safety, or welfare of the
20 animals is endangered or is in imminent danger and the animals are
21 being provided with the care required by the Oklahoma Pet Quality
22 Assurance and Protection Act.

23 D. Except as provided in subsection E of this section, the
24 Oklahoma Department of Agriculture, Food, and Forestry may request

1 that ownership of an affected animal, which is seized and impounded
2 pursuant to subsection A of this section, be forfeited to the state.

3 1. The Department shall serve the quality assurance licensee
4 with written notice of forfeiture. The notice shall indicate that:

- 5 a. ownership of the affected animal may be forfeited to
6 some entity approved by the Department. Owner
7 requests for placement may be considered, and
- 8 b. any proceeds from unlawful activities may be seized
9 and subject to forfeiture in accordance with this
10 section.

11 2. Notice of forfeiture shall be served by personal service or
12 by certified mail, return receipt requested, to:

- 13 a. the person or a resident of the person's dwelling
14 house at the last known address as reported to the
15 Department, or
- 16 b. the person or an employee of the person at the
17 principal place of business.

18 3. A returned envelope showing refusal of the process by the
19 person or an employee of the person shall constitute notice. The
20 notice shall:

- 21 a. specify an effective date of forfeiture, which shall
22 not be less than twenty (20) days from service of the
23 notice, and

24

1 b. inform the quality assurance licensee of the right to
2 request an administrative hearing on the issue of
3 forfeiture by delivering a written request to the
4 Department within twenty (20) days of service of the
5 notice of forfeiture along with a security bond, with
6 the amount to be determined by the Department. The
7 security bond shall be used to care for the animals
8 prior to the hearing.

9 4. At the administrative hearing, the Department shall have the
10 burden of proving that:

- 11 a. the quality assurance licensee responsible for the
12 affected animals did not comply with the provisions of
13 the Oklahoma Pet Quality Assurance and Protection Act
14 regarding the care to be provided to the animals, and
15 b. insufficient evidence has been given to the Department
16 that the quality assurance licensee can provide the
17 necessary care to the affected animals if the animals
18 are returned to the breeder.

19 E. Any animal owned by a breeder that was being leased out for
20 breeding purposes to the quality assurance licensee whose animals
21 were seized and impounded shall be seized by the Department and
22 returned to the breeder who has ownership of the seized animal.

23 F. No animal seized under this section shall be sold,
24 transferred, or given freely for the purpose of vivisection or

1 research, or be conveyed in any manner for these purposes or be
2 conveyed to a dealer.

3 G. The Department may:

4 1. Transfer or sell forfeited animals to a quality assurance
5 licensee other than the quality assurance licensee who forfeited the
6 animals that were seized;

7 2. Transfer or sell forfeited animals to a duly incorporated
8 humane society for adoption; or

9 3. Order the humane euthanasia of any forfeited animals by a
10 licensed veterinarian when it is determined to be in the best
11 interest of the animals.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 710 of Title 4, unless there is
14 created a duplication in numbering, reads as follows:

15 A. No quality assurance licensee shall transport for sale any
16 animal, unless it is at least eight (8) weeks of age. All quality
17 assurance animals shall be accompanied by a health record and shall
18 be implanted with a microchip for identification purposes only that
19 is able to be read with a universal reader or identified with any
20 other form of permanent identification. A consumer or retail pet
21 store shall be entitled to review the information contained in the
22 health record prior to purchase of the animal from a quality
23 assurance licensee.

24

1 B. No quality assurance licensee or retail pet store selling
2 quality assurance animals shall sell, offer to sell, promote,
3 advertise, or otherwise market or represent quality assurance
4 animals unless the breeding and rearing of the animals is in
5 compliance with the Oklahoma Pet Quality Assurance and Protection
6 Act.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 711 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 A. All quality assurance licensees described in the Oklahoma
11 Pet Quality Assurance and Protection Act shall be required to have
12 in their possession a bill of sale for each animal purchased and
13 transported. Any bill of sale which is fraudulent or indicates the
14 theft of any animal shall be prima facie evidence for the immediate
15 revocation of a license by the Oklahoma Department of Agriculture,
16 Food, and Forestry. The bill of sale shall contain information
17 required by the Oklahoma Pet Quality Assurance and Protection Act.

18 B. Official health certificates shall comply with current state
19 and federal regulations.

20 SECTION 12. This act shall become effective November 1, 2009.

21
22 52-1-6775 SD 02/11/09

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24