

ESB 1340

THE HOUSE OF REPRESENTATIVES
Thursday, March 25, 2010

ENGROSSED
Senate Bill No. 1340
As Amended

ENGROSSED SENATE BILL NO. 1340 - By: ELLIS of the Senate and PRUETT of the House.

[agriculture - creating the "Kennel Definitions Act" - codification -
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 1960.1 of Title 2, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. This act shall be known and may be cited as the "Kennel Definitions Act".
- 5 B. The purpose of the Kennel Definitions Act is to define terms used in licensing,
6 operating, and inspecting animal care facilities.
- 7 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
8 Statutes as Section 1960.2 of Title 2, unless there is created a duplication in numbering,
9 reads as follows:
- 10 As used in the Kennel Definitions Act:

1 1. "Adequate food" means the provision of a quantity of food, at intervals of not
2 more than twelve (12) hours unless the dietary requirements of the animal requires a
3 longer or shorter interval, served in a safe and clean receptacle sufficient to maintain a
4 reasonable level of nutritional welfare suitable for the animal;

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

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

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

16 5. "Animal shelter" means a facility which is used to house or contain animals,
17 which is owned, operated, or maintained by an incorporated humane society, animal
18 welfare society, society for the prevention of cruelty to animals, county, civic or municipal
19 organization, or other not-for-profit organization devoted to the welfare, protection, and
20 humane treatment of the animals, or a person whose primary purpose is to act as an
21 animal rescue, to collect and care for unwanted animals or to offer them for adoption;

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

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

10 8. "Business hours" means a reasonable number of hours between 8:30 a.m. and
11 5:30 p.m., Monday through Friday, during which inspections may be made during such
12 business hours, but not on a state or federal holiday;

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

16 10. "Commercial breeder" means a person, other than a hobby or show breeder,
17 engaged in the business of breeding animals for sale or for exchange in return for
18 monetary consideration, and who harbors more than twenty-five intact females for the
19 primary purpose of breeding animals for sale either through the Internet or via brokers
20 or directly to the public or directly to pet stores;

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

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

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

12 14. "Exhibitor" means any person exhibiting an animal to the public for
13 compensation or for a consideration of any kind whether directly or indirectly.

14 "Exhibitor" does not include pet shops that are exhibiting only the animals for sale to the
15 general public if exhibited only within the licensed facility;

16 15. "Hobby breeder" means a noncommercial breeder who harbors less than
17 twenty-five intact females for the primary purpose of breeding animals for sale either
18 through the Internet or directly to the public;

19 16. "Hobby show breeder" means a noncommercial breeder who breeds animals
20 with the primary purpose of exhibiting or showing the animals at state or municipal or
21 county or registry club-sanctioned events or shows, improving the breed, or selling the

1 animals for the specific goal of exhibition or exhibiting, and having no more than ten
2 intact females;

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

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

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

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

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

15 22. "Secretary" means the Secretary of the Oklahoma Department of Agriculture,
16 Food, and Forestry; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 A. Indoor housing facilities shall meet the following requirements:

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

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

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

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

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

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

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

11 8. All animal living quarters shall be designed and managed in such a manner that
12 they remain clean and sanitized. As used in this paragraph, “sanitized” means to make
13 physically clean and to remove and destroy, to the maximum degree that is practical,
14 agents injurious to the health of those animals living within the confines of or outside of
15 the kennel on regular basis as to maintain at the very least, minimum health and living
16 standards;

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

18 10. Where dogs are present, the facility must utilize a functional mechanical
19 ventilation system. If a mechanical system malfunction occurs, the facility must have
20 windows, doors, or other openings in the structure that are operable to maintain
21 adequate ventilation. Proper ventilation helps ensure that dogs are healthy and not
22 stressed.

1 B. As used in this subsection, outdoor housing means any structure, building, land,
2 or premises housing or intended to house animals which does not meet the definition of
3 any other type of housing facility provided in the Kennel Definitions Act and in which
4 temperatures cannot be controlled within set limits. Outdoor housing is only suitable for
5 pets and is not suitable for any other purpose specified in the Kennel Definitions Act.
6 Use of outdoor housing for any purpose specified in the Kennel Definitions Act other than
7 as provided in this subsection shall be a violation of the Kennel Definitions Act and shall
8 be punishable as a misdemeanor.

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

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

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

15 2. "Sold" means the final exchange of all monetary considerations regarding the
16 animal.

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

19 C. All animals under one (1) year of age must be sold with a warranty of limited
20 guarantee against hereditary defects, allowing the buyer to return the animal should
21 such defects become apparent. Should defects occur, the buyer must provide a complete
22 report and health summary regarding the animal as provided by their licensed

1 veterinarian. The seller would then have the option to either give the buyer their money
2 back or provide another animal of same value to the buyer. It shall not be the obligation
3 of the seller to pay for shipping fees during this period. Poor health due to abuse or
4 improper feeding or improper care is not considered hereditary defects.

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

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

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

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

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

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

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

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

19 2. The county or municipality shall receive One Dollar (\$1.00) per animal sold at
20 the auction as a permit fee for the sale. Violation on the part of the auction management
21 or the owners of sold animals will exclude the auction company or person from any such

1 future business in this state. The funds shall be paid to the county or municipality
2 within forty-eight (48) hours of the end of the auction.

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
13 FINANCIAL SERVICES, dated 03-24-10 - DO PASS, As Amended.