

1 ENGROSSED HOUSE
2 BILL NO. 1332

By: Denney, Williams, Renegar,
Nations, McDaniel (Jeannie)
and Kiesel of the House

3
4 and

5 Branan and Coates of the
6 Senate

7
8 (animals - Oklahoma Pet Quality Assurance and
9 Protection Act - Pet Quality Assurance Enforcement
10 Fund - codification - noncodification -
11 effective date)
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 21-1 of Title 2, unless there is
17 created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Oklahoma Pet
19 Quality Assurance and Protection Act" and shall be administered by
20 the Oklahoma Department of Agriculture, Food, and Forestry subject
21 to available funds.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 21-2 of Title 2, unless there is
24 created a duplication in numbering, reads as follows:

1 As used in the Oklahoma Pet Quality Assurance and Protection
2 Act:

3 1. "Cat" means the genus and species known as Felis catus, a
4 domestic cat;

5 2. "Department" means the Oklahoma Department of Agriculture,
6 Food, and Forestry;

7 3. "Dog" means the genus and species known as Canis familiaris;

8 4. "Person" means the state, any municipality, political
9 subdivision, institution, individual, public or private corporation,
10 partnership, association, firm, company, public trust, joint-stock
11 company, trust, estate, state or federal agency, other governmental
12 entity, or any other legal entity or an agent, employee,
13 representative, assignee or successor thereof;

14 5. "Pet Quality Assurance license" means a certificate issued
15 to any person that qualifies and obtains a license pursuant to the
16 Oklahoma Pet Quality Assurance and Protection Act;

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

22 7. "Veterinarian" means a person currently licensed to practice
23 veterinary medicine.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 21-3 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 The State Veterinarian shall appoint a rule advisory committee
5 who, without compensation, shall act as advisors to the State Board
6 of Agriculture in the formulation of the rules promulgated pursuant
7 to the Oklahoma Pet Quality Assurance and Protection Act. The
8 committee shall consist of:

9 1. Four (4) members who shall represent the dog or cat breeding
10 industry;

11 2. One (1) member who is an Oklahoma licensed accredited
12 veterinary practitioner;

13 3. One (1) member who shall represent the Oklahoma Veterinary
14 Medical Association;

15 4. One (1) member who shall represent the Oklahoma State
16 University School of Veterinary Medicine;

17 5. One (1) member who shall represent the United States
18 Department of Agriculture, Animal Care;

19 6. One (1) member who shall represent the Oklahoma State
20 University, Oklahoma Cooperative Extension Service; and

21 7. One (1) member who shall represent an Oklahoma animal
22 welfare association.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 21-4 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 A. It shall be unlawful for a person to sell, give away, or
5 transfer a cumulative total of thirty-five or more dogs or cats, or
6 any combination thereof, of any age in any calendar year directly to
7 any person without first obtaining a Pet Quality Assurance license,
8 including but not limited to:

9 1. Any person located in the State of Oklahoma who performs
10 such acts within or outside the state;

11 2. Any person located outside the State of Oklahoma who
12 performs such acts within the State of Oklahoma; and

13 3. Any person who performs such acts and owns dogs or cats that
14 are not in the possession of that person.

15 B. 1. Any person may voluntarily obtain a Pet Quality
16 Assurance license, so long as the person complies with all
17 requirements of the Oklahoma Pet Quality Assurance and Protection
18 Act and rules promulgated pursuant thereto.

19 2. Municipal and county animal shelters shall be exempt from
20 the licensing provisions of the Oklahoma Pet Quality Assurance and
21 Protection Act, but may voluntarily obtain a Pet Quality Assurance
22 license.

23 C. The Oklahoma Department of Agriculture, Food, and Forestry
24 shall prepare forms for application for a Pet Quality Assurance

1 license. In addition to the forms, the application for a Pet
2 Quality Assurance license shall contain veterinary health care
3 protocol prepared pursuant to rules promulgated by the State Board
4 of Agriculture.

5 D. The Oklahoma Department of Agriculture, Food, and Forestry
6 shall issue only one Pet Quality Assurance license per physical
7 location. A separate Pet Quality Assurance license shall be issued
8 for each physical location. Licenses shall not be transferable due
9 to a change of ownership of an individual location and shall not be
10 transferable to any other location.

11 E. The Department shall not approve a license or renewal until
12 the following have occurred:

13 1. The premises, facility, equipment, dogs or cats, and
14 breeding operation, if applicable, are inspected by the Department
15 and are determined to be in compliance with the Oklahoma Pet Quality
16 Assurance and Protection Act and rules promulgated pursuant thereto;
17 and

18 2. The husbandry and breeding protocol, if applicable,
19 veterinary health care protocol, and signed veterinarian of record
20 affidavit, as required in the Oklahoma Pet Quality Assurance and
21 Protection Act and rules promulgated pursuant thereto, have been
22 reviewed by the Department and are found to be in compliance with
23 the Oklahoma Pet Quality Assurance and Protection Act.

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1 F. Each Pet Quality Assurance license shall be renewed
2 annually. Renewals postmarked or received within thirty (30) days
3 after the renewal date shall be subject to a late penalty not to
4 exceed One Hundred Dollars (\$100.00). Each thirty-day period
5 thereafter in which the renewal is late shall result in an
6 additional late penalty of One Hundred Dollars (\$100.00) per thirty-
7 day period, and may result in administrative fines not to exceed One
8 Hundred Dollars (\$100.00) per day.

9 G. The State Board of Agriculture is authorized to establish
10 fees charged for the purpose of implementing and enforcing the
11 Oklahoma Pet Quality Assurance and Protection Act, not to exceed
12 Five Hundred Dollars (\$500.00), by rules promulgated by the State
13 Board of Agriculture. The nonrefundable fee shall accompany each
14 application and each renewal application for a Pet Quality Assurance
15 license.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 21-5 of Title 2, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Any person holding a Pet Quality Assurance license shall
20 conspicuously display the license on the premises where the dogs or
21 cats are kept and sold in a manner readily visible to the Department
22 and to the public.

23 B. Any person holding a Pet Quality Assurance license shall
24 display the Pet Quality Assurance license number and the USDA permit

1 number, if applicable, on all correspondence, advertisements, web
2 pages, e-mails, or any other form of dissemination of information
3 printed or posted on any media.

4 C. Any person holding a Pet Quality Assurance license shall
5 provide a copy of the license in any transaction involving the sale,
6 giveaway, or transfer of a dog or cat to the person obtaining the
7 dog or cat.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 21-6 of Title 2, unless there is
10 created a duplication in numbering, reads as follows:

11 The State Board of Agriculture shall promulgate rules that at a
12 minimum are consistent with USDA Standards pursuant to the Animal
13 Welfare Act including, but not limited to:

- 14 1. Minimum standards for breeding criteria and restrictions;
- 15 2. Housing and sanitation;
- 16 3. Nutrition and hydration;
- 17 4. Operating standards;
- 18 5. Management and staff operating plan;
- 19 6. Veterinarian of record and veterinary care;
- 20 7. Record keeping; and
- 21 8. Transportation of dogs or cats within a vehicle.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 21-7 of Title 2, unless there is
24 created a duplication in numbering, reads as follows:

1 A. The State Board of Agriculture or its authorized agents
2 shall have the authority to enter any premises or form of
3 transportation during reasonable hours for the purpose of
4 implementing the Oklahoma Pet Quality Assurance and Protection Act
5 or rules promulgated pursuant thereto.

6 B. The Board or its authorized agents shall have the authority
7 to carry out all necessary and proper actions to determine
8 compliance with the Oklahoma Pet Quality Assurance and Protection
9 Act including, but not limited to, conducting investigations,
10 inspecting facilities for compliance, responding to complaints,
11 examining and making photocopies of records or documents, and
12 collecting and submitting samples for analysis.

13 C. Nothing in the Oklahoma Pet Quality Assurance and Protection
14 Act shall preclude any peace or animal control officer from
15 enforcing cruelty laws and the provisions of the Oklahoma Pet
16 Quality Assurance and Protection Act. Any such officer shall within
17 forty-eight (48) hours of any investigation regarding cruelty action
18 taken or contact made with an individual or facility covered under
19 the Oklahoma Pet Quality Assurance and Protection Act, report the
20 action or contact in writing to the Oklahoma Department of
21 Agriculture, Food, and Forestry.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 21-8 of Title 2, unless there is
24 created a duplication in numbering, reads as follows:

1 All records received by the Oklahoma Department of Agriculture,
2 Food, and Forestry pursuant to the Oklahoma Pet Quality Assurance
3 and Protection Act shall be considered open records and available
4 for public inspection pursuant to the Oklahoma Open Records Act.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 21-9 of Title 2, unless there is
7 created a duplication in numbering, reads as follows:

8 A. 1. In no event shall a Pet Quality Assurance license be
9 issued to any person or to anyone in the household of that person
10 who held or applied for a United States Department of Agriculture
11 license pursuant to the Animal Welfare Act licensed in this state or
12 any other state whose license was suspended, revoked, or whose
13 application was refused due to the improper care of animals.

14 2. In no event shall a Pet Quality Assurance license be issued
15 to any person or to anyone in the household of that person who has
16 been convicted of or pled guilty or nolo contendere to a violation
17 of any federal, state, or local law or regulation involving an
18 animal health or welfare component, including but not limited to:

- 19 a. the humane treatment of animals,
- 20 b. cruelty to animals,
- 21 c. endangering the life or health of an animal,
- 22 d. the care, treatment, sale, possession, or handling of
23 animals,
- 24 e. animal fighting,

- 1 f. the Oklahoma Veterinary Practice Act, or
2 g. prescription drugs or controlled or dangerous
3 substances that can be utilized in the medical or
4 surgical treatment of animals.

5 B. In addition to the applicable administrative and criminal
6 penalties contained in the Oklahoma Agricultural Code, any violation
7 of this section shall constitute a civil offense punishable by a
8 fine of not less than Fifty Dollars (\$50.00) nor more than Two
9 Thousand Five Hundred Dollars (\$2,500.00).

10 SECTION 10. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 21-10 of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 There is established in the State Treasury a revolving fund to
14 be known as the "Pet Quality Assurance Enforcement Fund". The fund
15 shall:

16 1. Be a continuing fund, not subject to fiscal year
17 limitations, and shall consist of all fees, fines, penalties, and
18 other monies paid, donated, received, recovered, or collected under
19 the provisions of the Oklahoma Pet Quality Assurance and Protection
20 Act; and

21 2. Be available to the Department solely for the payment of all
22 expenses incurred in issuing, processing, investigating, or
23 supervising the issuance of Pet Quality Assurance licenses, and
24 enforcement of the act. Expenditures from the fund shall be made

1 upon warrants issued by the State Treasurer against claims filed as
2 prescribed by law with the Director of State Finance for approval
3 and payment.

4 SECTION 11. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 21-11 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The failure of any person to comply with the requirements of
8 the Oklahoma Pet Quality Assurance and Protection Act, or any rules
9 promulgated pursuant thereto, shall constitute grounds for the
10 denial of a license or license renewal, imposition of a fine, or for
11 license suspension or revocation by the Department, as provided for
12 in the Oklahoma Pet Quality Assurance and Protection Act.

13 B. The Oklahoma Department of Agriculture, Food, and Forestry
14 or designated agent may refuse to grant or renew, and may suspend or
15 revoke a Pet Quality Assurance license on any one of the following
16 grounds:

17 1. Material misstatement, misrepresentation, or falsification
18 in the license application or renewal, or in any matter relevant to
19 the license;

20 2. Material misstatement, misrepresentation, or falsification
21 in the records required to be kept herein, or under any rule
22 promulgated pursuant thereto; or

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1 3. Refusal to allow an authorized agent of the Board to inspect
2 the premises, facility, equipment, dogs or cats within the
3 operation, protocols, or records.

4 C. The Department may refuse to renew, and may suspend a Pet
5 Quality Assurance license, for a violation of the Oklahoma Pet
6 Quality Assurance and Protection Act or for failure to comply with
7 any rule promulgated pursuant thereto.

8 D. The Department may revoke a quality assurance license if the
9 applicant for the license or a licensee:

10 1. Has been convicted of or pleaded guilty or nolo contendere
11 to any violation of any local, state, or federal law relating to the
12 items listed in Section 9 of this act; or

13 2. Is currently on supervised probation by any state or federal
14 department of corrections relating to the items listed in Section 9
15 of this act.

16 E. The Department shall provide written notice to the Pet
17 Quality Assurance license holder of any decision to fine, deny
18 issuance or renewal of a license, or suspend or revoke the license
19 pursuant to the Board's promulgation of rules for individual
20 proceedings.

21 SECTION 12. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 21-12 of Title 2, unless there
23 is created a duplication in numbering, reads as follows:

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1 Whenever a Pet Quality Assurance license is revoked, suspended,
2 or not renewed, a district court order may be obtained to seize and
3 impound dogs or cats in the possession, custody, or care of that
4 quality assurance licensee if there is reason to believe that the
5 health, safety, or welfare of the dogs or cats is endangered, or the
6 dogs or cats are in imminent danger. The reasonable costs of
7 transportation, care, and feeding of seized and impounded dogs or
8 cats shall be paid by the quality assurance licensee from whom the
9 dogs or cats were seized and impounded.

10 SECTION 13. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 21-13 of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 A. No person holding a Pet Quality Assurance license shall
14 sell, give away, or transfer ownership of any dog or cat, unless the
15 dog or cat is at least six (6) weeks of age.

16 B. Each dog or cat shall be accompanied by a health record.

17 C. If moving interstate, each dog or cat shall be accompanied
18 by a certificate of veterinary inspection and shall be implanted
19 with a microchip or marked by a tattoo or other permanent marking,
20 for identification purposes only, that is able to be read with a
21 universal reader or identified with any other form of official
22 identification.

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1 D. A person shall be entitled to review the information
2 contained in the health record prior to purchase of the dog or cat
3 from a quality assurance licensee.

4 E. No person shall sell, offer to sell, promote, advertise, or
5 otherwise market or represent a dog or cat as a Pet Quality
6 Assurance animal unless the breeding and rearing of the dogs or cats
7 is in compliance with the Oklahoma Pet Quality Assurance and
8 Protection Act.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 21-14 of Title 2, unless there
11 is created a duplication in numbering, reads as follows:

12 Each person holding a Pet Quality Assurance license described in
13 the Oklahoma Pet Quality Assurance and Protection Act shall be
14 required to keep the following records:

15 1. A copy of a bill of sale and individual identification for
16 each dog or cat purchased which shall be presented upon delivery.
17 Any bill of sale which is fraudulent or indicates the theft of any
18 dog or cat shall be prima facie evidence for the immediate
19 revocation of a license by the Oklahoma Department of Agriculture,
20 Food, and Forestry. The bill of sale shall contain information
21 required by the Oklahoma Pet Quality Assurance and Protection Act;

22 2. A Certificate of Veterinary Inspection signed by an
23 accredited veterinarian for each dog or cat sold, given away, or
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1 otherwise transferred in interstate commerce that shall comply with
2 state and federal regulations; and

3 3. Any other records required by the Department.

4 SECTION 15. NEW LAW A new section of law not to be
5 codified in the Oklahoma Statutes reads as follows:

6 The State Board of Agriculture may promulgate emergency rules to
7 implement the provisions of this act including, but not limited to,
8 fees, license requirements, and standards for welfare.

9 SECTION 16. This act shall become effective November 1, 2009.

10 Passed the House of Representatives the 4th day of March, 2009.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2009.

Presiding Officer of the Senate