

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1332

By: Denney

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5
6 AS INTRODUCED

7 An Act relating to animals; creating the Oklahoma Pet
8 Quality Assurance and Protection Act; providing for
9 administration; defining terms; providing scope of
10 application of the Oklahoma Pet Quality Assurance and
11 Protection Act; making it unlawful for certain
12 persons to operate without a certain license;
13 providing for application form; specifying certain
14 applicants to submit certain protocol; limiting
15 issuance of licenses; specifying certain requirements
16 be met before license approval or renewal; specifying
17 procedures for renewal; specifying certain late
18 penalty; specifying requirements for out-of-state
19 dealer/breeders; establishing fees; specifying
20 display of license; exempting certain persons from
21 the Oklahoma Pet Quality Assurance and Protection
22 Act; providing for the promulgation of certain rules;
23 specifying requirements for licensee; providing for
24 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
procedures for notice of forfeiture; specifying
burden of proof; specifying actions regarding

1 forfeited animals; specifying certain transport
2 requirement; mandating certain information for
3 animals; requiring bill of sale for animals;
4 specifying circumstance requiring immediate
5 revocation; providing for official health
6 certificates; providing for codification; and
7 providing an effective date.

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

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

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

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

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

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

24 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 M. The State Board of Agriculture is authorized to establish,
20 by rule, fees charged for the purpose of implementing and enforcing
21 the Oklahoma Pet Quality Assurance and Protection Act. The
22 nonrefundable fee shall accompany each application and each renewal
23 application for a quality assurance license for dealers who sell or
24 adopt the following number of animals per year:

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

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

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

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

20 Q. Municipal animal shelters are exempt from the licensing
21 provision of the Oklahoma Pet Quality Assurance and Protection Act.
22 If the animal shelter desires to hold a license pursuant to the
23 Oklahoma Pet Quality Assurance and Protection Act, a Class NPS

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1 license shall be issued upon compliance with all the provisions set
2 forth in the Oklahoma Pet Quality Assurance and Protection Act.

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

6 A. A quality assurance licensee shall:

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

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

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

21 C. The Oklahoma Department of Agriculture, Food, and Forestry
22 shall promulgate rules regarding the enforcement of personnel
23 powers, training, certification, and inspections that shall include,
24 but not be limited to:

- 1 1. Knowledge and understanding of state and federal laws
2 pertaining to animal handling, care, treatment, and prohibited acts;
- 3 2. Specific training in the identification and investigation of
4 cruelty to animals; and
- 5 3. Department enforcement personnel and inspectors of the
6 Oklahoma Pet Quality Assurance and Protection Act shall comply with
7 and have the authority as described in Section 6-310 of Title 2 of
8 the Oklahoma Statutes.

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

12 A. A peace or animal control officer within the State of
13 Oklahoma shall have the right to enter the premises of an individual
14 or facility and conduct inspections, upon the officer:

- 15 1. Stating the purpose of the inspection; and
- 16 2. Presenting to the owner, operator, or agent in charge of the
17 premises to be inspected appropriate credentials.

18 B. Nothing in the Oklahoma Pet Quality Assurance and Protection
19 Act shall preclude any peace or animal control officer from
20 enforcing cruelty laws and the provisions of the Oklahoma Pet
21 Quality Assurance and Protection Act. Any such officer shall within
22 forty-eight (48) hours of any investigation regarding cruelty action
23 taken or contact made with an individual or facility covered under
24 the Oklahoma Pet Quality Assurance and Protection Act, report the

1 action or contact in writing to the Oklahoma Department of
2 Agriculture, Food, and Forestry.

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

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

11 B. At the discretion of the Department in the interest of
12 protecting the health, safety, and welfare of the public, any
13 information contained in the investigation files of the Department
14 may, upon request, be provided to:

15 1. Any board or commission of the District of Columbia or any
16 state or territory of the United States which exercises disciplinary
17 authority; and

18 2. Any law enforcement agency which makes a proper showing that
19 the information is necessary to conduct or complete a pending
20 investigation of a crime not covered by the Oklahoma Pet Quality
21 Assurance and Protection Act.

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

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

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

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

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

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

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

- 23 2. Be available to the Department solely for the payment of all
24 expenses incurred in issuing, processing, investigating, or

1 supervising the issuance of quality assurance licenses, and the
2 education of breeders and consumers about quality pet breeding, pet
3 selection, and responsible ownership.

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

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

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

12 1. Recover such amount by action in the appropriate court
13 having jurisdiction; or

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

18 G. The failure of any person to comply with the requirements of
19 the Oklahoma Pet Quality Assurance and Protection Act, or any rules
20 promulgated pursuant thereto, shall constitute grounds for the
21 denial of a license or license renewal, imposition of a fine, or for
22 license suspension or revocation by the Department, as provided for
23 in the Oklahoma Pet Quality Assurance and Protection Act.

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

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

8 1. Material misstatement, misrepresentation, or falsification
9 in the license application or renewal, or in any matter relevant to
10 the license;

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

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

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

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

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

- 3 a. cruelty to animals,
- 4 b. the humane care, handling, or treatment of animals, or
- 5 c. animal fighting; or

6 2. Is currently on supervised probation by any state or federal
7 department of corrections.

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

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

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

20 3. A returned envelope showing refusal of the process by the
21 person or an employee of the person shall constitute notice. Denial
22 of renewal, suspension, or revocation shall commence upon service of
23 the written notice. The notice shall:

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

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

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

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

1 animals to the state in accordance with subsection D of this
2 section.

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

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

21 D. Except as provided in subsection E of this section, the
22 Oklahoma Department of Agriculture, Food, and Forestry may request
23 that ownership of an affected animal, which is seized and impounded
24 pursuant to subsection A of this section, be forfeited to the state.

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

3 a. ownership of the affected animal may be forfeited to
4 some entity approved by the Department. Owner
5 requests for placement may be considered, and

6 b. any proceeds from unlawful activities may be seized
7 and subject to forfeiture in accordance with this
8 section.

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

11 a. the person or a resident of the person's dwelling
12 house at the last known address as reported to the
13 Department, or

14 b. the person or an employee of the person at the
15 principal place of business.

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

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

22 b. inform the quality assurance licensee of the right to
23 request an administrative hearing on the issue of
24 forfeiture by delivering a written request to the

1 Department within twenty (20) days of service of the
2 notice of forfeiture along with a security bond, with
3 the amount to be determined by the Department. The
4 security bond shall be used to care for the animals
5 prior to the hearing.

6 4. At the administrative hearing, the Department shall have the
7 burden of proving that:

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

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

20 F. No animal seized under this section shall be sold,
21 transferred, or given freely for the purpose of vivisection or
22 research, or be conveyed in any manner for these purposes or be
23 conveyed to a dealer.

24 G. The Department may:

- 1 1. Transfer or sell forfeited animals to a quality assurance
2 licensee other than the quality assurance licensee who forfeited the
3 animals that were seized;
- 4 2. Transfer or sell forfeited animals to a duly incorporated
5 humane society for adoption; or
- 6 3. Order the humane euthanasia of any forfeited animals by a
7 licensed veterinarian when it is determined to be in the best
8 interest of the animals.

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

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

21 B. No quality assurance licensee or retail pet store selling
22 quality assurance animals shall sell, offer to sell, promote,
23 advertise, or otherwise market or represent quality assurance
24 animals unless the breeding and rearing of the animals is in

1 compliance with the Oklahoma Pet Quality Assurance and Protection
2 Act.

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

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

14 B. Official health certificates shall comply with current state
15 and federal regulations.

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

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18 52-1-5042 SAB 12/30/08

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