

1 ENGROSSED SENATE  
2 BILL NO. 1340

By: Ellis of the Senate

3 and

4 Pruett of the House

5  
6  
7 [ agriculture - creating the "Kennel Definitions Act"

8 - codification -

9 effective date ]

10

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

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1960.1 of Title 2, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. This act shall be known and may be cited as the "Kennel  
16 Definitions Act".

17 B. The purpose of the Kennel Definitions Act is to define terms  
18 used in licensing, operating, and inspecting animal care facilities.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1960.2 of Title 2, unless there  
21 is created a duplication in numbering, reads as follows:

22 As used in the Kennel Definitions Act:

23 1. "Adequate food" means the provision of a quantity of food,  
24 at intervals of not more than twelve (12) hours unless the dietary

1 requirements of the animal requires a longer or shorter interval,  
2 served in a safe and clean receptacle sufficient to maintain a  
3 reasonable level of nutritional welfare suitable for the animal;

4 2. "Adequate housing" means the continuous provision of a  
5 sanitary facility, protected from the extremes of weather  
6 conditions, with proper ventilation and appropriate space depending  
7 on the species of animal, as specified by regulations of the USDA or  
8 by such requirements set forth in the Kennel Definitions Act;

9 3. "Adequate water" means the provision, either continuously or  
10 at intervals of not to exceed eight (8) hours suitable to the  
11 animal, of a supply of water in a clean and safe receptacle. The  
12 water shall be clean and clear of debris or foreign matter and  
13 capable of passing state minimum drinking water standards;

14 4. "Animal" means a dog or cat which is being used for or is  
15 intended to be used for research, teaching, testing, breeding,  
16 exhibition, handicap-assist purposes, is police or government  
17 employed or is a pet;

18 5. "Animal shelter" means a facility which is used to house or  
19 contain animals, which is owned, operated, or maintained by an  
20 incorporated humane society, animal welfare society, society for the  
21 prevention of cruelty to animals, county, civic or municipal  
22 organization, or other not-for-profit organization devoted to the  
23 welfare, protection, and humane treatment of the animals, or a  
24

1 person whose primary purpose is to act as an animal rescue, to  
2 collect and care for unwanted animals or to offer them for adoption;

3 6. "Animal welfare official" means any licensed veterinarian  
4 who administers or assists in the administration of the provisions  
5 of the Kennel Definitions Act;

6 7. "Boarding kennel" means a place or establishment, other than  
7 a pound or animal shelter, where animals, not owned by the  
8 proprietor, are sheltered, fed, and watered in return for monetary  
9 consideration whether through county or municipal funds or through  
10 private funding. "Boarding kennel" shall not include hobby or show  
11 breeders who board intact females for a period of time for the sole  
12 purpose of breeding such intact females, and shall not include  
13 individuals who temporarily, and not in the normal course of  
14 business, board or care for animals owned by other individuals;

15 8. "Business hours" means a reasonable number of hours between  
16 8:30 a.m. and 5:30 p.m., Monday through Friday, during which  
17 inspections may be made during such business hours, but not on a  
18 state or federal holiday;

19 9. "Carrier" means the operator of any airline, aircraft,  
20 railroad, motor carrier, shipping line, or other enterprise which is  
21 engaged in the business of transporting animals for hire;

22 10. "Commercial breeder" means a person, other than a hobby or  
23 show breeder, engaged in the business of breeding animals for sale  
24 or for exchange in return for monetary consideration, and who

1 harbors more than twenty-five intact females for the primary purpose  
2 of breeding animals for sale either through the Internet or via  
3 brokers or directly to the public or directly to pet stores;

4 11. "Commercial kennel" means a kennel which performs grooming  
5 or training services for animals, and may or may not render boarding  
6 services in return for a consideration;

7 12. "Contract kennel" means any facility operated by any person  
8 or entity other than the state or any political subdivision of the  
9 state, for the purpose of impounding or harboring seized, stray,  
10 homeless, abandoned, or unwanted animals, on behalf of and pursuant  
11 to a contract with the state, county, municipality or any political  
12 subdivision;

13 13. "Dealer" or "Broker" means any person who is engaged in the  
14 business of buying for resale, selling or exchanging animals for  
15 resale, as a principal or agent for the transaction of resale, or  
16 who holds himself or herself out to be so engaged or is otherwise  
17 classified as a dealer or broker by the USDA;

18 14. "Exhibitor" means any person exhibiting an animal to the  
19 public for compensation or for a consideration of any kind whether  
20 directly or indirectly. "Exhibitor" does not include pet shops that  
21 are exhibiting only the animals for sale to the general public if  
22 exhibited only within the licensed facility;

23 15. "Hobby breeder" means a noncommercial breeder who harbors  
24 less than twenty-five intact females for the primary purpose of

1 breeding animals for sale either through the Internet or directly to  
2 the public;

3 16. "Hobby show breeder" means a noncommercial breeder who  
4 breeds animals with the primary purpose of exhibiting or showing the  
5 animals at state or municipal or county or registry club-sanctioned  
6 events or shows, improving the breed, or selling the animals for the  
7 specific goal of exhibition or exhibiting, and having no more than  
8 ten intact females;

9 17. "Humane euthanasia" means the act of putting an animal to  
10 death in a humane manner and shall be accomplished by a method  
11 specified as acceptable by the American Veterinary Medical  
12 Association Panel on Euthanasia;

13 18. "Indoor housing facility" means any structure or building  
14 with environmental controls housing or intended to house animals;

15 19. "Intact female" means, with respect to a dog, a female  
16 between the ages of six (6) months and six (6) years of age which is  
17 capable of being bred;

18 20. "Pet shop" means any facility where animals are bought,  
19 sold, exchanged, or offered for retail sale to the general public;

20 21. "Pound" or "dog pound" means a facility operated by the  
21 state or any political subdivision of the state for the purpose of  
22 impounding or harboring seized, stray, homeless, abandoned, or  
23 unwanted animals;

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1        22. "Secretary" means the Secretary of the Oklahoma Department  
2 of Agriculture, Food, and Forestry; and

3        23. "USDA" means the United States Department of Agriculture.

4        SECTION 3.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1960.3 of Title 2, unless there  
6 is created a duplication in numbering, reads as follows:

7        A. All animal shelters shall be subject to the guidelines and  
8 requirements specified in the Kennel Definitions Act.

9        B. A boarding kennel shall meet or exceed all requirements of  
10 animal care and welfare specified in the Kennel Welfare Act.

11        C. A commercial breeder shall be USDA certified and follow the  
12 guidelines specified by the U.S. Animal Welfare Act. A commercial  
13 breeder shall meet or exceed all requirements of animal care and  
14 welfare specified in the Kennel Definitions Act.

15        D. A commercial kennel shall meet or exceed all requirements of  
16 animal care and welfare specified in the Kennel Definitions Act.

17        E. A contract kennel shall meet or exceed all requirements of  
18 animal care and welfare specified in the Kennel Definitions Act and  
19 shall meet, at a minimum, USDA standards.

20        F. A show breeder shall meet or exceed all requirements of  
21 animal care and welfare specified in the Kennel Definitions Act.

22        G. A hobby breeder shall meet or exceed all requirements of  
23 animal care and welfare specified in the Kennel Definitions Act.

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1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1960.4 of Title 2, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. A dealer or broker shall purchase animals only from persons  
5 in this state who are licensed under the USDA. All actions  
6 regarding animal resale shall fall within the guidelines specified  
7 in the U.S. Animal Welfare Act.

8           B. A breeder shall be classified as a hobby or show breeder if  
9 the breeder only sells animals to other breeders or to individuals.

10          C. A hobby breeder shall not sell directly to a pet store or  
11 through a pet broker. More than fifty percent (50%) of the monetary  
12 considerations received by a hobby breeder must be used for the  
13 support of the hobby breeder in order to properly support the  
14 requirements specified in the Kennel Definitions Act.

15          D. Hobby or show breeders are exempt from inspection  
16 requirements, but must register annually, at no cost to the hobby or  
17 show breeder, with the Secretary of Agriculture for the purpose of  
18 establishing that they are hobby or show breeders. A breeder who  
19 buys or sells any animal for the primary purpose of resale does not  
20 qualify as a hobby or show breeder.

21           SECTION 5.           NEW LAW           A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1960.5 of Title 2, unless there  
23 is created a duplication in numbering, reads as follows:

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1       A. Indoor housing facilities shall meet the following  
2 requirements:

3       1. The facility must be capable of controlling the temperature  
4 within the building or structure within the limits set forth for  
5 that species of animal and be able to maintain proper humidity  
6 levels inside the building, as well as rapidly eliminating by way of  
7 exhausting odors from within the building;

8       2. The facility must be an enclosure created by the continuous  
9 connection of a roof, floor, and walls;

10       3. The facility must have at least one door for entry and exit  
11 that can be opened and closed. Any windows or openings which  
12 provide natural light must be covered with a transparent material  
13 such as glass or hard plastic;

14       4. The facility must provide adequate, external space for  
15 exercise separate but attached to and from the internal living  
16 quarters of the animal;

17       5. USDA kennels and USDA breeders must provide an impervious  
18 surface that does not permit the absorption of fluids if the dogs  
19 are in exercise runs. If not an impervious surface, then all USDA  
20 kennels must provide adequate external cage space that does not  
21 allow the dog to touch the soil or ground or absorption surface;

22       6. The facility must provide an area of animal isolation  
23 regarding sick or contagious animals in order to protect the welfare  
24 and health of the other kennel inhabitants;

1 7. All animal compartments shall be designed so that food and  
2 water is easily accessible;

3 8. All animal living quarters shall be designed and managed in  
4 such a manner that they remain clean and sanitized. As used in this  
5 paragraph, "sanitized" means to make physically clean and to remove  
6 and destroy, to the maximum degree that is practical, agents  
7 injurious to the health of those animals living within the confines  
8 of or outside of the kennel on regular basis as to maintain at the  
9 very least, minimum health and living standards;

10 9. The facility shall have adequate natural and artificial  
11 lighting; and

12 10. Where dogs are present, the facility must utilize a  
13 functional mechanical ventilation system. If a mechanical system  
14 malfunction occurs, the facility must have windows, doors, or other  
15 openings in the structure that are operable to maintain adequate  
16 ventilation. Proper ventilation helps ensure that dogs are healthy  
17 and not stressed.

18 B. As used in this subsection, outdoor housing means any  
19 structure, building, land, or premises housing or intended to house  
20 animals which does not meet the definition of any other type of  
21 housing facility provided in the Kennel Definitions Act and in which  
22 temperatures cannot be controlled within set limits. Outdoor  
23 housing is only suitable for pets and is not suitable for any other  
24 purpose specified in the Kennel Definitions Act. Use of outdoor

1 housing for any purpose specified in the Kennel Definitions Act  
2 other than as provided in this subsection shall be a violation of  
3 the Kennel Definitions Act and shall be punishable as a misdemeanor.

4 SECTION 6. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1960.6 of Title 2, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. No animal shall be sold prior to weaning. As used in this  
8 subsection:

9 1. "Weaning" means that the animal has been on solid food for  
10 not less than five (5) days after separation from the mother; and

11 2. "Sold" means the final exchange of all monetary  
12 considerations regarding the animal.

13 B. No animal shall be sold either within this state or  
14 originating from this state without a health certificate provided by  
15 a veterinarian licensed to practice in this state.

16 C. All animals under one (1) year of age must be sold with a  
17 warranty of limited guarantee against hereditary defects, allowing  
18 the buyer to return the animal should such defects become apparent.  
19 Should defects occur, the buyer must provide a complete report and  
20 health summary regarding the animal as provided by their licensed  
21 veterinarian. The seller would then have the option to either give  
22 the buyer their money back or provide another animal of same value  
23 to the buyer. It shall not be the obligation of the seller to pay  
24 for shipping fees during this period. Poor health due to abuse or

1 improper feeding or improper care is not considered hereditary  
2 defects.

3 D. After receiving the purchased animal, the buyer shall have a  
4 licensed veterinarian examine the animal within three (3) days of  
5 receipt. The buyer is then obligated to send a certified copy of  
6 the inspection summary of the examining veterinarian regarding the  
7 health of the animal. The seller shall keep the record of initial  
8 health examination for a period of one (1) year after the  
9 examination is made. Failure on the part of the buyer to meet these  
10 requirements shall void any limited warranty or limited health  
11 guarantee associated with the animal in question.

12 E. No animal shall be transported for destination of sale until  
13 the animal is at least eight (8) weeks old. No carrier shall  
14 transport such an animal without a health certificate dated not more  
15 than ten (10) days prior to the date of transportation. All  
16 transportation shall follow U.S. Animal Welfare Act guidelines.

17 SECTION 7. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1960.7 of Title 2, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The selling of animals in retail parking lots, public  
21 parking lots, or private parking lots is not permitted.

22 B. Selling animals in municipal or county parks or on county,  
23 municipal, or other government property is prohibited unless the  
24 seller has a permit from the appropriate government entity allowing

1 for the sale of the animals. The permit shall be for a period of  
2 not less than twelve (12) hours and no more than twenty-four (24)  
3 hours. The permit shall not cost more than Twenty-five Dollars  
4 (\$25.00). Failure to follow these guidelines shall be a  
5 misdemeanor.

6 C. Selling animals at county or municipal public markets,  
7 farmers markets, or public auctions must be accompanied with a  
8 visible certificate-of-sale permit from the county or municipality.  
9 The animals shall not be temporarily housed closer than one hundred  
10 (100) feet to food products being sold at the public market, farmers  
11 market, or public auction.

12 D. 1. Barn auctions or public or private auctions for the  
13 intended purpose of the sale of animals must first be filed with the  
14 county or municipality where the auction is to occur. A record must  
15 be kept by the auction management company or auction organizer or  
16 the person responsible for the auction and presented to either the  
17 municipal clerk or county clerk where the auction is being held as  
18 to the number of animals sold at the auction. As used in this  
19 subsection, "auction" means any person selling any consignment of  
20 animals to the highest bidder. This shall include any means,  
21 procedure, or practice in which the ownership of a dog is conveyed  
22 from one person to another by any type or method of bidding process.

23 2. The county or municipality shall receive One Dollar (\$1.00)  
24 per animal sold at the auction as a permit fee for the sale.

1 Violation on the part of the auction management or the owners of  
2 sold animals will exclude the auction company or person from any  
3 such future business in this state. The funds shall be paid to the  
4 county or municipality within forty-eight (48) hours of the end of  
5 the auction.

6 SECTION 8. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1960.8 of Title 2, unless there  
8 is created a duplication in numbering, reads as follows:

9 Any facility raising, housing, or breeding dogs in such a manner  
10 as to violate the basic guidelines, humane standards, and  
11 definitions of care set forth within the Kennel Definitions Act  
12 shall be termed a "puppy mill". As used in this section, "facility"  
13 means any land, premises, shed, barn, building, trailer or other  
14 structure or area of housing that was not designed, or for the  
15 primary intention, to house animals.

16 SECTION 9. This act shall become effective November 1, 2010.

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1 Passed the Senate the 11th day of March, 2010.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2010.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives