

THE HOUSE OF REPRESENTATIVES
Thursday, February 11, 2010

House Bill No. 2745

HOUSE BILL NO. 2745 - By: DENNEY AND NATIONS of the House.

An Act relating to animals; creating the Oklahoma Pet Quality Assurance and Protection Act; providing for administration; defining terms; providing for a rule advisory committee; specifying membership; establishing a voluntary license procedure; providing for application form; requiring applicants to submit certain protocol; limiting issuance of licenses; authorizing temporary permit; specifying certain requirements to be met before license approval or renewal; specifying procedures for renewal; specifying late penalty; establishing fees; specifying requirements for display of license and certain information; providing for the promulgation of rules consistent with United States Department of Agriculture standards; authorizing certain inspection system; providing for enforcement; providing for disclosure of records; prohibiting the issuance of a license to certain persons; stating penalties for violation; establishing the Pet Quality Assurance Enforcement Fund; providing for revenues; providing for use of fund; providing for expenditures; specifying conditions justifying refusal of license; providing for written notice; authorizing seizure and impoundment of dogs or cats upon certain circumstances; prohibiting certain dogs and cats to be sold or transferred; requiring certain information to accompany dogs or cats; requiring certain records be maintained; providing for codification; providing for noncodification; and providing an effective date.

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

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

1 This act shall be known and may be cited as the “Oklahoma Pet Quality Assurance
2 and Protection Act” and shall be administered by the Oklahoma Department of
3 Agriculture, Food, and Forestry subject to available funds.

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

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

8 1. “Cat” means the genus and species known as *Felis catus*, a domestic cat;

9 2. “Department” means the Oklahoma Department of Agriculture, Food, and
10 Forestry;

11 3. “Dog” means the genus and species known as *Canis familiaris*;

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

17 5. “Pet Quality Assurance license” means a certificate issued to any person that
18 qualifies and obtains a license pursuant to the Oklahoma Pet Quality Assurance and
19 Protection Act;

20 6. “United States Department of Agriculture (USDA) licensed facility” means a
21 facility that is governed by the Animal Welfare Act, has passed a current inspection and

1 provided written verification of licensure or certification of inspection for pet quality
2 assurance licensure; and

3 7. "Veterinarian" means a person currently licensed to practice veterinary
4 medicine.

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

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

- 12 1. Four members who shall represent the dog or cat breeding industry;
- 13 2. One member who is an Oklahoma licensed accredited veterinary practitioner;
- 14 3. One member who shall represent the Oklahoma Veterinary Medical Association;
- 15 4. One member who shall represent the Oklahoma State University School of
16 Veterinary Medicine;
- 17 5. One member who shall represent the United States Department of Agriculture,
18 Animal Care;
- 19 6. One member who shall represent the Oklahoma State University, Oklahoma
20 Cooperative Extension Service; and
- 21 7. One member who shall represent an Oklahoma animal welfare association.

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

4 A. Any person that sells, gives away, or transfers a cumulative total of thirty-five or
5 more dogs or cats, or any combination thereof, of any age in any calendar year directly to
6 any person may voluntarily obtain a Pet Quality Assurance license, including but not
7 limited to:

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

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

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

14 B. Any person may voluntarily obtain a Pet Quality Assurance license, so long as
15 the person complies with all requirements of the Oklahoma Pet Quality Assurance and
16 Protection Act and rules promulgated pursuant thereto. Nothing in the Oklahoma Pet
17 Quality Assurance and Protection Act shall preclude any person from voluntarily
18 obtaining a license if the person sells, gives away, or transfers less than thirty-five dogs
19 or cats in any calendar year.

20 C. The Oklahoma Department of Agriculture, Food, and Forestry shall prepare
21 forms for application for a Pet Quality Assurance license. In addition to the forms, the

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

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

8 E. The Department may issue a temporary permit to a person applying for a license
9 upon the submission of an application and payment of a licensing fee pursuant to
10 subsection H of this section. Upon issuance of the temporary permit, the person may
11 operate until the Department is able to complete the licensing process in accordance with
12 this section.

13 F. The Department shall not approve a license or renewal until the following have
14 occurred:

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

19 2. The husbandry and breeding protocol, if applicable, veterinary health care
20 protocol, and signed veterinarian of record affidavit, as required in the Oklahoma Pet
21 Quality Assurance and Protection Act and rules promulgated pursuant thereto, have

1 been reviewed by the Department and are found to be in compliance with the Oklahoma
2 Pet Quality Assurance and Protection Act.

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

9 H. The State Board of Agriculture is authorized to establish a tiered system of fees
10 based upon the quantity of dogs and cats sold, given away, or transferred in a calendar
11 year and any other relevant factor pertaining to the Oklahoma Pet Quality Assurance
12 and Protection Act for the purpose of implementing and enforcing the Oklahoma Pet
13 Quality Assurance and Protection Act. Fees shall not exceed Five Hundred Dollars
14 (\$500.00) and shall be promulgated through rules established by the State Board of
15 Agriculture. The nonrefundable fee shall accompany each application and each renewal
16 application for a Pet Quality Assurance license.

17 I. Implementation of the Oklahoma Pet Quality Assurance and Protection Act shall
18 be contingent upon the availability of funds.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

4 B. Any person holding a Pet Quality Assurance license shall display the Pet
5 Quality Assurance license number and the USDA permit number, if applicable, on all
6 correspondence, advertisements, web pages, e-mails, or any other form of dissemination
7 of information printed or posted on any media.

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

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

14 A. The State Board of Agriculture shall promulgate rules that at a minimum are
15 consistent with United States Department of Agriculture standards pursuant to the
16 Animal Welfare Act 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. Operating standards;
- 21 5. Management and staff operating plan;
- 22 6. Veterinarian of record and veterinary care;

1 contact made with an individual or facility covered under the Oklahoma Pet Quality
2 Assurance and Protection Act, report the action or contact in writing to the Oklahoma
3 Department of Agriculture, Food, and Forestry.

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

7 All records received by the Oklahoma Department of Agriculture, Food, and
8 Forestry pursuant to the Oklahoma Pet Quality Assurance and Protection Act shall be
9 considered open records and available for public inspection pursuant to the Oklahoma
10 Open Records Act.

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

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

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

- 1 a. the humane treatment of animals,
- 2 b. cruelty to animals,
- 3 c. endangering the life or health of an animal,
- 4 d. the care, treatment, sale, possession, or handling of animals,
- 5 e. animal fighting,
- 6 f. the Oklahoma Veterinary Practice Act, or
- 7 g. prescription drugs or controlled or dangerous substances that can be
- 8 utilized in the medical or surgical treatment of animals.

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

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

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

- 18 1. Be a continuing fund, not subject to fiscal year limitations, and shall consist of
- 19 all fees, fines, penalties, and other monies paid, donated, received, recovered, or collected
- 20 under the provisions of the Oklahoma Pet Quality Assurance and Protection Act; and
- 21 2. Be available to the Department solely for the payment of all expenses incurred in
- 22 issuing, processing, investigating, or supervising the issuance of Pet Quality Assurance

1 licenses, and enforcement of the Oklahoma Pet Quality Assurance and Protection Act.
2 Expenditures from the fund shall be made upon warrants issued by the State Treasurer
3 against claims filed as prescribed by law with the Director of the Office of State Finance
4 for approval and payment.

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

4 D. The Department may revoke a Pet Quality Assurance license if the applicant for
5 the license or a licensee:

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

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

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

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

17 Whenever a Pet Quality Assurance license is revoked, suspended, or not renewed, a
18 district court order may be obtained to seize and impound dogs or cats in the possession,
19 custody, or care of that quality assurance licensee if there is reason to believe that the
20 health, safety, or welfare of the dogs or cats is endangered, or the dogs or cats are in
21 imminent danger. The reasonable costs of transportation, care, and feeding of seized and

1 impounded dogs or cats shall be paid by the quality assurance licensee from whom the
2 dogs or cats were seized and impounded.

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

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

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

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

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

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

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

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

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

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

12 3. Any other records required by the Department.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
20 FINANCIAL SERVICES, dated 02-10-10 - DO PASS, As Coauthored.